

**AMAZONIAN REPORT**  
**CANADA'S FAILURE TO UPHOLD EXTRATERRITORIAL**  
**OBLIGATIONS: CORPORATE ABUSES BY CANADIAN**  
**COMPANIES IN THE AMAZON RAINFOREST**

**I. INTRODUCTION**

1. Within Canada's Fourth (4<sup>th</sup>) Evaluation Cycle, civil society joined efforts to assess the impacts of Canadian companies in four countries of the Amazon Basin: Brazil, Ecuador, Colombia, and Peru. This report focuses on 11 Canadian extractive projects (7 mining and 4 oil) affecting fragile ecosystems, Indigenous peoples, and traditional communities. The analysis of these projects shows how Canadian companies currently or potentially violate human rights, disrespect the rule of law, and threaten the environment in the region with the world's highest biodiversity, which is critical for humanity's ability to contain the climate crisis, according to the Intergovernmental Panel on Climate Change (IPCC).<sup>1</sup>
2. The Amazon is home to hundreds of distinct Indigenous peoples, its best stewards, and is the planet's largest tropical rainforest. A stabilizer of the global climate, it contains one-third of all species on Earth and a large percentage of the world's flowing fresh water. The forest and its peoples face grave threats due to deforestation, resource extraction, land grabs, and destructive development projects. According to the Science Panel for the Amazon, the Amazon rainforest is at a "tipping point" – after which ecosystem degradation is irreversible. The tipping point will be reached at 20-25% deforestation, not 40% as previously predicted.<sup>23</sup> The Canadian state must fulfill its international commitments and meet global efforts to avoid a climate catastrophe, particularly by being accountable for Canadian extractive companies' threats to the Amazon.
3. The report reasserts Canada's binding international commitment that the respect of human rights does not end at its territorial borders and insists that States "*must take the necessary measures to prevent human rights abuses abroad by companies domiciled in their territory*

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<sup>1</sup> <https://archive.ipcc.ch/ipccreports/tar/wg2/index.php?idp=529>

<sup>2</sup> <https://www.pnas.org/doi/10.1073/pnas.1605516113>

<sup>3</sup> <https://amazonwatch.org/news/2022/0905-amazonia-against-the-clock>

*and/or jurisdiction,*” regardless of the measures taken or not taken by host countries.<sup>4</sup> Canadian companies’ *modus operandi* in the Amazon is linked to and encouraged by the Canadian state’s lack of proper regulation, oversight, and accountability. The latter has a legal and ethical obligation to regulate, mitigate, and prevent company’ abuses and hold each accountable for its violations, which threaten planetary survival.<sup>5</sup>

4. In the 3rd evaluation cycle, Canada received six recommendations regarding its extraterritorial obligations: 142.91 (Thailand), 142.92 (Philippines), 142.93 (Brazil), 142.94 (Namibia), 142.95 (Azerbaijan), 142.97 (Syrian Arab Republic).<sup>6</sup> Nevertheless, Canada still consistently fails to protect and respect human rights and the environment. Instead of regulating its companies’ operations abroad, Canada argues that it promotes responsible business conduct through voluntary guidelines and by implementing conflict resolution mechanisms. The evidence presented in this report confirms these mechanisms and policies are insufficient and ineffective, while the use of economic diplomacy strategies contributes to rights violations and environmental degradation in the Amazon.

## II. CANADA’S EXTRATERRITORIAL OBLIGATIONS

5. Under the **International Covenant on Economic, Social, and Cultural Rights (ICESCR)**, Canada has the obligation to respect, protect, and fulfill individuals’ ESC rights in a progressive, non-discriminatory manner and to the maximum extent of its available resources. **General Observation 24** of the CESCR, deepens the scope of these obligations to Canadian transnational corporations and financial investments, regardless of their location. In cases where international responsibility is not incurred, Canada would still be in breach of its obligations if it had not taken reasonable measures to prevent rights violations.<sup>7</sup>
6. Under the **Guiding Principles on Business and Human Rights**,<sup>8</sup> state and non-state enterprises must respect and refrain from violating human rights. States must adopt

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<sup>4</sup> CESCR, General Comment No. 24 (2017) on States’ obligations under the International Covenant on Economic, Social, and Cultural Rights in the context of business activities (E/C.12/GC/24), 2017, para. 26, <https://bit.ly/3WSRgMW>

<sup>5</sup> <https://www.oc.eco.br/uma-questao-de-sobrevivencia/>

<sup>6</sup> A/HRC/39/11/Add.1 – Parra. 32

<sup>7</sup> Ibid. para 32.

