

# Knocking on a Locked Door: Assessing Canada's Response to Attacks Against Human Rights Defenders

Kirsten Francescone\*  and Lisa Rankin\*\*

## Abstract

For over two decades, Canadian corporations have been the subject of severe allegations of human rights and environmental violations related to the forced imposition of their operations abroad. Despite the growing consensus within the literature and international governance community that Canadian corporations—especially within the extractive sector—are serial perpetrators of grave human rights violations and despite Canada's international legal obligations, at present there are very little 'hard law' mechanisms available to hold corporations to account. Whereas much literature has been dedicated to how Canadian corporations are facilitated by advocacy and lobbying efforts at the level of Canadian embassies in home-state-countries, much less studied is how these same state actors work towards protecting and preventing human rights defenders from harm. In this article we critically analyse the implementation of the Canadian government's Voices at Risk guidelines (2016) from the perspective of two Canadian human rights advocacy Civil Society Organizations (CSOs) supporting communities in Guatemala, drawing from email and verbal communications as well as Access to Information Requests from 2016 to 2021 regarding the Escobal mine. We assess the usefulness of advocacy at the level of embassies as a way of protecting defenders and demonstrate that, in our experience, calls for support to defenders were ignored. We argue that, within the context of foreign policy which prioritizes trade and investment over all other government policies and wherein corporate violence is met with impunity, current Canadian policies aimed at protecting human rights defenders are essentially useless as an advocacy strategy.

## Practitioner Points

- There is an urgent need to develop binding policies and guidelines for home-state representatives working in diplomatic missions abroad to ensure the protection of human rights defenders (HRDs).
- Although the Canadian government purports to prioritize human rights in their diplomatic missions abroad, in Guatemala human rights defenders are sidelined in favour of economic development. Within the embassy, it is the arm of the Trade Commissioner Service which directs action to protect transnational business interests instead of HRDs.
- Human rights advocates and allies should reconsider embassies as useful spaces for engagement on behalf of defenders. Although there is consensus that transnational corporations are committing human rights abuses across the globe, it is evident that officials working at diplomatic missions abroad are contributing to deteriorating conditions for human rights defenders by ignoring the serious risks they face.

\* Assistant Professor, Human Rights and Global Justice, Trent University, Peterborough, Canada.

\*\* Third-year law student at Osgoode Hall Law School, York University, Toronto, Canada.

**Keywords:** advocacy; Canada; economic diplomacy; Guatemala; international human rights

## 1. Introduction

For over two decades, Canadian corporations have been the subject of drastic allegations of human and environmental violations related to the forced imposition of their operations abroad. Despite the growing consensus within the literature that Canadian corporations—especially within the extractive sector—are serial perpetrators of grave human rights violations and despite Canada's international legal obligations, at present there are very little 'hard law' mechanisms available to hold corporations to account (Simons 2023). This serves to foment an environment of corporate abuse and impunity. Within this context, however, Canadian corporations who operate abroad are arguably only able to do so because of the important services and support they receive from the Canadian government through its embassies and consulates. When Canadian corporations operate in foreign jurisdictions, they do so with little or no information or connections to the place within which they are investing. This is where the agents of the Canadian state become essential to promoting Canadian business interests abroad, and thus associated with, and tied to, those same corporate abuses. Despite the fact that Canada continues to herald itself as a champion of human rights, most recently calling for a seat on the United Nations Human Rights Council for 2028 (Joly 2023: 0-5:27sec), we agree with Kamphuis and Connelly (2023), that the so-called Canadian 'economic diplomacy', with its links to human rights abuses by Canadian corporations abroad, is an enabler of the ongoing corporate abuses and impunity that puts human rights and land defenders lives and livelihoods in grave risk.

Given the rampant abuses being committed by Canadian corporations abroad, several significant studies have mapped out the key ways in which the Canadian diplomatic service has acted at the behest of Canadian mining companies to promote their economic interests (for example Coumans 2019; MiningWatch Canada 2013). What has yet to be explored in the same kind of detail, however, is how that active 'client engagement' primarily through Global Affairs Canada's Trade Commission Services (TCS) and embassy officials, simultaneously has meant repeated *inaction* or *avoidance* to fulfil their basic duties enshrined in international human rights law with respect to protecting Human Rights defenders. Whereas on the one hand, members of the diplomatic corps within the embassy work hard to promote and secure Canadian business interests abroad, they simultaneously ignore and avoid their obligations to protect human rights defenders who are negatively affected by Canadian economic interests abroad, despite having ample information to support them. These are what the Justice and Corporate Accountability Project (JCAP) calls the 'two faces' of economic diplomacy (Kamphuis et al. 2022). In this article we hope to shed light on the latter, drawing from a concrete case study of the Canadian embassy's actions/responses to Canadian and Guatemalan Civil Society Organizations (CSOs) around the suspended Escobal mine in Guatemala.

