

Rights Action

“TRUTH [WHITE-WASH] COMMISSION” IN HONDURAS

Canadian Lawyer, Member Of Bennett Jones Law Firm That Works Extensively With Mining Companies, Named To Honduras “Truth” Commission

By Grahame Russell, Rights Action co-director, May 2, 2010

In recent articles sent to our listserv, Rights Action has criticized the establishment of the “truth” commission in Honduras. See “Disappearing the Truth”: http://rightsaction.org/Alerts/Hond_commissions_hide_truth_041410.html

This commission will make a mockery of recent ‘truth commissions’ that have operated and contributed – in varying degrees – to truth, justice and reconciliation, in Guatemala, El Salvador, South Africa, Argentina, Chile, etc.

Simply put, in Honduras, there are no political conditions whatsoever to carry out a truth commission – on-going repression, exploitation and impunity are the norm in the Honduras of today.

The regime in place today – that supported and then followed directly upon the June 28, 2009 military coup – continues to use State repression against the widely supported National Resistance Front. Rights Action, the Quixote Center and other groups regularly denounce the on-going assassinations, disappearances, illegal detentions and jailings. (For more information: info@rightsaction.org, www.rightsaction.org, www.quixote.org)

The “truth” commission has been denounced widely inside Honduras. Across the Americas, most governments do not even recognize the Honduran regime, let alone this “white-wash” commission.

Yet, this “truth” commission is being supported and legitimized by the governments of the USA and Canada, the same governments that most supported the post-coup military regime and recognized the illegal elections of November 2009.

Not surprisingly, it was the Canadian government (Canadian Foreign Affairs and International Trade Office) that announced the naming of Michael Kergin, of the Bennett Jones law firm.

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MICHAEL KERGIN APPOINTED TO HONDURAN TRUTH AND RECONCILIATIONS COMMISSION

http://www.bennettjones.com/news_item.aspx?id=8420

April 15, 2010 - In a press release issued by the Canadian Foreign Affairs and

International Trade Office, it was announced that Michael Kergin has been appointed to the newly formed Honduran Truth and Reconciliations Commission. The duty of the commission will be to investigate the events leading up to the country's June 28, 2009, coup d'etat.

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What background does Mr. Kergin have in international human rights work? Extensive background in international human rights is a pre-requisite for anyone working on a Truth Commission.

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MICHAEL KERGIN

http://www.bennettjones.com/people_item.aspx?person=1662

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EDUCATION

University of Toronto, BA (Hons.), 1965

Magdalen College, Oxford University (U.K.), BA (Philosophy, Politics and Economics), 1967

PROFILE

Michael Kergin provides strategic advice to clients on international affairs, particularly Canada-U.S. relations, having been active in the Canadian foreign service starting in 1967. Michael is a former Canadian Ambassador to the United States (2000-05) and Cuba (1986-89) with involvement in the Canadian foreign service that includes the Inter-American Development Bank in Washington, the Canadian Mission to the United Nations in New York, and Canadian embassies in Cameroon and Chile. He is a Special Advisor for Border Management to the Premier of Ontario and a former negotiator for Ontario in the Canada-U.S. softwood lumber dispute. He also advises Transport Canada on cross-border transportation issues. Regularly, Michael participates in public policy panels on international relations and speaks on the future of North American relations. In addition to his advisory positions, he is an adjunct professor in political science at the University of Ottawa and a member of the University of Toronto's President's Advisory Council. Michael is a Senior Fellow of the U.S. Chamber of Commerce.

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Recently, Rights Action reported on a combined Canadian government/ mining & sweatshop industry trip to Honduras to discuss, with the post-coup regime, more Canadian investments in the mining & textile-sweatshop industries. See: "A "Good" Investment Opportunity":

http://rightsaction.org/Alerts/Good_investment_040810.html

As part of Canada's and the USA's efforts to legitimize the post-coup regime, how is it that a lawyer with a major Canadian law firm – Bennett Jones - with a speciality in mining, is named to the "truth" commission?

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BENNETT JONES LAW FIRM

http://www.bennettjones.com/areas_practices_item.aspx?practice=563

Canada's surging mining sector offers a wealth of opportunity to producers and investors, from start-up diamond explorers in Canada's north to leading extractors of coal, iron ore and uranium. Bennett Jones has been a part of this industry for decades, counselling national and international mining companies of base metals, precious metals and industrial minerals, as well as investment banking firms, entrepreneurs and governments funding the industry.

Bennett Jones has advanced the development of mining law within the oil sands industry, providing project finance advice and drafting agreements for the construction and operation of oil sands mines, boundary operations, and the sale, lease and operation of specialized mining equipment and ore extraction facilities.

For clients in the industry, we handle public and private offerings of securities both domestically and cross-border, and provide counsel in mergers, acquisitions and asset sales. We have negotiated joint venture and partnership agreements as well as development, production, royalty payment, marketing and operations contracts spanning multiple countries and jurisdictions. Our lawyers also are experienced in reclamation and environmental efforts on behalf of mining companies. We provide a wide range of regulatory, commodity tax and environmental compliance advice under federal and provincial statutes, and offer strategic counsel on legal matters involving native rights and third-party stakeholder issues.

