

To:

- Justin Trudeau, Prime Minister of Canada
- Marc Garneau, Minister of Foreign Affairs
- Karina Gould, Minister of International Development
- Mary Ng, Minister of Small Business, Export Promotion and International Trade
- Chrystia Freeland, Deputy Prime Minister of Canada and Minister of Finance
- David Lametti, Minister of Justice and Attorney General of Canada
- Tracy Gray, Critic, Export Promotion and International Trade (Conservative Party of Canada)
- Gabriel Ste-Marie, porte-parole en matière de finances et de commerce international (Bloc Québécois)
- Daniel Blaikie, Critic, Export Promotion and International Trade (New Democrat Party)
- Annamie Paul, leader of the Green Party of Canada

CC:

- Brenda Leong, Chair and Chief Executive Officer of the British Columbia Securities Commission
- Felix-Antoine Tshisekedi Tshilombo, Chairperson of the African Union
- Francisco Cali Tzay, United Nations Special Rapporteur on the rights of indigenous peoples
- David R. Boyd, United Nations Special Rapporteur on Human Rights and the Environment.
- Inger Andersson, Executive Director of the United Nations Environment Programme
- Elizabeth Maruma Mrema, Executive Secretary of the Convention on Biological Diversity
- Phera S. Ramoeli, Executive Secretary of the Permanent Okavango River Basin Water Commission
- Audrey Azoulay, Director-General of the United Nations Educational, Scientific and Cultural Organization
- Martha Rojas Urrego, Secretary General of the Ramsar Convention on Wetlands

We, the undersigned 185 civil society organisations, are writing to urge the Canadian government to act on the proposed drilling for oil and gas by Canadian company Reconnaissance Africa Limited (also known as ReconAfrica) across northeast Namibia and northwest Botswana, upstream from the Okavango Delta. If allowed to proceed, the proposed activities of ReconAfrica will very likely have grave impacts for human rights, Indigenous rights, local livelihoods and drinking water, the global climate, and a critical ecosystem.

Our signatories include civil society organizations in Namibia and Botswana opposed to ReconAfrica's exploration and proposed extraction. The concerns raised by these groups have sparked a growing global resistance to ReconAfrica's plans to drill for oil and gas.

## **ReconAfrica's plans**

The climate impacts of ReconAfrica's development will be felt across the world if it is allowed to go forward. The company's projections are for the discovery of up to 120 billion barrels of oil equivalent in the Kavango Basin — branded as "possibly the next Permian Basin." According to calculations by Fridays for Future Windhoek, if this full projected amount were extracted it would be equivalent to as much as one-sixth of the world's remaining carbon budget.<sup>1</sup> No new fossil fuel expansion is compatible with the goals of the Paris Agreement or Canada's international human rights obligations, and a project of this potential size is particularly egregious.

ReconAfrica's plans also pose unacceptable risks to Indigenous rights, local communities and sensitive ecosystems. Oil and gas extraction would jeopardize the drinking water of over a million people and threaten the region's major industries including tourism, farming, and fishing.<sup>2</sup> Extraction is also poised to displace and alienate San and Kavango communities from their Indigenous territories, resources and the

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<sup>1</sup> Fridays for Future: "[ReconAfrica's Kavango oil and gas play is 'carbon bomb' with projected 1/6 of world's remaining CO2 budget.](#)"

<sup>2</sup> Nature Conservancy: "[African Oasis: The Okavango Delta.](#)"

ability to practice their culture.<sup>3</sup> This would contravene numerous rights and clauses outlined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which Canada has committed to put into law. This project also risks creating significant stranded assets and unfunded clean-up that will undermine Namibia and Botswana's public revenues and ecosystems.