<sup>8</sup> Obligations arising from international treaties ratified by Canada, such as the ICESCR, are binding, unlike non-binding treaties such as the Guiding Principles.

measures to prevent human rights abuses by third parties recognized under their jurisdiction. Guiding Principle 14 emphasizes that all enterprises have the responsibility to respect human rights. The UN Working Group on Business and Human Rights has called on Canada to protect Human Rights Defenders and to develop training for public servants, trade officers, and guidance for companies related to the role of the private sector in ensuring respect for the rights of human rights defenders in the extractive sector.<sup>9</sup>

7. The **Maastricht Principles on Extraterritorial Obligations (ETOs) of States in the Area of Economic, Social, and Cultural Rights** established that states have the obligation to respect, protect and fulfill economic, social, and cultural rights both within and outside their territory, stating that state responsibility extends to “*acts and omissions of non-state actors acting on the instructions of, or under the direction or control of, the state in question; and acts and omissions of persons or entities other than state organs, such as commercial and other enterprises.*”<sup>10</sup>

### III. CANADA’S ECONOMIC DIPLOMACY AND INTERNATIONAL STANDARDS: PRIORITIZING CORPORATE INTERESTS OVER HUMAN RIGHTS

8. The Canadian government’s *Extractive Sector Corporate Responsibility Strategy*,<sup>11</sup> updated in 2014, aims to encourage companies to meet or exceed international standards of responsible business conduct. However, the effectiveness of this policy remains unclear. Instead, Canada prioritized economic incentives for extractive industry companies, which turned the country into a global mining hub. Three out of four of the world’s mining companies operate out of Canada while conducting exploration and extraction projects abroad. Currently, 50–70% of Latin American mining activity involves Canadian companies. Much of the reason behind Canada’s presence in Latin America – particularly the mining sector – can be attributed to the regulatory benefits that companies receive for their investments. Mining companies currently get a 15% tax break for exploration

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<sup>9</sup> Working Group on Human Rights Report, *supra* at para 44.

<sup>10</sup> Published three months after the adoption of the Guiding Principles when a group of international experts systematized the customary and treaty standards relating to extraterritorial obligations under international law. See at: <https://bit.ly/3GyUoZd>

<sup>11</sup> <https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-strat-rse.aspx?lang=eng>

activities domestically or internationally, among other incentives and subsidies.<sup>12</sup>

9. Moreover, Canada's economic diplomacy policy often appears to prioritize the interest of extractive industries operating abroad over international human rights obligations.<sup>13</sup> Embassy officials have the mandate<sup>14</sup> to promote and protect Canadian companies' interests but no equally clear mandate nor binding legislation to protect Human Rights Defenders (HRDs) or the environment.
10. Between 2007 and 2016, UN treaty monitoring bodies<sup>15</sup> and the Inter-American Commission on Human Rights (IACHR) have identified human rights violations by Canadian mining companies. In December 2015 the IACHR released a report<sup>16</sup> calling on Canada to condition state support on corporate responsibility for human rights and to refrain from influencing the adoption of norms or policies that favor only the economic interests of corporations. In response, in 2016 *Voices at Risk: Canada's guidelines on supporting human rights defenders*<sup>17</sup> was published. It focused on how Canadian embassies and government officials should support HRDs and promote responsible business conduct of companies operating abroad. However, there are numerous cases<sup>18</sup> showing that companies systematically fail to follow these guidelines.
11. To encourage Canadian companies to follow UN Guiding Principles and the Organisation for Economic Cooperation and Development (OECD) guidelines, in 2019 Canada's Ombudsperson for Responsible Enterprise (CORE) was created to offer advice on responsible business practices, and examine complaints of possible human rights violations

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<sup>12</sup><https://natural-resources.canada.ca/science-data/science-research/earth-sciences/earth-sciences-resources/earth-sciences-federal-programs/mineral-exploration-tax-credit/8874>

<sup>13</sup> CESCR describes the extraterritorial obligations of states to prevent third parties from violating human rights in other countries, "if they are able to influence these third parties by legal or political means." Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UNESCOR, 22nd Sess, UN Doc E/C.12/2000/4 (2000) at para 39, online (pdf): <refworld.org/pdfid/4538838d0.pdf> [perma.cc/ZF9D-54FB] [CESCR, General Comment No. 14].

<sup>14</sup><https://www.international.gc.ca/global-affairs-affaires-mondiales/corporate-ministere/mandate-mandat/index.aspx?lang=eng>

<sup>15</sup> To name a few, there are the 2007 and 2012 observations of the UN Committee on the Elimination of Racial Discrimination; in 2013 and 2016 the reports of the Inter-American Commission on Human Rights (IACHR); in 2015 the Report of the United Nations Human Rights Committee (OHCHR) and also in 2016 the observations of the International Committee on Economic, Social and Cultural Rights (CESCR).

<sup>16</sup> IACHR, Indigenous Peoples, supra at paras 13, 79-81; See also Working Group on Transnational Corporations Report, supra at para 35.

