
Canadian-African Human Rights Engagements: A Literature Review and an Agenda for Future Research

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CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS: A CRITICAL ASSESSMENT OF THE LITERATURE AND RESEARCH AGENDA

MISOZI LWATULA*

Abstract

Canada's engagements with African states with regards to human rights began about five decades ago, and different countries in Africa have since benefited from such engagements. With Zambia specifically, such engagements have mainly centered along human rights issues. Recently, Canada has heavily invested in Zambia's mining sector. This article explores Canada's human rights engagements with Zambia. The article first reviews the economic performance of Zambia since its independence and the effect that this has had on the country. The article then looks at Canadian engagements with Zambia in terms of health, women's rights, refugees' rights and mining. It acknowledges that while Canada is actively involved in the advancement of human rights in Zambia, its engagements have not been as visible as those engagements undertaken by its sister Global North states/entities, such as the United Kingdom, Sweden, Norway, and the European Union. Nevertheless, the article acknowledges that the existence of this apparent gap may be due to the fact that there is not much visible literature detailing Canada's aid relationship with Zambia. The article will thus assess the gaps in the literature in this regard and chart a future research agenda/path.

1.FIVE DECADES AGO, Zambia was one of the most prosperous countries in sub-Saharan Africa.

When it became independent in 1964, Zambia's rich mineral resources were well developed and up to the early 1970s, world market conditions were generally favorable. During this period the pattern of government expenditure actually reflected the country's steady export receipts from copper.¹

This, however, did not last long, and approximately 10 years after independence, the national economy began to suffer. In large part, Zambia's fortunes were adversely affected by external shocks that arose in quick succession first in 1973, when oil prices quadrupled and then in 1974, when copper prices dropped considerably. The country depended on copper for more than 90% of its export revenue, the economy experienced severe difficulties adjusting to these shocks.² The shocks established major setbacks on the economy as a whole.

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¹ United States Agency for International Development, *Policy Reforms and Structural Adjustment in Zambia: The Case of Agriculture and Trade*, by Oliver S Saasa, Technical Paper No 35 (Washington, DC: USAID, October 1996) at 3, online: <www.eldis.org/vfile/upload/1/document/0708/doc4533.pdf>.

² *Ibid.*

By 1975, Zambia was faced with a sharp decline in government revenue and a serious balance of payments problem. Unsustainable budget deficits also set in. Declining ore reserves, inadequate foreign exchange earnings and accelerating domestic inflation prevented the mining companies from reinvesting in order to sustain output levels.³

External shocks were exacerbated by domestic shocks that flowed from declining ore reserves and inadequate foreign exchange. Due to the effects that these shocks had on the country, Zambia borrowed heavily from other countries in order to sustain itself.

Despite these setbacks to the economy, the government continued spending without taking into consideration the effect that excessive borrowing could have on the country. And as such: “In spite of these difficulties, public spending remained high, financed by massive external borrowing. By the early 1980s, the economy was under serious stress.”⁴

During this period, Zambia was a one-party state. However, by 1991, multi-party politics were introduced, and with this came its own economic and political programs. The economy remained undiversified and continued to exhibit heavy dependence on mineral resources (particularly copper exports). Early 1991, however, saw a lot of economic reforms in the country. On the advice from the International Monetary Fund (IMF) the government that came into power then reintroduced a structural adjustment program (that had been previously abandoned in 1986) into the Zambian economy.

The UNIP (United National Independence Party) was defeated in the October 1991 elections, and the Movement for Multiparty Democracy (MMD) government took over, agreeing to continue reforms agreed upon between UNIP and the World Bank and IMF in 1990.⁵

Many companies were privatized, including Zambia Consolidated Copper Mines (ZCCM) which was Zambia’s principal source of income since it had served as the country’s the main producer of copper.

³ *Ibid.*

⁴ *Ibid* at 3-4.

⁵ UN, *Zambia Human Development Report 2016: Industrialization and Human Development* (Lusaka, Zambia: UNDP, 2016), online: <hdr.undp.org/sites/default/files/zambia_human_development_report_2016.pdf>.

