

Title:

*Exporting Human Rights through Investment Agreements: Are Canadian Investment Treaties in line with the United Nation's Guiding Principles on Business and Human Rights?*

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Abstract:

As Canada seeks to expand its role as a global trading partner, particularly in the mining sector, the government has increased efforts to adopt new regional and bilateral agreements to secure these investments. Unlike the European Union, however, the incorporation of human rights and environmental clauses has not been a key point of concern as of late. With the endorsement of the UN Guiding Principles on Business and Human Rights by the Human Rights Council and its inclusion in other relevant international bodies, Canada will be sought out to incorporate these Principles in its trade and investment policies. Following the 9<sup>th</sup> Guiding Principle, it is recommended that governments ensure that their domestic human rights obligations are respected under the terms of their investment treaties, while still providing adequate protection for investors. This paper looks at the challenges Canada faces in implementing the Guiding Principles in relation to its commitments under investment agreements. By examining ongoing cases of investment dispute settlement procedures, this paper seeks to determine how Canada's current bilateral investment treaty model impacts human rights policies in the host-states receiving Canadian investment and recommends that Canada incorporates clauses that pertain to the respect and promotion of human rights in the domestic regulatory framework of both the home and host-country in order to promote a more cohesive implementation of the UN Guiding Principles. The observed cases are those of conflicts between Canadian-based extractive companies and Latin American governments over the implementation of human rights policies that conflict with the privileges accorded to Canadian companies under bilateral investment treaties.

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