<sup>17</sup>[https://www.international.gc.ca/world-monde/assets/pdfs/issues\\_development-enjeux\\_developpement/human\\_rights-droits\\_homme/rights\\_defenders-guide-defenseurs\\_droits\\_en.pdf](https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders-guide-defenseurs_droits_en.pdf)

<sup>18</sup> The IACHR report examined 22 mining projects operated by 20 Canadian companies in nine countries. See more at [https://www.dplf.org/sites/default/files/informe\\_canada\\_resumen\\_ejecutivo.pdf](https://www.dplf.org/sites/default/files/informe_canada_resumen_ejecutivo.pdf)

through informal mediation. However, Canadian civil society views CORE as weak and limited since it only provides recommendations, lacks the authority to investigate human rights abuses by Canadian companies operating abroad, and is not independent enough to handle sensitive cases.<sup>19</sup> CORE's current process can put complainants at risk since there are no clear rules on confidentiality, which might expose their identity.<sup>20</sup>

12. In 2021, Canada launched *Responsible Business Conduct Abroad: Canada's Strategy for the Future* setting out priorities for the Government of Canada to support Canadian companies active abroad.<sup>21</sup> The main aim of the policy is to integrate the management of risks to the environment, people, and society within business activities, a strategy known as “derisking.” However, critics argue that the policy was primarily designed for financial purposes and lacks data to prove its effectiveness in protecting HRDs.

#### IV. HUMAN RIGHTS AND ENVIRONMENTAL VIOLATIONS

13. This section shows how Canada's failure to take reasonable measures to regulate the conduct of Canadian companies abroad has contributed to the systematic violation of human and environmental rights in the Amazon. It documents the abuses and rights violations linked to 11 extractive projects (7 mining, 4 oil) controlled by 16 Canadian corporations and backed by Canadian banks. All of these projects are located in the **Amazon rainforest**: Brazil (4), Colombia (2), Ecuador (3), and Peru (2), impacting its people, biodiversity, forests, and water. Together, these countries account for 85% of the Amazon. Furthermore, 10 directly affect Indigenous peoples, with at least 16 impacted ethnicities. The projects also affect protected areas, land reform settlements, *campesinos*, and traditional peoples.

##### **Brazil**

14. **Aurizona Gold Mine** was established in 2007 by **Luna Gold** and later taken over by **Equinox Gold**. The mine has been operational since 2010, but in March 2021, a dam break left approximately 4,000 people without proper access to water. Community members were fined and criminalized for protesting.

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<sup>19</sup> [https://justice-project.org/wp-content/uploads/2022/12/2022-12-09\\_JCAP\\_TheTwoFacesofCanadianDiplomacy\\_Reduced-2.pdf](https://justice-project.org/wp-content/uploads/2022/12/2022-12-09_JCAP_TheTwoFacesofCanadianDiplomacy_Reduced-2.pdf)

<sup>20</sup> <https://cnca-rcrce.ca/campaigns/ombuds-power2investigate/>

<sup>21</sup> <https://www.international.gc.ca/trade-commerce/assets/pdfs/rbc-cre/strategy-2021-strategie-1-eng.pdf>

15. **Belo Sun Mining Corp.** plans to establish the **Volta Grande Project** (VGP), an open-pit gold mining project in Pará. The proposed mining site is located on the Xingu River, a cultural and biodiversity hotspot and home to Indigenous groups, *campesino* families, and riverine communities. The project's license is currently suspended, but if implemented, it would impact the Xingu River and its surrounding communities.
16. **Coringa Gold Project** (CGP) is located in an environmental preservation area of an ecological rural reform settlement adjacent to the Baú Indigenous Land of the Kayapó people. The project is owned by **Serabi Gold's** Brazilian subsidiary, but it was previously owned by Canadian companies for 10 years. The mine is situated at the headwaters of the Curuá River, which flows through the Baú, Xipaya, and Kuruáya Indigenous Lands.
17. **Autazes Project**, owned by **Canada's Brazil Potash**, is located in the Amazonas. The intended mining site and associated infrastructure are located above the Indigenous Lands of the Mura ethnic group, specifically the Soares/Urucurituba, Jauary, and Paracuhuba territories. While it is still in the development stage, if continued the project would severely impact these communities and the Madeira River, a key Amazonian tributary.

### **Colombia**

18. **APE-La Cabaña Project** is an oil exploration project located in Putumayo, Colombia, operated by **Gran Tierra Energy Colombia**, a subsidiary of the Canadian company **Gran Tierra Energy**. The project was supported by the Royal Bank of Canada and operated from 2012 to 2022, leaving behind a severely impacted ecosystem and Indigenous communities seeking justice and reparations after the project's closure.
19. **Mocoa Project** is a copper and molybdenum mining project owned by the Canadian company **Libero Copper & Gold Corp.** Situated in Mocoa, Putumayo, the project is in the exploration phase and impacts the rights of the Nasa and Inga Indigenous peoples, *campesino* communities and the urban population of Mocoa.