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

By 2000, the economy had started to recover and was showing signs of positive development. In fact after 2000, Zambia began to register more encouraging macroeconomic trends. This progress, however, proved to be largely temporary, given that the region soon experienced a crippling drought in 2002:

Following the sale of Zambia Consolidated Copper Mines Limited (ZCCM) and with a GDP growth rate of 3.5% in 2000 and 5.2% in 2001, a brighter economic outlook emerged for the economy. According to Zambia's Central Statistical Office, end-year inflation dropped from 30% in 2000 to 18.7% at the end of 2001. However, in 2002, a region-wide drought dampened the positive prospects when the rise in food prices sent inflation back up to 26.7%.⁶

Generally speaking, Zambia's economy has fared better since 2000 than it had during the 1980s. Despite the growth in the economy, however, there still has not been any real diversification. "The economy simply does not have a dynamic, fast-growing manufacturing sector to create the jobs required for a substantive and faster reduction in poverty and inequality levels."⁷

The challenges that Zambia has faced economically, have had a dual impact on human rights in Zambia as well. This article does not share the view that all human rights abuses have arisen from Zambia's economic situation. However, in many ways, the lack of a diversified economy and the lack of adequate public spending in Zambia has diverted attention from most human rights concerns. In fact, at times human rights have been infringed through efforts to keep the country economically afloat. Therefore, while it is important to acknowledge that political factors may have played a role in the relative neglect of human rights in Zambia, economic factors have also exacerbated Zambia's dire human rights situation.

⁶ OECD, *African Economic Outlook – Country Studies: Zambia*, (2002/03) at 337, online: <www.oecd.org/countries/zambia/2497663.pdf>.

⁷ UN, *Zambia Human Development Report 2016*, *supra* note 5.

II. COOPERATING PARTNERS

It is during this period of economic difficulty that Zambia began relying on cooperating partners more to cushion its economy. Zambian diplomatic relations with Canada were established in 1966, two years after Zambia gained its independence. Soon after, Canada's interest in the status of human rights in Zambia became manifest. This was not surprising since Canada's interest in human rights and democratic governance in the Global South began in the late 1970s, before that of most other Global North donors. In fact, Canada was the first Global North donor state to assist Global South countries with their efforts to adhere to their human rights obligations.⁸ This work was done through the Canadian International Development Aid (CIDA), which has now merged into Global Affairs Canada.⁹ Canada spreads its aid among a diverse set of priority areas, which can be broadly characterized into the following five areas: good governance, health (with a focus on HIV/AIDS), basic education, private sector development, and environmental sustainability (with gender equality as a "crosscutting theme", although programming tends to focus on a subset of these areas in each country).¹⁰

In December 2002, Canada placed its aid emphasis in Africa within six core countries — Ethiopia, Ghana, Mali, Mozambique, Senegal, and Tanzania. In the 2005 policy framework, which mostly centered on promoting economic and commercial engagements, Canada added eight new African countries to its core grouping—Benin, Burkina Faso, Cameroon, Kenya, Malawi, Niger, Rwanda, and Zambia.

Anchoring Canada's aid program to the Millennium Development Goals (MDGs, now Sustainable Development goals), the new framework emphasizes five major sectors: promoting good governance, supporting health outcomes, strengthening basic

⁸ Katarina Tomaševski, *Development Aid and Human Rights: A Study for the Danish Center of Human Rights* (New York: St Martin's Press, 1989) at 56.

⁹ David J Hornsby, "Changing Perception into Reality: Canada in Africa" (2014) 69:3 Intl J: Canada's J Global Pol'y Analysis.

¹⁰ CD Howe Institute, *How Canada Can Improve Its Development Aid: Lessons from Other Aid Agencies*, by Danielle Goldfarb and Stephen Tapp, No 232 (Ottawa/Toronto: Renouf Publishing, April 2006) at 1-24, online: <www.cdhowe.org/sites/default/files/attachments/research_papers/mixed//commentary_232.pdf>.

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

education, supporting private sector development, and advancing environmental sustainability.¹¹

Currently, Canada is actively engaged in development assistance in ten African countries. “Working to achieve its development priorities, Canada focuses its international development efforts in Sub-Saharan Africa in ten countries.”¹² For a country like Canada, this is a small number of countries to be focusing on. This does not mean that it is not involved in working with partners in other countries in Africa but its level of engagement is quite low and narrow. “The value of Canadian trade and investment discloses an uncomfortable reality: its economic engagement is currently quite small and narrowly aligned in both international and Canadian terms.”¹³

Canada’s narrowly aligned economic engagement in Africa can be shown in a memorandum of understanding on the provision of Poverty Reduction Budget Support in Zambia. In April 2005, GRZ and four cooperating partners (the European Commission, the World Bank, the UK Department for International Development [DFID] and the Netherlands) signed a MoU on the provision of Poverty Reduction Budget Support (PRBS). Later, Sweden, Norway, Germany, Finland and the African Development Bank followed suit.¹⁴ It is important to note that Canada has never been a leader with respect to the PRBS, but it is known as an active member that offers support. By comparison, lead members are those that are actively involved in the provision of support while the contribution from active members is minimal. It is important to note that Zambia is not among the African countries in which Canada is actively involved.

