



**Canada's Mining Dominance and Failure to Protect
Environmental and Human Rights Abroad:**

**Brief Accompanying Testimony provided by Catherine Coumans of MiningWatch Canada
on February 6, before The House of Commons' Standing Committee on International
Trade (CIIT)**

**In regard to a [study of environmental and human rights considerations regarding
Canadian mining firms abroad](#)**

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Canada's role in global mining

- 47% of the world's public mining companies are listed on Canadian stock exchanges
- The Toronto exchanges (TSX and TSX Venture Exchange) are home to more mining companies than any other markets in the world
- There are a total of 1,348 Canadian mining and exploration companies¹
- More than half of Canadian mining and exploration companies operate overseas (730)
- Canadian companies were present in 97 foreign countries in 2020
- In 2022, the value of Canadian mining assets² abroad totalled \$188 billion, and accounted for about two thirds of the total value of Canadian mining assets
- Canada's mining companies are operating in countries in Latin America, Africa and Asia-Pacific. The largest portion of the overseas value is situated in the regions of Latin America and the Caribbean which hold 45.4% of Canadian mining assets abroad with a value of \$85.4 billion in 2020.³

Harm caused and contributed to by Canadian mining abroad

Harm caused or contributed to by Canadian mining companies, their subsidiaries and contractors overseas is widespread globally and persistent. It includes environmental degradation that will persist for hundreds of years, a wide range of human rights harms, abuses of Indigenous rights, as well as negative economic and financial impacts at local and national levels. Together, these impacts have serious and long-term repercussions on local and national development.

A consortium of organizations documented human rights and environmental impacts of Canadian mining companies operating in Latin America in a report to the Inter-American Commission on Human Rights.⁴ The report focusses on 22 projects involving 20 multinational Canadian mining companies operating in nine countries: Argentina, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Panama, and Peru. The report documents 27 cases of violations of human rights and environmental protection.

In another report, which documents widespread violence associated with the operations of Canadian mining companies in Latin America, academic researchers found the following incidents associated with 28 Canadian mining companies:⁵

- 44 deaths, 30 of which were “targeted” occurred in 11 countries

¹ Exploration companies account for 88% of the total number of mining companies (but only 5.4% of the value).

² Mining assets are mineral properties, but also deferred exploration expenses and royalties.

³ <https://www.nrcan.gc.ca/maps-tools-and-publications/publications/minerals-mining-publications/canadian-mining-assets/19323>

⁴ The impact of Canadian Mining in Latin America and Canada's Responsibility: Executive Summary of the Report submitted to the Inter-American Commission on Human Rights. 2014. Working Group on Mining and Human Rights in Latin America: Observatorio Latinoamericano de Conflictos Ambientales, Colectivo de Abogados José Alvear Restrepo, Due Process of Law Foundation, Centro Hondureño de Promoción para el Desarrollo Comunitario, Asamblea Nacional de Afectados Ambientales, Asociación Marianista de Acción Social y Red Muqui. https://www.dplf.org/sites/default/files/report_canadian_mining_executive_summary.pdf

⁵ Imai, Shin and Gardner, Leah and Weinberger, Sarah, The 'Canada Brand': Violence and Canadian Mining Companies in Latin America (December 1, 2017). Osgoode Legal Studies Research Paper No. 17/2017, Available at SSRN: <https://ssrn.com/abstract=2886584> or <http://dx.doi.org/10.2139/ssrn.2886584>

- 403 injuries, 363 of which occurred during protests and confrontations, occurred in 13 countries
- 709 cases of “criminalization” of mine opponents including legal complaints, arrests, detentions and charges occurred in 12 countries⁶

MiningWatch Canada’s website provides extensive documentation of human rights and environmental harm caused by Canadian mining companies operating in Latin America, Asia-Pacific and Africa. MiningWatch Canada staff have been engaged in many of these cases since 1999. The following provides brief details of just a small sample of cases of alleged human rights and environmental abuses that Canadian companies have been implicated in abroad:

