

# Does Canada Uphold Binding International Law?

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*The answer is No.*

The Canadian government repeatedly tells the world that Canada upholds an international rules-based order that is the basis of democracy.

What the Canadian government says is not true. The evidence that it is not true is indisputable.

There is widespread concern that social media is putting out misinformation, that this practice is dangerous and harmful and should be challenged. What about when our government puts out serious misinformation that is dangerous and harmful? Should that not be challenged? What do you think?

I'm not talking about trivial matters. I'm talking about extremely serious issues where the health and survival of people and the planet are threatened. And I'm not talking about pretty words. The Canadian government excels at that. I'm talking about our actions. When words and actions contradict one another, it is the actions that speak the truth. In fact, it makes Canada's role more destructive because it is dishonest. What do you think?

If the Canadian government told the truth, it would say that Canada does not uphold binding international laws that protect human rights and the environment. What the Canadian government means is that it upholds international trade Agreements that enforce the interests of powerful private corporations, override democracy and harm human rights and the environment.

Does that make sense to you? Does that reflect your values? Is that the world you want for your and everyone's kids and grand-kids?

Or does that trouble you like it troubles me?

Another question. If we are a democracy as we claim to be, do you think this should be talked about? It isn't. Why not?

I thought democracy meant accountable government. Do you think we should require our political leaders to state where they stand on this issue and hold an open discussion with Canadians as to whether this is what we, who they supposedly represent, want - i.e. a discussion that is not held behind closed doors and under the influence of powerful vested interests and their paid lobbyists, as is the way that Canada's policy on human rights, the environment and corporate power is typically decided?

Canada, right now, is blatantly violating binding international human rights law.

Binding international human rights laws require that, no matter how much economic, military, political power you (and your allies) have, you are legally bound to obey that law.

There can be no double standards. All lives are valuable, even the most powerless, especially the most powerless. Human rights are for all. Otherwise, it is not human rights law at all. It is a sham.

The most serious binding international laws address horrific crimes of genocide, crimes against humanity and war crimes. The International Court of Justice investigates and makes legally binding rulings against countries that have violated these laws and the International Criminal Court makes rulings against individuals who have violated these laws.

Canada has ratified these international laws. Canada is legally bound to obey them and obey the rulings of these two top world courts. But Canada does not. Canada has sabotaged and continues to violate these laws.

For example, Canada [lobbied the International Criminal Court](#) to refuse to investigate documented allegations of war crimes committed by Israel against Palestinians.

This effort by Canada to prevent the rule of law failed and the International Criminal Court (ICC) proceeded with its investigation.

On the basis of overwhelming evidence, the Court ruled that Israeli Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant, as well as three Hamas leaders, had committed war crimes and that the ICC would be seeking arrest warrants for them.

After failing in its attempt to prevent the rule of law, the Canadian government now refuses to say whether it will, as it is legally required to do, obey the court's ruling. Its pretended commitment to international law is non-existent.

Amnesty International and other human rights organizations, including Jewish organizations, have challenged the Canadian government to obey international law. The government has ignored their appeal.

Former Liberal Foreign Minister Lloyd Axworthy and former Liberal Attorney General Allan Rock and a group of 375 prominent former politicians and current academics have sent a [letter](#) challenging Prime Minister Trudeau to express [clear support for the ICC ruling](#). The government has ignored their appeal.

Prof. Heidi Matthews of Osgoode Hall Law School [notes](#) that along with a panel of experts in international law who independently reviewed the evidence, the ICC Prosecutor concluded there are reasonable grounds to believe Netanyahu and Gallant are criminally responsible for starvation, murder, intentional attacks against civilians, extermination and persecution, among other crimes.

As Prof. Matthews points out: “This dramatic development marks the first time leaders of a western allied state have been accused of war crimes and crimes against humanity at the ICC.” Apparently, Canada believes that binding international law does not apply to western allied states.

The US government, whether under President Biden or President Trump, believes that binding international human rights law does not apply to the US. In the past and currently Republican and Democrat politicians in the US have threatened to punish and to arrest the ICC prosecutor and ICC officials, if they come to the United States. [Human Rights Watch has written](#) to Canada’s Foreign Minister Mélanie Joly May 21, 2024, saying,

“We urge Canada, as an ICC member committed to a rules-based international order, to protect the court’s independence and publicly condemn efforts to intimidate or interfere with the court’s work, its officials, and those cooperating with the institution. Canada should also robustly support the ICC’s efforts to advance justice for grave international crimes.”

The Canadian government stays silent and does nothing. Its proclaimed commitment to the rule of international law is nowhere to be seen.

The International Court of Justice has ruled that the evidence shows that Israel has committed plausible genocide. The Court has ordered a number of provisional measures. Under the Genocide Convention, Canada is legally required to implement these measures and take all action possible to prevent genocide. Instead, Canada is aiding and abetting genocide by not immediately stopping the shipment of any weapons to Israel.

Canadian Lawyers for International Human Rights, along with others, have [filed a lawsuit](#) against the Canadian government to stop arms export to Israel.