Cooperating partners in Zambia provide budget support in both forms: general Poverty Reduction Budget Support (PRBS) is provided by the PRBS group of six bilateral donors (Finland, Germany, the Netherlands, Norway, Sweden and the

¹¹ Jeffery Steeves, “Canadian development assistance: The value framework and the field reality of an African Country” (2007) 96:391 *The Round Table* 489.

¹² www.international.gc.ca/ss-africa-afrique-ss/support_dev.aspx?long=eng accessed on 16th March, 2017

¹³ Hornsby, *supra* note 9.

¹⁴ German Development Institute, *Evaluation of Budget Support in Zambia: Implementation, direct effects and political economy*, by Stefan Leiderer & Jörg Faust, (Bonn, Germany: German Development Institute, 2012) at 59, 62, online: <edoc.vifapol.de/opus/volltexte/2013/4406/pdf/Studies_68.pdf>.

United Kingdom), the European Commission (EC), the African Development Bank (AfDB) and the World Bank. Sector budget support is provided by the EC for roads, health and in support of the Public Expenditure Management and Financial Accountability (PEMFA) reform program, and by the United Kingdom in the health sector.¹⁵

The aim of those donors coming together was to help Zambia meet the now defunct Millennium Development Goals (MDGs). “The purpose was to contribute in a more effective way to the reduction of poverty and the realization of the Millennium Development Goals (MDGs)”.¹⁶ Although the MDG timeline has now come to an end, the programs have continued under the umbrella of the Sustainable Development Goals (SDGs).

III. CANADIAN HUMAN RIGHTS ENGAGEMENTS IN (WITH?) ZAMBIA

Canada’s global efforts to eliminate gender based violence such as child, early and forced marriage (CEFM) and female genital mutilation (FGM) has been praised by the international community.¹⁷ In particular, Canada has played an important role in bringing global attention and action to ending child, early, and forced marriage (CEFM). In 2013, Canada and Zambia co-led the first ever stand-alone resolution on CEFM at the United Nations General Assembly, with the resolution being adopted by a consensus of 109 co-sponsors. The Zambian Government, through the Ministry of Chiefs and Traditional Affairs and the Office of the First Lady initiated a nation-wide campaign to end child marriage in April 2013. This campaign was launched in Chipata, Eastern Province. Zambia has one of the highest rates of female child marriage in Africa, with a reported national prevalence of 42 per cent.¹⁸ It was as a result of these very troubling figures that the Canadian Government came on board to

¹⁵ *Ibid* at 4.

¹⁶ The Netherlands, *Synthesis Report – Between high expectations and reality: An evaluation of budget support in Zambia (2005-2010)*, by Antonie de Kemp, Jörg Faust & Stefan Leiderer, (The Hague: Ministry of Foreign Affairs of the Kingdom of the Netherlands, November 2011) at 31, online: <www.oecd.org/countries/zambia/49210553.pdf>.

¹⁷ <www.canadainternational.gc.ca/united_Kingdom-royaume_uni/eyes_abroad-coupdoeil/girl_su>

¹⁸ United Nations Population Fund, *Marrying Too Young: End Child Marriage*, (New York: UNFPA, 2012) at 23, 74, online: <www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>.

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

support Zambian Government efforts. The Canadian Government has also supported the development of Zambia's National Strategy to End Child Marriage 2030 and the country's National Plan of Action to implement the strategy.

The Canadian Government also supported the Civil Society Network on Ending Child marriage through the development of a network strategic plan which was launched in May 2016.¹⁹ This is a network of about 30 international and local NGOs who have come together to complement government efforts. "Even within a bilateral framework, Canadian initiatives on human rights are increasingly co-coordinated with those of other multilateral and bilateral donors. The donor community (both bilateral and multilateral) has made a concerted effort to improve aid effectiveness through increased co-ordination."²⁰

The Canadian Government has been further instrumental in convening a Cooperating Partners' group in Zambia to leverage resources and develop a shared purpose in the campaign. Additional support includes providing financial resources towards the hosting of the African Girls Summit, which was held in Zambia in 2015.²¹ Canada also provided funding to help curb child marriages. The Government of Canada announced it was providing UNICEF Zambia with US\$1.58 million (CAN\$1.7 million) in additional funding to combat child marriage.²² In the last three years, Canada has announced over \$60 million in programming towards CEFM programs.

