

April 25, 2016

Your Excellency Justin Trudeau
Prime Minister of Canada
Ottawa, Ontario

Dear Prime Minister,

We are writing to express our satisfaction at the change in the political landscape that has followed your election as leader of the Canadian government, and the gestures of support for human rights that have been made since you were appointed Prime Minister. In particular, the creation of a diverse cabinet, with an unprecedented number of women and two indigenous ministers; pronouncements on the migratory and humanitarian crisis in countries overwhelmed by internal conflicts; your commitment to prioritize the “nation to nation” relationship between the Canadian government and Indigenous peoples, beginning with the implementation of the United Nations (UN) Declaration on the Rights of Indigenous Peoples; your government’s constructive re-engagement in climate negotiations and, in general, the openness to reevaluating Canadian policies on human and especially Indigenous peoples’ rights.

As activists, Latin American organizations and networks, along with international groups and organizations that have partners in Latin America, we are aware of and concerned about the human rights violations committed by Canadian mining companies operating in the region. On the basis of our experience, we offer the following observations and recommendations, as we share certain universal principles of human rights and justice that transcend borders.

The undersigned activists and organizations have for many years been working in defense of the human rights of communities and people affected by activities related to natural resource extraction in Latin America. As you may know, various publications over the last few years have analyzed the role of the Canadian State in the violations of Canadian mining operations abroad, through political, financial, or diplomatic support to the companies involved. For example, in April 2014, a coalition of Latin American organizations, with support from NGOs and academic institutions based in Canada, the United States, and Europe published the report *The Impact of Canadian Mining in Latin America and Canada’s Responsibility*. This document was delivered to the Inter-American Commission on Human Rights (IACHR) and to the Canadian Mission to the Organization of American States, the Canadian Ministry of Foreign Affairs and Canadian embassies in countries where the 22 mining projects examined in the report operate, namely: Mexico, Guatemala, Honduras, El Salvador, Colombia, Chile, Argentina, and Peru.¹

This report recognizes the efforts of various Canadian parliamentarians, including members of the Liberal Party, towards the adoption of a legislative framework that would hold Canadian mining companies accountable for their acts carried out overseas. Particularly noteworthy was Bill C-300, tabled by John McKay MP, which you yourself supported. This bill sought to condition Canadian government support on company

¹ Please find enclosed to this letter the printed version of the Report and its Executive Summary.

compliance with international environmental and human rights standards. You will recall the powerful lobby that the extractive sector mounted to ensure the bill was rejected by a narrow margin of six votes.² This close vote demonstrated that for many members of Parliament and Canadian society, this topic is of great relevance.

In November 2014, a hearing was held before the IACHR entitled *The Impact of Canadian Mining Company Activities on Human Rights in Latin America*. During the hearing, Canadian civil society organizations and scholars³ spoke to the need for Canada to implement measures to prevent and repair the human rights impacts from the activities of Canadian mining companies in Latin America. In its summary of the 153rd Period of Sessions, the IACHR made special reference to Canada when it stressed that home countries of transnational companies must take special measures to prevent human rights abuses from their operations abroad.

In addition to efforts in the Inter-American Human Rights System, thematic committees and special rapporteurs of the Universal Human Rights System have underscored the role of the Canadian State in the perpetration of human rights abuses by Canadian mining companies. At the July 2015 review on Canada's compliance with the International Covenant on Civil and Political Rights, the UN Human Rights Committee identified the absence of effective mechanisms to prevent and mitigate violations committed by branches of Canadian mining companies abroad as a key concern. In the past month, the UN Committee on Economic, Social and Cultural Rights published its sixth periodic report on Canada, and recommended the latter should strengthen its legislation governing the conduct of corporations registered or domiciled therein. It also recommended that Canada should "introduce effective mechanisms to investigate complaints filed against these corporations, and adopt the necessary legislative measures so as to facilitate access to justice before domestic courts by victims of these corporations' conduct".⁴

The above examples illustrate how, under prior administrations, Canada's human rights performance has deteriorated considerably, not only in the eyes of the international community, but also from the perspective of the individuals, peoples, and communities that live with the negative impacts of Canadian extractive projects.

In light of early indications of concern for human rights from your administration, we urge the adoption of workable measures to promote legislative and administrative reforms that will more effectively regulate the operations of Canadian mining companies around the world. In particular, we recommend an immediate change in existing policies in order to:

- Ensure Canadian mining companies operating in Latin America do so in conformity with the international human rights standards established in treaties, which apply to both host countries and to Canada. In recognition of the increasing number of mining conflicts in the region, it is vital that the Canadian government and Canadian mining companies respect the rights of Indigenous communities to self-

² See, <http://www.miningwatch.ca/article/bill-c-300-high-water-mark-mining-and-government-accountability>

³ Mining Watch Canadá, Justice and Corporate Accountability Project and Halifax Initiative.

⁴ See, UN Committee on Economic, Social and Cultural Rights, E/C.12/CAN/CO/6, 4 March 2016.

determination and to free, prior, and informed consent before any mining activities are undertaken on their territories.