Killings and injuries caused by mine security and police guarding mines

- Tanzania - Barrick Gold is currently⁷ facing the third law suit filed since 2013 on behalf of victims and the families of deceased victims, most of whom are Indigenous Kuria, who have suffered violent excess use of force by mine security and police guarding the North Mara Gold Mine in Tanzania.⁸ The first case was settled in the U.K. in 2015 on behalf of 13 plaintiffs.⁹ The second case was filed in 2020¹⁰ and is now ongoing in the U.K. on behalf of ten plaintiffs.¹¹ In November 2022, a third case was filed, in Canada,¹² on behalf of 21 Indigenous Kuria who allege that they or their family members were killed, injured or tortured by police guarding Barrick’s North Mara Gold Mine.
- Guatemala - In 2013, seven Guatemalan men were shot by security personnel of Tahoe Resources’ Escobal silver mine in Guatemala during a peaceful demonstration to protest the mine. The Guatemalans sustained serious injuries. After Tahoe Resources was acquired by Pan American Silver in 2019, the company issued an apology and provided an out of court settlement.¹³
- Guatemala - Adolfo Ich, a respected community leader and schoolteacher, was attacked with machetes and shot in the head by mine company security personnel of Skye Resources Inc. (later acquired by Hudbay Minerals) on September 27, 2009.¹⁴
- Guatemala - German Chub was shot and paralyzed by mine company security personnel of Skye Resources Inc. (later acquired by Hudbay Minerals) on September 27, 2009.¹⁵
- Papua New Guinea - In 2005, as Barrick Gold was preparing to acquire Canadian mining company Placer Dome and its share in the Porgera Joint Venture mine, Placer Dome admitted to eight killings of local villagers by mine security and police guarding the mine.¹⁶

⁶ In addition, the researchers found that Canadian companies listed on the Toronto Stock Exchange did not report the majority of these incidents in their mandatory reporting.

⁷ <https://www.theglobeandmail.com/business/article-barrick-gold-tanzania-canadian-lawsuit/>

⁸ <https://www.barrickontrial.ca/>

⁹ <https://www.leighday.co.uk/latest-updates/cases-and-testimonials/cases/barrick-gold/>

¹⁰ <https://miningwatch.ca/news/2020/2/10/tanzanian-victims-commence-legal-action-against-barrick-gold-uk>

¹¹ <https://www.theglobeandmail.com/business/article-barrick-ordered-to-produce-thousands-of-documents-related-to-police/>

¹² <https://www.barrickontrial.ca/barrick-slapped-with-third-lawsuit-on-same-human-rights-abuses-at-tanzanian-mine-business-as-usual/>

¹³ <https://www.business-humanrights.org/en/latest-news/ccijs-public-cases-and-interventions-tahoe-resources-inc-guatemala/>

¹⁴ <http://www.chocversushudbay.com/>

¹⁵ *Ibid.*

¹⁶ Burton, Bob. 2005. [Canadian Firm Admits to Killings at PNG Gold Mine.](#)

Also in 2005, Indigenous Ipili and Engan people living around the Porgera Joint Venture Mine compiled a document called “The Shooting Fields of Porgera Joint Venture,” detailing 15 killings and 5 serious injuries of local Ipili and Engan men and boys caused by mine security.¹⁷ Reports of shootings of men and boys have continued under Barrick.¹⁸

Sexual assaults by mine security and police guarding mines

- Papua New Guinea - Indigenous Ipili women have been raped and gang-raped by mine security and police guarding Barrick Gold’s Porgera Joint Venture mine in Papua New Guinea since the 1990s.¹⁹ After years of denial, Barrick implemented a non-judicial grievance mechanism that operated from 2012-2014 and provided limited remedy to 119 women in return for signing legal waivers.²⁰ Another eleven women received a remedy worth four times as much through an out-of-court settlement in 2015.²¹ Women who were raped and gang-raped, but not covered by these two remedy options, have yet to receive remedy for the harm they endured.
- Tanzania – Women have endured rape and gang-rape by mine security and police guarding Barrick Gold’s North Mara Gold Mine in Tanzania for many years. In 2014, the mine implemented a non-judicial grievance mechanism through which some of these rape victims received limited remedy in return for signing legal waivers.²² The women have consistently expressed dissatisfaction with the remedy they received.²³
- Guatemala - Eleven women from Lote Ocho in Guatemala were gang-raped by mine security personnel for Skye Resources Inc. (later acquired by Hudbay Minerals), police and military during the forced eviction of their families and village from their ancestral lands on January 17, 2007.²⁴

