



Public Service Alliance of Canada
Alliance de la Fonction publique du Canada

October 15, 2024

The Rt. Hon. Justin Trudeau
Prime Minister of Canada
House of Commons
Ottawa, ON. K1A 0A6

Sent via email

Dear Prime Minister:

Subject: Concerns about proposed free trade agreement with Ecuador

We are writing on behalf of Canadian unions that are deeply concerned about the current negotiations for a free trade agreement with Ecuador. Collectively, we represent more than three million public- and private-sector workers across the country.

Our key concerns:

1. We are deeply concerned about the worsening human rights crisis in Ecuador. This crisis is characterized by, among other things:
 - the adoption of hardline and militarized security policies and executive decrees, and abuses by state security forces
 - the lack of respect for constitutional guarantees, and widespread violations of the rights of Indigenous Peoples
 - increasing persecution, intimidation, stigmatization, harassment, false accusations, criminalization, imprisonment, and attacks against those who defend their rights, particularly when they express opposition to the impacts of resource extraction projects

These human rights abuses will not be stopped but rather will likely increase and be exacerbated by a trade and investment regime that accords greater rights and powers to private investors.

2. Canada and Ecuador are accelerating the negotiation of a free trade agreement that the Canadian government describes as inclusive and based on respect for human rights. However, free, prior, and informed consent by Indigenous Peoples who will be directly impacted by mining investments has not been obtained as is required under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), to which both



Canada and Ecuador are signatories. Meanwhile, popular opposition to resource extraction that violates human rights and damages the environment is growing.

3. Indigenous Peoples and peasant communities affected by existing Canadian mining projects in Ecuador are deeply concerned that the environmental damage, human rights violations, and social harms they are already experiencing—including increased violence against women and girls, and life-threatening social conflicts—will multiply if a new trade agreement increases mining in Ecuador. Ecologically sensitive areas are at serious risk from resource extraction, including high-altitude wetlands and the Amazon region, which is at a tipping point. For this reason alone, we express our profound rejection of the Canada–Ecuador Free Trade Agreement negotiations.
4. We object in the strongest terms to the ongoing efforts to include an investor–state dispute settlement process (ISDS) in the trade agreement, at the request of the mining industry, despite Ecuador's constitutional ban on ISDS. The ISDS regime gives international investors the right to sue host states for regulating in the public interest.

Ecuador cancelled all its investment treaties in 2017 following an independent review of the country's harsh treatment under investor–state arbitrations, including from Canadian mining firms. ISDS is prohibited by Ecuador's constitution, and the people voted in a referendum this past April to reaffirm this ban. Including any provision allowing for ISDS or any facsimile of such international arbitration provisions in this trade deal would drastically limit Ecuador's ability to govern in the interest of all Ecuadorians, setting a serious precedent for disrespecting the constitution and the will of the people. The vote against international investment arbitration in Ecuador's 2024 national referendum and the ongoing objections of Canadian unions and civil society organizations are a clear rejection of ISDS. Any form of ISDS would prioritize the rights of transnational corporations over communities and the environment. Multiple human rights bodies have challenged ISDS as a threat to the realization of human rights, the rights of Indigenous Peoples, and our ability to address the climate emergency. Canada withdrew ISDS from the renegotiated North American Free Trade Agreement (NAFTA), supposedly to protect the right to regulate and protect the environment and public health in Canada.

5. Canada has yet to implement binding mechanisms to hold corporations accountable for human rights violations and environmental harm, or to ensure access to remedy. The Canadian Ombudsperson for Responsible Enterprise (CORE) looks into complaints about possible human rights abuses when they happen in Canadian companies that work outside Canada in the garment, mining, and oil and gas sectors. The CORE is not an effective watchdog: neither does it have the investigatory powers to compel evidence, such as making companies produce documents, nor can it compel witness testimony under oath. The fact that the CORE must rely on voluntary cooperation critically undermines its ability to function.

Our asks:

1. We urgently call on the government to immediately withdraw all diplomatic and other support for Canadian resource extraction companies that have violated human rights, collective rights, and the rights of nature, and which operate without the consent of affected peoples, including:
 - Dundee Precious Metals' Loma Larga project (Azuay, Cuenca canton, Victoria del Portete parish)
 - Lundin Gold's Fruta del Norte project (Zamora Chinchipe, Yantzaza canton, Los Encuentros parish)
 - The Fierro Urco mining project (Loja and El Oro)
 - Fortuna Mining's Fortuna project (Azuay, Morona Santiago and Zamora Chinchipe)
 - Solaris Resources' Warintza project (Morona Santiago, Cordillera del Cóndor, southern Amazon)
 - Atico Mining's La Plata project (Cotopaxi, Sigchos canton, Palo Quemado)
2. Canada must fulfil its obligations to respect human rights standards, including the UN Declaration on the Rights of Indigenous Peoples, International Labour Organization conventions, and all international standards that protect the rights of rural communities, women and girls, and the right to a healthy environment.
3. Canada must enact binding mechanisms through legislation to hold Canadian companies accountable for human rights abuses and environmental damage, and to provide access to remedy.

To conclude, we reiterate our profound rejection of the Canada-Ecuador Free Trade Agreement that is being negotiated without transparency or consent amid a deepening of a crisis of denial of human rights, collective rights, and the rights of nature.

In a context of climate crisis and environmental collapse, we also firmly reject Canadian mining in the Amazon, the Andean Sierra, *páramos* and other key water sources, and other ecologically sensitive areas.

Signed by:



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cc: The Hon. Mary Ng, Minister of Export Promotion, International Trade and Economic
Development, Government of Canada
Pierre Poilievre, MP, Leader of the Opposition
Jagmeet Singh, MP, Leader of the New Democratic Party of Canada
Yves-François Blanchet, MP, Leader of the Bloc Québécois
Elizabeth May, MP, Leader of the Green Party of Canada
Stephen Potter, Ambassador to the Republic of Ecuador