

NO MORE

NONVIOLENCE

unmasking Canada at the UN Universal Periodic Review



ARGENTINA * BRAZIL * CHILE * COLOMBIA * ECUADOR * GUATEMALA * MEXICO * PERU * DOMINICAN REPUBLIC

**BREACH OF CANADA'S
EXTRATERRITORIAL OBLIGATIONS:
CORPORATE ABUSES IN ARGENTINA, BRAZIL,
CHILE, COLOMBIA, ECUADOR, GUATEMALA,
MEXICO, PERU AND DOMINICAN REPUBLIC**



In the 4th cycle of Canada's Universal Periodic Review (UPR), more than 50 civil society organizations and communities impacted by Canadian business conduct in Latin America and the Caribbean presented three reports that reveal troubling findings.

- **Regional Report:** Reveals the status of **37 projects in 9 countries in the region, involving 34 Canadian companies and consortiums.** Most of these projects are in the extractive sector (**27 mining and 8 oil**) and **two renewable energy projects (1 hydroelectric, 1 wind).** In all of them, human rights have been violated and serious environmental impacts have been reported, impacting Indigenous, Afro-descendant, peasant and fishing communities.
- **Amazon Report:** Measures the impact of Canadian companies in the Amazon basin of Brazil, Ecuador, Colombia, and Peru. The report analyzes 12 extractive projects that impact fragile ecosystems and Indigenous communities, **demonstrating that Canadian companies systematically violate impacted communities' human rights and threaten the environment in a region with the greatest biodiversity in the world,** which is a strategic space to confront the climate crisis.
- **Oil Report:** Assessing Canadian business conduct in eight oil projects in Colombia, Ecuador and Peru, the report reveals how **the lack of protection mechanisms, access to justice, and comprehensive redress for impacted peoples and communities, requires Canada to recognize the interconnection between human rights and the environment, and take concrete measures to address the negative impacts of Canadian companies.**

This is not the first time that Canada has been denounced before the United Nations Universal System for the improper behavior of its companies abroad. During its third UPR, Canada received six recommendations¹ that, despite committing to implementation, evidence presented by civil society in this cycle demonstrates the persistence of non-compliance with its extraterritorial obligations and lack of adequate measures to fulfill the responsibility to regulate the conduct of its companies.

For example, of the 37 cases outlined in the three reports, 27 are located in fragile ecosystems such as the Amazon biome and the glaciers of Patagonia. Civil society reports demonstrate the recurrence of serious contamination and destruction of nature resulting from these projects, and the systematic violation of local communities' individual and collective rights. Such is the case in *Lot 192*, with more than 2,000 impacted sites, in which Frontera Energy is responsible for 105 oil spills that contaminated rivers, lakes, groundwater, and the air quality of 26 Amazonian Indigenous communities. Upon its departure, Frontera Energy presented its Closure Plan without contemplating the remediation of any sites. Likewise, the impacts of the *Veladero* mine in Argentina, operated by *Minera Argentina Gold SRL, a joint venture with Barrick Gold and the Chinese company Shandong Gold*, has resulted in at least five toxic waste spills of cyanide, arsenic, mercury, and other substances into the *Jáchal* River. This project violates the Glacier Law because it is located in a periglacial zone. It also impacts the San Guillermo Biosphere Reserve zone recognized by UNESCO, impacting endangered species.

The figures are alarming: 32 of the 37 projects explicitly violate the right to a clean, healthy, and sustainable environment. Such is the case of the *Volta Grande* project in Brazil, where an environmental catastrophe is foreseen with toxic spills in the *Xingu* River, impacting water, fauna, and flora, and depriving communities

¹ Recommendations: 142.91 (Thailand), 142.92 (Philippines), 142.93 (Brazil), 142.94 (Namibia), 142.95 (Azerbaijan), 142.97 (Syrian Arab Republic)- Available at: A/HRC/39/11/Add.1 – Paragraph 32



of their livelihoods and traditional ways of life; or the *Varadero Mine project in Chile*, which has contaminated water sources with mercury, compromising the food chain, and especially impacting rural populations and children. On the other hand, the *Hidrosogamoso dam in Colombia*, operated by *ISAGEN-Brookfield Asset Management*, is causing significant damage to ecosystems and local communities. Lithium and uranium mining in the *Falchani, Macusani, and Quelccaya* projects operated by American Lithium in Peru, generates toxic waste of metals, metalloids, and other toxic chemicals impacting more than 700,000 people, and is a polluting agent for the watersheds of Lake Titicaca and the Amazon River.