The structure of the article is as follows. First, we briefly outline the responsibilities that international governance institutions have assigned to home-states with respect to protecting human rights, narrowing our analysis to focus specifically on embassies. Here we argue that we should pay close attention to the activities of state practitioners—the members of the diplomatic corps in embassies—since they are on the frontlines of making things happen. Then, we briefly outline the broad strokes of the emblematic and historic peaceful resistance movement against the Canadian-owned Escobal mine in Guatemala, highlighting its importance from the point of Guatemalan Indigenous grassroots self-determination, but also its importance for the economic profile of the Canadian embassy. Here we draw on the academic and grey literature which has examined the ways in which the embassy has continuously acted at the behest of its 'client' (the mining company), to promote the Escobal mine and to the detriment of the local Indigenous and peasant population, for over

a decade. Third, we outline the ‘other face’ of Canadian economic diplomacy in Guatemala, that is the inaction of the Canadian embassy in response to calls to protect Indigenous and land defenders when confronted with grave human and Indigenous rights violations. In doing so we draw on data collected by ourselves and others from 2019 and 2021 (with the generous support of the JCAP), while working for two Canadian Non-Governmental Organizations (NGOs). This includes minutes from embassy meetings, advocacy letters and official communications with the embassy, and Access to Information and Privacy (ATIP) requests. Finally, we conclude by analysing this inaction as indicative of the broader critique of the limitations of non-binding and voluntary mechanisms designed to prevent human rights harm.

Both of the authors are former employees of Canadian non-governmental organizations which spend significant time advocating alongside land and human rights defenders in Guatemala and elsewhere across the Americas. As part of our advocacy efforts, we consistently engaged Canadian embassies across the continent with specific ‘asks’ from defenders and affected communities, ‘asks’ that became increasingly grounded in the Voices at Risk guidelines to Protect Human Rights Defenders as it was implemented at the end of 2016. This article is an attempt to shed light on the frustrating limitations of advocacy work with Canadian embassies for home-state accountability. It is also an attempt to contribute to the ongoing and important work aimed at reforming and strengthening Canadian foreign policy to work, not for corporate interests, but for justice.

## 2. Obligations on states for human rights protection, and the importance of embassies

Canada serves as the headquarters for over 1,400 mining companies with a combined value of 320 billion dollars in mining and mineral exploration assets at home and abroad—nearly 800 of which operate in 98 foreign countries. This figure represents about half of all of the world’s mining and mineral exploration companies (NRCAN 2024b). With such a globalized presence, there is extensive and well-documented literature which demonstrates that Canadian companies are perpetrators of serious abuses and harm in the Americas and around the globe, actions which mimic broader impunity across the sector (see, for example, [Amnesty International 2023](#); [Coumans 2023](#); [Coumans 2018](#); [Imai et al. 2017](#)). For Gordon and Webber, Canadian mining companies have become the driver of the ‘new Canadian imperialism’, as they wreak havoc on Indigenous and rural communities around the world ([Gordon and Webber 2016](#)). And although we do not want to propose a certain ‘Canadian exceptionalism’ to the industry, it is not a coincidence that nearly half of the world’s mining companies have opted to set up their head offices in Canada. Mining companies benefit from nearly non-existent financial and accounting regulations, favourable tax regimes which make Canada the fiscal paradise of the North and general impunity when it comes to holding companies to account for serious and egregious human and environmental violations (see, for example, [Denault 2008](#); [Studnicki-Gizbert 2016](#)). Impunity breeds continued violations and more impunity, and organizations like the Maritimes-Guatemala Breaking the Silence Network and MiningWatch Canada among others sadly continue to report on abuses by Canadian companies on a regular basis in Latin America and the Asia-Pacific region.

It is well-argued in the literature on home-state obligations for human rights protection that countries that have companies abroad (referred to as home-states), are required to ensure that their companies and their state agents prevent harm against human rights defenders while operating outside of their territories of incorporation ([Deva 2012](#); [Seck 2010](#); [Simons and Macklin 2014](#)). As a signatory to several international legal treaties and norms, Canada has international human rights obligations to take legislative and other measures to protect against human rights violations by private actors and to provide effective remedies ([Mijares Peña 2014](#); [Simons and Macklin 2014](#)).

However, relentless and effective lobbying efforts by Canadian corporate interests (see, for example, [Connolly 2019](#)), have succeeded in ensuring that any regulatory frameworks developed in Canada to govern transnational corporate behaviour continue to rely on generally ineffective voluntary mechanisms and 'soft-law' approaches which foment an environment of continued human rights abuses and generalized corporate impunity ([Coumans 2017](#); [Simons and Macklin 2014](#); [Simons 2023](#)).

For example, the internationally accepted, 'Protect, Respect and Remedy' principles of the UN Guidelines for Business and Human Rights outline state's obligations to protect human rights defenders from harm ([Seck and Stefanik 2016](#)). However, the weak and vague language found in the final ratified version of the guidelines, according to Simons and Macklin: 'represented ... the abandonment by international public institutions of an international legal approach to the problem of corporate impunity in favour of soft norms and private self-regulation' ([Simons and Macklin 2014](#): 10).

Whereas a central focus of the academic literature on home-state obligations for human rights has tended to zoom in on the actions taken by home-states to regulate corporate behaviour abroad from the level of policies or legislation ([Seck 2010](#); [Simons and Macklin 2014](#); [Simons 2023](#)), less studied are the *actions* that the home-state actors themselves take in complying with, or in violation of, their obligations abroad. Here we want to draw the reader's focus to the ways that Canadian public officials, working through Canadian embassies or consulates, are complying or negating their international legal obligations to protect human rights defenders. Several important studies have mapped out the ways in which the Canadian diplomatic service has acted at the behest of Canadian mining companies to promote their economic interests ([Coumans 2023](#); [Roy Grégoire 2019](#); [Weisbart 2018](#)). What has yet to be explored in the same kind of detail, however, is how active 'client engagement', primarily through the embassy via its Trade Commission Services (TCS) or officials, has simultaneously meant repeated *inaction* or *avoidance* of the fulfilment of their basic duties concerning protecting Human Rights defenders. Whereas on the one hand, members of the diplomatic corps within the embassy work hard to promote and secure Canadian business interests abroad, they at the same time ignore and avoid their obligations to protect human rights defenders who are affected by Canadian economic interests abroad, despite having ample information to support them. These are what the Justice and Corporate Accountability Project (JCAP) calls the 'two faces' of economic diplomacy (see [Kamphius et al. 2022](#); [Kamphius and Connolly 2022](#)).

