



International Indian Treaty Council



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**United Nations Committee on the Elimination of Racial Discrimination 80th Session, Review of Canada's 19th and 20th Periodic Reviews,
Oral Intervention by the International Indian Treaty Council, February 20th, 2012
Presented by Andrea Carmen**

Thank you Mr. Chairman. Respectful greetings to the CERD members and to all delegations.

In its concluding observations on Canada's seventeenth and eighteenth periodic reports in 2007 the Committee expressed concern over *"reports of adverse effects of economic activities connected with the exploitation of natural resources in countries outside Canada by transnational corporations registered in Canada on the right to land, health, living environment and the way of life of indigenous peoples living in these regions"*.

The Committee recommended that Canada *"take appropriate legislative or administrative measures to prevent acts of transnational corporations registered in Canada which negatively impact on the enjoyment of rights of indigenous peoples in territories outside Canada"* and *"explore ways to hold transnational corporations registered in Canada accountable"*. The Committee also requested *"the State party to include in its next periodic report information on the effects of activities of transnational corporations registered in Canada on indigenous peoples abroad and on any measures taken in this regard."*

These groundbreaking recommendations were made in response to testimonies, resolutions and statements submitted by Indigenous peoples in the United States and Guatemala in the joint Shadow Report presented by IITC and the Confederacy of Treaty 6 First Nations for the previous review of Canada. They presented a pattern of human rights violations, including rights to traditional lands and resources, subsistence, health and free prior and informed consent by Canadian mining corporations.

Unfortunately, Canada's report for this Session did not provide the requested information on the activities by Canadian corporations, or on the steps Canada has taken in this regard. Updates submitted to us by Indigenous Peoples in the United States, Guatemala and Mexico, including some who had submitted information for the CERD's review in 2007, indicates that Canada has in fact failed to implement this recommendation. As documented in our joint Indigenous Peoples' Shadow report, some of these situations have deteriorated even further since that time.

The Western Shoshone in Nevada, USA continue to suffer impacts of gold mining carried out by Barrick Gold Corporation, the largest gold producer in the world based in Toronto Canada. Barrick has operated a massive open pit gold mine in Western Shoshone Treaty lands since 1965. The mine continues to destroy and desecrate the sacred mountain Mt. Tenabo which is used for ceremonies and food gathering, despite the Western Shoshone's consistent vehement opposition.

In November 2008, nearly two years after the CERD issued its recommendation to Canada, Barrick carried out a massive clear cut of pine trees to make way for the Cortez Hills Expansion Project on

one side of Mt. Tenabo. Western Shoshone Elder Carrie Dann visited the site and viewed the destruction, calling it a “war zone against the trees by the Barrick Gold Company”.

Larson Bill of the Western Shoshone Defense Project affirmed that “*Shoshone Nation has not seen or heard any movement by Canada or their companies to properly address their Social responsibilities to the affected communities of the Shoshone People.*”

IITC also received information and documentation, included in our joint Shadow Report, from Indigenous Peoples in Guatemala who continue to be impacted by Goldcorp’s Marlin 1 Mine, operated by Goldcorp subsidiary Montana Explorada de Guatemala S.A. Goldcorp, based in Vancouver Canada, is the 2nd largest gold mining company in the world. Its shareholders include the Canada Pension Plan Investment Board, a federal Crown corporation.

Marlin 1 open pit strip mine, which uses highly toxic sodium cyanide for ore extraction, is located in the Indigenous municipalities of Sipacapa and San Miguel Ixtahuacán. It has been the focus of opposition by local communities since it was established in 2004, including in a number of formal referendums. These communities report contamination of ground water affecting food production, chronic illnesses among the children, persistent skin diseases and liver cancers, forced displacement of families and political repression of protesters.

Testimony submitted to IITC on January 6th 2012 by the Centro Pluricultural para la Democracia in Quetzaltenango Guatemala stated that “*Despite the recommendations of United Nations bodies such as the ILO and the CERD, the company continues operating and causing adverse impacts on the life of the communities and Indigenous Peoples in Guatemala.*”

Another recent example of repression resulting from community opposition to a Canadian mining company’s activities occurred in Oaxaca, Mexico on January 18th, 2012. Community members had gathered to protest construction of a pipeline which would channel community groundwater to the mine operated by Cuzcatlán, a subsidiary of the Canadian mining company Fortuna Silver Mines, Inc. with corporate headquarters in Vancouver British Columbia.

Saul Vicente Vasquez, Indigenous expert member of the UN Permanent Forum on Indigenous Issues from Oaxaca Mexico, expressed concern on behalf of the UNPFII “*over the lamentable, violent occurrences of this past January 18 in the community of San José del Progreso, in which Abigail Vázquez Sánchez was wounded and Bernardo Méndez Vázquez lost his life...*”. He reported that members of the community organization stated to him that “*the Cuzcatlán mining company, an affiliate of the Canadian mining company Fortuna Silver, maintains a paramilitary group in the community, and the mining company’s installations are guarded by the state police.*”

These compelling, ongoing examples demonstrate a pattern of failure by Canada to implement the CERD’s previous recommendation to hold Canadian mining companies operating with impunity outside Canada accountable for human rights violations against Indigenous Peoples. We respectfully encourage the Committee to reiterate its previous request that Canada provide information at this session as to what steps it has taken or intends to take to fully implement this vitally important recommendation.

Thank you.