

Press release: Canadian Government Abdicates Responsibility to Ensure Respect for Human Rights

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(Ottawa) Without ruling on allegations of human rights violations, the Canadian government has closed a complaint from indigenous communities affected by Goldcorp's Marlin mine in Guatemala. The decision marks the end of a process that was both procedurally and substantively deficient, and provides yet another example of Canada's failure to ensure that its mining industry respects human rights around the world.

The complaint was submitted in December 2009 to the Canadian National Contact Point (NCP), an inter-ministerial committee responsible for promoting and ensuring compliance with the OECD Guidelines for Multinational Enterprises, which require companies to respect human rights at their operations, "consistent with the host government's international obligations and commitments."

The complaint alleged that Goldcorp Inc. failed to respect the community's rights to adequate consultation and consent, property, health, water, and right to life in accord with Guatemala's international obligations. The complainants requested that the NCP carry out an investigation into their allegations and issue recommendations on the implementation of the Guidelines, a request that is clearly within its mandate. Nonetheless, the Canadian NCP's final statement on this case is devoid of any analysis of the implementation of the Guidelines.

In the interim, several international human rights bodies and reports have confirmed violations alleged in the complaint. Last year, the OAS's Inter-American Commission on Human Rights and the International Labour Organization both issued recommendations to the Government of Guatemala to temporarily suspend operations at the Marlin mine. A human rights assessment commissioned by Goldcorp also found widespread violations.

Instead of using such findings to inform its conclusions, the NCP states, "they did not influence [its] decisions."

"This is a travesty," says Senior Attorney for the Center for International Environmental Law Kris Genovese. "The NCP has fundamentally misunderstood its own mandate and failed the communities, resulting in the abdication of the government's responsibility to ensure respect for human rights."

"Given that Canada's mining companies are involved in more than four times as many human rights violations as those from other countries," remarks Jennifer Moore, Latin America Program Coordinator for MiningWatch Canada, "such intransigence on the part of the Canadian government to equip itself to take complaints seriously amounts to complicity in the abuses."

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