The Canadian government's Trade Commissioner Services are housed within Global Affairs Canada, and operate out of Canadian embassies or consulates. As such they are those most responsible for implementing Canada's 'economic diplomacy' abroad ([Kamphius and Connolly 2023](#); [Simons 2023](#)). According to Global Affairs Canada's website, the primary objective of TCS is to work to promote and protect Canadian business interests abroad. The TCS offers a range of supports to Canadian companies—their clients—who seek their services including: 'introducing companies to important contacts such as potential buyers and partners, foreign governments and decision-makers, helping them to access partnership opportunities, and providing important advice, including related to risks and opportunities' ([Simons 2023](#): 373–74). Over the last two decades, the role of Canadian economic diplomacy abroad has become highly influential. As [McKercher and Sarson \(2016\)](#) compellingly demonstrate, Canadian economic diplomacy, specifically via the multiplication of TCS offices around the world, gained historic importance with Canadian Prime Minister Stephen Harper's conservative government which took office and served two terms from 2006 to 2015. The authors note that, whereas prior to the Harper years, political officers had a more central role in managing relations between countries, TCS gained significant political clout and power within embassies as Harper shifted Canadian foreign policy to almost exclusively prioritize foreign trade. As the Harper government signed dozens of Bilateral Free Trade Agreements across the Americas and Africa (*ibid.*: 363), it became

clear that Canadian foreign policy and development aid would be focused exclusively on countries where Canadian economic interests—especially for the extractive sectors—could flourish, regardless, McKercher and Sarson argue, of that country's human rights record (ibid.: 357. See, also, [Schnoor 2017](#)). The evidence of this shift is clear; according to the TCS website, the service currently has offices in over 160 cities, and over 1,000 employees around the world, ready to provide support to Canadian investors looking to expand their companies into foreign markets.

In the Americas, Foreign Direct Investment linked to natural resource extraction most benefited from this shift ([MacDonald 2016](#): 10). According to [Kamphuis and Connolly \(2023\)](#), during this timeframe the Canadian government produced multiple policy and strategy documents which sought to 'entrench the practice of economic diplomacy as the 'driving force behind the Government of Canada's trade promotion activities' (ibid.: 4). Trade, especially within the extractive sector, was considered the driver of Canadian engagement abroad, and that foreign policy direction appears to continue to hold today ([Schnoor 2017](#); [Weisbart 2018](#)). For [Anzueto \(2017\)](#), Canadian foreign policy in Guatemala during the Harper years consolidated a push to prioritize trade and simultaneously close its doors to international and Guatemalan human rights organizations, effectively altering Canada's image for Guatemalans as a new-imperialist state, all in the name of prioritizing Canadian extractive industry interests (ibid.: 84). Prior to this period Canada's support for signing the Peace Accords to end the genocide, for example, was not because of some sense of Canadian altruism or moral obligation, but the result of 'various national pressure groups collaborating with transnational networks in light of the situation in Guatemala' (ibid.: 77). The embassy's relationship to Canadian and Guatemalan civil society organizations, along with the valuable insights and pressure they brought into that space, have been allowed to wither away to prioritize trade. And the embassy's previous 'open-door policy' to advocacy organizations and networks was seemingly slammed shut, often in the face of defenders themselves. The lasting impacts for human rights defenders today cannot, and should not, be understated.

As a result of these global trends, Canadian economic diplomacy has become the subject of increased public and international criticism and just recently in 2023, JCAP submitted a report to the United Nations Universal Periodic Review of Canada about the risks that Canadian economic diplomacy presents for human rights defenders ([Kamphuis and Connolly 2023](#)). As [Kamphuis and Connolly \(2023\)](#) observe:

The IACHR and the UN Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises ('the UN Working Group on Business and Human Rights') have expressed specific concern about the human rights impacts of economic diplomacy and called on Canada to make state support conditional on corporate respect for human rights and to refrain from influencing the adoption of norms or policies that solely favour corporate economic interests (ibid.: 10).

The IACHR, in particular, has noted that foreign states and their *actors* may be held accountable under international human rights law where actions or omissions lead to human rights abuses, which should only further motivate the need for states like Canada to develop strong policies, procedures and legislation to protect human rights over economic investments ([Kamphuis and Connolly 2023](#): 29). As the UN Working Group on Business and Human Rights 2018 report on Economic Diplomacy has noted, states who provide trade and investment promotion to companies incorporated in their territories but operating abroad should use their position as 'leverage to promote greater corporate respect for human rights' ([UNHCR 2018](#): 4). Increasingly in Canada, the TCS has been conceived as the key player for the Canadian government to ensure 'responsible business practices' are maintained by Canadian companies abroad. For example, the newly approved Responsible

Business Conduct Abroad: Canada's Strategy for the Future, makes this responsibility explicit:

Global Affairs Canada, through the Trade Commissioner Service, will work with other[s] ... to support Canadian companies to understand and manage risks, *including those related to human rights, the environment and due diligence* (emphasis ours). They will support Canadian companies to lead on responsible business practices abroad and through their work, position Canadian companies for ongoing success in new and existing markets (Global Affairs Canada 2024a).

