

Table de concertation sur la Région des Grands Lacs

L'Entraide missionnaire, 15, de Castelnau ouest, Montréal H2R 2W3 (514) 270-6089 emi@web.ca

Montreal, March 17, 2006

Honourable Peter MacKay
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario

Dear Mr. Minister,

In June 2005, your party, the Conservative Party of Canada, supported the conclusions of the fourteenth report of the *House of Commons Standing Committee on Foreign Affairs and International Trade* (SCFAIT), which related to mining in developing countries and corporate social responsibility. The ten recommendations of the report centred on the establishment, by the government of Canada, of mechanisms, standards and priorities aiming at avoiding the “harmful consequences”, as identified in the report, of the mining activities of Canadian companies in other countries. The sixth recommendation related to the need for giving priority to the reinforcement of governance capacity in the specific field of corporate social responsibility, among the actions aimed at promoting good governance and the development of the private sector.¹ We strongly support this recommendation as well as the insertion of governance as the first of Canada’s five priorities to achieve the *Millennium Development Goals* alongside health, basic education, the development of the private sector and the viability of the environment.

Mr. Minister, the recent revelations about the signing of certain mining contracts in the Democratic Republic of Congo (DRC) merit your attention. A specially-formed parliamentary committee with representatives from all components of the transition government presented its report in June 2005. This special subcommittee was formed by the Congolese National Assembly in April 2004 in response to a resolution from the Inter-Congolese Dialogue (No. CIC/CEF/O1, April 2002) during the negotiations which put an end to the war. After examining the agreements already concluded and in progress having to do with the most significant portion of the Congolese mineral patrimony – the state enterprise Gécamines – the report recommended, so as to “*avoid stripping Gécamines of the equipment and deposits which constitute the backbone necessary for a revival... stop all negotiations in progress whose object is to distribute to joint ventures the production facilities and the richest deposits,*”² located mainly in the province of Katanga.

However, two of these major mining proposals were ratified by President Kabila last August 4 despite the recommendations to the contrary of the commission – whose report was made public only last February – but also in spite of a report ordered and financed by the World Bank in 2003³ which also urged him “*to immediately stop the negotiations in progress*”.

¹ “Make the building of governance capacity in the area of corporate social responsibility a priority in its efforts to promote good governance and private sector development in developing countries, as outlined in the April 2005 International Policy Statement”. House of Commons, 38th Parliament, 1st Session, Fourteenth Report of the Standing Committee on Foreign Affairs and International Trade, p.3.

² National Assembly - Special subcommittee in charge of the examination of the validity of economic and financial agreements during the war of 1996-1997 and 1998, *Report of work*, 1st part, p.175-176; June 2005.

³ *Gécamines reorganization proposal: audit and renewal strategy*; IMC Group Consulting Ltd., presented to the World Bank in November 2003.

Since then, the Kinshasa government and the member States of the *International Committee for the Accompaniment of the Transition Process* (CIAT), of which Canada is a member, were urged by various parties to re-examine the contracts negotiated in light of the Parliamentary Commission's report.⁴ For their part, European organisations – partners of the undersigned groups – requested that the president of the World Bank investigate two joint venture contracts specifically implicating Gécamines and foreign companies, including one Canadian company, Kinross Gold Corporation.⁵

Mr. Minister, the important debate underway in DRC at present relates to the governance of its mining sector and should involve the Canadian government. Indeed, you are not unaware of Canadian efforts to bring back peace to the country and the region, to ensure the proper course of the upcoming elections, and to promote good governance practices on all levels as an essential condition for the rebuilding of the country. Moreover, Canada, as member of the CIAT, has repeatedly urged the government of transition to conduct its affairs with transparency. And support for governance has been until now the principal theme of Canadian aid programming in DRC. Mining projects such as those denounced by the special parliamentary committee and in which Canadian interests seem to be involved are in our view likely to be in conflict with the aims pursued by Canada in DRC as in other developing countries.

According to the October 2005 "Government Response to the SCFAIT report", your ministry will soon undertake a series of five round tables across Canada to allow the examination of the questions raised by mining in developing countries and corporate social responsibility. It is as pressing for the Canadian government as it is for private companies – and developing countries seeking private investments – that clear policies be enacted in order to prevent practices contrary to the objectives of development and good governance sustained by Canada. Now that the Conservative Party forms the government, we are counting on your determination to apply the recommendations of the SCFAIT report.

Please accept our best regards.

Denis Tougas
Coalition for the Great Lakes Region

Rev. Dr. Jim Kirkwood
Director
AfricaFiles
300 Bloor St. W.
Toronto, ON
M5S 1W3

Alain Ambeault, CSV
Président
Canadian Religious Conference (CRC)
100-4135, rue de Rouen
Montréal, QC
H1V 1G5

Michael Casey
Executive Director
Development and Peace
5633 Sherbrooke E.
Montréal, QC
H1N 1A3

Suzanne Loiselle s.a.
Director
L'Entraide missionnaire
15, rue de Castelnau O.
Montréal, QC
H2R 2W3

Mary Corkery
Executive Director
KAİROS
129 St Clair Ave. W.
Toronto, ON
M4V 1N5

Joan Kuyek
National Coordinator
MiningWatch Canada
508-250 City Centre Ave.
Ottawa, ON
K1R 6K7

⁴ *DR Congo: End Illegal Exploitation of Natural Resources; Government must act on Parliamentary Commission's Recommendations*, Human Rights Watch, Global Witness, RAID, London, February 21, 2006. *Pillage des ressources naturelles de la RDC : les contrats miniers signés par le gouvernement actuel doivent être ré-examinés; Action contre l'impunité pour les droits humains*, Lubumbashi, March 10, 2006.

⁵ *Group Calls on World Bank to Investigate Mining Contracts; Bank's Failed Reform Project in DR Congo*, Rights and Accountability in Development (RAID – UK), Broederlijk Delen, 11.11.11 (Belgium); 10 March 2006.