Key Contacts: Grant R.M. Haynen, Partner, Toronto, 416.777.7494,
hayneng@bennettjones.com

SELECTED MINING EXPERIENCE

http://www.bennettjones.com/areas_practices_transactions_list.aspx?practice=563

- Federal Silver Corporation in connection with its acquisition by Herdron Capital Corp.
- Western Prospector Group Ltd., in connection with the unsolicited takeover bid by Khan Resources Inc. and the subsequent negotiated transactions with Tinpo Holdings Industrial Company Limited and First Development Holdings Corporation, a wholly-owned subsidiary of CNNC International Limited.
- Idemitsu Kosan and Tokyo Electric Power Company, minority partners in connection with the Cigar Lake Uranium Project.
- The Special Committee of Bema Gold Corporation, in connection with the US\$3.1 billion takeover offer by Kinross Gold Corporation.
- Inco Limited, in connection with Canadian income and mining tax issues related to its acquisition by Companhia Vale do Rio Doce.

- Shore Gold Inc., in connection with the acquisition by Kensington Resources Ltd., a wholly-owned subsidiary of Shore Gold, of an aggregate 60 percent participating interest in the Fort á la Corne Joint Venture (FALC JV) from De Beers Canada Inc., Cameco Corporation and UEM Inc. for \$180 million and the subsequent sale of a 40 percent participating interest in the FALC JV to Newmont Mining Corporation of Canada Limited.
- Inco Limited, with respect to Canadian income and mining tax issues related to its proposed combination with Phelps Dodge Corp.
- Shore Gold Inc., in connection with the defence of a claim alleging that a voting agreement between two joint venture parties, Shore Gold Inc. and De Beers Exploration Inc., breached a joint venture agreement. De Beers Exploration Inc. v. Shore Gold Inc. et al, 2006 SKCA 58
- Inco Limited, advising Inco on Canadian income and mining tax issues related to its offer to purchase all outstanding common shares of Falconbridge.
- Alberta Power (2000) Ltd., in connection with the acquisition by TransCanada Energy Ltd. of the 760 MW Sheerness power purchase arrangement from the Alberta Balancing Pool.

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CONFLICT OF INTEREST

Is there not an obvious conflict of interest at play here? A Canadian lawyer with a major Canadian law firm that represents Canadian mining companies, some of which may have mining interests in Honduras? This lawyer being named by the Canadian government that – along with the U.S. government – has most supported the military coup and the post-coup regime? This same Canadian government that just led a trade mission to Honduras to try and encourage more Canadian mining operations in Honduras?

It appears that the Canadian government – in concert with Canada’s huge mining industry – are again prioritizing Canadian economic interests at the expense of the human rights, justice and democratic demands and needs of the Honduran people.

[Grahame Russell is co-director of Rights Action. Rights Action has funded and supported community development, human rights and environmental projects in Central America for over 15 years. info@rightsaction.org, www.rightsaction.org]

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WHAT TO DO?

SPEAKING TOUR, ONTARIO (CANADA), MAY 2010: “Community resistance to harmful mining in Guatemala & Honduras” – with Carlos Amador (Honduras), Javier de Leon (Guatemala) and Karen Spring (Rights Action). To host an event, contact Karen: spring.kj@gmail.com, 416-951-0319

DELEGATION TO HONDURAS, JUNE 26-JULY 4: First anniversary of June 28, 2009 oligarchic-military coup against the elected government (For information, contact Annie: annie@rightsaction.org)

NEW BOOK: "CODE Z59.5: There Is Only One People Here", by Grahame Russell. Code Z59.5 is a series of diary excerpts (comments, facts, quotes, etc.) from the 1990s and 2000s, related to the author's work in Central America, Mexico and North America, in defense of human rights. TO ORDER: info@rightsaction.org

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RECOMMENDED BOOKS: Eduardo Galeano's "Open Veins of Latin America"; Howard Zinn's "A People's History of the United States"; Naomi Klein's "The Shock Doctrine"; Paolo Freire's "Pedagogy of the Oppressed"; Dr Seuss's "Horton Hears A Who"
EDUCATION IN YOUR HOME COMMUNITY: Contact us to plan educational presentations in your own community, school, place of worship, home (info@rightsaction.org)
EDUCATIONAL DELEGATIONS TO CENTRAL AMERICA: Form your own group or join one of our delegations to learn first hand about community development, human rights and environmental struggles (info@rightsaction.org)
MORE INFORMATION: info@rightsaction.org, www.rightsaction.org

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MAKE TAX DEDUCTIBLE DONATIONS TO SUPPORT community development and environmental and human rights defense organizations in Honduras. Make checks payable to "Rights Action" and mail to:
UNITED STATES: Box 50887, Washington DC, 20091-0887
CANADA: 552 - 351 Queen St. E, Toronto ON, M5A-1T8
CREDIT-CARD DONATIONS: <http://rightsaction.org/contributions.htm>

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