

Fight ramps up to prevent Canadian companies' abuses abroad

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A truck arrives to ferry excavated gold, copper and zinc ore from a mine in Eritrea that was owned by a Canadian company, February 17, 2016 [File: Thomas Mukoya/Reuters]

Montreal, August 19 (RHC)-- Enzo Brizuela describes his hometown as a "sacrifice zone." The 33-year-old geologist was born, raised and lives in Andalgala, a small town in Argentina's mineral-rich province of

Catamarca, near the northwestern border with Chile. He says the area is home to a quiet population that primarily lives off agriculture and cattle-herding.

It is also where a group of mining companies, led by a Canadian firm, is hoping to dig up millions of ounces of copper and gold – something Brizuela and many of his neighbours fear will contaminate water sources and harm the environment.

“We live in a sacrifice zone,” Brizuela told Al Jazeera in a recent interview over Zoom. “But I’m proud to say that Andalgala is also [home to] a strong and determined people, because we’ve been opposed to these large-scale mining [proposals] since 1970.”

The latest of several projects developed in the Andalgala area during the past decades, the MARA open-pit mine is in the advanced exploration phase. Canadian firm Yamana Gold – which is being acquired by a South African company – currently owns 56.25 percent of the project, while Swiss-Anglo company Glencore and Newmont Corp, a US firm, own the rest.

The companies said on the project website that they have obtained administrative and judicial permits, and that they are taking community concerns into account to ensure “truly responsible, sustainable and innovative mining.”

But community advocates have said several dozen people have been detained in the context of their opposition to mining in the region across more than a decade, including for protests against the MARA project. Most recently, some have been accused of setting fire to local company offices – an allegation they said is unfounded.

Brizuela, who said he is facing four criminal complaints including the burning of the office, told Al Jazeera that a crackdown on human rights defenders was under way – and getting worse. “The activists that are working hard to try to ... channel the information about the risks of mega-mining are being persecuted and suffering violence,” he said. “This is clearly a campaign of fear.”

For years, Canadian companies have been accused of being complicit in, or failing to investigate or prevent, alleged rights abuses and environmental harms in their operations outside of the country.

Firms in Canada’s highly profitable mining sector, in particular, have borne much of the criticism: Human rights groups have documented a range of abuses, including rape, assault, killings and slavery, as well as pollution linked to Canadian mining activities around the world.

While these allegations are not new, a campaign to pressure Ottawa to do more is gaining momentum as activists and environmental defenders are facing a surge in deadly violence and threats globally. “The government of Canada needs to decide if it is going to continue to trail behind and drag its feet and let companies operate with impunity, or if it’s going to do something to rein in corporate abuse,” said Emily Dwyer, policy director at the Canadian Network on Corporate Accountability.

Canada “is home to almost half of the world’s publicly listed mining and mineral exploration companies”, Natural Resources Canada, a federal ministry, said on its website, while their work abroad accounts for most of the profits. In 2020, 730 Canadian mining and exploration companies had assets in 97 foreign countries valued at \$150bn (188.2 billion Canadian dollars), the ministry reported.

The United States was atop the list of countries home to the most Canadian mining companies in 2020 at 21.3 percent, while Chile, Panama, Brazil and Peru rounded out the top five. Zambia came in next with 5 percent, followed by Mexico, Argentina, Mali and the Democratic Republic of the Congo.

In 2019, Canada created the office of the Canadian Ombudsperson for Responsible Enterprise (CORE), a post tasked with monitoring the implementation of United Nations and OECD guidelines on business

practices involving Canadian companies in the garment, mining and oil and gas sectors. The office has the power to advise companies, review allegations of rights abuses, and make recommendations for redress, including an apology or financial compensation.

It also launched an online complaints submission system last year. “This is a crucial step forward in our mission to help promote and protect human rights and Canada’s reputation in the world,” the ombudsperson, Sheri Meyerhoffer, said in a statement in March 2021. “Our new online portal is an easy way for people and communities abroad to raise issues and concerns.”