Canadian leadership on CEFM was recognized at the event as High Commissioner Gordon Campbell highlighted recent successes such as the Canada-Zambia led UN resolution on CEFM and millions in aid to various NGOs and local initiatives. Over the last three years, Canada has announced over \$60 million in programming to

¹⁹ "National Strategy on Ending Child Marriages Launched" *UNFPA-Zambia* (9 April 2016) at "In the News", online: <zambia.unfpa.org/news/national-strategy-ending-child-marriage-launched>.

²⁰ David R Black, Jean-Philippe Thérien & Andrew Clark, "Moving with the Crowd: Canadian Aid to Africa" (1996) 51:2 *Intl J* 259.

²¹ African Union, "Outcome Statement of the First African Girls' Summit on Ending Child Marriage in Africa" *African Union* (November 2015) at 2, online: <www.au.int/web/sites/default/files/newsevents/workingdocuments/27035-wd-outcome_statement_in_english_0.pdf>.

²² Zambia Hosts Symposium to end Child Marriage-Unicef, online: <www.unicef.org/Zambia/CM_Press_Release_100715.docx>

address CEFM with partners including UNICEF and Canadian and international NGOs.²³

To support ongoing national efforts aimed at addressing child marriage in Zambia, the Government of the Republic of Zambia – with support from the UN Fund for Population Activities (UNFPA), the UN Children’s Emergency Fund (UNICEF), UKAID (through the Department for International Development (DFID)), the Government of Canada, and other partners – launched the National Strategy to End Child Marriage by 2030.²⁴ The program was launched under the theme titled "Accelerating our Collective Efforts to End Child Marriage in Zambia", and it outlines Zambia's strategic focus to accelerate national efforts towards ending child marriage by 2030 through the implementation of a multi-sectoral operational framework that reflects current national and global trends and efforts.

It further aims to promote and contribute to the protection of the rights of all girls and boys, both those affected by child marriage as well as those at risk; and support their development and welfare as espoused in the revised National Child Policy; the revised 6th National Development Plan; Zambia's Vision 2030; the African Union Charter; and other relevant national and international policy and legal frameworks.²⁵

In its fight against the spread of AIDS, which is inextricably linked to the issues of international development, Global Affairs Canada has focused Canada’s support on the following goals: strengthening existing health care systems, helping vulnerable groups gain control over their lives and health, promoting AIDS prevention measures, and building links to other related health services. The funding provided includes a grant to Hope House in Zambia, an organization that offers counseling and support for persons with AIDS²⁶ and where donors usually work hand in hand in the health sector on a rotating basis.

Division of labor (DoL) in the health sector has been implemented through a so-called troika arrangement under which three donors act as lead on a rotating basis.

²³ Looking Back on a Year of Action to Fight GBV, online: <www.canadainternational.gc.ca/united_kingdom-royaume_uni/eyes_abroad-cou>.

²⁴ German Development Institute, *supra* note 14.

²⁵ *Ibid.*

²⁶ *Ibid.*

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

DoL has not made great advances since its inception in 2005/6 in terms of reducing the overall number of active donors in the sector.²⁷

The troika agreement with regard to the division of labor in this area shows that Canada is an active member of the group, but not one of its lead members.

The maternal and child health project aims to improve maternal and child health by improving education with respect to safe breastfeeding practices to enable HIV-positive mothers to prevent mother-to-child HIV transmission.²⁸ The project focuses on strengthening maternal and child health systems related to HIV/AIDS; improving food security for HIV-positive mothers; and fostering community mobilization and education. The projects include: promoting safe breastfeeding; developing food programs for families affected by HIV/AIDS; and training for 300 health workers to improve the provision of maternal and infant health care for families affected by HIV/AIDS.²⁹ It targets the Lusaka district in Zambia, and reaches over 1,500 HIV positive women. Considering that the right to health is a basic need, this project is making a positive contribution to Zambia's health system. The International Development and Relief Foundation is working in partnership with the University of Zambia to implement this project.³⁰ This project is part of Canada's Maternal, Newborn and Child Health commitment.

