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November 25, 2024

The Right Honourable Justin Trudeau
Prime Minister of Canada
Office of the Prime Minister and Privy Council
80 Wellington Street
Ottawa, Ontario K1A 0A2

RE: The proposed Canada-Ecuador Free Trade Agreement

Dear Prime Minister Justin Trudeau,

I am writing on behalf of KAIROS Canada to express our deep concern regarding the proposed Canada-Ecuador Free Trade Agreement.

KAIROS was among several civil society organizations, including Amnesty International, that sponsored and accompanied four women rights defenders from Ecuador, two of whom are Indigenous, in their Why We Say No Tour to Canada, September 29 – October 5. They were here to speak out against the trade talks that excluded their voices and experiences and that aim to expand Canadian resource extraction projects in their communities, which are in ecologically vulnerable regions.

KAIROS opposes any free trade agreement that fails to attain the Free, Prior and Informed Consent of Indigenous peoples who live in the respective signatory countries. One of the delegates, Zenaida Yasacama, is the president of the Confederation of Indigenous Nationalities of Ecuador, Ecuador's largest Indigenous body. Another, Fanny Kaekat, spoke on behalf of the Shuar Arutam Indigenous People's Organization and Amazonian Defenders of the Forest.

Both representatives attest that **the government of Ecuador did not consult with their organizations or other Indigenous communities** in relation to this proposed free trade agreement.

Any free trade agreement signed without FPIC violates the United Nations Declaration on the Rights of Indigenous Peoples to which Canada is party and has integrated into domestic law.

It's important to note that, according to the delegates, Indigenous communities have not been consulted on the existing 15 Canadian mining projects in Ecuador, some of which have been active for thirty years and have had profound environmental and social consequences that have threatened people's livelihoods and dignity. Many of these companies face allegations of serious and ongoing human rights and ecological abuses. The delegates report that these companies are operating in sensitive ecological areas and contributing to ecological collapse in the Ecuadorian Amazon.

The delegates also attest that the impacts of Canadian mining operations are acutely felt by women, children and non-normatively gendered sexually oriented persons in their communities. These gendered impacts are well-documented worldwide and are felt particularly by Indigenous and Afro-descendent peoples who face multiple, intersecting oppressions. They are often displaced, suffer the destruction of Indigenous ancestral



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knowledge, and sustain various forms of gendered and sexual violence linked to the influx of male workers in their communities.

Often, women speak out in the defense of human rights, land and water, making them more vulnerable to violent retaliation. The delegates are no different. They came to Canada to deliver their message at great risk to themselves. Like other human rights and land defenders who speak out against mining activities, they have been threatened.

The criminalization of defenders who oppose the impact of extractive companies has increased due to the hardline militarized security policies of the current government of Ecuador.

Furthermore, we are afraid that the proposed investor-state dispute settlement (ISDS) provisions tied to the free trade agreement will only make matters worse. It will enable Canadian companies to sue Ecuador for strengthening its environmental and human rights protections. These provisions are counter to Ecuadorian law and the will of the people. Ecuador's Constitution, which bans ISDS, was reinforced in a referendum in April this year when the people of Ecuador voted to reaffirm it. Indeed, Canada has refused ISDS provisions in its own territory. Why would it include them in trade negotiations?

Measures that undermine UNDRIP, national laws and efforts to improve human rights and ecologies fly in the face of Canada's pledge to secure an inclusive trade deal respecting democracy and human rights. They are antithetical to Canada's commitment to human rights, human rights defenders and international law and will serve to erode our reputation abroad.

Despite these grave concerns expressed by Ecuadoreans and Canadian civil society organizations, negotiations have been fast tracked with an aim to finish by the end of the year. We are asking you to halt this process until you have responded to the following recommendations:

- Express concern to the Government of Ecuador for the well-being of the delegates to Canada and all human rights and land defenders in the country. The delegates are:
 - Zenaida Yasacama of the Kichwa Ancestral People of Pakayaku and vice-president of The Confederation of Indigenous Nationalities of Ecuador.
 - Fanny Kaekat of the Shuar Arutam People (PSHA) and a member of Amazonian Women Defenders of the Forest.
 - Hortencia Zhagüi, a representative of the Board of Potable Water Administrators of Victoria del Portete and Tarqui.
 - Ivonne Ramos of Acción Ecológica.
- Sign no trade agreement unless FPIC is assured.
- Reject ISDS provisions in any trade deal.

We also call on the Canadian government to:

- Ensure that Canadian Embassies are prioritizing human rights over economic interests as per "Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders."
- Enact Corporate Accountability legislation to:
 - empower the Canadian Ombudsperson for Responsible Enterprise with the powers needed to independently investigate such claims.



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- ensure that overseas plaintiffs, who claim harm by the actions of Canadian companies, have access to Canadian courts.
- Adopt and fully implement a legal framework requiring extractive corporations to conduct consultations according to local traditional practices. These processes must fully engage women and guarantee that communities near extractive project sites determine if and how a project will move forward.

Prime Minister, the delegates were very clear that they welcome development, but on their communities' terms. They told us that Ecuador prospers through agriculture and tourism – not on mining, which enriches corporations while impoverishing communities of their natural wealth.

We appreciate the need for critical minerals for renewable energy development. We stress that Canada's plan to wean itself off fossil fuels must not threaten human rights and involve damaging ecosystems that contribute to a healthy and natural carbon cycle and sustainable communities. In shifting to a stable biosphere, it is imperative that governments help cultivate communities and economies of care and resiliency and uphold human and ecological rights.

We look forward to your response.

Sincerely,

Leah Reesor-Keller
Transitional Executive Director

cc.

Deputy Prime Minister and Minister of Finance

Minister of Foreign Affairs

Minister of Minister of Export Promotion, International Trade and Economic Development of Canada

Minister of International Development