

September 16, 2026

To the Honourable Rob Oliphant
Member of Parliament, Don Valley West
Parliamentary Secretary to the Minister of Foreign Affairs

We, the undersigned 33 organizations that support the work of the Xinka people of Guatemala as they exert their Indigenous rights to self-determination, are writing regarding your response to [Parliamentary Petition e-7299](#) on behalf of the Minister of Foreign Affairs.

Since 2011, Xinka Indigenous communities in Guatemala have peacefully opposed the Escobal silver mine, currently owned by Canadian mining company Pan American Silver. Communities and experts raise concerns about water contamination and depletion from the mine and the project's profound social, cultural, and spiritual impacts on Xinka territory.

In 2017, Guatemala's Supreme Court suspended the mine after finding the Xinka People were not consulted before the project was permitted, violating their right to free, prior, and informed consent (FPIC). The Constitutional Court decision that upheld the Supreme Court's ruling in September 2018 cites Guatemala's obligations under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted in 2007 with jurisprudence within the Inter-American Human Rights system (IACHR). As such, this obligates the government to seek the prior consent of Indigenous peoples when an investment or project displaces them, deprives them of their ability to use or enjoy their lands, or involves the deposit of hazardous materials in their territories. Operations at the Escobal mine meet all three scenarios.

The 2018 Constitutional Court decision ordered the Ministry of Energy and Mines to conduct a consultation with the Xinka People. The Court's ruling was explicit: the government must first obtain the consent of the Xinka before operations at the Escobal mine could resume.

Over the next seven years, the Xinka People participated in a rigorous consultation process grounded in their own decision-making practices. They agreed upon the consultation methodology through an extensive pre-consultation phase; formally accredited 59 Xinka representatives; commissioned independent environmental, hydrogeological, social, cultural, and spiritual impact studies; reviewed extensive technical evidence; shared information and deliberated across affected territories; and ultimately reached a collective decision through their traditional governance structures.

The Xinka participated in this lengthy consultation process expecting the Guatemala government, Pan American Silver, and the Canadian government to respect the court's ruling, abide by the law, and uphold the outcome of the consultation. And that outcome was clear. In [May 2025](#), the Xinka People unequivocally withheld their consent for the Escobal mine to reopen and called for its immediate, safe, and permanent closure.

In [Parliamentary Petition e-7299](#), presented to the House of Commons in May 2026 by Member of Parliament Elizabeth May, Canadians urged the federal government to publicly reaffirm the Xinka People's right to free, prior, and informed consent and self-determination, and call on Pan American Silver and the Guatemalan government to respect the Xinka People's decision.

Recognizing both the [risks faced by environmental defenders](#) and the many documented threats, [attacks](#), and even [killings](#) of Xinka community members who have spoken out against the Escobal mine since 2011, the petition also called on the government to implement *Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders*. These guidelines outline concrete steps embassy staff can take to reduce the risks faced by human rights and environmental defenders, specifically including in areas where Canadian companies operate.

Despite the high stakes, the Canadian government's response to [Parliamentary Petition e-7299](#) fails to meaningfully address any of the petition's core concerns:

- **Undermining Xinka rights to consent:** The response omits mention of UNDRIP and IACHR jurisprudence cited in the Constitutional Court decision that obliges Guatemala to obtain Xinka consent. Rather, you express "hope" for negotiations towards a "mutually beneficial outcome", instead of acknowledging and respecting Xinka rights and their clear decision to withhold consent for the Escobal mine to restart.
- **Failure to protect human rights and environmental defenders:** The response does not mention Canada's *Voices at Risk* guidelines at all or the concrete protective measures embassy officials can take. The response also fails to recognize how the embassy's promotion of Canadian mining projects through Canada's Trade Commissioner Services may increase the risk defenders face.
- **Evading corporate accountability:** The response gives lip service to "responsible business conduct," while failing to acknowledge the absence of independent and effective mechanisms in Canada that can hold Canadian companies accountable for rights violations.