26 projects record impacts on Indigenous peoples' rights, and in 24 of them, the violation of Indigenous Peoples' and Local Communities' rights to territory and self-determination. In particular, the reports detail cases such as the *Autazes* project in Brazil, which impacts the Mura ethnic group, facing forced evictions and illegal land purchases. In Chile, the *Pascua Lama* project and the *La Copia* project impact the right to territory with misleading acquisitions and the exclusion of environmental studies. In the case of the *Guajira I* project, Wayuú territory suffers conversion to private property due to wind and solar

projects. These examples highlight the lack of respect for the rights of communities and the need to protect their ancestral territories and natural resources.

Regarding the right to prior consultation and consent, 27 of the 37 projects violate this right. This happened in the case of the *Warintza* mining project in Ecuador, where *Solaris Resources Inc.* has employed divisive strategies and ignored the Shuar Artuam people's right to territory. The *Ixtaca* mining project in Mexico, also faced complaints for violating Indigenous rights and for this reason was suspended by the Supreme Court. Likewise, in Guatemala, the *El Pato II* mining project impacts Mayan Poqomam and mestizo communities without adequate prior consultation. In Colombia, the company *Libero Copper*, which operates the *Mocoa* mining project, impacts the ancestral territory of the Inga people, violating their right to consultation and evading responsibility.

In 19 of the 37 cases, the economic, social, and cultural rights of local communities have been violated. This is the case in the *Machado* gold mining project in Colombia, operated by the Canadian company *Cosigo Resources LTD*, which seriously impacts places sacred to the spirituality of the Yaigojé Apaporis territory Indigenous peoples, especially the La Libertad



Indigenous Land of Yaigojé Apaporis.
Photo: Juan Gabriel Soler (Gaia Amazonas).

creek, from which life originates and which is fundamental for the healing of human health and the world. Likewise, the *El Llagal* tailings dam, related to the *Pueblo Viejo* Mine operated by *Barrick Gold* in the Dominican Republic, caused the relocation of 65 families from their local communities. However, due to non-compliance with the terms of the contract, another six communities are demanding relocation as a result of environmental and health impacts. In *Lot 192* in Peru, the population continues to consume fish from contaminated waters, animals drink from contaminated rivers, and vegetables grow on contaminated land. In *Belo Sun's Volta Grande* project, the installation of fences to separate the company's territory obstructed access to natural resources, directly impacting access to river water, fishing, and low-impact extractive activities, and hindering access to food, water, and traditional economic activities.

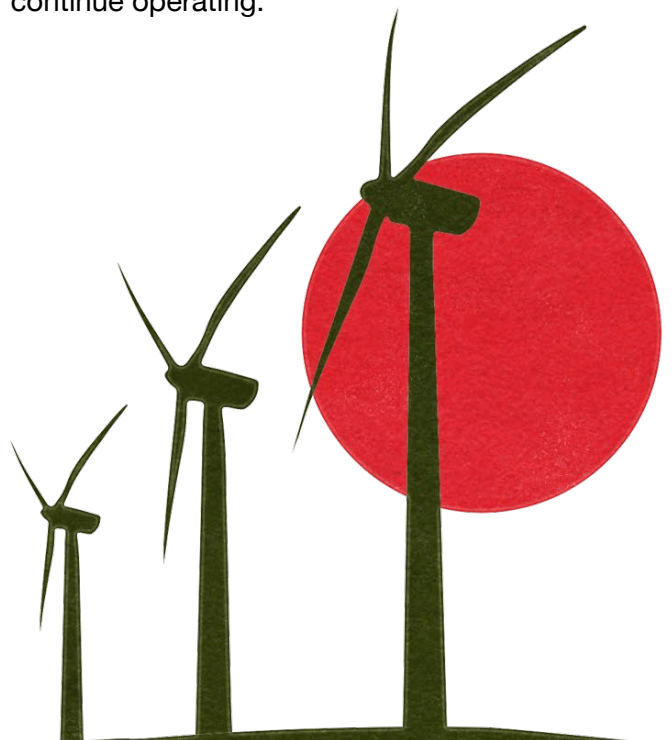
The magnitude of violence in projects where Canadian companies participate is of concern; 16 of the projects evaluated impact political and civil rights, placing human rights defenders at risk, including the militarization of territories, the abuse of public forces to benefit the interests of companies, and the criminalization of human rights defenders.

