



August 19, 2019

The Honourable Jim Carr
Minister of International Trade Diversification

Dear Minister Carr:

I am writing to you to tender my resignation as an alternate member of the Multi-Stakeholder Advisory Body on Responsible Business Conduct Abroad (MSAB).

Your government's failure to follow through on its commitment to create an independent Ombudsperson with the investigatory powers to compel documents and witnesses necessary to determine facts, is a betrayal of trust. This betrayal is not only in regard to MiningWatch Canada's expectation that your government would live up to its commitment, but also betrays the expectations of our global partners who have waited for more than twelve years for Canada to create an effective accountability mechanism to address numerous and ongoing human rights harms suffered by people affected by Canadian mining companies, particularly in weak governance jurisdictions.

Your government's failure to live up to its verbal and written commitment regarding the ombudsperson's powers has undermined our confidence that the MSAB may lead to significant progress on other critical initiatives in regard to business and human rights. Neither we, nor our partners, are interested in participating in yet another multi-stakeholder process that amounts to little more than window dressing.

For 20 years MiningWatch has been committed to advancing corporate accountability in Canada in regard to Canada's mining sector. To this end we have: collaborated on a multi-stakeholder [Final Report](#) as a member of the Government of Canada's Advisory Group for the *National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries* in 2006-2007; worked with legislators from all parties in support of a Liberal private member's initiative, [Bill C-300](#). We continue to participate as a steering committee member of the Canadian Network on Corporate Accountability, where we have advocated for the creation of a credible, independent and effective ombudsperson since 2007.

In these 20 years the high water mark remains the 2005 landmark [report](#) by the Standing Committee on Foreign Affairs and International Trade (SCFAIT) *Mining in Developing Countries – Corporate Social Responsibility*. MiningWatch Canada and our indigenous partners from Canatuan in the Philippines presented before SCFAIT's Subcommittee on Human Rights and International Development and MiningWatch worked with Members of Parliament who were tasked with drafting the committees' report, which received unanimous all-party endorsement in both the Subcommittee and the Standing Committee.

The SCFAIT report recognizes:

- 1) the state duty to protect human rights: *“The Subcommittee: Acknowledges that the Government of Canada has a stated commitment to corporate social responsibility standards and international human rights norms...”*;
- 2) the need for *“Canadian mining companies to conduct their activities outside of Canada (...) in compliance with international human rights standards”* and, in regard to *“multinational enterprises, the need for “making compliance with international human rights standards obligatory”*;
- 3) the need for legal reform in Canada to hold Canadian multinational mining companies to account: *“Establish clear legal norms in Canada to ensure that Canadian companies and residents are held accountable when there is **evidence of environmental and/or human rights violations** associated with the activities of Canadian mining companies”*;
- 3) the need for dedicated accountability mechanisms: *“Strengthen or develop new mechanisms for monitoring the activities of Canadian mining companies in developing countries and for dealing with complaints alleging socially and environmentally irresponsible conduct and human rights violations.”*
- 4) the need for government accountability to make *“Canadian government support – such as, export and project financing and services offered by Canadian missions abroad – conditional on companies meeting clearly defined corporate social responsibility and human rights standards”*

Note in particular the Committees’ recognition (in bold above) of the need to ensure *“evidence of environmental and/or human rights violations.”* It is exactly that evidence that an ombudsperson must be able to obtain, and compel when necessary.

Since 2005, neither the Conservative Government under Mr. Harper nor the Liberal Government under Mr. Trudeau have made meaningful progress in meeting the requirements set out by parliamentarians in 2005.

It is clear to us that as long as Canada’s elected leaders remain captured by the demands of Canadian mining companies and willing to bend to industry lobbyists, it will be business as usual and human rights will continue to be abused with impunity.

Sincerely,



Catherine Coumans, Ph.D.

cc Alex Neve, Secretary General, Amnesty International Canada
Jackie King, Chief Operating Officer, Canadian Chamber of Commerce
Sheri Meyerhoffer