Another project in which Canada engaged is related to cold chain management. Cold chain capacity is a problem in Zambia, especially in rural areas. Cold chain management is essential for a country like Zambia because without it medicines would lose their potency and therefore would not be able to provide adequate protection against disease. The cold chain project is increasing cold chain capacity in Zambia by strengthening routine immunization.

²⁷Stefan Leiderer, "Donor Coordination for Effective Government Policies? Implementation of the New and Effective Agenda in Health and Education in Zambia" (2015) 27:8 J Intl Dev 1422.

²⁸ Government of Canada, Global Affairs Canada, *Project-Profile – Maternal and Child HIV/AIDS Health Care and Promotion*, online: <w05.international.gc.ca/projectbrowser-banqueprojets/project-projet/details/s065382001>.

²⁹ *Ibid.*

³⁰ *Ibid.*

Thereby, major disease killers particularly amongst children, are comatted. This project targets the whole country and provides support for immunization.

Specifically, the project contributes to increasing the national cold chain capacity from 99,420 liters to 196,216 liters, which represents 60% of the national capacity. CIDA contribution with other donors enables UNICEF to reach this target. This initiative helps Zambia to attract additional roll out of vaccines, including pneumococcal and rotavirus vaccines, from the GAVI Alliance once the cold chain capacity is improved. With this initiative, the 20 districts hardest to reach and worst performing are expected to be adequately covered for child immunization.³¹

Canada has also been actively involved in supporting the sensitization of communities with regards to HIV/AIDS. This project aims to promote responsible sexual and reproductive health lifestyles amongst 76,000 people of four provinces of Zambia. The aim of the project is to create awareness with regards to HIV/AIDS. The project educates and creates awareness in sexual and reproductive health, including education about STDs and HIV amongst boys and girls, men and women, in churches and communities alike.³² This project is critical for Zambia since there is still exists stigma surrounding the issue of HIV and people are often scared to get tested. Community health volunteers (CHVs) have been identified as important resources for Zambia's health sector, particularly given the country's tremendous shortage of resources for human health in rural and remote communities. Therefore, the project builds local capacity for voluntary testing and counselling services and addresses sexual and reproductive health needs of young men and women. Based on an initial survey, the project identifies strategies for key subgroups of clientele.³³

It trains 32,000 church leaders and 1000 guidance and counselling volunteers who in turn organize community education sessions. Education and communication materials on HIV/AIDS and STDs are produced, including for radio programs. An end-line survey and evaluation is conducted. International Needs Zambia, the local partner, and the Canadian public meet to exchange experience.³⁴

³¹ Government of Canada, Global Affairs Canada, *Project Profile – Improving Child Immunization in Zambia*, online: <w05.international.gc.ca/projectbrowser-banqueprojets/project-projet/details/a035227001>.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

Donor engagements have been met by some setbacks. One such setback arose when scandal developed involving circumstances where a substantial amount of money was stolen from foreign aid donors. Government corruption led many donors to pull back their aid commitments to Zambia.³⁵ The resulting impact on the country as a whole, especially on the health sector, has been substantial.

Although the Zambian Government has paid dearly in lost donor revenues, the human costs for intended beneficiaries of the assistance have been even higher. Up until 2009, child mortality had decreased, access to drugs had improved, and immunization showed a positive trend. These advances stopped abruptly with the freeze in donor funding. According to a review of the Zambian health sector for 2010, produced by the health ministry, the sector experienced a “turbulent financial situation” due to the “dramatic and acute resource reduction”.³⁶

This was felt by a majority of the Zambians who could not afford private medical care.

Canada's aid agency, the Canadian International Development Agency, lost about \$880,000 as a result of the embezzlement, *The Globe and Mail* has learned. The Canadian aid agency spent more than \$30-million on programs in Zambia last year.³⁷

Several other donors, including Sweden and the Netherlands, have also suspended aid donations to Zambia as a result of the corruption scandal, which came to light around 2010 when a whistle-blower revealed that Zambian officials were stealing aid money. Auditors confirmed that about \$7 million had been stolen, mostly from foreign donors.

Back in Canada, confidence is also not inspired by CIDA's piecemeal efforts to discipline Zambia's health ministry: while CIDA has withheld \$14.5-million in funds for one health program, according to the agency's website it continues to give more than \$17-million in aid for a number of other programs, including a fund for small projects, a child health programs and, ironically, improving the delivery of aid money.³⁸

³⁵ See Probe International, online: <https://journal.probeinternational.org/2010/11/15/zambia-corruption-scandal-links-back-to-canada/> (visited 21 July 2017).