The mining projects *La Plata*, operated by *Atico Mining Corporation*, and *Las Naves*, operated by *Curimining S.A.* (a subsidiary of *Adventus Mining Corporation*), and *Salazar Resources Limited* in Ecuador, are seeking to legalize their operations following the implementation of an environmental consultation process that violates both the country's domestic laws and international human rights obligations. This has led to several confrontations between the security forces and the impacted communities. As a result, in July 2023 protests around 20 people were injured

and two were detained, in addition to several reports of military personnel harassing children. Likewise, in *Lot 95*, in Peru, protests demanding respect for the rights of communities ended with the death of several demonstrators at the hands of police guarding the oil camp. Camera images later showed the bodies entering the *Petrotal* oil company facilities. In the *La Fortuna Project* in Ecuador and *El Portón* in Colombia, defenders face criminalization, impacting their psychological health and community life.

Finally, 14 Canadian projects fail to guarantee the rights to information and participation.

One example is *Equinox Gold* in Brazil, which has withheld information about its operations and impacts, including the rupture of a dam. In addition, in the *Volta Grande* project in Brazil, many Indigenous and settled communities of the agrarian reform were not properly informed about the project. In Ecuador, *Gran Tierra Energy* carried out exploration without providing adequate information to impacted communities in the *Charapa*, *Chanangué* and *Iguana Blocks*. Similarly, in the *La Fortuna* and *Loma Larga* mining projects in Ecuador, there are extensive allegations that consultation with Indigenous and peasant communities was not carried out properly and they did not obtain consent, yet the authorities and the company ignored these failings and allowed the projects to continue operating.



The undersigned organizations have supported several sustained processes of advocacy and public denunciation in the 37 documented cases, however, **Canada has not made greater efforts to ensure respect for human rights and environmental protection, with the justification that it promotes responsible business conduct and that it has implemented conflict resolution mechanisms for this purpose.**

These reports demonstrate that there is a pattern of human rights and environmental abuses by Canadian corporate entities in Latin America and the Caribbean. Furthermore, the reports reveal that Canada is not implementing adequate and/or effective measures to ensure compliance with its extraterritorial obligations; moreover, none of the policies in place, in practice, prevent corporate abuses, nor do they guarantee access to justice and redress for communities impacted by the operations of Canadian companies abroad.



Pueblo Shuar Arutam No Mining Campaign Ecuador.
Photo: Lluvia Comunicaciones.

RECOMMENDATIONS

From Latin American civil society, we urgently highlight the reality faced by communities impacted by Canadian corporate conduct, and the need for the Government of Canada, in compliance with its international obligations, to create legally binding instruments that delimit the responsibilities of its companies and financial entities abroad and that guarantee the protection of human rights, access to justice, and reparations for impacted communities.

Therefore, we invite the States Parties to provide the following recommendations:



1. *Establish a comprehensive law on due diligence, corporate legal responsibility, and access to justice that regulates the behavior of Canadian financial institutions and companies.* This law should include measures to prevent, reduce, and sanction any form of corporate abuse by Canadian companies in their global supply chains, as well as the banks that finance those operations.
2. *Ensure access to justice, reparation and non-repetition* of human rights and environmental violations for those impacted by Canadian business activity abroad. Access to justice includes reverting the burden of proof to the party responsible for the harm in order to ensure full reparation.
3. *Bring the CORE mechanism in line with international human rights standards,* establishing powers to determine legal accountability. This includes broadening its mandate, providing it with autonomy and resources to guarantee the full protection of Human Rights Defenders, as well as granting it powers to effectively sanction corporate abuses by Canadian companies abroad. These mechanisms should be an integral part of the Free Trade Agreements between Canada and the countries in the region.
4. *Develop effective mechanisms for access to information, transparency, and social participation,* accessible to impacted communities, civil society, and human rights defenders, in Canada and in the State where companies operate.
5. *Adopt policies to eliminate and prevent the criminalization of human rights defenders and protesters,* considering that Canadian extractive companies operating in Latin America and the Caribbean have encouraged the persecution of human rights defenders.
6. *Urgently ratify ILO Convention 169 on Indigenous and Tribal Peoples and the American Convention on Human Rights.*
7. *Refrain from implementing, participating in or financing projects when Indigenous Peoples and local communities living in areas under the direct or indirect influence of the project have not given their Free, Prior and Informed Consent,* in accordance with international human rights standards such as the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