- Respect the decisions of numerous communities, Indigenous and non-Indigenous, who have said no to large-scale mining because of its severe damaging impacts on the environment and social wellbeing.
- Implement the recommendations made by the Standing Committee on Foreign Affairs and International Trade in 2005.⁵
- End Canadian intervention and the provision of any kind of governmental support, be it through overseas development aid, trade, and investment agreements, public financing or technical assistance, or diplomacy that seeks to influence the adoption or modification of regulatory frameworks in recipient countries for extractive projects.
- Incorporate international human rights and transparency standards in the regulation of credit agencies and public and private investment that finance extractive activities and impose safeguards on companies that receive state subsidies.
- Guarantee effective access to Canadian courts so that victims of human rights violations caused by Canadian businesses abroad can obtain justice, truth, and reparations.
- Create objective and impartial mechanisms to effectively monitor and investigate complaints of individual and collective human rights violations in connection with Canadian mining companies abroad. These mechanisms should be designed in conformity with the Paris Principles regarding the status and functions of national human rights institutions.
- End the pursuit of free trade and investment agreements that favor the protection and promotion of Canadian mining companies over individual and collective human rights, as well as environmental protection.
- Refrain from promoting international arbitration mechanisms, which is a powerful tool to shield foreign investments that profit from the absence of effective accountability measures aimed at preventing human rights violations.

After many years of a lack of will to dialogue and an absence of critical self-evaluation by previous governments, we are hopeful that your commitment to human rights will lead to measures that hold state agencies and corporations to account and prevent further abuses by Canadian mining companies operating abroad. Such measures would earn Canada greater recognition as a nation that respects human rights.

Yours sincerely,

⁵ See, <http://www.miningwatch.ca/article/corporate-accountability-canada-miningwatch-archive>.

Acción Colectiva Socioambiental
 Acción Ecológica
 Afectados por Represas Ríos Vivos
 Alcaldía del Municipio de Casillas, Guatemala
 Alcaldía del Municipio de Mataquescuintla, Guatemala
 Alcaldía del Municipio de San Rafael las Flores, Guatemala
 Alcaldía del Municipio de Santa Rosa de Lima, Guatemala
 Asociación Civil Centro de Cultura Popular Labor
 Asociación de Biólogos de la Universidad del Tolima
 Asociación de Desarrollo Económico Social Santa Marta
 Asociación Fundación CORDES
 Asociación Interamericana para la Defensa del Ambiente
 Asociación Madre Tierra
 Asociación Marianista de Acción Social
 Asociación Pro Derechos Humanos
 Asociación Pro Derechos Humanos en España
 Asociación Servicios a Programas de Desarrollo e Investigación
 Barrio San Pedro
 Bienaventurados los Pobres
 Bios Iguana A.C.
 Cabildo por las Mujeres de Cuenca
 Cáritas El Salvador, Diócesis de San Miguel
 CEHPRODEC
 CENSAT Agua Viva
 Center for International Environmental Law
 Centro Amazónico de Antropología y Aplicación Práctica
 Centro de Acción Legal-Ambiental y Social de Guatemala
 Centro de Análisis e Investigación – FUNDAR
 Centro de Derechos de Mujeres en Honduras
 Centro de Derechos Humanos "Miguel Agustín Pro Juárez" A.C.
 Centro de Derechos Humanos de la Montaña "Tlachinollan"
 Centro de Documentación e Información
 Centro de Ecología y Pueblos Andinos
 Centro de Educação, Pesquisa e assessoria sindical e Popular, Brasil
 Centro de Información sobre Empresas y Derechos Humanos
 Centro de Investigación sobre Inversión y Comercio
 Centro de Investigación y Promoción de los Derechos Humanos
 Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares
 CESTA
 Colectivo de Abogados José Alvear Restrepo
 Colectivo Madre Selva
 Colectivo Voces Ecológicas
 Columban Center for Advocacy and Outreach
 Comisión Claretiana de Justicia Paz e Integridad de la Creación Colombia Oriental y Ecuador
 Comisión de Justicia, Paz e Integridad de la Creación
 Comisión Diocesana de Defensa de la Naturaleza
 Comisión Paz y Ecología
 Comité Ambiental en Defensa de la Vida
 Comité Guardianes de la Naturaleza del Municipio de Casillas
 Comissão Nacional da Terra
 Community Resource Centre
 Conferencia de Provinciales Jesuitas de América Latina
 Congregations of St. Joseph
 Congreso Ambiental de Santander
 Consejo Comunitario de Desarrollo, Aldea San Juan Bosco, San Rafael las Flores, Guatemala
 Consejo de Cuenca de valle de Angeles
 Consejo de Pueblos Wuxhtaj
 Consejo Tiyat Tlali en Defensa de la Vida y Nuestro Territorio
 Conselho Indigenista Missionário
 Convergencia Ciudadana de Mujeres de Guatemala
 Cooperación
 Coordinación de ONG y Cooperativas
 Coordinadora Nacional de Derechos Humanos, Perú
 Corporación Claretiana Norman Perez Bello
 Corporación Nuevo Municipio
 Corporación Otra Escuela
 Corporación PODION
 Corporación por el Desarrollo de la Provincia de Vélez
 Corporación Red de Promotores de Derechos Humanos
 DECOIN
 Derecho, Ambiente y Recursos Naturales
 Derechos Humanos sin Fronteras, Perú
 Derechos Humanos y Medio Ambiente
 Diálogo y Movimiento
 Diócesis de Huaraz
 Diócesis de San Pedro Sula
 Dominican Leadership Conference
 Due Process of Law Foundation
 ECUARUNARI
 El Frente de Defensa del Agua y la Vida del Cañar
 ENTRECULTURAS
 Equipo de Estudios Comunitarios y Acción Psicosocial
 Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús en Honduras
 Equipo Jurídico Pueblos
 Equipo Regional de Monitoreo y Análisis de Derechos Humanos en Centroamérica
 Escuela de Agroecología de Mujeres Saraguras
 FESPAD
 Foro Ciudadano de Participación por la Justicia y los Derechos