Undermining Xinka Rights to Self-Determination

On repeated occasions, the Guatemalan government, [Pan American Silver](#), and Canadian decision-makers have been informed about the Xinka People's decision to deny consent for mining operations to resume.

Xinka representatives who were named by their communities to participate in the consultation process traveled to Canada in May 2025, and September 2025 to meet with Members of Parliament and the Canadian public to publicize the results of the consultation. They held a Parliamentary [press conference](#) during the visit in September to reaffirm the result, emphasizing more than 15 years of community organizing to document and denounce the many instances of violence the Xinka have endured as a result of their opposition to this project. They explicitly called on the Canadian government to support the closure of the Escobal mine.

Rather than recognize the major milestone that has been reached with the Xinka People's decision, the response to Petition e-7299 recycles language used by the Canadian government for years when referring to the Escobal mine and Canadian mining interests in Guatemala. Alarmingly, the response expresses "[hope] that through dialogue a mutually beneficial outcome can be reached." Absent explicit recognition of the Xinka People's decision and a firm commitment to uphold it, this language clearly indicates that Canada's position is that the Xinka should enter into negotiations about the conditions under which mining could resume.

The consultation process was not a dialogue. It was a process to ascertain consent and the Xinka have unequivocally denied consent for the continuation of mining operations in their territory.

We reiterate our call to the Government of Canada: Publicly reaffirm the Xinka people's right to free, prior, and informed consent and self determination, and call upon Pan American Silver and Guatemalan authorities to respect the results of the consultation process.

Failure to Protect Human Rights Defenders

For nearly two decades, Xinka communities have faced harassment, threats, attacks, defamation, legal persecution, police repression, military states of siege, and the denial of their cultural existence as a result of their vocal opposition to this mine – among other serious and ongoing human rights violations.

Throughout this time, the Canadian Embassy in Guatemala has been an active supporter of the Escobal mine. For example, it oversaw the signing of voluntary royalty agreements to help legitimize the mine as it came into operation, despite a context of broad opposition and legal challenges to its permit. This came just days before the government imposed a state of exception on nearby municipalities and installed military outposts for 30 days. Since 2013, Canada's Global Markets Action Plan further strengthened Canada's mandate of overseas missions to promote and protect Canadian mining interests abroad, despite the fact that, in many instances, the mandate to promote Canadian business came into conflict with upholding Canada's international human rights obligations. Canada's *Voices at Risk* [guidelines](#) emerged during this time, in an effort to "provide practical advice for officials at Canadian missions abroad and at Headquarters to promote respect for and support human rights defenders." While *Voices at Risk* must be strengthened and made binding, it remains an essential guideline for the protection of human rights defenders.

The *Voices at Risk* guidelines emphasize that "Canada adheres to internationally recognized standards and guidelines of responsible business conduct... and encourages Canadian companies to do the same" (*Voices at Risk*, Section 2.4). The guidelines indicate that public statements like "open letters, op-eds, news releases, news conferences and social media postings...can bolster efforts by local and international actors to pressure a government to take positive steps" (*Voices at Risk*, Section 3.10).

Petition e-7299 called on the Canadian government to take concrete measures outlined by *Voices at Risk* to support the protection of Xinka defenders opposed to the Escobal mine. In its response, the Canadian government says: “While Canada does not provide consular services or protection to non-Canadians, including in Guatemala, Canadian officials engage with a range of stakeholders, as appropriate, to promote respect for human rights and the safety of those who defend them.” The Canadian Embassy in Guatemala, however, did recently make statements on social media ([1](#), [2](#)) about a Guatemalan national, former Member of Congress and Indigenous and campesino organizer Leocadio Juracán. We commend the embassy for making this statement and question the reluctance to do so when it involves Canadian mining interests, despite *Voices at Risk* making specific reference to supporting defenders in such situations.