¹⁷ Akali Tange Association. 2005. *The Shooting Fields of Porgera Joint Venture: Now a Case to Compensate and Justice to Prevail. A Compensation Specific Submission to the Porgera Joint Venture on behalf of Placer Dome Canada Inc, Durban Roodepoort Deep of South Africa and Mineral Resources Enga Ltd. and the Independent State of Papua New Guinea: On the Unlawful Killings of Village Alluvial Gold Miners at the PJV Mine Site—Special Mining Lease (SML) and Lease for Mining Purpose (LMP) Areas.*”
https://miningwatch.ca/sites/default/files/ATA_Case_Documentation.pdf

¹⁸ *Request for Review Submitted to the Canadian National Contact Point Pursuant to the OECD Guidelines for Multinational Enterprises* Specific Instance Regarding: The Operations of Barrick Gold Corp. at the Porgera Joint Venture Mine on the Land of the Indigenous Ipili of Porgera, Enga Province, Papua New Guinea March 1, 2011; <https://miningwatch.ca/news/2014/9/11/increased-violence-barrick-s-porgera-mine-indigenous-ipili-send-envoy-papua-new>

¹⁹ *Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises* by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2, 2011; Human Rights Watch. *Gold’s Costly Dividend: Human Rights Impacts of Papua New Guinea’s Porgera Gold Mine.* February 1, 2011.

²⁰ *Barrick Gold Corp.’s Porgera Joint Venture Mine: A Legacy of Ignoring Human and Environmental Rights Abuses.* June 27, 2022. Catherine Coumans, MiningWatch Canada.; Columbia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic. 2015. *Righting Wrongs? Barrick Gold’s Remedy Mechanism for Sexual Violence in Papua New Guinea: Key Concerns and Lessons Learned.*

²¹ EarthRights International. 2017. *Security Guards for World’s Largest Gold Mining Company Rape and Kill Locals in Papua New Guinea.* <https://earthrights.org/case/barrick/>

²² https://miningwatch.ca/sites/default/files/privatized_remedy_and_human_rights-un_forum-2014-12-01.pdf

²³ Silent No More: Women Speak Out About Abuse at Barrick Gold’s North Mara Mine in Tanzania.
<https://www.youtube.com/watch?v=lizXaJShi8Y>

²⁴ <http://www.choeversushudbay.com/>

Forced Evictions

- Tanzania – Forced evictions of Indigenous Kuria are currently ongoing at Barrick Gold’s North Mara Gold Mine in Tanzania. Houses with clothes still drying on the line are being bulldozed as distraught men, women and children look on. These families, who rely on subsistence agriculture for their food and livelihood, have no resettlement plan that includes land and housing. They are being made homeless.²⁵
- Papua New Guinea - Ipili villagers of Wagima (also spelled Wingima and Wuangima) village on the edge of Barrick Gold’s Porgera Joint Venture mine suffer repeated violent forced evictions and burning of their houses. After a forced eviction and house burning in 2009, Amnesty International conducted a field assessment and produced a report.²⁶ Barrick denied any responsibility for the human rights abuses taking place on the edge of its open pit. The victims of these repeated violent forced evictions have never been compensated for their losses. They were evicted again in 2014 and in 2017.²⁷
- Guatemala – In January 2007, military police carried out forced evictions of Mayan families on behalf of Vancouver-based mining company Skye Resources. As distraught family members of the Mayan Q’eqchi’ community in El Estor looked on, their houses were burnt down leaving them homeless.²⁸ Canadian film maker Steven Schnoor captured²⁹ the house burnings.³⁰