### **Ecuador**

20. **The Charapa, Chanangué, and Iguana Blocks** are oil extraction projects (concessions 50, 51, and 89 respectively) held by the Canadian company **Gran Tierra Energy** and operated by its subsidiary Gran Tierra Energy Colombia LLC. The three blocks overlap the titled territories of the Kichwa, Awá Indigenous peoples, and *campesino* communities who have expressed opposition to the projects. If advanced, drilling will affect primary tropical

forests.

21. **Warintza Mining Project** in Morona Santiago, Ecuador, operated by **Solaris Resources Inc.**, explores copper, gold, and molybdenum reserves in the traditional territory of the Shuar Arutam Indigenous Peoples (PSHA). The project was suspended in 2006 after the PSHA forced the then-operator Lowell Mineral Exploration off their land. In 2019, Solaris Resources Inc. acquired the concession and has faced resistance from the PSHA.
22. **Fortuna Mining Project**, Azuay province, operated by **Lucky Minerals**, a subsidiary of the Canadian company **Golminindex S.A.**, has twelve mining concessions that affect seventeen communities in Azuay (highlands); four communities in Morona Santiago (Amazon); and five communities in Zamora Chinchipe (Amazon). The project overlaps fragile ecosystems, primary forests, water sources, the high Andean *páramo*, and the Amazon.

### **Peru**

23. **Block 192** is an oil concession with a significant environmental impact. It was operated by Frontera Energy del Perú, a subsidiary of the Canadian company **Frontera Energy**, from 2015 to 2021, causing over 105 oil spills that affected forests and rivers. The Canadian company did not fully remediate the spills and presented an Abandonment Plan without a budget or remediation plan.
24. **Block 95** is an oil concession operated by PetroTal Perú SRL, a subsidiary of the Canadian company **PetroTal Corp.** It is the most productive oil block in the area, but nearby Indigenous communities lack access to basic services. In 2020, a protest broke out, demanding greater social responsibility from the oil company and commitment from the government, resulting in three Indigenous people being killed by the police providing security for company installations and worker camps.

### **V. VIOLATIONS TO INDIGENOUS PEOPLES' RIGHTS**

25. Indigenous rights violations are a systematic part of the Canadian mining and oil extraction companies' *modus operandi* in the Amazon region: 10 out of 11 cases.

### **Right to self-determination and Free, Prior, and Informed Consent (FPIC)**

26. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes that

Indigenous Peoples have the right to self-determination.<sup>22</sup> One of the core mechanisms in its fulfillment is the right to FPIC.<sup>23</sup> Canadian mining projects have continuously ignored or covered up the existence of impacted Indigenous communities in their efforts to make Indigenous communities invisible throughout the projects' licensing and development.

27. **Brazil Potash** and **Belo Sun** are companies that do not acknowledge the Indigenous identity of certain communities. Brazil Potash refers to the Soares/Urucurituba Indigenous territory as a common village in its communications with investors, instead of recognizing it as Indigenous Land.<sup>24</sup> Belo Sun does not recognize the presence of Indigenous communities such as Xipaya and Kuruáya in the mining project's impact area and has not consulted with them.<sup>25</sup> In the **APE-La Cabaña** project, **Gran Tierra Energy** claimed that there were no impacted Indigenous communities, despite the presence of the Inga people.<sup>26</sup>
28. Canadian companies also silence Indigenous communities, despite close proximity to the project sites, stating they will not be impacted and do not require consultation. This occurred in Brazil's **Coringa Gold** and **Belo Sun** projects, requiring court orders for consultation with the Kayapó, Juruna and Arara peoples. The oil exploration project in the **Charapa, Chanagué and Iguana Blocks in Ecuador**, carried out consultation processes through inadequate and bad faith procedures, utilizing divisive strategies among the communities and families; sharing inadequate, haphazard and unfounded information with the communities about the implications of the project; pressuring the communities to obtain their consent to the expansion of the oil activity; as well as issues not considered in the Environmental Impact Studies of the Gran Tierra company.<sup>27</sup>

### **Right to lands, territories, and resources**

29. The UNDRIP states the right of Indigenous peoples to the lands, territories, and resources they have traditionally owned, occupied, or otherwise used or acquired, and stipulates that

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<sup>22</sup> UNDRIP, art. 3

<sup>23</sup> UNDRIP, art. 19

<sup>24</sup> <https://amazoniareal.com.br/especiais/the-potassium-war-in-autazes/>

<sup>25</sup> These cases stand for a common pattern of overlapping violations of Indigenous rights. At the same time that the territorial rights and all related rights are denied to Indigenous peoples through the lack of titling of their lands, the latter is then used to deny the Indigenous identity or even the existence of these communities, thereby excluding them from participation and consultation processes.