## War Has Devastating Environmental Impacts

Please note that, in addition to the horrific human costs, war has a devastatingly destructive environmental impact. See, for example: [Revealed: repairing Israel's destruction of Gaza will come at huge climate cost.](#)

## Canada Supports International “Free” Trade Rules That Enforce the Interests of Corporations

When the Canadian government says it supports the rule of international law, it is referring to its support for international “free” trade rules that override democracy, increase corporate power and harm the environment. These “free” trade rules are colonialism in a new disguise, giving “freedom” to exploit and dehumanize indigenous peoples and populations in the Global South.

The government is providing misleading, deceptive information.

Please note that binding international laws that protect human rights and the environment have no enforcement mechanisms. International trade agreements have enforcement mechanisms, such as secretive World Trade Organization tribunals and Free Trade panels, which can force governments to pay billions of dollars to corporations and get rid of laws the corporations don't like, such as laws that protect the environment and the rights of indigenous communities.

Think about that. Trade Agreements that protect the huge global power and profits of corporations, such as fossil fuel corporations, mining corporations, agro-chemical corporations, are enforceable.

Legally binding International Conventions that protect the health and survival of people and the planet are not enforceable.

Does that make sense to you? Do you think that we should, if we are a democracy, at least have an open discussion about this?

Right now, for example, the Canadian government together with the U.S. government and powerful agro-chemical corporations ([Revealed: Monsanto owner and US officials pressured Mexico to drop glyphosate ban](#)) has threatened to [take legal action against Mexico](#) under the Canada-United States-Mexico Agreement (formerly the North America Free Trade Agreement), if the Mexican government does not abandon its decision to place restrictions on the import of GMO corn and glyphosate.

In January 2023, the Council of Canadians and other organizations wrote to the PM Trudeau and government Ministers, stating:

“We call on the Canadian Government to back Mexico’s plan to phase out GMO corn and the use of glyphosate by 2024.”

“We oppose the use of trade agreements to undermine democratic rights and prioritize corporate profit-making ahead of the needs of our communities.”

Farmer associations, environmental and social justice organizations sent a [petition to the Canadian government](#), stating:

“We oppose Canada’s role in the trade dispute that challenges Mexico’s restrictions on the use of GM corn. We oppose the use of trade agreements to undermine democratic rights and prioritize corporate profit-making ahead of the needs of our communities.”

They asked Canada to withdraw from this dispute. Canada continues to act for the interests of the agro-chemical lobby.

The powerful pesticide lobby organization CropLife Canada [stated](#):

“CropLife is pleased that Canada is defending rules-based trade and holding Mexico accountable to the free trade agreement.”

Contrary to what the Canadian government states, Canada is serving the vested interests of the chemical lobby, not democracy. Environmental organizations have expressed concern that Health Canada, which is supposed to regulate pesticides to protect human and environmental health, has been captured by the industry it is supposed to regulate and

ignores inconvenient scientific evidence. In the same way, Health Canada was captured by the asbestos industry and supported the corrupt information of the asbestos lobby that asbestos can be safely used.

Another example of how Canada is undermining democracy, the environment and human rights and is instead serving the interests of Canadian mining and resource extraction corporations is Canada's support for an "investor-State dispute settlement" regime (yes, this is indeed a pretty phrase intended to put you to sleep, but what it means is giving enforceable power for corporations to override democracy) in the free trade Agreement Canada is currently negotiating with Ecuador.

As University of British Columbia professor of law, policy, and sustainability and former U.N. Special Rapporteur on human rights and the environment, David R. Boyd, stated in a [Report](#) to the UN General Assembly in October 2023, [Investor-State dispute settlements have catastrophic consequences for the environment and human rights](#).

Boyd's report provides:

"compelling evidence that a secretive international arbitration process called investor-State dispute settlement has become a major obstacle to urgent actions needed to address the planetary environmental and human rights crises. Foreign investors use the dispute settlement process to seek exorbitant compensation from States that strengthen environmental protection, with the fossil fuel and mining industries already winning over \$100 billion in awards"

Amnesty International and environmental groups have called on the Canadian government to exclude this investor-State dispute settlement provision, but, as is its practice, the government is serving the financial interests of powerful corporate lobby groups and is violating binding international laws that protect the environment and human rights.

Do you support this? Do you think we should, at least, talk about whether this is the world we want? Does it bother you that the CBC and the establishment media pretend not to see this issue and choose not to challenge the government on it? Supposedly, their role is to hold power accountable, but they do not.

It is up to us to challenge the government's dangerous misinformation and demand that the government support binding international laws that protect the well-being of people and the planet.

We need to care about one another and the planet. We will be happier and safer if we do so.

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*Kathleen Ruff is a longtime human rights activist. She was the first Director of the BC Human Rights Commission and Director of the Canadian Court Challenges Program. She received the Canadian Public Health Association's award of National Public Health Hero and the Appreciation Award from the Asian Citizens Center for Environmental Health. She was awarded the Medal of the Quebec National Assembly.*

*RightOnCanada.ca is a human rights advocacy website. It was created by Kathleen Ruff from a concern that Canada is going backwards on human rights, both nationally and internationally. It receives no funding from anyone.*

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