Similarly, in *Voices at Risk: guidelines on Supporting Human Rights Defenders* (VAR), the main policy document the Canadian government has developed for providing guidance to embassies on how to protect and promote human rights defenders in foreign countries, embassies can be proactive: 'depending on the facts of a given case, there may be an impact on the support that the mission offers to the Canadian company in question, including denying or withdrawing individualised trade advocacy support' (Global Affairs Canada 2024b: sec. 4.2).<sup>1</sup> Albeit still a soft-law policy which espouses vague and ultimately voluntary language (Simons 2023), for Canadian civil society organizations advocating for human rights protections abroad, the VAR guidelines provided a set of limited but actionable steps that diplomatic missions could take towards protecting human rights defenders. The policy, first developed in 2016 and revised to include annexes in 2021, includes an entire section on Guidelines to Protect Human Rights Defenders for diplomatic missions. Some of the actions include: fostering effective human rights defenders' support networks, attending trials and hearings and visiting detained human rights defenders, making public statements and using social media. Following the publication of the guidelines, the present authors, as members of two Canadian NGOs that have historically been involved in advocacy for human rights defenders at the embassy level, decided to tailor our advocacy to include 'asks' which fall within the actionable items that a diplomatic mission could undertake, according to the guidelines. The following two sections examine in more detail how the Canadian diplomatic corps in Guatemala responded to specific calls from Canadian and Guatemalan Civil-society organizations to protect human rights defenders.

### 3. Guatemala's version of Canadian economic diplomacy

According to *Natural Resources Canada* (NRCAN 2024a), the total value of Canadian mining assets in Guatemala in 2021 was 398 million Canadian dollars (the second highest in Central America following Nicaragua), with six companies working in the country. As we will see, some of the mines that have gone into operation over the past decade in the country have been some of the largest in the world in terms of output. They have also produced some of the most violent and egregious attacks on land and human rights defenders on whose land these companies have 'assets'.

Not unlike the literature documenting harms and abuses committed by Canadian extractive companies abroad, there is ample literature which describes the detailed ways that Canadian economic diplomacy has worked to promote the interests of Canadian foreign direct investment and trade at the expense of fulfilling its obligations to protecting human rights, and to the extreme of perpetuating serious harm (MiningWatch 2013; Moore 2015a; Weisbart 2018). In Guatemala, this has been the norm, rather than the exception. As Russell and Nolin note:

<sup>1</sup> For a more detailed exploration of Canada's strategy and policy documents relating to economic diplomacy refer to Kamphius and Connolly (2023).

our many meetings with Canadian ambassadors and their staff over the past many years have only served to reinforce our understanding that the Canadian government's position is to encourage and facilitate Canadian mining operations at all costs in Central America (Nolin and Russell 2021: 6).

Guatemala's majority Indigenous population has been met with centuries of violence relating to resource extraction, including land conflict and the appropriation of ancestral land related to monocrops, such as sugar, African palm, hydroelectric dams as well as large scale mining. From 1954 to 1996, Guatemala was embroiled in an Internal Armed Conflict between the state and leftist guerrillas. The IAC was sparked by a US backed coup d'état overthrowing the democratically elected government that was developing policies on land reform (Laplante and Nolin 2017). At the peak of the IAC, the Guatemalan state committed a genocide against the Indigenous Mayan population (United Nations 1999). When the Peace Accords were signed, a United Nations backed human rights commission reported the army had killed an estimated 200,000 people (ibid.).

Studies have not only detailed the destructive impact of Canadian mining in Guatemala, including allegations of mass shootings, gang-rape, razed villages and the violation of Indigenous self-determination (La Plante and Nolin 2017; Moore 2015b; Nolin and Russell 2021; Weisbart et al. 2022), but it is well-documented that the Canadian diplomatic service has worked very hard over the past decades to promote Canadian mining projects mired in this ongoing violence by wining and dining corporate mining officials with fancy dinners, and extravagant golf tournaments, as Weisbart (2018) demonstrates. This commitment to appeasing their 'clients' at all costs forms part of what Weisbart refers to as the 'state-corporate symbiosis', where the lines become blurred between Canadian public officials and Canadian corporate actors, and where the Canadian government's advocacy efforts come to represent the sole interests of the corporate entities they work to promote and protect (ibid.: 475).

At the Marlin mine in Guatemala, Imai, Mehranvar and Sander (2007) document how, in the context of ongoing Indigenous-led consultations to reject the mine, the Canadian embassy in Guatemala wrote opinion pieces in important newspapers in Guatemala singling praises about Canadian mining around the world; arranged for a Guatemalan community member to travel to Canada to visit Canadian mining sites; and arranged for a controversial First Nations leader from Canada to give a presentation about the benefits of mining in Guatemala city, thereby maintaining the narrative that the mining company was espousing: that Guatemala needed mining development, regardless of what Indigenous people wanted for their lands and territories (see also Nolin and Stephens 2010; Schnoor 2017). Nolin and Russell (2021) demonstrate in their recently released book, *Testimonio: Canadian Mining in the Aftermath of Genocide in Guatemala*, the unwavering support from Canadian embassy officials for Skye Resources/Hudbay Minerals despite the horrendous violence being committed against the Maya Quechi population affected by the El Estor mine. Weisbart, Moore and Connelly (2022) demonstrate how the Canadian embassy shamelessly lobbied to promote the Escobal mine and wash Tahoe Resources' image (to which we will turn exclusively in the next section) despite ongoing acts of extreme violence, including the horrific open-firing on protestors in 2013, which resulted in 7 men being seriously injured and a civil lawsuit being filed against Tahoe Resources in Vancouver courts for negligence and battery. This support included openly attending a ceremony which celebrated the company just *two days* after the shooting, wherein Ambassador Hugues Rousseau was photographed with high-level government and military officials, including those who had been actively engaged in the Guatemalan genocide in the 1980s. Instead of engaging with the company regarding its links to the ongoing serious violations, the Canadian embassy opted to deny its 'Canadianness' when pressure was put on them to act in the interest of defenders by noting the company was not Canadian. As they reveal,