Forum Solidaridad Perú
 Franciscans International
 Fraternidad Misionera del Sagrado Corazón
 Frente por la Salud de los Pueblos
 Fundación Agrocol Andes
 Fundación Ambientalista Mariano Abarca
 Fundación Ecueménica para el Desarrollo y la Paz
 Fundación Simiente
 Fundación Tierra Nuestra
 Global Justice Clinic
 GRUFIDES
 Grupo de Apoyo Mutuo
 Guatemala Human Rights Commission
 Human Rights Research and Education Centre of the University of Ottawa
 Institute for Policy Studies
 Instituto Bartolomé de Las Casas
 Instituto de Defensa Legal
 Instituto de Derecho Ambiental de Honduras
 Instituto de Estudios de las Culturas Andinas
 Instituto de Estudios para el Desarrollo y la Paz
 Instituto de Pesquisa e Formação Indígena
 Instituto Mexicano para el Desarrollo Comunitario A.C.
 Instituto Sócioambiental
 International Network of Human Rights
 International Presentation Association
 Jesuit European Social Centre
 JPIC Familia Franciscana de Honduras y JPIC OFM
 Justicia, Paz e Integridad de la Creación de los Misioneros Claretianos de Honduras
 La Escuela de Agroecología de Bulán
 La Escuela de Agroecología de Kimsakocha
 La Fundación Savia Roja
 La Red Agroecológica del Cañar
 Las Escuelas de Agroecología de Saraguro y Tenta
 Las Escuelas de Agroecología de Saraguro y Tenta
 Mesa Nacional frente a la Minería en El Salvador
 Mesa Permanente por la Justicia Laboral
 Misericor
 Movimento dos Trabalhadores Rurais Sem Terra
 Movimiento Ambientalista Santabarbarens
 Movimiento Ambientalista Santabarbarens
 Movimiento Amplio Por la Dignidad y la Justicia
 Movimiento Mesoamericano contra el Modelo Extractivo Minero
 Movimiento Nacional en Defensa de la Tierra
 Network in Solidarity with the People of Guatemala
 NGO Mining Working Group
 Notre Dame de Sion New York
 Obispo de la Diócesis de Santa Rosa de Lima
 Observatorio Ambiental de la Universidad del Tolima
 Observatorio Ciudadano
 Observatorio de Conflictos Mineros en América Latina
 Observatorio Latinoamericano de Conflictos Ambientales
 Oficina de Derechos Humanos del Arzobispado de Guatemala
 Organización en Defensa de la Naturaleza Municipio de Nueva Santa Rosa, Guatemala
 Otros Mundos, Chiapas
 Passionists International
 Pastoral da Juventude Rural
 Pastoral Social – Cáritas, Diócesis de la Verapaz
 Pastoral Social Cáritas
 Pax Christi
 Pax Christi International
 Peace Brigades International
 Plataforma internacional contra la Impunidad
 Presidente del Parlamento del Pueblo Xinka de Guatemala
 Proceso ciudadano "Vélez 500 años, unidos por el desarrollo"
 Procesos Integrales para la Autogestión de los Pueblos
 Provincia Nuestra Señora de Guadalupe, Centroamérica, Panamá y Fundación de la Santa Cruz, Haití
 Proyecto "Generando Capacidades en Protección Ambiental"
 Proyecto de Derechos Económicos, Sociales y Culturales
 Radio Marañón del Vicariato de Jaén
 Red "Iglesias y Minería"
 Red "Justiça nos Trilhos"
 Red de Comités Ambientales del Tolima
 Red de Entidades para el Desarrollo Solidario
 Red Mexicana de Afectados por la Minería
 Red Muqui
 Red nacional de comunidades afectadas por la minería en Honduras
 Red Regional Agua, Desarrollo y Democracia
 Rede de Cooperação Amazônica
 Secretaría de Justicia, Paz e Integridad de la Creación de los Misioneros Claretianos de Centroamérica
 Sisters of Charity Federation
 Society of Catholic Medical Missionaries
 The Democracy Center
 Tutela Legal
 UNANIMA International
 Universidad Centroamericana José Simeón Cañas
 Vicaría del Sur, Diócesis de Florencia
 VIVAT International
 Yasunidos Guapondelig