Threats to human and environmental rights defenders

- Ecuador - Josefina Tunki (President of the Shuar Arutam People) faces repeated threats for speaking out against Solaris Resources’ Warintza project and other mining concessions that were granted in Shuar Arutam territory without their Indigenous consent.³¹
- Peru - Threats are not only to local rights defenders but also to Canadians. In 2017, while working as Latin America Program Coordinator for MiningWatch Canada, Canadian Jennifer Moore collaborated with local organizations to screen a documentary film among original Quechua communities affected by the Constancia Mine, located in southern Peru and owned by Canadian company Hudbay Minerals Inc. The documentary presented critical community and expert testimony about Hudbay’s operations across the Americas. In the midst of the film screenings, Peruvian authorities detained Moore, banned her from re-entering the country, and labelled her a threat to national security.³²

²⁵ For details see MiningWatch’s report: [He was murdered: Violence against Kuria High after Barrick Takeover of Mine](#). October 2022. And Letters to Barrick’s CEO Mark Bristow of [October 2022](#) and [January 2023](#).

²⁶ Amnesty International. 2009. Undermining Rights: Forced Evictions and Police Brutality Around the Porgera Gold Mine, Papua New Guinea. <https://www.amnestyusa.org/wp-content/uploads/2017/04/asa340012010eng.pdf>

²⁷ <https://miningwatch.ca/blog/2009/5/17/background-issues-related-barrick-s-porgera-joint-venture-mine-papua-new-guinea>; <https://us5.campaign-archive.com/?u=d015a98e627cd64ec47d63481&id=7492850b72>;

<https://www.globenewswire.com/en/news-release/2014/06/11/1373542/0/en/Villagers-Houses-Burnt-Down-Again-Near-Barrick-Gold-Mine-in-Papua-New-Guinea.html>; <https://miningwatch.ca/news/2014/6/11/villagers-houses-burnt-down-again-barrick-gold-mine-papua-new-guinea> ; <https://miningwatch.ca/news/2017/3/28/village-houses-burnt-down-again-barrick-mine-papua-new-guinea-violence-against-local>

²⁸ <https://miningwatch.ca/blog/2007/2/2/what-development-looks-skye-resources-and-land-reoccupation-guatemala>

²⁹ <http://www.youtube.com/watch?v=Q20YxkM-CGI>

³⁰ <https://newint.org/columns/currents/2010/09/01/steven-schnoor-guatemala> ; <https://miningwatch.ca/es/node/6423>

³¹ <https://miningwatch.ca/blog/2021/8/31/international-organizations-join-shuar-arutam-people-press-canadian-embassy-ecuador>

³² https://miningwatch.ca/sites/default/files/2022-12-09_jcap_thetwofacesofcanadiandiplomacy_reduced-2.pdf

- Mexico - Mariano Abarca was a community leader in Chiapas, Mexico, who spoke out against Blackfire Exploration's mine in his town of Chicomuselo. Mariano received threats and was arrested after participating in a peaceful protest against the project in August 2009. In November 2009, he was murdered. Eyewitnesses allege that several employees and contractors of Blackfire were involved.³³

Forced labour

- Eritrea - In Eritrea, Nevsun, through its Eritrean subsidiary the Bisha Mine Share Company, and in complicity with the government and military of the State of Eritrea, allegedly committed gross human rights violations such as slavery, forced labour, torture and crimes against humanity during the construction of its copper and gold mine in Eritrea. In 2020, a case on behalf of three plaintiffs was settled out of court by Nevsun.³⁴
- China – Canadian mining companies Dynasty Gold and GobiMin both have mining interests in China's Xinjiang region. Vancouver-based Dynasty Gold owns 70 per cent of the Qi2 Gold Mine, with a further 30 per cent held by a local state-owned enterprise, Xinjiang Non-Ferrous Metals Group. Montreal-based GobiMin owns a 70 per cent interest in the proposed Sawayaerdun gold mine. Both are accused of using Uyghur people as slave labour.³⁵ A complaint has been filed against both companies with the Canadian Ombudsperson for Responsible Enterprise (CORE).

