

RAID
Rights & Accountability in Development

27 July 2005

VIA FACSIMILE and EMAIL: (613) 238-7643 and mlussier@chamber.ca

Nancy Hughes Anthony
President and Chief Executive Officer
The Canadian Chamber of Commerce
Delta Office Tower
350 Sparks Street
Suite 501
Ottawa, ON K1R 7S8

Dear Ms. Hughes Anthony:

By way of introduction, Rights & Accountability in Development (RAID) is a UK-based non-governmental organisation. As its name suggests, the primary objective of RAID is to promote greater accountability for the conduct of governments and corporations in developing countries. RAID is also a coordinator of OECD Watch, the NGO counterpart to the Business Industry Advisory Committee at the OECD's Investment Committee. In this capacity, OECD Watch provides advice and comment on the implementation of the OECD Guidelines for Multinational Enterprises and investment-related work of the Committee.

You may be aware that on 6 June 2005, the Australian Broadcast Corporation's "Four Corners" program aired a documentary about a brutal massacre that took place in the remote town of Kilwa, Democratic Republic of Congo (DRC) last October.¹ This broadcast also revealed the logistical role played in this incident by Anvil Mining, an Australian-headquartered and Canadian-listed company.

To briefly recap the events of last October, a small-scale uprising led by a small band of rebels calling themselves the *Mouvement Revolutionnaire pour la libération du Katanga* (Revolutionary Movement for the Liberation of Katanga) was put down by the Congolese Armed Forces with disproportionate force and violence. The Lubumbashi regional office of *Mission de l'Organisation des Nations unies en République démocratique du Congo* (MONUC), the organization established by the United Nations Security Council to monitor and maintain the cease-fire in the DRC, conducted an investigation soon after this incident occurred. As many as

¹ A transcript is available at: www.abc.net.au/4corners/content/2005/s1384238.htm.

100 deaths were reported, and according to the UN, as many as 28 deaths appeared to be summary executions. Bodies were dumped in shallow graves for which MONUC calculated geographical coordinates. According to eyewitness accounts gathered by the prominent Congolese human rights organization, *l'Association africaine de défense des droits de l'homme* (African Association of the Defense of Human Rights or "ASADHO"), the soldiers went on an indiscriminate rampage carrying out arbitrary arrests and summary killings of suspected rebels and their supporters, raping women, and subjecting those in detention to torture and beatings.

MONUC's report also revealed that Anvil Mining provided logistical support for the military operation. Anvil helped fly in the military in the planes that it leases to ferry people to and from the mine, and provided vehicles for the military once they reached Kilwa. People who had been arbitrarily detained were also flown to Lubumbashi in Anvil's planes. Witnesses also informed ASADHO lawyers that Anvil provided the military with food and money, and Anvil vehicles, driven by Anvil employees, were used to bury the corpses from the massacre.

The Four Corners documentary includes footage of ASADHO's work to investigate the killings and human rights violations that were committed. Soon after the Four Corners' broadcast, ASADHO called on the Congolese authorities to conduct a prompt and impartial inquiry into the events that occurred at Kilwa, including Anvil's role.

We are writing to inform you about an escalating situation, which stems from the Kilwa incident and directly involves Anvil Mining. In the past two weeks, ASADHO has been the subject of threats and intimidation for their work to investigate and seek justice for the victims of a Kilwa incident. These threats and appeals to tribal hatred are being carried out in the name of Anvil Mining.

On 15 July, RAID wrote to Anvil President Bill Turner to request that the company issue a public statement deploring the intimidation and threats against ASADHO. We have since received a written response that can be described as brief and cautious from Mr. Turner; however, he has refused to publicly condemn the campaign of intimidation against ASADHO. We refer to you the attached letter from RAID to Anvil President Bill Turner for further details.

We are troubled by Anvil's response, and believe that the Canadian Chamber of Commerce (CCC) in particular, should be concerned that a Canadian-listed company, through its refusal to make a public condemnation, is signalling both to the local actors threatening ASADHO and to the international community that it condones these activities.

While organizations like the CCC and RAID often find themselves on opposing sides of policy debates, we share a mutual desire to promote corporate social responsibility and good governance to ensure human rights are respected. The significant increase in transnational business activity requires a coordinated approach from government, business, industry associations and civil society to promote ethical business practices, and play an important role in strengthening democracy in post-conflict countries like the DRC.

We therefore respectfully request that the CCC publicly pronounce that Canadian investors operating in conflict zones have a special obligation to adhere to established, international human

rights principles and standards. Moreover, the CCC should make clear that it is absolutely inappropriate for foreign investors to be complicit – through inaction or otherwise – in campaigns of intimidation against non-governmental organizations. We have also written to the Australian Chamber of Commerce and Industry (ACCI) requesting they make a similar pronouncement, and would encourage you to consider making a joint statement with the ACCI.

We are in contact with MONUC and officials with the Canadian and Australian governments. In addition, Entraide Missionaire and Rights and Democracy have made a submission to the National Contact Point (NCP) for the *OECD Guidelines for Multinational Enterprises* to examine Anvil's role in the Kilwa tragedy.

We write to you in good faith, because we are deeply concerned about the escalating threats of violence against ASADHO. We understand that you are well informed on the *OECD Guidelines for Multinational Enterprises*, and consider the CCC's pronouncement will send a strong message to Canadian companies investing offshore that exceptional efforts to protect human rights are required when operating in conflict zones and threats against NGOs in the name of foreign investors should not be tolerated.

Yours sincerely,

A handwritten signature in cursive script that reads "Patricia Feeney".

Patricia Feeney
Executive Director
Rights & Accountability in Development
tricia.feeney@raid-uk.org
(+44) 1865 515556