³⁶ Ann Danaiya Usher, “Key donors to reinstate health funding to Zambia” (2015) 386:9993 *Lancet* 519 <[www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(15\)61463-5.pdf](http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(15)61463-5.pdf)>.

³⁷ Geoffrey York, “Canada Suspends Health Aid to Zambia” *The Globe and Mail* (5 November 2010), online: <www.theglobeandmail.com/news/world/canada-suspends-health-aid-to-zambia/article1216297/>.

³⁸ Brady Yauch, “Zambia corruption scandal links back to Canada” *Probe International* (15 November 2010), online: <journal.probeinternational.org/2010/11/15/zambia-corruption-scandal-links-back-to-canada/>.

The other human rights issue that Canada is involved in is with regards to refugees. “In April 2014, the Government of Zambia and UNHCR launched a three-year local integration strategy, scheduled to end in December 2016”.³⁹ This integration aims to assist refugees based in Zambia to legal, socio-economic and peaceful coexistence. At the moment, there are about 54,963 refugees in Zambia from five different countries. Canada has announced that will contribute US\$2.7 million to support Zambia in partnership with the UN Refugee Agency (UNHCR), to implement a local integration program for former Angolan refugees.

Canadian High Commission Head of Office in Zambia Kumar Gupta...said his government was pleased to be associated with the support to the local integration program, which will benefit and enhance the quality of life for former Angolan refugees, Zambian citizens settling in the new resettlement areas and the host community in Western and North-western Provinces of Zambia...Gupta described the local integration program which Zambia has embraced as a rare and exemplary initiative in Africa, worth supporting by various co-operating partners, as it will bring a permanent solution to eligible former Angolan refugees.⁴⁰

This project is not just targeted at refugees, but it is intended to also benefit Zambians living in those areas. A UNHCR representative in Zambia, Laura Lo Castro, described the Canadian engagement as a timely one as it will help kick-start implementation of the local integration program, which has reached a critical stage.

In recent years, Canada has begun investing in mining industries. “Despite their small share of overall Canadian foreign Direct Investment (FDI), Canadian companies are considered among the larger investors in some African States, and the focus on the extractive sector gives Canada a strategic advantage.”⁴¹ Canada’s investments in Zambian mines have developed alongside allegations of human rights abuses. This has been so despite the fact

³⁹ Solutions Alliance, *Zambia National Group – Factsheet*, online: <www.solutionsalliance.org/system/files/resources/Zambia%20FS_27-06-16.pdf>.

⁴⁰ PANA, “Zambia: Canada contributes US\$2.7m to integrate former Angolan refugees” *Panapress* (9 April 2014), online: <[www.panapress.com/Zambia--Canada-contributes-US\\$2.7m-to-integrate-former-Angolan-refugees---12-905012-101-lang2-index.html](http://www.panapress.com/Zambia--Canada-contributes-US$2.7m-to-integrate-former-Angolan-refugees---12-905012-101-lang2-index.html)>.

⁴¹ Hornsby, *supra* note 9.

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

Canada is a party to the Organization for Economic Co-operation and Development (OECD) guidelines.

Since 2000, Canada has maintained a National Contact Point (NCP) responsible for promoting multinational companies' adherence to guidelines for responsible business conduct developed by the Organization for Economic Co-operation and Development (OECD).⁴²

Although this is the case, it seems that Canada is failing to meet some of the (human rights) objectives of the OECD's foreign investment policies.

On March 6-7, 2013, The High Commission of Canada to Zambia, in Lusaka, hosted a Zambia-Canada CSR (corporate social responsibility) Forum at Moba Hotel in Kitwe. The Forum was jointly hosted with the Chamber of Mines of Zambia and was attended by approximately 100 delegates... There was agreement among Zambian stakeholders to continue the dialogue and to develop a national policy guideline on CSR.⁴³

Although Canada has been engaged in CSR dialogue, its mining companies have lacked in CSR. In some instances, there have been some allegations of human rights abuses by these companies.

In Zambia, Canadian-run mines have been accused of several human rights infringements.

Communities affected by First Quantum Minerals' massive Sentinel copper mine project in Northwest Zambia have been resisting the project for more than three years. The company has been throwing its weight around with the community as well as the Zambian government, making liberal promises of jobs and money as well as thinly-veiled threats that opponents would not only lose their struggle to stop the mine (or at least reign in its most destructive aspects) but be blacklisted from jobs and contracts.⁴⁴

Human rights infringements disproportionately affect women although they are less likely to be employed in the mines, because women are more likely to experience inequality.