behind the scenes, Access to Information and Privacy Request (ATIP) data show the company was 'Canadian enough' to warrant lobbying efforts with the government to keep the mine in operation, but 'not Canadian enough' to warrant any investigations into their links with the abuses. Similarly, but with respect to the Marlin mine, [Kamphuis and Connolly \(2022\)](#) demonstrate how the Canadian embassy in Guatemala, along with the Department of Foreign Affairs Trade and Development's Directors and Canadian ministers undermined the efforts of Maya Indigenous communities to access the Inter-American human rights system (IACHR) to defend their rights against a Canadian mining company, Goldcorp. Drawing from hundreds of pages of redacted and semi-redacted Access to Information requests, we demonstrate how Canadian officials ignored and avoided credible information which suggested environmental and human rights harms were being committed at the Marlin mine, instead choosing to lobby the Interamerican system with a position that solely favoured the company, Goldcorp. Canadian officials: 'relayed information from the IACHR to Goldcorp; took steps to leverage Goldcorp's influence during the IACHR site investigation to the Marlin mine; and strategize ways in which the company could influence the IACHR hearing on the case' (ibid.: 5).

For our purposes, the most concerning element from this final report is the authors' claim that there was 'no evidence in these records that the Canadian Embassy followed its own policies and engaged with affected communities to assess and investigate their concerns' (Connolly and Kamphuis 2022: 5). It is this point on which we will focus in the remaining sections of this article. Whereas, as we have just seen, it has been extensively documented that the Canadian foreign public service in Guatemala has worked hard to maintain a corporate-state symbiosis with Canadian mining companies, their efforts towards protecting land and human rights defenders from harm are negligible, if present at all. This is the other face of Canadian economic diplomacy.

#### **4. Avoidance, empty promises, and silence? The Canadian diplomatic mission in Guatemala and the Escobal mine**

The Escobal mine is currently owned by Canadian company Pan American Silver (PAS),<sup>2</sup> but was developed and brought into production by the US/Canadian company Tahoe Resources.<sup>3</sup> Its 'nationality' is important, since it determines whether the company receives Trade Commissioner Service support abroad. Although there is no information available online regarding what metrics are used to assess a company's eligibility to receive TCS support, as [Weisbart, Moore and Connelly \(2022\)](#) demonstrate, the Guatemalan embassy has claimed that companies need to demonstrate 'substantial economic ties to Canada' as well as having their headquarters in this country. While it operated contentiously, the Escobal mine was one of the largest producing silver mines in the world. In 2016, the mine was ranked second in the world for primary silver production, producing over 20 million ounces of silver, it alone accounting for over 75 per cent of all of the silver produced in Guatemala at the time ([Silver Institute 2018](#)).

From its inception, the mine has had a history violence. Since rumours started circulating about the project in 2010, community members from towns in the departments of Santa Rosa and Jalapa, in south-eastern Guatemala, expressed their peaceful opposition to the project.<sup>4</sup> The mine and its extensive concession titles are located on the lands of the Indigenous Xinka. The Xinka Parliament, the representational body of the Xinka

<sup>2</sup> It has been widely documented that this company has been perpetuating environmental harms and violating human rights for many years. The Environmental Justice Atlas has documented 9 cases at PAS-owned mines.

<sup>3</sup> Tahoe Resources held the licence to the mine until 2019 when, on the verge of bankruptcy, the company was purchased by Pan American Silver.

<sup>4</sup> For brevity we are radically summarizing the long-standing resistance to Escobal. You can find a detailed timeline as well as testimonies from the peaceful resistance and Xinka parliament online: <https://www.resistescobal.com/timeline/> (referenced october 15, 2024).