The cumulative impacts of extraction on this ecosystem will risk "ecocide" in a protected area which supplies water to the Okavango Delta, a UNESCO World Heritage Site, Ramsar Convention Wetland of International Importance, Key Biodiversity Area and one of the seven natural wonders of Africa.<sup>4</sup> The region is home to the largest remaining population of African elephants and 400 species of birds among other wildlife. Many of these species, including the African savanna elephant, are listed as endangered by IUCN. The preliminary drilling and seismic surveys alone are poised to create vibrations, noise and infrastructure that will disrupt the migratory paths of animals, frighten them or bring them into fatal conflict with humans.<sup>5</sup>

Local community members are voicing concerns that ReconAfrica's initial exploration activities have already violated Indigenous rights and human rights. Consultation has been extremely limited, with translation unavailable, limits on attendance, ignored questions, and cancelled sessions.<sup>6</sup> Legal action has also been threatened against journalists covering the project.<sup>7</sup>

Independent experts interviewed by National Geographic have found the Environmental Impact Assessments (EIA) for exploratory activities lacked basic components like fieldwork, and that the test drilling sites appear to have been unlined.<sup>8</sup> Finally, there is some indication ReconAfrica may pursue fracking as part of this development, which would pose health and water pollution impacts over and above conventional drilling.<sup>9</sup>

### **Canada's corporate accountability failures**

International human rights law obligations require Canada to protect against human rights violations by Canadian companies.<sup>10</sup> However, after decades of calls for accountability and justice for dangerous

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<sup>3</sup> Al Jazeera: "[Namibia: Indigenous leaders want big oil out of Kavango Basin.](#)"

<sup>4</sup> The Okavango Delta is also protected under the protocol of the Permanent Okavango River Basin Water Commission and the United States' DELTA act. The project would also affect both the San Living Cultural Landscape and the Kavango–Zambezi Transfrontier Conservation Area.

<sup>5</sup> National Geographic: "[Oil drilling, possible fracking planned for Okavango region—elephants' last stronghold.](#)"

<sup>6</sup> National Geographic: "[Oil company exploring in sensitive elephant habitat accused of ignoring community concerns.](#)" Al Jazeera: "[Namibia: Indigenous leaders want big oil out of Kavango Basin.](#)"; Oxpeckers: "[Mission to the Kawe](#)"; The Namibian: "[ReconAfrica adviser calls oil-drilling concerns 'stupidity'.](#)"

<sup>7</sup> The Namibian: "[Canadian oil driller threatens to sue The Namibian](#)"

<sup>8</sup> National Geographic: "[Oil drilling, possible fracking planned for Okavango region—elephants' last stronghold.](#)" National Geographic: "[Test drilling for oil in Namibia's Okavango region poses toxic risk.](#)"

<sup>9</sup> Even though the company now indicates that it is primarily targeting conventional resources, the company's recovery estimates include oil and gas that would require fracking. Mongabay: "[Growing concern over Okavango oil exploration as community alleges shutout.](#)" Frank R. Spellman, *Environmental Impacts of Hydraulic Fracturing* (CRC Press, 2013); Emily Clough, "Environmental Justice and Fracking: A Review," in *Current Opinion in Environmental Science & Health*, Elsevier, Volume 3, June 2018, pp. 14-18, <https://doi.org/10.1016/j.coesh.2018.02.005>.

<sup>10</sup> See for example, Human Rights Comm., General Comment 36 (2018) on article 6 of the International Covenant on Civil and Political Rights on the Right to Life, U.N. Doc CCPR/C/GC/36 at paras 21-22 (Sept. 3, 2019); Human Rights Comm., General Comment 31: the Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 at para. 8 (May 26, 2004); Comm. on Eco. Soc. and Cultural Rights, General Comment 24 (2017) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities, U.N. Doc E/C.12/GC/24, paras. 26-28 (June 23, 2017).

This may also in the near future include a new international crime of "ecocide" (serious damage and destruction of ecosystems). An [expert panel](#) of international criminal and environmental lawyers convened by the Stop Ecocide Foundation is currently drafting a legal definition of Ecocide for potential inclusion into the Rome Statute of the International Criminal Court alongside War Crimes, Genocide and Crimes Against Humanity.

extraction abroad, the Canadian government still has inadequate processes in place for preventing and addressing harms posed by Canadian corporations.