Yet, at the same time they are more likely to lose their chance of making a living be it through being displaced from land, losing access to natural resources or being

⁴² "Canada is Back.' But Still Far Behind" *Above Ground* (15 November 2016), online: <aboveground.ngo/canada-is-back-but-still-far-behind/>.

⁴³ Government of Canada, "Corporate Social Responsibility" at "The Government of Canada's Promotional Engagement on Responsible Business Practice" (2013), online: Global Affairs Canada, CSR E-Bulletin No 17 <www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-17-rse.aspx?lang=eng>.

⁴⁴ Jamie Kneen, "Opposition Builds to First Quantum Minerals' Copper Mine, Dams, and Land Grab in Zambia" (29 November 2013), *Mining Watch Canada* (blog), <miningwatch.ca/blog/2013/11/29/opposition-builds-first-quantum-minerals-copper-mine-dams-and-land-grab-zambia>.

removed from markets to sell their produce. The irony is that with the presence of mines, the cost of living in communities increases.⁴⁵

Although Canada is a member of the OECD and has many representatives, Canada has failed to ensure that Canadian investors follow the guidelines.

“Key in this failure has been the general lack of follow up by all parties concerned, including the Canadian National Contact Point (“NCP”). Not only has this lack of continued monitoring failed to resolve the fundamental grievance, but potentially worse, has led to the mistaken impression that the Guidelines have been successful in a case where they were not.”⁴⁶

It is important to note that, although there were attempts to reconcile the parties involved and find a solution, these were short lived since the threats and the evictions continued.

Since the ‘resolution’ of the first complaint, serious breaches of the OECD Guidelines persist. The two areas of greatest concern are, first, the continued eviction of subsistence farmers from informal communities located on mine-owned land; and second, the practice of issuing of annual land licenses to farmers located on mine land in a manner that perpetuates insecurity and poverty.⁴⁷

These are of great concern because the land has been used by these communities for many generations and therefore people are being displaced from their only known home and source of living. This clearly shows a lack of due diligence demonstrated by Canadian mining companies with regards to human rights violations.

IV. ANALYSIS OF THE LITERATURE

Despite Canada’s position among the wealthiest countries in the world, its foreign aid has, since the early 1990s, lagged behind other countries that are members of the OECD.⁴⁸ Canada has historically been recognized as a generous contributor to foreign aid. There are several Canadian non-governmental organizations that have disbursed millions of dollars in aid to

⁴⁵ “Women in Zambia bear the brunt of the harmful impact of mining” *ActionAid* (15 September 2015) <www.actionaid.org/zambia/news/women-zambia-bear-brunt-harmful-impact-mining>.

⁴⁶ Umuchinshi Initiative, *Can The OECD Guidelines Protect Human Rights on the Ground? A Case Study: The Evictions at Mufulira of First Quantum Minerals/Mopani Copper Mines* (Toronto: University of Toronto, Faculty of Law, August 2008) at 2, online: <www.oecdwatch.org/publications-en/Publication_2748>.

⁴⁷ *Ibid* at 7.

⁴⁸ Jerry M Spiegel & Robert Huish, “Canadian foreign aid for global health: Human security opportunity lost” (2009) 15:3 *Can Foreign Pol’y J* (2009) 15:3, 60 at 60-65.

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

developing nations. Canada's former foreign aid/development sector was known as CIDA (now Global Affairs Canada). CIDA was created in 1968 when it replaced the Canadian External Aid Office. Before CIDA was created, the majority of Canadian aids funds were transferred through The United Nations.⁴⁹ CIDA was merged with the DFATD, which was later renamed "Global Affairs Canada." While this is the case, it is important to note that there is very little information is known about Canada's engagements in Zambia, generally. Information regarding Canada's support for the prevention of early child marriages in Zambia has, however, been well reported. Although this has been reported in the media, is not so obvious to the average Zambian. Being one of the richest countries in the world, Canada's aid to Africa especially in recent years does not tally with its status.

Canada looks to be an important development partner on the continent, but the actual amounts of aid dispersed, lack of consistent policy, and the fact that no overarching assessment of the effectiveness of aid has ever taken place raises more questions than answers about Canadian development assistance.⁵⁰

For the most part, the literature consulted did not characterize Canada as a program funder.