Environmental harm

- Argentina – There have been five toxic spills at Barrick Gold's joint venture Veladero mine causing severe harm to the Jáchal river and downstream communities. Barrick has refused to acknowledge a recent spill in 2022, with the potential to produce a health emergency for impacted communities.³⁶ The mine continues to operate in violation of the Argentine Mining Code,³⁷ which states that after three environmental infractions³⁸ at a mine site, the company must close those operations. In November of 2022, the United Nations Special Rapporteur on Toxics and Human Rights sent a letter³⁹ to the Government of Canada expressing "grave concern about the impact on human rights caused by spills of cyanide, arsenic, mercury and other hazardous substances from the Veladero mine."⁴⁰
- Brazil - A tailings dam overflowed at Equinox Gold's Aurizona mine in Brazil on March 25, 2021, leaving communities without reliable access to drinking water. Two years later, the company has done little to acknowledge, let alone address, the harm done.⁴¹

³³ The impact of Canadian Mining in Latin America and Canada's Responsibility: Executive Summary of the Report submitted to the Inter-American Commission on Human Rights. 2014.

https://www.dplf.org/sites/default/files/report_canadian_mining_executive_summary.pdf

³⁴ <https://www.canadianlawyermag.com/practice-areas/litigation/nevsun-settles-with-eritrean-plaintiffs-in-relation-to-landmark-supreme-court-of-canada-case/334916>

³⁵ <https://www.theglobeandmail.com/world/article-canadian-firms-operate-in-chinas-xinjiang-region/>

³⁶ <https://financiapost.com/commodities/mining/un-barrick-gold-veladero-mine-argentina-toxic-spills>

³⁷ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/43797/texact.htm#13>

³⁸ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/43797/texact.htm#13>

³⁹ <https://miningwatch.ca/news/2022/11/16/un-calls-out-polluting-argentine-mine>

⁴⁰ For more information on this case see: <https://miningwatch.ca/timeline/veladero-mine-argentina>

⁴¹ <https://miningwatch.ca/news/2021/9/27/brazilians-still-without-water-six-months-after-mine-dam-breach>

- Brazil – Canada’s Belo Sun Mining Corp.’s Volta Grande Gold project aims to open Brazil’s largest open-pit gold mine in the heart of the Amazon rainforest despite opposition from Indigenous Arara da Volta Grande do Xingu and Trancheira Bacajá peoples.⁴²
- Chile – Barrick Gold pursued the Pascua-Lama copper and gold mine project in a glacier-rich mountain area between Chile and Argentina in spite of two decades of protest from among other the Indigenous Diaguita Huasco Altinos who rely on runoff from the glaciers for their agricultural livelihood. Chile’s First Environmental Court has now ruled that the Chilean portion of its Pascua-Lama mine must be closed but Barrick “continues to investigate the surrounding area for potential projects.”⁴³
- Colombia - Canadian mining company Eco Oro Minerals sought to mine gold in a páramo in Colombia, a high-altitude wetland with unique plant and animal species that millions of Colombians depend on as a vital source of water.⁴⁴ The Government of Colombia decided against the proposed mine. Eco Oro sued the government through an investor-state supranational arbitration claim in 2016, which was decided in Eco Oro’s favour in October 2021.⁴⁵
- Dominican Republic – Barrick Gold’s Pueblo Viejo mine is the sixth largest gold mine in the world.⁴⁶ Legacy and current environmental contamination significantly impact downstream communities. There are several communities directly below the toe of a massive tailings dam, including some within half a kilometre. In 2012, the Interamerican Academy of Sciences’ "Diagnosis of Water in the Americas" connected Barrick's operations with the contamination of the Hatillo dam, a source of drinking water in the region.⁴⁷ There have been multiple reports of livestock deaths after drinking water from rivers below the tailings dam.⁴⁸ The communities near the dam now have to boil their water and drink bottled water. Residents of six communities near the dam and the mine’s processing facility have repeatedly asked Barrick to be resettled to no avail.
- Kyrgyzstan – Centerra Gold’s controversial Kumtor gold mine is located in the mountains in Kyrgyzstan. The mine has been associated with numerous environmental impacts, including waste spills, but primary among these is the impact on two glaciers (Lysyi and Davidov) that are directly affected by the mine pit and by the dumping of mine waste rock on the glaciers.⁴⁹
- Papua New Guinea – Barrick Gold’s Porgera Joint Venture mine is located at 2,200 meters in the mountainous highlands of Papua New Guinea and disposes of its waste rock and