The new office of the Canadian Ombudsperson for Responsible Enterprise (CORE) has not been given adequate powers to conduct and follow through on an investigation. This makes it likely that, if engaged, the CORE will miss key information held by the company and only be able to produce a superficial report.

**We are calling on your offices to do everything in their power to:**

- ensure a federal investigation of Reconnaissance Africa Limited (also known as ReconAfrica) with full power to pursue appropriate remedy for abuses and monitor their implementation is completed;
- pursue all legal and diplomatic avenues to prevent any foreseeable harms;
- bar public finance from Export Development Canada or other Canadian government institutions that would support the company or this project if it goes forward;
- empower the Canadian Ombudsperson for Responsible Enterprise (CORE) with independence and the power to investigate human rights abuse allegations and the risk of harm, including the power to compel documents and testimony; and
- uphold Canada's international human rights law obligations by passing legislation requiring Canadian companies to prevent human rights abuse abroad, and to undertake comprehensive human rights and environmental due diligence throughout their global operations.

As the Communiqué of the 2020 Africa Energy Leaders Summit stated, we need all governments to “put an end to fossil fuel development; to manage the decline of existing production of oil, gas, and coal; and to rapidly initiate a transition to clean and safe renewable sources of energy that fully supports access to energy for those who currently lack it.”<sup>11</sup>

Critically, Canada, like other Global North countries, must move first and fastest to phase out its own fossil fuel production and pay its fair share to support a just transition to 100% renewable energy abroad in Namibia, Botswana, and around the world.<sup>12</sup> But in addition, Canada must ensure that Canadian companies do not pursue reckless fossil fuel developments abroad, especially those like ReconAfrica's which are poised to violate human rights and destroy critical ecosystems. Canada must uphold its international responsibilities on human rights and the environment by investigating and taking corresponding action to prevent ReconAfrica's harmful activities from going forward.

Sincerely,

1. 350 Canada – Canada
2. 350 Vancouver – Canada
3. 350Africa.org – Africa
4. 350NYC – United States
5. AbibiNsroma Foundation – Ghana
6. Advancement of Women Halton – Canada
7. African Centre for Biodiversity – South Africa
8. African Climate Reality Project – Africa
9. African Water Commons Collective – South Africa

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<sup>11</sup> [Communiqué of Africa Energy Leaders 2020](#)

<sup>12</sup> For Canada, this is equivalent to at least 140% emissions reductions by 2030 — with a proposed 60% reduction of domestic emissions by 2030 and the remaining 80% to be made through international climate finance. See Climate Action Network Canada: [“Canada's Fair Share towards limiting global warming to 1.5°C”](#) and Cascade Institute: [“Correcting Canada's “one eye shut” climate policy.”](#)