<sup>26</sup> <https://news.mongabay.com/2022/06/how-colombia-disenfranchised-indigenous-inga-communities-in-favor-of-oil/>

<sup>27</sup> <https://agenciaecologista.info/2022/05/20/la-petrolera-canadiense-gran-tierra-energy-opera-en-sucumbios-sin-consulta-y-con-mapas-alterados/>

“[s]tates shall give legal recognition and protection to these lands, territories, and resources.”<sup>28</sup> ILO Convention 169 establishes that their right to the ownership, possession, use, and conservation of their lands shall be recognized and respected, including rights to the natural resources that pertain to them.

30. This report documents eight projects where Indigenous territorial rights were violated. **Brazil Potash** harassed the Mura of the Soares/Urucurituba Indigenous Land to sell their land<sup>29</sup> and threatened forced eviction for those who refused. **Belo Sun’s Volta Grande Project** would harm the territories of several Indigenous communities, including those without titled land. Some communities located a few kilometers away from the projected mine will also be impacted. The **Mocoa Project** directly threatens the Inga and the Nasa Indigenous territories. In Peru, **Block 192** has had over 100 oil leakages, caused by operational flaws and infrastructure deterioration, contaminating the territories of Quechua, Achuar, and Kichwa Indigenous peoples.

## VI. VIOLATION OF THE RIGHT TO A CLEAN, HEALTHY, AND SUSTAINABLE ENVIRONMENT

31. In July 2022, the UN General Assembly recognized the right to a clean, healthy, and sustainable environment as a human right.<sup>30</sup> The cases here demonstrate that this right is being undermined in the Amazon basin, a hotspot for biodiversity and essential for climate stability, which has reached a dangerous ecological tipping point, due largely to deforestation.<sup>31</sup>

### Impact on protected areas rich in biodiversity: land, water, and air

32. The **Coringa Gold** project overlaps with an environmental preservation area and sits on the headwaters of the Curuá River, a regional waterway of vital importance. The project

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<sup>28</sup> Resolution adopted by the General Assembly on 13 September 2007, UN Declaration on the Rights of Indigenous Peoples, A/RES/61/295, Articles 26, 27 and 28.

<sup>29</sup> <https://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/apos-coacao-a-indigenas-e-liminar-sobre-demarcacao-de-terra-mpf-pede-suspensao-de-licenca-concedida-a-potassio-do-brasil-para-exploracao-mineral-em-autazes-am>

<sup>30</sup> Resolution A/76/L.75 adopted by the UN General Assembly on 26 July 2022, Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

<sup>31</sup> <https://www.science.org/doi/10.1126/sciadv.aat2340>

foresees the construction of a tailings dam and the use of cyanide.<sup>32</sup> According to the **Volta Grande Project's** Environmental Impact Assessment (EIA), **Belo Sun** plans to store mine waste and water behind a tailings dam along the banks of the Xingu River. This dam has been designed without proper seismic safety criteria, and the recycling of cyanide leachate could pollute the tailings water with antimony, arsenic, and mercury. In a dam break scenario, the discharge of tailings could cover 41 kilometers of the Xingu River.<sup>33</sup> In the project exploitation phase, environmental impacts are higher. When the **Aurizona Gold Mine Project's** Pirocáua Lake tailings dam broke, it caused a flood of 10 million cubic meters of mud with toxic waste throughout local communities, contaminating the water reservoir that supplied the entire district. For months the population had no reliable access to clean water, and almost two years later the communities still have poor water quality.<sup>34</sup>

33. The four concessions of the **Mocoa Project** overlap with the protected Forest Reserve Upper Mocoa River Basin. This area is susceptible to landslides and, therefore, could exacerbate flooding leading to avalanches.<sup>35</sup> The company's interventions in Putumayo represent imminent damage to the mountains, the rivers, and biodiversity in the Amazon. The **APE-La Cabaña** platform construction has led to security forces setting up a camp to guard it, limiting Indigenous access to traditional sites of hunting, fishing, and medicine collection.<sup>36</sup>
34. The **Charapa, Chanagué and Iguana** EIA did not fully assess the real impacts of the project. It minimized exploration risks and contained false information regarding the location of rivers, estuaries, communities, families, farms, and schools.<sup>37</sup> The **Warintza Project** is in the advanced exploration stage and has caused the loss of primary forests and contamination of the water basins that feed the Zamora, Conangos, and Santiago rivers.<sup>38</sup>

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<sup>32</sup> Belo Sun. Feasibility Study on the Volta Grande Project, Pará, Brazil. NI 43-101 Technical Report. 05/08/2015. [https://belosun.com/staging/belosun.com/\\_resources/Feasibility-Study-Volta-Grande-Project.pdf](https://belosun.com/staging/belosun.com/_resources/Feasibility-Study-Volta-Grande-Project.pdf)