⁴² <https://www.cbc.ca/news/world/belo-sun-brazil-gold-bolsonaro-amazon-indigenous-environment-rainforest-business-1.5963002> ; <https://financialpost.com/commodities/mining/canadian-gold-miner-belo-sun-accused-misleading-investors> ; <https://miningwatch.ca/news/2022/2/22/canadian-investors-injected-over-us-2-billion-mining-companies-history-human-rights>

⁴³ <https://news.climate.columbia.edu/2021/01/15/pascua-lama-mine-shut-down/>

⁴⁴ <https://www.ciel.org/project-update/eco-oro/>

⁴⁵ <https://aida-americas.org/en/press/international-arbitration-tribunal-puts-foreign-investment-above-colombia-s-right-to-protect-santurban> There is now a call for Colombia to withdraw from International Investment Agreements that allow transnational mining companies like Canadian firms Eco Oro, Galway Gold and Red Eagle to sue Colombia in tribunals designed to favor their interests.

<https://sites.google.com/view/globalstatementcolombia/english?authuser=0>

⁴⁶ <https://www.kitco.com/news/2022-04-22/The-world-s-top-10-largest-gold-mines-in-2021-report.html>

⁴⁷ https://www.agua.org.mx/wp-content/uploads/2012/03/Libro_Diagnostico_del_Agua_en_las_Americas.pdf

⁴⁸ <https://www.youtube.com/watch?v=3YfXVT2dAn0>

⁴⁹ <https://bankwatch.org/project/kumtor-gold-mine-kyrgyzstan>

tailings directly into nearby valleys and headwaters of the hundreds-of-kilometres-long Strickland River system. Operating without a tailings impoundment to contain its tailings was reason for the Norwegian Pension Fund to divest from Barrick in 2009.⁵⁰ Barrick's seeks to reopen the mine in 2023 after a dispute with the government of Papua New Guinea over its impacts saw the mine closed in 2019. Barrick sued the government in an investor-state supranational arbitration claim.⁵¹ Barrick intends to continue dumping its tailings into the river system.

- **Philippines** – The small island province of Marinduque has suffered three major environmental disasters as a result of almost 30 years of mining by Canada's Placer Dome, which was acquired by Barrick Gold in 2006.⁵² Both the Mogpog⁵³ and Boac Rivers became contaminated through mine waste containment failures. During the catastrophic failure of a waste dam in 1993, two children lost their lives in the deluge of waste. The Marcopper copper-gold mine also dumped its mine tailings into Calancan Bay for 16 years, covering two major coral reefs and 80 square kilometres of the bottom of the bay. Legal action against Barrick is ongoing in Marinduque.
- **Indonesia** – Residents of the small island of Sangihe have been fighting to protect the island from industrial gold mining proposed by Canada's Baru Gold Corp. In 2022, 56 women from villages in the mine lease site won a court case in which they argued that the company's Environmental Permit had been provided wrongly.⁵⁴ Although the permit was revoked, the company continued to bring heavy equipment to the site causing a local confrontation and putting local people at risk.⁵⁵ MiningWatch Canada wrote to the company⁵⁶ and copied the Canadian Embassy in Jakarta. The Embassy would not provide MiningWatch information on whether it is providing special services to Baru Gold or whether Baru Gold had signed an Integrity Declaration.⁵⁷