Despite Canada's human right engagements in Zambia, it is very difficult to find information about the work it is doing or what Canada's research objectives are. In fact, its contributions have been *invisible* in most parts of the country. The article agrees with some of the literature that finds that Canada, as a country, does not make an effort in making known its contribution. It also does not involve in a lot of research and it does not have a lot of people doing field work in Zambia. "While Canada maintains a number of trade commissioner offices across the continent which work to advance the interests of Canadian business, these tend to be small and must cover large geographic regions."⁵¹

As of September 2005, only 120 of CIDA's 1,500 full-time employees worked in the field, along with 173 locally engaged staff. By contrast, Denmark and the United Kingdom, which have the most focused aid, also have the most decentralized aid

⁴⁹ Michael Vandrick 'The Failure of Foreign Aid' 2010
<youthambassadods.barrie.ca/global2010/html/ISUs/Mike.Pdf>

⁵⁰ Hornsby, *supra* note 9.

⁵¹ *Ibid.*

agencies, with half of their work done at field offices abroad. This makes it easier for these agencies to assess local conditions, to ensure that programs achieve their objectives, and to coordinate with other donors. The United Kingdom's Department for International Development (DFID) has also decentralized much decision making authority from its headquarters to the field, while Denmark's aid agency also credits decentralizing responsibility for its ability to respond to changing local conditions, provide oversight, and coordinate with other agencies (Denmark 2004).⁵²

It lags behind in terms of research on the effectiveness of its engagements when compared to other countries that have human rights engagements in Zambia.

Canada's aid policies stand out as less effective than those of other countries with which we compare them, in several ways. CIDA invests comparatively little in research, particularly of strategic or long-term value. The agency tends not to encourage debate or draw effectively on external feedback. Since the effectiveness of aid can depend on country-specific knowledge, other agencies have decentralized to the field, but most CIDA staff is at headquarters.⁵³

This is reflected with regards to Zambia. Very little information is known about what Canada is doing in the country and it seems there is no effort by Canada to make its presence known.

In an era where information is vital, Canada must engage in more effective means to ensure that its programs and engagements are visible.

The new federal government has a choice. It can follow the Scandinavians, the British, and the Dutch examples by making CIDA a leading development agency. This would mean increasing in-house research and openness to outside researchers, narrowing its focus by both country and issue in a way that builds on current expertise, increasing its presence and decision making authority in the field, and eliminating tied aid.⁵⁴

Canada needs to reconsider its engagement policy in Zambia. It must also engage in more research and analysis to assess how its programs are working and to determine the impact of its engagements on the country as a whole. Without this information, it will be difficult for Canada and other policy makers to assess how the programs are doing.

The UK experience contrasts strongly with that of GAC. GAC has a well-established and highly respected research department that makes its results readily available on its

⁵² CD Howe Institute, *supra* note 10 at 12-13.

⁵³ *Ibid* at 1.

⁵⁴ *Ibid* at 2.

CANADIAN-ZAMBIAN HUMAN RIGHTS ENGAGEMENTS

website.⁵⁵ The aid provided by the UK in Zambia is well-documented and there exists a great deal of literature on it. The offices in Zambia ensure they engage experts and ensure that the detailed reports are readily available whenever requested.

While CIDA's weekly e-mail messages highlight new or successful aid projects, DFID's messages present new development research findings that are strategic, rather than project-specific. On average, CIDA country reports tend to be more superficial than DFID reports, which pose goals, acknowledge failures of some past programs, explicitly consider pros and cons of alternate policy options, and realistically assess the challenges the agency faces in giving aid in poorly governed environments.⁵⁶

V. CONCLUSION

In conclusion, it has been shown that Canada engages in human rights programs in Zambia although very little is known about its engagements. One must look through a lot of literature to get a sense of what Canada is doing. However, even the literature does not provide sufficient detail about its programming. There appears to be no or very little follow up on these programs to assess how they perform and there seems to be minimal effort to show what Canada's developmental programs are all about. There is no evaluation or analysis of its programs and very little emphasis on results.

In order to make its engagements in Zambia more effective, Canada needs to rethink its engagement policy. There is a need for more expert research into how its engagements are benefiting the people of Zambia and how it can improve upon such engagements. There is also a need to make greater efforts towards making Canada's engagements with Zambia more transparent. Hopefully, GAC will implement this recommendation and make its presence better known.

⁵⁵ *Ibid* at 16.

⁵⁶ *Ibid*.