<sup>33</sup> Steven H. Emerman, Evaluation of the Tailings Dam, Cyanide Use and Water Consumption at the Proposed Volta Grande Gold Project, Pará, Northern Brazil. 06/01/2020. [https://xinguvivo.org.br/wp-content/uploads/2020/06/Volta\\_Grande\\_Report\\_Emerman.pdf](https://xinguvivo.org.br/wp-content/uploads/2020/06/Volta_Grande_Report_Emerman.pdf)

<sup>34</sup> <https://mab.org.br/2022/03/25/estudos-apontam-contaminacao-na-agua-de-aurizona-ma-com-metais-pesados-por-conta-de-rompimento-de-barragem-da-equinox-gold/>

<sup>35</sup> <https://es.mongabay.com/2022/11/condagua-el-resguardo-indigena-que-se-resiste-a-perder-sus-montanas-sagradas-en-colombia/>

<sup>36</sup> <https://es.mongabay.com/2022/04/colombia-el-pueblo-indigena-que-el-estado-invisibilizo-ante-la-petrolera-gran-tierra-energy/>

<sup>37</sup> <https://wambra.ec/comunidades-de-sucumbios-denuncian-ingreso-de-petrolera/>

<sup>38</sup> <https://amazonwatch.org/assets/files/2023-solaris-risk-assessment.pdf>

35. Operations in **Block 192** caused 105 oil spills contaminating rivers, lakes, groundwaters, and the air quality of 26 Indigenous communities.<sup>39</sup> At its departure, **Frontera Energy** presented its Closure Plan without contemplating the remediation of any site. The clean-up processes that Frontera claims to have done was not a remediation processes, and the spill's impacts persist.<sup>40</sup>

## **VII. VIOLATION OF CIVIL AND POLITICAL RIGHTS**

36. All documented cases show a violation of the civil and political rights recognized in the International Covenant on Civil and Political Rights.

### **Right to participation and environmental information**

37. These rights have been violated in several projects analyzed in this report. The CESCR stated that individuals should be given full and equal access to information concerning water and the environment.<sup>41</sup>

38. **Equinox Gold** withheld information about its operations and impacts. According to Brazil's regulatory agency on mining,<sup>42</sup> the company did not regularly submit inspection and monitoring reports about the Pirocáua Lake dam. The lack of transparency and access to information was such that local residents didn't know that this dam existed, as it was never properly reported to them or to Brazil's mining agency.<sup>43</sup> **Belo Sun** has violated local communities' right to information about the social, environmental, economic, and cultural impacts that the Volta Grande Project (VGP) would have on their livelihoods. In 2022 – 10 years after the VGP's environmental licensing process began – many families of the Ressaca land reform settlement and in nearby Indigenous and riverine communities were not aware that the project was being considered.

39. The **Gran Tierra Energy** consultation process for the **Charapa, Chanangué and Iguana** oil blocks also incurred similar violations. The company provided information that was inadequate and did not explain the processes that were going to occur. Moreover, there

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<sup>39</sup> <https://consultaprevia.cultura.gob.pe/proceso/lote-192-2019>

<sup>40</sup> <https://observatoriopetrolero.org/lote-192-frontera-energy-dejo-hace-8-dias-el-lote-192-sin-haber-presentado-un-plan-de-abandono/>

<sup>41</sup> [http://www2.ohchr.org/english/issues/water/docs/CESCR\\_GC\\_15.pdf](http://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf)

<sup>42</sup> ANM .SIGBM - Sistema Integrado de Gestão de Barragens de Mineração — Lagoa do Pirocáua. <https://app.anm.gov.br/SIGBM/BarragemPublico/Detalhar/C4C2A54786D3FB8F517314020C31910A1E30AD6C72A1C7EFA3719D74B1E38E4A>

<sup>43</sup> <https://www.mpf.mp.br/ma/sala-de-imprensa/noticias-ma/mpf-consegue-decisao-que-obriga-mineradora-aurizona-a-elaborar-planos-de-seguranca-das-suas-barragens-em-godofredo-viana-ma>

were topics that were not considered in its Environmental Impact Assessment nor in public hearings, such as the size of the project area; the possible disappearance of communities, estuaries, streams, and natural water sources; updated information regarding population density; and information about forest care and protection projects.