Canada promotes and protects mining interests abroad

Under Canada's Global Markets Action Plan of 2013,⁵⁸ which makes "economic diplomacy" the "driving force behind the Government of Canada's trade promotion activities," Canadian civil

⁵⁰ <https://miningwatch.ca/news/2009/2/2/norwegian-pension-fund-excludes-barrick-gold-ethical-grounds> ; https://www.regjeringen.no/globalassets/upload/fin/etikk/recommendation_barrick.pdf

⁵¹ <https://miningwatch.ca/news/2021/4/6/barrick-forces-hand-papua-new-guinea-government-reopening-porgera-mine>

⁵² <https://miningwatch.ca/blog/2020/3/24/still-no-justice-marinduque-s-mining-victims>

⁵³ https://miningwatch.ca/sites/default/files/press_release_marinduque_legal_victory_june_21_2022.pdf

⁵⁴ <https://miningwatch.ca/news/2022/6/10/indonesian-women-win-legal-victory-protect-small-island-home-canadian-baru-gold>

⁵⁵ <https://miningwatch.ca/news/2022/6/15/baru-gold-ignores-court-order-putting-lives-indonesians-risk>

⁵⁶ https://miningwatch.ca/sites/default/files/letter_baru_gold_june_15_2022.pdf

⁵⁷ Personal Communication from embassy staff in Jakarta July 18, 2022: "For commercial confidentiality reasons, the TCS does not disclose which companies have or have not signed an integrity declaration for a particular market." And on August 2, 2022: "You had asked whether we can divulge whether Baru Gold is a client of the TCS or is receiving special services. I'm afraid client confidentiality does not allow us to disclose information about interactions with Canadian companies."

⁵⁸ Foreign Affairs, Trade and Development Canada, Global Markets Action Plan: The Blueprint for Creating Jobs and Opportunities for Canadians Through Trade, <https://www.international.gc.ca/global-markets-marches-mondiaux/assets/pdfs/plan-eng.pdf>

servants and the staff of Canada's missions abroad are mandated to promote and protect the interests of Canadian corporations operating overseas. There are numerous examples that illustrate that Canadian missions abroad prioritize this mandate over the state duty to protect human rights in the case of Canadian mining companies operating overseas.⁵⁹

Important recent in-depth studies:

- In the case of Mariano Abarca detailed above (Mexico - human rights defender), access to information requests demonstrate that Canadian Embassy support was essential to putting the Blackfire barite mine into operation and later influencing officials to quell protests over environmental and social impacts in Chiapas, in which Abarca played a leading role. The embassy also did not act to protect Mr. Abarca when warned that his life and safety were in danger.⁶⁰
- Access to information documents show Canadian government political support for Goldcorp's Marlin Mine in relation to proceedings initiated by Indigenous Peoples in Guatemala before an international human rights body leading to precautionary measures requesting that the Government of Guatemala suspend the Marlin Mine.⁶¹
- Canadian Jennifer Moore did not receive sufficient embassy support when she was arrested in Peru for screening a documentary film among original Quechua communities affected by the Constanca Mine, owned by Canadian company Hudbay Minerals Inc.⁶²
- Canadian filmmaker Steven Schnoor filmed the forced evictions and house burnings at the Skye Resources mine in Guatemala discussed above (forced evictions). Canadian Ambassador to Guatemala Kenneth Cook was found in court to have slandered Schnoor by making false statements saying that the woman in the documentary was paid to act in the video.⁶³

UN bodies tell Canada to protect human rights abroad

Numerous UN officials and treaty bodies have focussed specifically on harms caused by Canadian mining companies and have reminded Canada of its duty to protect human rights – including when these are harmed by Canadian mining companies operating overseas. See for example:

- 2016 - The International Committee on the Elimination of Discrimination Against Women (CERD) expressed concern about violations of the rights of women and girls by Canadian mining companies operating abroad.⁶⁴