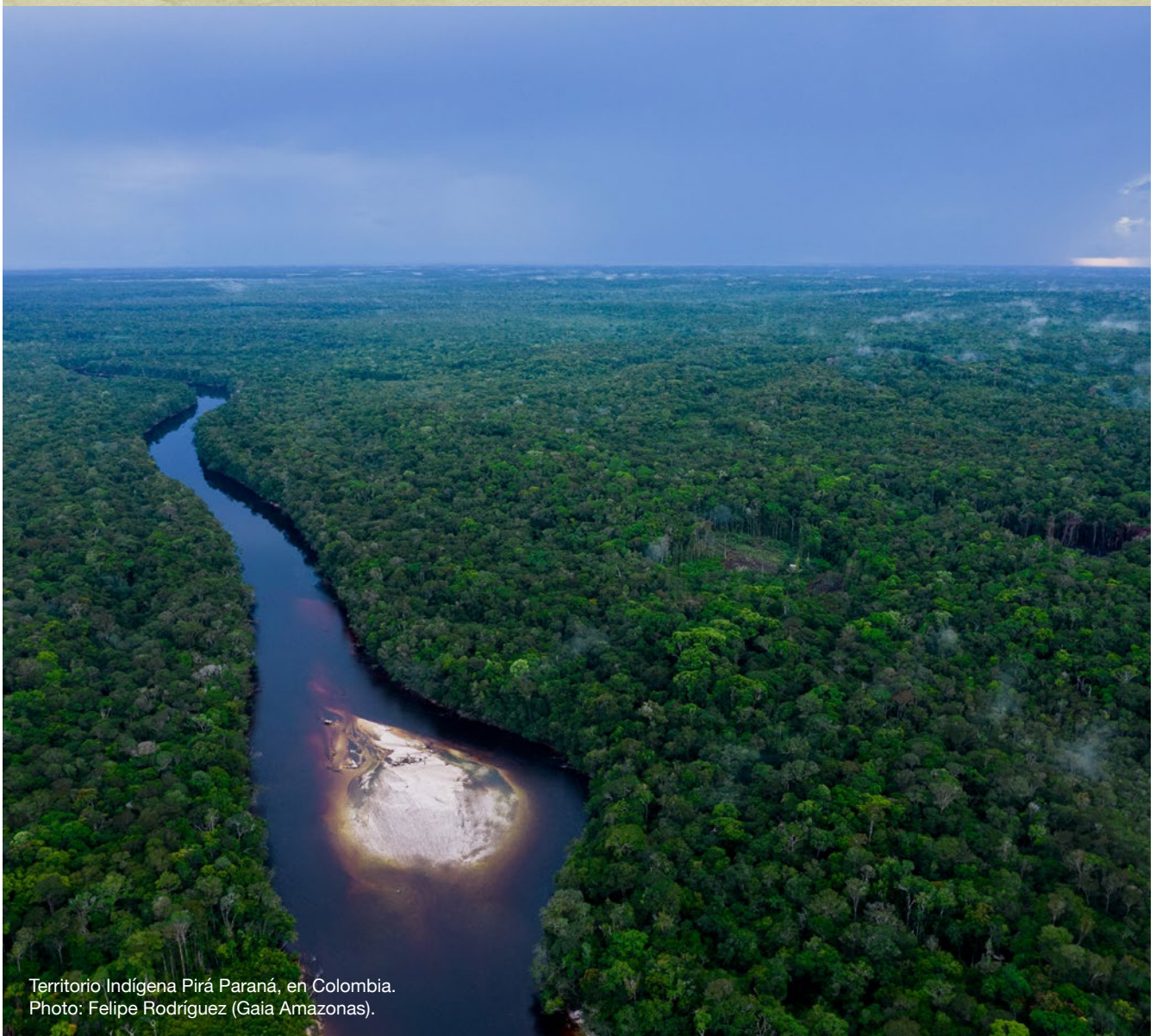
8. *Ensure that Canadian companies in the process of closure fully remediate their environmental impacts and the damage caused to Indigenous Peoples and local communities.*

9. *Establish regulations that require gold suppliers to demonstrate the legality of gold origin, in addition to being able to trace the origins of gold supply to Canada.*

10. *Regulate public and private investment by Canadian institutions that finance extractive activities in accordance with*

international human rights standards. Committing to end funding and investment in the exploration and expansion of fossil fuel operations, especially in relevant and important ecosystems such as the Amazon and glaciers.

11. *Design a just energy transition plan through 2025, respecting human rights and involving the rapid and progressive abandonment of extractive industries that threaten the balance of the planet, in order to establish urgent measures aimed at combating climate change.*



Territorio Indígena Pirá Paraná, en Colombia.
Photo: Felipe Rodríguez (Gaia Amazonas).



Maloca in the Pirá Paraná Indigenous Territory, Colombia.
Photo: Felipe Rodríguez (Gaia Amazonas).





With the support of:





Protest at the Provincial Court of Imbabura - Los Cedros Case.
Photo: DAN fotografia.

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