

**Open letter to delegates at the 2022 Convention
of the Prospectors and Developers Association of Canada**

June 8, 2022

From Peru, we extend our warmest greetings to delegates at the PDAC 2022 Convention.

Our country is a major host for mining investments, particularly from Canada. Despite the pandemic, overall mining investments in Peru increased by 21.1% in 2021 over the previous year¹.

Peru has placed mining at the core of its economy, and Canadian investments represent 15.3% of the sector². Unfortunately, this investment policy has not brought the promised improvement in quality of life for most communities in the mining areas. On the contrary, it has resulted in corruption and environmental contamination and has infringed on people’s rights to life and health, leaving behind social conflict, disease and even death.

The right of peasant and Indigenous communities to prior consultation on mining projects is not duly respected, even though this right is enshrined in international treaties ratified by Peru and in our national laws. Often, mining companies begin exploration in fragile environments and headwaters without properly consulting beforehand the local communities that depend on the land and water for agricultural production. This results in serious conflicts between the mining companies and their workers and the affected communities that seek to protect their livelihoods. The causes of these conflicts are neither understood by the companies nor duly addressed by a state that does not fulfill its role as guarantor of rights.

An April 2022 report from the Peruvian Ombudsman’s Office (a state body responsible for defending human rights) indicates that of 209 registered social conflicts, 63.2% were socio-environmental, and of these, 65.9% were related to mining³. Between 2004 and 2019, such socio-environmental conflicts left at least 48 people dead⁴, with those responsible mostly enjoying impunity.

Weak institutions and a lack of state environmental regulation have allowed many mining companies to contaminate the water, air and soil in communities around mining operations, leaving thousands of Peruvians poisoned by toxic metals⁵. Being immunosuppressed, people affected by toxic metals are more vulnerable to diseases such as COVID-19. They are struggling to obtain the specialized medical care from the state to which they are constitutionally entitled.

If the state does not fulfill its obligation to adequately regulate mining companies, it is in part due to the strong influence of economically powerful lobbies on its executive and legislative branches, which continually slacken regulatory frameworks, weaken environmental controls and sanctions and elaborate pro-mining public policies. These lobbies have even managed to influence the appointment of public regulatory officials, trampling on the rights to life, health and a healthy environment. This has particularly affected Indigenous peoples, dispossessing them of their ancestral territories, falsifying prior consultation and jeopardizing their very existence.

¹ <https://www.minem.gob.pe/minem/archivos/file/Mineria/PUBLICACIONES/VARIABLES/2021/BEM12-2021.pdf> (in Spanish)

² <https://www.rumbominero.com/peru/noticias/mineria/canada-mineria-peru-expomina/> (in Spanish)

³ <https://www.defensoria.gob.pe/wp-content/uploads/2022/05/Reporte-Mensual-de-Conflictos-Sociales-n.%C2%BA-218-%E2%80%93-abril-2022.pdf> (in Spanish)

⁴ <https://convoca.pe/agenda-propia/familias-de-48-peruanos-muertos-en-conflictos-mineros-desde-2004-aun-no-encuentran> (in Spanish)

⁵ <https://www.amnesty.org/en/latest/news/2020/06/peru-women-unite-against-toxic-metals-pollution/>

The problem was summed up by Cardinal Pedro Barreto, Archbishop of Huancayo, a region greatly impacted by mining and metallurgical activity. In a hearing before the Inter-American Commission on Human Rights, he said, “Our purpose in this hearing is to bear witness to the anguish and suffering of many brothers and sisters due to the consequences of a devastating and increasingly threatening extractive activity that has no human face and no ethics.”⁶

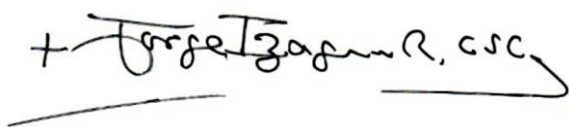
Many of the countries where international mining companies are based are moving to enact due diligence laws. However, we have found that the attitudes of the Peruvian business community are often contrary to the spirit of such laws. In Peru, we at CEAS (the Episcopal Commission for Social Action) have participated in the UN-led process of creating a national action plan on business and human rights to ensure corporate compliance with environmental and human rights standards, but businesses are seeking to over-influence its implementation. We therefore consider it essential that countries move from voluntary compliance regimes towards adopting the UN Human Rights Council’s proposed legally binding instrument on transnational corporations and human rights⁷.

Further, given Peru’s weak institutions and lax regulations, there need to be due diligence standards in the home countries of companies operating in Peru, especially Canada. These countries must regulate their companies’ operations and institute complaints mechanisms to prevent the violations that affect people’s territories and endanger and even hasten the extinction of Indigenous peoples.

We are aware of Bill C-262 in the Canadian Parliament, which would require Canadian companies to conduct human rights and environmental due diligence before beginning operations in another country⁸. We welcome this initiative with faith and hope. We also urge the Canadian mining industry to support this bill, which is in line with the PDAC’s *e3 Plus Framework for Responsible Exploration*⁹.

We join the bishops of Latin America in their call “to businessmen, investors and governments to review the scope of economic activities based on extractivism, so that the sustainability of life, of territories and of inhabitants is prioritized over any other financial interest.”¹⁰ We also invite you to share Pope Francis’s vision that “Business is a noble vocation, directed to producing wealth *and improving our world*.”¹¹

Fraternally,



Mgr. Jorge Izaguirre Rafael, CSC
Bishop of Chuquibamba
President of CEAS



⁶ <https://muqui.org/noticias/muqui-informa/cardenal-pedro-barreto-y-su-apuesta-por-una-pastoral-ecologica-en-peru/> (in Spanish)

⁷ <https://www.business-humanrights.org/en/big-issues/binding-treaty/>

⁸ <https://www.parl.ca/LegisInfo/en/bill/44-1/C-262>

⁹ <https://www.pdac.ca/priorities/responsible-exploration/e3-plus/principles>

¹⁰ Pastoral Letter of the Latin American Episcopal Council (CELAM) (in Spanish) <https://iglesiasymineria.org/wp-content/uploads/2018/03/CARTA-PASTORAL-CELAM-2018.pdf>

¹¹ *Laudato Si'*, 129 (emphasis ours)