⁵⁹ See for example -Backgrounder: MiningWatch Canada. A Dozen Examples of Canadian Mining Diplomacy (2013) <https://miningwatch.ca/blog/2013/10/8/backgrounder-dozen-examples-canadian-mining-diplomacy>; MiningWatch Canada. State Duty to Protect Human Rights: How Canada's Embassy Staff and Trade Commissioners Are Not Fulfilling Their Duty (2019). https://miningwatch.ca/sites/default/files/presentation_cnca_symposium_april_2019_final.pdf; Kamphuis, Charis and Connolly, Charlotte, The Two Faces of Canadian Diplomacy: Undermining International Institutions to Support Canadian Mining (February 4, 2022). Justice & Corporate Accountability Project, Available at SSRN: <https://ssrn.com/abstract=4025474>

⁶⁰ <https://miningwatch.ca/sites/default/files/2psicpublicfinal.pdf>

⁶¹ <https://justice-project.org/2022/03/19/the-two-faces-of-canadian-diplomacy-undermining-international-institutions-to-support-canadian-mining-2/>

⁶² <https://justice-project.org/2022/12/10/the-two-faces-of-canadian-diplomacy-undermining-human-rights-and-environment-defenders-to-support-canadian-mining/>

⁶³ <https://www.business-humanrights.org/en/latest-news/judge-rules-that-canadian-ambassador-slandered-documentary-video-maker/>

⁶⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/402/03/PDF/N1640203.pdf?OpenElement>

- 2015 - The International Covenant on Civil and Political Rights noted that “The State party should (a) enhance the effectiveness of existing mechanisms to ensure that all Canadian corporations under its jurisdiction, **in particular mining corporations, respect human rights standards when operating abroad...develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad**” (highlight added).⁶⁵
- In 2007 and 2012 the CERD highlighted concerns about the role of Canadian mining activities abroad and recommended that Canada “take appropriate legislative measures to prevent transnational corporations registered in Canada from carrying out activities that negatively impact on the enjoyment of rights of indigenous peoples outside Canada, and hold them accountable.”⁶⁶

Recommendations

1. Mandatory Human and Environmental Due Diligence - Implement mandatory human rights and environmental due diligence legislation. This legislation requires Canadian companies to respect all human rights and the environment in the overseas operations of their subsidiaries and contractors by: a) requiring them to prevent harm and regularly review and identifying actual and potential risks their operations pose to people and to the environment, b) report publicly on any risks identified, c) take steps to address any risks identified and ensure human rights and environments are not harmed. This legislation also ensures access to Canadian courts for people who allege human rights and environmental harm caused by the operations of a Canadian company. The Canadian Network on Corporate Accountability has provided draft legislation that has been incorporated and tabled in a private member’s Bill C-262⁶⁷ in March of 2022.⁶⁸
2. The Canadian Ombudsperson for Responsible Enterprise (CORE) – The CORE should be given the powers she needs to be an effective non-judicial option for people harmed by Canadian companies operating overseas who seek relief and remedy. In 2018, Canada committed to give the CORE investigatory powers to compel witness testimony and documents. Canada reneged on this commitment under forceful lobbying by, among others, the Mining Association of Canada. In June 2021, the FAAE committee issued a report on the CORE.⁶⁹ The majority of members agreed on two means by which the CORE could be granted the necessary powers without further delay. And in March of 2022, private member’s bill C-263 was tabled that, if implemented, would also grant the CORE the necessary investigatory powers.

⁶⁵http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2F6&Lang=en

⁶⁶ <https://cnca-rcrce.ca/2022/06/11/united-nations-commentary-calls-on-canada-to-facilitate-access-to-remedy/>

⁶⁷ <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-262/first-reading#:~:text=An%20Act%20respecting%20the%20corporate,to%20business%20activities%20conducted%20abroad>

⁶⁸ NOTE – Unlike Bill S-211, Bill C-262 encompasses all human rights, thereby ensuring all abuses by mining companies are covered. Also, unlike Bill S-211, in Bill C-262 a company cannot say it has taken no steps to address a harm and still be in compliance with the regulations and a company cannot say it has taken steps, but not actually eliminated the harm, and still be in compliance with the regulation.

⁶⁹ <https://www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-8>