10. Alliance for Empowering Rural Communities – Ghana
11. Amnesty International - Southern Africa Regional Office – South Africa
12. Amnesty International Canada – Canada
13. Amnesty International Durban Group – South Africa
14. Andy Gheorghiu Consulting – Germany
15. Anglican Church of Canada – Canada
16. Anglican Diocese of New Westminster Eco-Justice Unit – Canada
17. Animals Are Sentient Beings, Inc. – United States
18. Animal Rebellion Edmonton — Canada
19. Anthropocene Actions – United Kingdom
20. Association des Conseils Chrétiens et Eglise en Afrique de l'Ouest – Togo
21. Black Environmental Initiative – Canada
22. Born Free Foundation – United Kingdom
23. Born Free USA – North America
24. Canadian Association of Physicians for the Environment– Canada
25. Canadian Foreign Policy Institute – Canada
26. Canadian Health Association for Sustainability and Equity (CHASE) – Canada
27. Canadian Interfaith Fast for the Climate – Canada
28. Canadian Lawyers for International Human Rights (CLAIHR) – Canada
29. Canadian Network on Corporate Accountability — Canada
30. Canadian Voice of Women for Peace – Canada
31. Center for Biological Diversity – United States
32. Centre Afrika – Canada
33. Centre for Citizens Conserving Environment and Management (CECIC) – Uganda
34. Citizens' Climate Lobby Canada – Canada
35. Climate Action Club – Canada
36. Climate Action Network Canada (CANRac) – Canada
37. Climate Justice Durham – Canada
38. Climate Justice Edmonton – Canada
39. Climate Pledge Collective – Canada
40. Climate Strike Canada – Canada
41. ClimateFast – Canada
42. ClimateFast – Canada
43. Collectif Citoyen Goldboro, Parlons-En – Canada
44. Cooperation Canada – Canada
45. COP26 Climate Action Plan – United Kingdom
46. Council of Canadians – Canada
47. Council of Canadians, South Shore Chapter – Canada
48. Divest Brent – United Kingdom
49. Earthlife Africa – South Africa
50. Earthlife Namibia – Namibia
51. Economic and Social Justice Trust – Namibia
52. Ecumenical Voice for Human Rights and Peace in the Philippines (EcuVoice) – Philippines
53. EKOenergy ecolabel – Finland
54. ELEPHANATICS – Canada
55. Elephant Reintegration Trust – South Africa
56. Energy Mix Productions – Canada
57. Environment Governance Institute Uganda (EGI) – Uganda

58. Environmental Defence Canada – Canada
59. Environmental Investigation Agency (EIA) – United Kingdom
60. ENvironnement JEUnesse (ENJEU) – Canada
61. Environnement Vert Plus – Canada
62. Équiterre – Canada
63. eThembeni Cultural Heritage Management – South Africa
64. Extinction Rebellion Antigonish NS – Canada
65. Extinction Rebellion Canada– Canada
66. Extinction Rebellion Cape Town – South Africa
67. Extinction Rebellion New Brunswick – Canada
68. Extinction Rebellion Nigeria – Nigeria
69. Extinction Rebellion Nova Scotia – Canada
70. Extinction Rebellion Ottawa (XRO) – Canada
71. Extinction Rebellion Sherbrooke — Canada
72. Extinction Rebellion Africa — Africa
73. Extinction Rebellion UK – United Kingdom
74. Extinction Rebellion Vancouver – Canada
75. Extinction Rebellion, Nelson, BC – Canada
76. Fridays for Future Angola –Angola
77. Fridays for Future Digital — International
78. Frack Free Namibia – Namibia
79. Frack Free Namibia and Botswana – Namibia and Botswana
80. Frack Free Surrey – United Kingdom
81. Frack Free Sussex – United Kingdom
82. Frack Off London – United Kingdom
83. Fracking Free Clare – Ireland
84. Fracking Hell (UK) – United Kingdom
85. FracTracker Alliance – United States
86. Fridays For Future Calgary – Canada
87. Fridays For Future Quinte – Canada
88. Fridays For Future Windhoek – Namibia
89. Friday's For Future Windsor Essex – Canada
90. Friends of the Earth Africa – Africa
91. Friends of the Earth Canada – Canada
92. Friends of the Earth International – International
93. Friends of the Okavango – Canada
94. Future for Elephants – Germany
95. GAIA Green Audits Into Action – South Africa
96. GASP (Grand(m)others Act to Save the Planet – Canada
97. Glasswaters Foundation – Canada
98. Global Catholic Climate Movement (GCCM) – International
99. Global March for Elephants and Rhinos – United States
100. Gower St – United Kingdom
101. Grandmothers Advocacy Network – Canada
102. Green Anglicans – South Africa
103. Green Leaf Advocacy and Empowerment Center – Nigeria
104. Green Majority Radio – Canada
105. GreenFaith – International