### **Right to life, integrity, liberty, and peaceful assembly**

40. At least 7 documented cases report violations of these rights and/or criminalization against environmental defenders. In Ecuador, there are **currently 44 defenders criminalized**, with complaints promoted by companies and/or the state, for alleged acts of intimidation, extortion, theft and paralysis of public services, and damage to private property in contexts of resistance, confrontation, forced evictions, and territorial control.<sup>44</sup> Community leaders who resist and denounce the **Warintza Mining Project** face persecution, hacking, criminalization, and death threats by company officials and government agencies. The president of the Shuar Arutam People, Josefina Tunki, was threatened with a phone call by the vice president of operations at **Solaris Resources Inc.**<sup>45</sup> Additionally, the company has motivated the militarization of the territory,<sup>46</sup> with the support of government entities.
41. A series of protests in 2019 and 2020 demanded that the oil company **PetroTal**, operating at **Block 95**, take measures to guarantee local communities' right to water, sanitation, and health. In August 2020, the police guarding the oil camp fired at the demonstrators, killing three Indigenous people. Communities denounced that the crime scene was altered and the bodies were moved without the intervention of the Public Prosecutor.<sup>47</sup> The judicial process to achieve accountability clarifying responsibility continues to this day.
42. In October 2022, hundreds of people affected by **Equinox Gold** spent nine days protesting to demand that the company remedy the lack of drinking water caused by its dam break. In the negotiation meeting, Equinox Gold refused to settle and chose to criminalize and hinder the movement. In a decision, the court ruled in favor of the company prohibiting protests, under penalty of R\$500<sup>48</sup> a day for each affected person. Equinox asked the court to

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<sup>44</sup> See at: <https://www.facebook.com/CentrosShuarWarintsYawi/posts/549305686502949>

<sup>45</sup> According to the report of Josefina Tunki: Federico Velásquez, vice president of operations at Solaris Resources Inc. threatened her stating: "If you continue bothering me with national and international complaints, one of these heads will have to be cut off."

<sup>46</sup> <https://miningwatch.ca/node/10751>

<sup>47</sup> <http://www.orpio.org.pe/orpio-y-aidecobap-denuncian-penalmente-a-los-responsables-de-la-muerte-de-3-kukamas-en-el-lote95/>

<sup>48</sup> That would be around 132 CAD and 100 USD.

prevent the protests with “all other necessary measures, including the use of police force.”<sup>49</sup>

## VIII. VIOLATION OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

43. The Amazon Rainforest is where Indigenous peoples and traditional communities built their homes, find their sources of food and water, collect plants for medical use, and where their spirits and deities live. Fishing and hunting are ancestral cultural activities. The violation of the right to a healthy environment also violates economic, social, and cultural rights such as food, adequate standard of living, health, culture, and association.

### Right to food and water

44. In **Block 192**, the population continues consuming fish from polluted waters; eating animals that drink from the polluted rivers; and vegetables grown on contaminated lands. Similarly, operations in the **Charapa, Chanagué, and Iguana Blocks** have impacted agriculture activities traditionally carried out by the communities. In the **Belo Sun’s Volta Grande** project, the installation of fences to separate the company’s territory was enough to obstruct access to natural resources, directly affecting the access to river water, fishing, and low-impact extractive activities in the region, resulting in an obstruction in access to food, water, and the exercise of traditional economic activities.

### Right to health

45. At least seven cases show current or potential impacts on the **right to health**. When the Canadian oil company Gran Tierra left the **APE-La Cabaña** project in 2023, it left pits in which water accumulated and enabled the reproduction of mosquitoes that carry diseases and threaten the health of surrounding communities. When the Pirocáua Lake dam of the **Aurizona Gold Mine** broke, contaminated water sources used for drinking and agricultural purposes posed severe health risks. In **Block 192**, frequent oil spills increased the presence of heavy metals in the blood of Indigenous communities.<sup>50</sup>

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<sup>49</sup><https://mab.org.br/2022/10/18/attingidos-por-barragem-da-mineradora-equinox-gold-protestam-por-agua-potavel-ha-uma-semana/>

<sup>50</sup><https://www.oxfamamerica.org/explore/stories/shredding-injustice-fight-hold-powerful-accountable-amazon/>

46. In at least two documented cases, the COVID-19 pandemic represented another layer of impact on the health of Indigenous peoples. In **Belo Sun**, the consultation process during the pandemic placed Indigenous groups at risk of infection. In **Block 192, Frontera Energy** hoarded access to oxygen equipment during the pandemic, located inside the oil facilities, only granting access to Indigenous peoples accepting the restart of operations suspended to prevent infections.

### **Right to culture**

47. Eight out of 11 cases show violations of the **right to culture**. The wetlands of the **APE-La Cabaña** project in which the Inga community collected their traditional medicine are now paved over, and the installation of security personnel facilities impacted sacred sites, disrupting territorial spirituality, and preventing community members from accessing medicinal plant gathering activities, as well as hunting and fishing grounds upstream and downstream of the Sambico and San Vicente ravines. In the **Mocoa Project**, the Indigenous peoples from Condagua argue that the project will impact the ancestral and sacred corridors of the Inga people, severing their spiritual connection with the mountain, on whose bond their ancestral traditions depend. In **Block 192**, the extended and systematic contamination, degradation, and destruction caused by the continuous oil spills have destroyed important cultural and historical sites like cemeteries and traditional hunting areas.

