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Prime Minister of Canada, Right Honourable Justin Trudeau

Minister of Trade, Honourable François-Philippe Champagne

[sent by e-mail to justin.trudeau@parl.gc.ca and Francois-Philippe.Champagne@parl.gc.ca]

March 3, 2017

Dear Prime Minister Trudeau and Minister Champagne,

Re: The need for a Canadian extractive sector human rights ombudsperson

We are writing to you because we are aware that the Government of Canada is considering the creation of an extractive sector human rights ombudsperson. Through our own work in dealing with the impacts of Canadian extractive companies in our country, we strongly support this initiative.

In our country it is very hard for people who have been harmed by the activities of Canadian extractive companies to access justice or receive remedy for the harm they have endured.

We are aware that Canada has a National Contact Point for the OECD Guidelines and also a CSR Counsellor for the extractive sector, but neither of these meet the needs of many of the people in our country who are seeking remedy for harm caused by a Canadian company. The CSR Counsellor only deals with early intervention, whereas in many of our cases serious harm has already been done. The NCP does not provide remedy, but only the possibility of dialogue with the company. Our people need to be provided the means to recover from the harm that has been done. We need remedy. Also, in many cases there is no trust between the people who have been harmed and the Canadian company, sometimes our people are even very much afraid of the company or its guards or government supporters.

Dialogue offered by the NCP is not useful when there is no trust at all. Also, our people are very much weaker than the company, we don't always speak English, we don't always have much education, we cannot have effective and fair dialogue under those circumstances.

For all these reasons we very much support the creation of an extractive sector human rights ombudsperson!

This ombudsperson must have the powers and independence to really make a difference.

The ombudsperson must:

- be independent (from government and industry)
- undertake independent investigations
- produce public reports, including on ombudsperson investigations and a final report on each case
- make recommendations for remedy where harm has been done (and also where necessary recommendations for the Canadian government)
- the ombudsperson will monitor compliance with recommendations
- be transparent

Participation in the ombudsperson process by Canadian extractive companies must be mandatory and companies that do not comply with recommendations should not be eligible for financial and political support from the Government of Canada.

We fervently hope the new Government of Canada will live up to the promise made during the elections to finally create this much needed extractive sector ombudsperson. We look forward to your reply.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M'Diyan Yapari', is written over a light green rectangular background. The signature is enclosed within a blue oval shape. Below the signature, there is a horizontal dotted line.

M'Diyan Yapari

Executive Officer

cc

- Emily Dwyer, Coordinator of the Canadian Network on Corporate Accountability, coordinator@cnca-rcrce.ca
- Catherine Coumans, Research Coordinator Asia Pacific, MiningWatch Canada, Catherine@miningwatch.ca