people, has also been an outspoken opponent to the project. For over a decade communities negatively affected by the mine have exercised various forms of direct-democracy and self-determination. In 2011, 200 individual administrative complaints were filed by community members in opposition to granting the exploitation licence to the Escobal mine. Hours before the licence was granted in April 2013, all the complaints were dismissed by Guatemala Ministry of Energy and Mines ([MiningWatch Canada and NISGUA 2013](#)). The Guatemalan constitution requires that all complaints be addressed before granting exploitation licences, and the failure to do so signifies a violation of a constitutional right. Guatemala's Minister of Energy and Mines at the time, Erick Archila is now a fugitive from the law, on accusations of corruption and money laundering while in office ([Pitan 2023](#)). Archila was also denounced for his failure to adequately address the complaints surrounding the Escobal mine ([Melini and Orozco 2015](#)). As demonstrated by [Weisbart, Moore and Connelly \(2022\)](#) these are the Guatemalan officials with whom the Canadian government has been working closely. In response to the continued failures by the Guatemalan government to respond to community concerns, between 2011 and 2013, four municipalities surrounding the Escobal mine conducted municipal referendums on the project. The fifth municipality, with a pro-mining mayor, refused to hold a referendum. However, nine communities organized their own consultations in defiance of the municipality. All four municipalities and eight communities voted overwhelmingly against the mine project.<sup>5</sup> During that time, the peaceful resistance to the project was met with repression from both Tahoe Resources' mine security and from the Guatemalan government. On 27 April 2013, Tahoe Resources' head of security, Alberto Rotondo, opened fire on peaceful protestors at the mine's entrance and shot seven community members. Two weeks later, on 6 May 2013, the Guatemalan government declared a state of siege (likened to Marshall Law) in the two municipalities surrounding the Escobal project. Subsequently, as [Granovsky-Larsen and Weisbart \(2021\)](#) document, more community members involved in resisting the mine were either injured or killed in 2014, 2015, 2016, 2017, and 2018, including 16 year-old environmental and land defender Topacio Reynoso who was attacked and shot alongside her father who survived that and subsequent armed attacks (*ibid.*: 127).

Despite the overwhelming context of extreme violence and repression against Indigenous and community land defenders, the movement has retained its commitment to non-violence. On 8 June 2017, peaceful resistance encampments were set up on the two roads leading to the project, stopping any mine related traffic going towards the mine ([NISGUA 2017](#)). On 22 June 2017, Guatemalan riot police were sent to evict the peaceful protestors but were unsuccessful ([Moore 2017](#)). The peaceful encampment coincided with a decision by the Guatemalan Supreme Court to suspend the Escobal mine pending consultation by the Guatemalan government with the Xinka people, a decision which was affirmed by Guatemala's Constitutional Court in September 2017. The project remains suspended at time of writing due to both the ongoing consultation and the incredible commitment of the encampments which continue to stop mine-related traffic.

It is within this context of brutal, generalized and violent attacks on the basic human rights of Indigenous Guatemalans at the behest of Canadian capital that dozens of Canadian and US-based NGOs have sought to accompany Guatemalan organizations and communities in demanding justice and the right to develop their communities the way they deem fit. One of the ways this advocacy happens is through engagement with the Canadian embassy in Guatemala, which has been a long-standing approach for accountability and justice for both of the organizations we represented during the timeframe in question.

The Maritimes-Guatemala Breaking the Silence Network (BTS) is a grassroots volunteer organization based in the Canadian Maritimes, with permanent staff located in Guatemala.

<sup>5</sup> For a complete timeline on the municipal referendums see <https://www.resistescobal.com/timeline/> (referenced october 15, 2024).

The organization was founded in 1988 in response to the desire of displaced Guatemalans who had fled to southern Mexico during Guatemala's Internal Armed Conflict to return home. In the following decades, BTS has continued to support survivors of the genocide in their struggles for justice regarding human rights abuses committed during the conflict. Since 2004, BTS has also supported communities affected by Canadian mining companies. This has included physical accompaniment to deter further attacks against human rights defenders, advocating for the respect of human rights with the Canadian and Guatemalan governments and Canadian mining companies, and denouncing human rights abuses on a wide scale. Meetings with the Canadian Embassy are a crucial part of the work of BTS, to ensure the embassy is aware of the human rights abuses which occur in communities affected by Canadian mining companies, as well as to express concern at Canada's ongoing support of these same companies.

MiningWatch Canada (MWC) is a Canadian non-governmental organization which works in solidarity with Indigenous peoples and non-Indigenous communities who are dealing with potential or actual industrial mining operations that affect their lives and territories in Latin America, as well as the Asia-Pacific region and in Canada. As part of this work, the organization frequently receives requests from communities to facilitate meetings with the Canadian embassies in the countries of home-state-governments to express a range of concerns regarding Canadian mining activities. MWC also takes a proactive stance in ensuring that the Canadian embassies are informed of the activities of Canadian companies abroad by seeking out meetings with Global Affairs Canada in Ottawa as well as at the embassy level and sending communications and letters requesting the formal support of the embassy at key moments of heightened human rights violations.

As employees of these organizations at the time that some of this research was completed, we compiled, in collaboration with JCAP, a summary of the total communications we maintained with the Canadian diplomatic corps in Guatemala since the implementation of the Voices at Risk guidelines in 2016. Our motivations for doing so were two-fold. First, to zoom out and look critically at our organizations' engagement with the Canadian embassy in Guatemala since 2016 to assess how the Voices at Risk guidelines were being implemented. Second, to use those observations to inform our overall embassy engagement strategy within our respective organizations, but also across allied Canadian and Guatemalan CSOs.

To do this, we joined all the official email communications, letters and statements between our respective organizations and the Canadian Embassy in Guatemala from 2016 to 2021. We also compiled our notes and agendas from delegation visits, meetings, and/or field visits which included the embassy in that same time period. Support was provided from JCAP to organize the original data in 2020 which consisted of highlighting any references to violence as well as any references the embassy staff made to the VAR policy, or other corporate responsibility frameworks and organizing the data into a timeline. We met with the JCAP student on two occasions to collectively analyse the timeline and compare notes on our observations within each individual communication process/cluster. Then, in 2023, we expanded on that timeline to include a cross-reference to our fieldnotes and agendas as well as external context which were then coded to identify embassy responses and response time. Finally, we used descriptive statistics to numerically organize and clarify the response rate and content of the embassy replies. It is important to point out that this database does not necessarily include all of the communications that we would have participated in developing (through coalition initiatives like the Canadian Network for Corporate Accountability or the Americas Policy Group), since many of those communications were sent through a centralized coalition channel. As such we cannot say with complete certainty that all of the communications that were sent between these two organizations and the Canadian embassy are compiled into this database, but we can say with confidence that the majority of communications we had with the embassy were reviewed and included in the database, which has been summarized below in [Table 1](#).