106. Greenpeace Canada – Canada
107. Greenpeace Victoria Local Volunteers – Canada
108. Greenpeace Vancouver Local Group – Canada
109. Greenpeace Winnipeg Volunteer Group – Canada
110. Hamilton Centre for Civic Inclusion – Canada
111. Health of Mother Earth Foundation – Nigeria
112. Indigenous Climate Action – Canada
113. IYX Africa – South Africa
114. KAIROS: Canadian Ecumenical Justice Initiatives – Canada
115. Leap Professional Coaching – Canada
116. Les Amis de la Terre - Friends of the Earth France – France
117. Little Red Dots – United Kingdom and Singapore
118. Mining Justice Action Committee – Canada
119. MiningWatch Canada – Canada
120. Namibia Women's Association – Namibia
121. New Brunswick Anti-Shale Gas Alliance – Canada
122. Office for Systemic Justice, Federation of Sisters of St. Joseph of Canada – Canada
123. Office of the National Indigenous Anglican Archbishop of Canada – Canada
124. Oil Change International – International
125. One Cowichan – Canada
126. Oomama (Stephen Lewis Foundation Oakville) – Canada
127. Operation Noah – United Kingdom
128. Otto Herrigel Environmental Trust – Namibia
129. People's Health Movement Canada/ Mouvement populaire pour la santé au Canada
130. Physicians for Social Responsibility AZ Chapter – United States
131. Plasticfree Toronto – Canada
132. Plataforma por un Nuevo Modelo Energético – España
133. Preservation of At-Risk Wildlife Foundation – United States
134. Progressive Democrats of America, Tucson, AZ Chapter – United States
135. Quakers in Southern Africa – Southern Africa
136. Rainforest Action Network – United States
137. Rebel Elixir Coffee – Canada
138. Rebelión o Extinción Argentina – Argentina
139. ReConOut – United Kingdom
140. Regroupement pour la Responsabilité Sociale des Entreprises – Canada
141. Rettet den Regenwald / Rainforest Rescue – Germany
142. Sacred Earth Solar – Canada
143. Santa Cruz Climate Action Network – United States
144. Sauvez les Éléphants d'Afrique – France
145. Saving Okavango's Unique Life (SOUL) – International
146. Sequoia Solution – Canada
147. SFM – Italy
148. Shale Must Fall – United Kingdom
149. Sierra Club British Columbia – Canada
150. Sierra Club Canada Foundation – Canada
151. Sisters of Charity of Nazareth Congregational Leadership – United States
152. SOUL (Saving Okavango's Unique Life) – International
153. South Durban Community Environmental Alliance – South Africa

154. South Sudan Council of Churches – South Sudan
155. Southern African Faith Communities Environment Institute (SAFCEI) – Southern Africa
156. Stand.earth – Canada & USA
157. Stop Ecocide Canada – Canada
158. Stop The Maangamizi
159. Sustainabilityteens Vancouver – Canada
160. The Climate Reality Project Canada – Canada
161. TheClima.es — International
162. The Community Climate Council – Canada
163. The Green Connection – South Africa
164. The Leap – Canada
165. The Social Justice Institute at UBC – Canada
166. The United Church of Canada– Canada
167. UDK Consultancy – Malawi
168. Union of Justice – Europe
169. United Native Americans – International
170. University of Sussex – United Kingdom
171. urgewald – Germany
172. VIDEA – Canada
173. Vote Climate – Canada
174. Weald Action Group – United Kingdom
175. What the Frack?! Arapahoe – United States
176. Wilderness Committee – Canada
177. WoMin African Alliance – South Africa
178. XR Balham – United Kingdom
179. XR Southwark – United Kingdom
180. XR UK Rebel Pathway Team – United Kingdom
181. XR Wandsworth – United Kingdom
182. XR YYC – Canada
183. XRQC (XR Montreal) – Canada
184. XRVI Connect (XR Vancouver Island Connect) – Canada
185. Yukon Wild – Canada