



February 6, 2023

**Testimony by MiningWatch Canada before The House of Commons: Standing Committee on International Trade (CIIT) in regard to its [study of environmental and human rights considerations regarding Canadian mining firms abroad](#).**

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Since 1999, MiningWatch Canada has been working with mining-affected communities and indigenous peoples struggling to protect their human rights and their environment from egregious impacts and abuses by Canadian mining companies operating in Africa, Latin America, and the Asia-Pacific region.

For over twenty years we have been dealing with brutal realities – violent evictions of indigenous peoples from their homes by mine personnel, shootings of local men and boys and brutal rapes of women and girls by mine security, and the use of forced labour, in places such as Papua New Guinea, Tanzania, Guatemala, and Eritrea.

We work with communities facing health crises and loss of food security because of rivers and ground water contaminated by mine waste, as well as pollution of soil and air from mineral processing at mine sites. We grieve with communities over the loss of indigenous sacred sites, and over loss of life due to catastrophic tailings dam failures, in places such as the Dominican Republic, Brazil, Argentina, and the Philippines.

These environmental and human rights abuses have not diminished in the 23 years that I have been working at MiningWatch Canada. Year after year the mining industry is expanding its global footprint, often in countries with weak governance, in search of new lucrative ore bodies – expanding into ever more remote, often indigenous, territories and into critical ecosystems such as the Amazon, the Páramos, and glaciers. And year after year we are contacted by new communities desperately seeking protection from the harm they endure because of the operations of a Canadian exploration company, junior, or senior mining company in places such as Kyrgystan, Chile, Ecuador, Columbia, Mexico, and small islands in Indonesia and the Pacific.

The common denominator that ties together these human rights and environmental abuses by Canadian mining companies operating overseas is lack of accountability. We are not talking about a few bad apples here, we are

talking about a systemic reality in which Canadian mining companies, large and small, are operating with effective impunity – impunity which enables and drives further abuses.

Since 1997, nine cases have been filed in Canadian courts against Cambior, Copper Mesa, Anvil, Hudbay, Tahoe and Nevsun for allegations arising from their overseas operations. These cases concern assaults, shootings and gang-rapes of local indigenous peoples by mine security, the use of slave labour, and the contamination of a river by mine waste. These are just the tip of the iceberg of egregious harm inflicted, as it remains extremely difficult to overcome formidable legal hurdles such as *forum non conveniens* and the corporate veil<sup>1</sup> to bring cases in Canada. The most recent case filed in Canada, in November 2022, is against Barrick Gold, a member of the Mining Association of Canada. This is the third case filed against Barrick and its subsidiaries, since 2015, on behalf of victims of violence by mine security and police guarding Barrick's North Mara Gold Mine in Tanzania. Rape, killing and maiming of local Kuria people by mine security have been repeatedly reported at this mine since at least 2009. Additionally, villagers are currently being forcibly evicted to make way for mine expansion. Under armed police guard distraught parents and children look on in horror as their homes are bulldozed, while clothes are still drying on the line. There is no re-settlement plan for these already vulnerable indigenous people, who now face homelessness and food insecurity.

Since 2007, five UN treaty bodies have focussed specifically on harm caused by Canadian mining companies overseas and have reminded Canada of its duty to protect human rights - at home and abroad. In 2016, the International Committee on Economic, Social and Cultural Rights asked Canada to “develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad.”

Canada must finally take comprehensive and effective action. We know what must be done.

Canada must implement mandatory human rights and environmental due diligence legislation as detailed in private member's bill C-262 tabled in March of 2022.<sup>2</sup>

And Canada must give the Canadian Ombudsperson for Responsible Enterprise investigatory powers to compel witness testimony and documents, as committed to in 2018, and as proposed by a majority of members of the Foreign Affairs Committee in their report of June 2021.<sup>3</sup>

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<sup>1</sup> <https://journal.queenslaw.ca/sites/gljwww/files/Issues/Vol%2041%20i1/6.%20Khimji%20and%20Nicholls.pdf>

<sup>2</sup> <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-262/first-reading>

<sup>3</sup> <https://www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-8/page-111#26>