**Table 1.** Overall embassy engagement in Guatemala around Escobal, 2016–2021

	Number	Frequency (%)
<b>Communication Blocks</b>	27	100
Embassy responds with action (Tweet)	2	7
Email response with commitment to meet	3	11
Guatemalan CSO		
Email response citing expectations/standards	2	7
Email Response acknowledging reception of information with vague suggestion to ‘follow-up’	2	7
No Response	18	67
<b>Delegation meetings in Guatemala</b>	6	

Source: Email and field note scrape courtesy of BTS and MWC.

It is important to point out that all of these communications with the Canadian embassy in Guatemala point to serious allegations of violations of basic human rights enshrined in international law against Indigenous and land defenders confronting Canadian mining in their territories including: increased threats, defamation and tension; possible evictions; brutal police violence against peaceful protestors and imposition of states of siege; violation of Indigenous self-determination; armed attacks and assassination attempts; and, sadly, assassinations. Some of the communications took the form of letters which outlined the ongoing state of affairs of a particular group or community and the threats they were facing at the time; some included discussions of particular individuals being targeted; and others contained information regarding specific actions that the Canadian company or Guatemalan government was taking to promote a Canadian mining project and which were in direct violation of basic human rights. Some of these letters were signed and sent by dozens, and in some cases, hundreds of reputable Canadian, international or Guatemalan CSOs and had extensive ‘asks’ within them for the embassy within its purview as the official representatives of Canada the ‘home-state’ within Guatemala the ‘home-state-state’.

As is common knowledge within the literature on Guatemala regarding the ongoing state of human rights in the country, Indigenous, human rights and land defenders are under a constant state of threat and face repeated violence (Amnesty International 2019; Cultural Survival 2022). In its 2021 Decade of Defiance Report Global Witness reported that over 80 land and environmental defenders had been assassinated in Guatemala in just ten years, making it one of the most dangerous countries in the world for defenders at the time of publication (Global Witness 2022). As such, in our opinion, Canadian embassy officials in Guatemala are undeniably aware of the precarious situation within which Canadian companies are investing in the country, and were repeatedly reminded of the concrete and shocking events happening on the ground, often at the time they were unfolding. Despite the international and local reports coming into their offices, Guatemala continues to be a destination for Canadian Foreign Direct Investment, as Guatemala is, according to a Government of Canada website, ‘Canada’s largest bilateral trading partner in the region [Central America]’.

In nearly 70 per cent of the cases that we were able to document regarding communications with the embassy, our communications were *completely ignored* by embassy officials.<sup>6</sup>

6 One of the authors reached out to the embassy for an interview for this research. The first two email communications were ignored completely. On the third attempt, the embassy declined to be interviewed and declined to share any documents the researcher was requesting.

That is, we never received a response. This includes instances, for example, when our organization notified embassy officials in 2020 that PAS was violating Indigenous self-determination and free-prior and informed consent, as communicated to us through the Xinka Parliament and other Guatemalan CSOs, or subsequent communications in 2021 where we expressed concerns over Xinka Parliament reports that leaders were facing increased intimidation threats and attacks.

The embassy responded about 15 per cent of the time, with the majority of communications coming from the political attaché or, in rare instances, from the Foreign Policy, Diplomacy and Communications Officer. When we did receive responses, they were vague, with the embassy citing its commitment to ensuring Canadian companies act according to the voluntary frameworks set up to prevent human rights violations. For example, in response to a violent police raid on one of the peaceful encampments (Casillas) which included the tear gassing of women and children in August 2017, BTS communicated with the embassy attaching a letter of concern signed by 36 NGOs which called on the embassy to act immediately to protect the human rights of the communities affected by the Escobal mine (22 August 2017). The ambassador responded over two weeks later stating that the 'promotion and protection of human rights abroad is an integral part of Canadian efforts abroad', and citing the VAR guidelines and Canada's Corporate Social Responsibility Strategy as evidence of their efforts. She continued in the email to say, 'the extractive sector in Guatemala involves a complex set of interests and processes', 'Canadian Embassy officials ... actively encourage open and constructive dialogue on extractive issues among all stakeholders, including government officials, local communities, civil society, and extractive companies, to promote a well-informed debate on issues related to extractive industries' (6 September 2017). No other attempts were made by the embassy following those claims to demonstrate how they might be implemented beyond simply citing the policies.

In only another 15 per cent of the cases analysed did the embassy purport to do anything at all, which was to inform us of their intention to meet with a Guatemalan CSO. As previously noted, [Kamphius and Connolly \(2022\)](#) stated that, despite the overwhelming evidence in ATIPs which documents embassy efforts to work with corporate stakeholders, very few communications existed in the case they analysed to confirm embassy claims that they were indeed meeting with other stakeholders whose positions may differ from the companies. Our data further speaks to that point. Although embassy officials told us of their intention to follow-up with a Guatemalan or Canadian CSO or NGO, we were never provided any follow-up information which would corroborate this.

