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February 28, 2017

Prime Minister of Canada, Right Honourable Justin Trudeau
Minister of Trade, Honourable François-Philippe Champagne

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

Dear Prime Minister Trudeau and Minister Champagne,

Greetings!

Alyansa Tigil Mina (ATM) is a coalition of mining-affected communities and their support groups, including non-governmental organizations, faith-based groups, academic institutions, and other groups collectively challenging the promotion of destructive large-scale mining in the Philippines. ATM works to protect Filipino communities and natural resources that are threatened by large-scale mining operations.

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. As there are a number of Canadian firms involved in mining in the Philippines, we believe that the creation of the said body is imperative. Additionally, the availability and accessibility of an ombudsperson that can complement our work in making players in the extractive sector accountable would be a big help for us. This will also greatly influence our campaign for the protection of environment and community rights defenders.

We believe that this initiative will be fruitful for Canada, and international and local campaigners alike. We hope that through this, justice will be in reach of mining-affected communities. Similar initiatives, such as the UN Special Rapporteurs and the Compliance Advisory Ombudsman for the IFC, have been helpful to us in the past.

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.



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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—community members don't always speak English, and don't always have much education. Hence, 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,


Jesus Vicente "Jaybee" Garganera
National Coordinator
ATM