We reiterate our call to the Government of Canada to direct Canadian consular officials to protect Xinka defenders by fully implementing Voices at Risk: Canada’s Guidelines on Supporting Human Rights Defenders to ensure their safety and security.

Evading Corporate Accountability in Canada

The majority of the response to Petition e-7299 focuses on promoting Canadian responsible business conduct, failing to recognize the complete absence of independent and binding mechanisms in Canada for holding Canadian companies accountable when they do violate human rights or cause environmental harm.

Recently, the government [announced the closure](#) of the Canadian Ombudsperson for Responsible Enterprise (CORE), Canada’s dedicated mechanism for receiving complaints concerning alleged abuses linked to Canadian extractive and garment sector companies abroad. At the time of its closure, the office lacked the necessary independence and investigatory powers to truly be an effective corporate watchdog. But [civil society advocated](#) the office be strengthened with the powers initially promised, not scrapped.

The Government of Canada is now advising complainants to turn to Canada’s National Contact Point (NCP) – an OECD mechanism that has long been criticized as ineffective for addressing corporate-related human rights abuses. Canada’s NCP does not conduct independent investigations, make findings of fact about whether companies have breached international standards, nor does it recommend remedies for victims. Instead, it relies primarily on voluntary dialogue and mediation between affected communities and corporations.

Continuing to promote responsible business conduct and dialogue in the absence of any independent, binding mechanism capable of addressing the severity of harms documented around Escobal is not only inadequate—it is abusive. It leaves affected communities without meaningful access to remedy and represents a continued failure to uphold Canada’s obligations under international human rights standards.

As Attacks Continue, Canada Must Publicly Respect the Consultation Results

Harassment, intimidation and attacks on Xinka defenders continue in a dangerous space of uncertainty. Notably, shortly before the Xinka announced their decision to deny consent for the restart of the Escobal mine, the former President of the Xinka Parliament was forced into exile with his family due to persistent threats.

The Xinka have said no to the Escobal mine, yet the Guatemalan government has so far failed to respect that decision to permanently revoke the permits for the Escobal mine and initiate the definitive closure of the mine. Pan American Silver has not even reported on the Xinka's decision, let alone indicate that it will need to close the mine. In this context, Canada's continued emphasis on dialogue is not neutral. By failing to clearly support the Xinka's decision and right to self-determination, Canada is contributing to the uncertainty surrounding Escobal and putting Xinka defenders at greater risk.

Canada must use its influence to clearly affirm that the Xinka People have said no and that their decision must be respected.

Signed,

Canada

Americas Policy Group (APG)
Canadian Network for Corporate Accountability
Maritimes-Guatemala Breaking the Silence Network
MiningWatch Canada

Atlantic Regional Solidarity Network (ARSN)
BC Casa-Café Justicia
BC Casa-Vancouver Island
Centre international de solidarité ouvrière (CISO)
CoDevelopment Canada (CoDev)
Comité pour les droits humains en Amérique Latine (CDHAL)
Common Frontiers
Coordination du Québec de la Marche mondiale des femmes (CQMMF)
Friends of the Earth Canada
Grandmothers Advocacy Network
Inter Pares
KAIROS Victoria
Madhu Verma Migrant Justice Centre
Maritimes-Guatemala Breaking the Silence Network - Antigonish Local Committee
Maritimes-Guatemala Breaking the Silence Network - Halifax Local Committee
Maritimes-Guatemala Breaking the Silence Network - Fredericton Local Committee
Maritimes-Guatemala Breaking the Silence Network - PEI Local Committee

Mining Injustice Solidarity Network
Mining Justice Action Committee
Mining Justice Alliance Vancouver
Simcoe County Honduras Rights Monitor
Solidarité Laurentides Amérique Centrale (SLAM)
Rights Action
UNBC Guatemala Research Group
Victoria Central America Support Committee
Victoria Peace Coalition

United States

Earthworks
Institute for Policy Studies - Global Economy Program
Network in Solidarity with the People of Guatemala - NISGUA