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Honourable Jim Carr
Minister of International Trade Diversification
House of Commons
Ottawa, ON
K1A 0A6
sent via e-mail

Dear Minister Carr,

I write to you on behalf of The United Church of Canada, with over 3,000 congregations and more than 100 global partners working in 30 countries of the global south.

I am concerned that the Canadian government is renegeing on its clear commitment to create an independent ombudsperson with the powers needed to investigate allegations of human rights abuse linked to the overseas operations of Canadian mining, oil, gas and garment companies. It has been over two months since you announced an external study to examine the provision of Inquiries Act powers for the office of the ombudsperson. We await the results of the study. Time is short.

Global partners of the United Church of Canada, including churches, ecumenical, and human rights organizations have suffered violence, including murder, kidnapping, and rape associated with the activities of Canadian extractive companies operating overseas. They have met directly with representatives of the Canadian government, including parliamentary committees, members of parliament, Embassy and Global Affairs staff to ask that the Canadian companies be held accountable for human rights violations and environmental degradation. National representatives of the United Church of Canada have advocated for over 20 years with successive governments for credible Canadian accountability mechanisms chief among them an effective ombudsperson. During this period, members of the United Church of Canada from ridings across the country have consistently shared their concerns about the "Canadian Brand" overseas by engaging with their members of parliament.

The United Church of Canada is an active member of the Canadian Network for Corporate Accountability (CNCA). CNCA has engaged in good faith with your office for over three years. During that time, your staff made repeated assurances that they understand the network's concerns and that your office shares CNCA's views and objectives. You personally communicated to the network your intention to implement the January 2018 commitments of the government of Canada. Yet the order in council that establishes the CORE's mandate represents a stark reversal from this position. This includes the following concerns:

A CORE that does not have the powers and mandate to effectively investigate is a broken promise by your government.

The order in council establishing the CORE fails to deliver on the government of Canada's explicit commitments of January 2018. Namely, to ensure the ombudsperson's independence; to



provide her with robust investigatory powers (including the power to compel documents and testimony); and to provide the office with a mandate explicitly focused on advancing human rights. These deficiencies fatally impair the office's credibility and effectiveness. This reversal is a broken promise by the government of Canada.

Without investigatory powers under the Inquiries Act, the CORE resurrects the failed CSR Counsellor's office. It will not be used.

The defining feature of an ombudsperson is its ability to undertake effective investigation. This is also one of several essential qualities that distinguish the CORE, as promised, from the now defunct CSR Counsellor. The latter, which was universally viewed as an abject failure, was eschewed by communities and organizations in the Global South. Absent effective investigatory powers, it will be evident to all that the CORE is no different from its predecessor.

Bringing a complaint against a multinational company carries significant risk. People will not be willing to assume such risk for a mechanism that does not work. Nor will we advise them to do so.

The risk to impacted communities has been greatly exacerbated by your government's decision to allow companies to lodge complaints against community representatives and other human rights defenders.

Without meaningful investigatory powers, the office will not work, people will not use it, and we will not recommend that they use it.

The Order in Council as currently set out betrays your government's commitment to responsible business conduct in light of serious and abundant abuse allegations and disregards Canada's international obligations to uphold and promote human rights including the obligation to provide effective remedy for victims of abuse. This leaves communities and individuals negatively impacted by Canadian mining companies with little hope of obtaining justice.

Sincerely,



Michael Blair
Executive Minister
Church in Mission
The United Church of Canada

c.c.

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