### **Right to association**

48. Canadian companies have also contributed to the division of Indigenous communities and the breakdown of their forms of political organization in at least 5 cases. In the **Warintza Project** in Ecuador, **Solaris Resources Inc.** exploited weaknesses of the traditional organizational structure of the Shuar Arutam People to create divisions, violating the right to self-determination. **Libero Copper**, in charge of the **Mocoa Project**, is accused by the Inga reservation of Condagua of causing political conflicts near the extraction area, wherein the company convinced one municipal councilman in favor of the mining project to defend and promote the project, countering the collective decision of the other councilmen of the same municipality.

49. In the actions of **Gran Tierra Energy in the Charapa, Chanangué and Iguana Blocks** in Ecuador, the company created groups within the community structures, promoting the creation of parallel pro-oil leaders to break community resistance. Gran Tierra Energy generated pressure on the organizations that support the resistance with threats and in some cases even physical aggression against the leaders who oppose the entry of the oil company into their territories and remain firm in their resistance.<sup>51</sup>

## IX. CONCLUSIONS AND RECOMMENDATIONS

50. The data and concrete cases illustrated here expose the *modus operandi* of several Canadian companies operating in the Amazon, clearly demonstrating the lack of mechanisms for environmental due diligence, protection, access to justice, and comprehensive reparation for all people affected by the abusive behavior of these companies while exposing the Canadian state's failure to uphold its extraterritorial obligations on human rights, environmental protection, and climate responsibility.

51. The undersigned organizations point to the limitations of the voluntary enforcement measures adopted by Canada. These have proven ineffective and insufficient, as evidenced by the lack of accountability and remediation for the 11 projects from 16 Canadian companies documented here alongside their multiple human rights and environmental violations. Therefore, we invite the states to make the following recommendations to the Canadian state to:

- a. Take legal, administrative, or policy measures to implement the 23 targets of the Kunming-Montreal Global Biodiversity Framework to preserve biodiversity in the Amazon.
- b. Establish a comprehensive and binding human rights and environmental due diligence law, according to international human rights standards, to prevent and sanction any form of corporate abuse of Canadian companies and their global supply chains, as well as banks financing those operations;
- c. Regulate public and private credit and investment agencies that finance extractive activities in the Amazon, according to international human rights standards.

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<sup>51</sup> <https://fb.watch/jClayCMpMp/?mibextid=Zk9Zvk>

- d. Withdraw all forms of diplomatic, economic, and financial support to Canadian companies and banks as a consequence for failing to take all reasonable steps to prevent human and Indigenous rights violations;
- e. Adjust the CORE mechanism to international human rights standards by expanding its mandate, providing it with autonomy and resources to ensure the full protection of Human Rights Defenders, as well as the power to effectively sanction human rights violations committed by Canadian companies abroad;
- f. Ratify ILO Convention 169 on Indigenous and Tribal Peoples and the American Convention on Human Rights; and establish mechanisms for compliance with the Escazu Agreement;
- g. Develop mechanisms with broad social participation and complaint processes, in order to establish more accessible channels of dialogue for affected communities, civil society organizations, and Human Rights Defenders, in Canada and in the host State, through diplomatic representations by the Government of Canada;
- h. Adopt policies to eliminate and prevent the criminalization of defenders and protests, considering that Canadian extractive companies operating in the Amazon have encouraged this treatment. This is the case in Equinox Gold in Brazil, Solaris Resources in Ecuador, and Frontera Energy in Peru;
- i. Establish independent and effective oversight, investigation, and accountability mechanisms to guarantee access to justice and full reparation for the people and communities directly and indirectly affected by Canadian operations in the Amazon. This applies to cases of environmental impacts and cases of criminalization, such as Block 192 (Frontera Energy), the Warinza Project (Solaris Resources Inc.), Aurizona (Equinox Gold), and Block 95 (Petrotal);
- j. Investigate, hold accountable, and prevent the installation and operation of the Canadian corporations listed in this report that are still in the exploration phase given that, in these cases, significant social and environmental damages can still be prevented. This applies to: the Volta Grande Project (Belo Sun Mining Corp.), the Autazes Project (Brazil Potash), APE-La Cabaña Project (Gran Tierra Energy), the Mocoa Project (Libero Copper & Gold Corp.), the Warinza Project (Solaris Resources Inc.), La Fortuna (Goldminindex S.A.) and the Charapa, Chanangué e Iguana (Gran Tierra Energy);

- k. Refrain from implementing, participating in, or financing projects in the Amazon 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 (FPIC) in accordance with international human rights standards and other relevant international conventions;
- l. Establish clear limits on investments in the Amazon, particularly limiting investments in extractive industries, energy, or infrastructure that operate or seek to operate in areas characterized by vulnerable populations whose cultural wealth is invaluable, such as Indigenous, black, and traditional communities; as well as, areas of biological importance that due to their high rate in biodiversity or endemism, are fundamental for the sustainability and balance of the global climate, such as: Amazon Biome, Ramsar zones and protected areas.