

A Standoff in Parliament Over One Set of Records Will Not Change Widespread Record Delays and Denials and Discrepancies Ken Rubin Hill Times October 21, 2024 p. 35

With the current battle to get more records about the irregularities at the now-defunct Sustainable Technology Canada agency, one could be misled into believing that parliament is there to demand prompt and greater transparency.

But this seems to be more a case of the Conservatives wanting to score political points than genuinely wanting fuller transparency.

While this record standoff in parliament goes on, government stalling on the release of many documents requested by the public only grows. When government releases finally occur months or years later, many times, those records are highly redacted, preventing the public from scrutinizing agencies' actions.

Two examples come to mind from recently obtained access-to-information records.

On the foreign affairs front, Global Affairs, after a two-year delay, sent my way a few severed pages on their controversial foreign investment promotion and protection agreements (FIPAs). The 2019 briefing notes received indicate that there were then thirty-seven FIPA agreements. But most of the data on these FIPA agreements' status and companies' concerns are blanked out.

Those hidden details could be embarrassing as the Global Affairs records emphasize that "FIPAs are particularly valuable to Canadian investors in the extractive sector", and are in place "to protect at least \$122 billion in Canadian investments abroad".

In particular, the records note, there are "over 60 Canadian mining companies (with) active assets at approximately \$47 billion in FIPA countries" and that means "Canadian mining companies operating abroad tend to value FIPAs and ISDS mechanisms they contain".

Those mechanisms include provisions from being expropriated without compensation and investor-state dispute settlement (ISDS) procedures. Global Affairs states that "all of the successful (ISDS) claims have been brought by mining companies".

Even when Ecuador cancelled its FIPA agreement in 2018, the Global Affairs briefings note the obligations to existing investments (not new ones) "continue to apply for (an) additional 15 years". The Canadian government is currently trying to get a controversial free trade deal in place in Ecuador where those concerned about area mining ventures, including Indigenous and environmental groups, stand to lose the most.

So, the censored withheld details of these FIPA agreements do count but are denied.

In a domestic highly-severed 400-page file obtained from the Financial Consumer Agency of Canada (FCAC), six months late, FCAC hides much of the recent discussions internally or with stakeholders on giving low-income consumers "enhanced" low-cost, no-cost banking accounts.

But an admission is made that refinements to the banking practices have to reflect "bank's perspectives" and be run by them. Records requested on FCAC's exchanges with the big banks and other financial institutions on a better banking deal for vulnerable consumers are exempted.

The records indicate that FCAC had intended for "this work to be completed in spring 2024". But this has not happened. FCAC hardly wants its lack of progress and its slow bureaucratic pace exposed and exempted much of its internal discussions.

FCAC records do however note that the last 2014 agreement with the banks had a worst outcome than

the 2003 deal with bankers in that “the 2003 agreement offered up to 15 monthly debit transactions compared to the 2014 commitments (for) (only) 12 monthly transactions”. And gone was “the 2003 agreement caveat that any charges for extra debit transactions be 'reasonable’”.

FCAC has little clout or regulatory powers to bring in all financial institutions to any more really advanced banking procedures that widely increase vulnerable low-income consumer eligibility for access to little or no cost banking services.

FCAC on issues like preventing high sales pressure applied to banking customers for credit services not wanted hardly has demonstrated its timid approach to consumer protection is done to benefit consumers.

Parliament is in a political standstill over one set of records from a now defunct agency but has yet to go after in the public interest the many instances where obstructed and embarrassing records of existing agencies are highly exempt.

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