

Prime Minister Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2
Canada

March 7, 2017

Sub: Establishment of independent Extractive Sector Human Rights
Ombudsperson

Dear Prime Minister Trudeau,

Many greetings from Focus on the Global South (Focus). Focus is an Asian policy research organization with offices in India, Thailand, Cambodia and the Philippines. For over 20 years, we have worked with like-minded organisations, peoples' movements, parliamentarians and legislators in the South and North towards economic, social and environmental justice, peace, equality and well-being for the majority, especially those who are most vulnerable.

Asia is home to a tremendous diversity of terrains, eco-systems and natural wealth. Majority of Asia's rural population relies on the natural environment to meet its food, livelihood and other life needs. These environments and eco-systems are increasingly under threat by an unchecked and unaccountable extractive industry, whose members use their wealth and political connections to avoid even the most basic environmental and social regulations. Furthermore, mining, oil and gas, and associated processing operations are frequently accompanied by violence against local communities and human rights defenders, including extra-judicial killings and disappearances. Victims and their communities rarely receive justice, while the corporations involved enjoy immunity through investment agreements, political protection and corrupt practices.

In response to peoples' protests and negative publicity, some corporations have proposed joint fact-finding missions and voluntary operational standards such as Corporate Social Responsibility. However, such measures are grossly inadequate to address rights abuses and other negative impacts of extractive industry, and often serve as smokescreens for business-as-usual type operations. They also undermine possibilities of developing appropriate, mandatory domestic laws and regulations.

It has come to our attention that the Canadian Network on Corporate Accountability (CNCA) has asked the Canadian Government to establish an independent Extractive Sector Human Rights Ombudsperson with the power to investigate complaints about Canadian companies operating overseas. We very much welcome this initiative and believe that in these times of a deepening climate crisis and escalating human rights violations, such a step is urgent and necessary.

As we struggle in our own countries to make our governments, businesses and societies accountable and responsible, such steps must also be taken in countries of origin of corporations investing in other territories. In the absence of strong, independent, mandatory, extra-territorial obligations, corporations will be free to continue to operate without due respect and responsibilities towards local populations, environments and domestic laws in host countries.

We urge the Canadian Government to act positively on the legislation proposed by the CNCA for creating an Ombudsman mechanism that is independent, transparent, mandatory, and empowered to undertake investigations, reporting, make recommendations on prevention and remedy, and monitor compliance with recommendations.

We hope that your government will take this opportunity to demonstrate Canada's commitment to the defense of human rights and the environment within its own borders and elsewhere.

We assure you and the Canadian people of our highest regards.

Sincerely



Shalmali Guttal
Executive Director