CORE says it assessed the admissibility of 16 complaints between April 1 and the end of June. Two other complaints were closed in that period – one due to insufficient information provided by the complainant, and the other because the parties resolved the issue – while it also received 45 inquiries, most of which fell outside the scope of its duties.

But rights advocates have slammed the office as toothless. “The office isn’t independent from government ... and it doesn’t have real powers to independently investigate,” Dwyer told Al Jazeera. “The powers that it needs [include] the power to compel documents and testimony, otherwise it’s very challenging to expect that that office will be able to get at the information that it needs to investigate.”

She added that Canada has continued to primarily rely on “voluntary approaches” to respond to abuse allegations, such as providing advice to companies and offering mediation, for example. “But we’re hopeful to see some action soon in a different direction,” Dwyer said.

A spokesman for Global Affairs Canada, the foreign affairs ministry, told Al Jazeera that the government expected Canadian companies operating abroad “to abide by all relevant laws, to respect human rights in their operations, and to adopt best practices and internationally respected guidelines on responsible business conduct.”

The Canadian Ombudsperson for Responsible Enterprise (CORE) “should be given sufficient time to deliver on her current mandate,” James Emmanuel Wanki also said in an email. “Once it becomes fully operational, it would be in a position to take on cases. The use of a non-judicial mechanism such as the CORE does not preclude persons from pursuing civil remedies before Canadian courts,” Wanki said.

Meanwhile, the government has sought to strengthen safeguards related to Canadian supply chains and other business practices. For example, in June, the House of Commons unanimously consented to a second reading of a bill that would prohibit Canada from importing goods produced with forced or child labour.

Bill S-211, which was sent to committee for further review, also would require government and private entities to submit annual reports on measures taken “to prevent and reduce the risk that forced labour or child labour is used by them or in their supply chains” and give the minister of public safety and emergency preparedness the power to compel an entity to provide information.

“Unanimous consent at this stage is a clear sign that the House understands the importance of this issue,” Seamus O’Regan, Canada’s federal minister of labour, tweeted after the second reading in parliament on June 1st.

Federal politicians also introduced two pieces of legislation in late March that respectively aim to establish a commissioner post with the power to compel testimony and documents in investigations into corporate abuses, as well as make companies liable for any failures to ensure their practices do not cause human rights violations, among other things. Human rights and religious groups have urged members of parliament to back these bills to ensure greater accountability.

Yet, while a few civil cases have established that victims can seek redress in Canada for abuses linked to companies' work abroad, rights advocates have said attempts to seek accountability in Canadian courts remain time-consuming and costly.

In 2019, a Canadian mining company publicly apologised to Guatemalan protesters who had sued in Canada, and acknowledged that their rights were infringed upon when security agents injured demonstrators at the firm's mine in Guatemala. The case was hailed as a landmark that confirmed that "Canadian courts are the appropriate forum for human rights claims arising from the foreign activities of Canadian mining companies", Joe Fiorante, a lawyer for the plaintiffs, said at the time.

A year later, Canada's Supreme Court ruled that a Canadian company that owned a mine in Eritrea could be sued in Canada. The decision came after three Eritrean workers sued Nevsun Resources Ltd, alleging that they were forced to work at the mine and subjected to "violent, cruel, inhuman and degrading treatment". The company later settled out of court, Amnesty International said.

However, Dwyer said despite those precedent-setting rulings, "there has still not been a single case ... that has gone through the Canadian court system where a company has been found liable for abuse".

"What's actually needed is an obligation to prevent human rights violations from happening throughout a company's supply chains, an obligation on companies to do due diligence – to take measures to identify, mitigate, address and remedy abuses and risks that are in your supply chain – and real enforcement of those obligations through access to Canadian courts," she said.

Meanwhile, back in Argentina, Brizuela said his community's fight will continue. "We are fighting so that our next generations have the natural environment just like we had," he told Al Jazeera. "We want to conserve the water so that it's pure, to conserve the air – because that is how we inherited it. We want to give them a place called Andalgala."

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