Finally, in the most basic and yet most concrete demonstration of action, the embassy retweeted or sent out a Tweet on X<sup>7</sup> (only 7 per cent of the instances). Both cases where the official embassy account was used to Tweet or retweet a message, involved a defender being violently attacked. This, to us, serves as a very basic and entirely replicable action that could be scaled up, if it were ever proven to be an effective measure of drawing positive attention to a defender in danger.

The tone was different at the few in-point meetings we secured. Often, the person who would define the parameters and lead the discussion was the TCS representative,<sup>8</sup> and even though the ambassador was frequently present in these meetings, it was the TCS who spoke

7 The use of social media to promote 'digital diplomacy' has been analysed in the literature on how diplomats have been modifying their public practices online (see, for instance, [Manor and Segev 2020](#); [Sevin and Manor 2019](#)). And, the literature which seeks to understand the possibilities and limitations/risks of social media for human rights defence is torn between the potential it has for democratizing the visibility of human rights violations, and further exacerbating authoritarianism and surveillance ([Gregory 2019](#); [Kurmanov 2024](#)). However, we are not aware of any studies which look specifically at the usefulness of digital diplomacy for human rights protection. Our research suggests in this case that, although this is a tool which has been highlighted by the government as at their disposal, they are seldom inclined to use it with respect to human rights.

8 The embassy enforced a strict 'Chatham House Rules' protocol with us every time we met them in Guatemala, as such we are not allowed to reveal the names of those who spoke.

the most, often using language which blurred the lines between the embassy and the company—‘their client’. The TCS consistently defended the company and tried to smooth over criticism by pointing to their obligations to uphold voluntary norms to protect human rights. On one occasion, the TCS representative slipped several times in their language referring to ‘us’ when referring to the company. It is our interpretation from all of the meetings we had over the years in Guatemala that the TCS holds significant power within the embassy unit, and that the ambassadors often leant on them for their analysis in meetings.

Internal ATIP documentation and conversations with embassy officials clearly demonstrated that the embassy has continued to provide support to Tahoe Resources,<sup>9</sup> and now PAS, through its embassy. As we explored previously, this has been extensively documented in the literature. Even though the Voices at Risk guidelines afford embassy officials room to take other actions to protect defenders, such as refusing diplomatic service support to companies in the event of allegations of human rights violation, the officials working in the Guatemalan embassy during the period we examined seemed not to consider this as a possibility. For example, in a delegation<sup>10</sup> meeting in early 2020, in which both BTS and MWC assisted, an embassy representative told the group requesting that TCS be withdrawn from PAS in light of ongoing threats to Indigenous self-determination and ongoing threats of physical violence against defenders, that, ‘the only way that would happen is if it were proven in court that the company in question was engaging in corrupt activities with the Guatemalan government’ (Guatemala, 28 February 2020). From the perspective of this embassy representative, then, it is only in cases where a Canadian law is proven to have been violated—in this case the Corruption of Foreign Public Officials Act—that TCS supports could be revoked. However, the guidelines clearly state: ‘Depending on the facts of a given case, there may be an impact on the support that the mission offers to the Canadian company in question, *including denying or withdrawing individualised trade advocacy support*’ (Global Affairs Canada 2024b: 21, our emphasis). And since the guidelines clearly state that this kind of diplomatic support can be withdrawn if human rights violations occur Canadian CSOs thought this could actually be a strategic avenue to prevent harm for advocacy work when the guidelines were released. Given the serious nature of the allegations being made against the company in question in Guatemala around the Escobal, CSOs were also desperate for any potential avenues that might prevent further harm to defenders. However, over the years, the likelihood of such an action taking place seemed to diminish, leaving the only apparently acceptable action to be taken in light of a grave human rights abuse being a tweet.

Finally, even in cases where the embassy vaguely committed to doing something, that is meeting with other stakeholders, we never heard about it and never observed a tangible impact of such engagement. As a result of all of this, we are of the opinion that the majority of the communications work that we did with the Canadian embassy to advocate for justice for the Indigenous and land defenders affected by the Escobal mine were ignored—with our collective work and the work of many Guatemalan organizations and communities most likely facing extreme bias and stigmatization by embassy officials. As Roy Grégoire (2019) demonstrates, racist and pro-development messaging perpetrated by the Guatemalan oligarchy with respect to the perception of peaceful protestors and defenders protecting their lands, also informs the embassy’s perceptions of these same defenders

<sup>9</sup> As Weisbart, Moore and Connelly (2022) note, Tahoe Resources—the former owner and operator of the Escobal mine until 2019—apparently had its support from embassy officials briefly revoked. However, according to embassy officials, this was not due to ongoing human rights violations but to questions about ‘how Canadian’ the company was.

<sup>10</sup> Delegations are an important part of the work that both of our organizations do in Guatemala. They involve bringing groups of representatives from different sectors of Canadian society to learn, document and/or bear witness to ongoing struggles or processes.

and any organizations who accompany them. In maintaining a pro-business, pro-mining stance, the embassy actively prioritizes the voice of Canadian mining interests and the elites that benefit from their activities, while simultaneously shunning or ignoring any other dissenting voices that may present alternative narratives. This was certainly the case of Canadian human rights defender Jennifer Moore, who was denied significant Canadian embassy support when she was unlawfully detained in Peru for showing a documentary which questioned a Canadian company's operations in Manitoba and Peru. ATIP documentation demonstrates how Global Affairs officials refused to recognize her status as a human-rights defender, instead claiming she was an 'anti-mining activist' which thereby undermined the legitimacy of her case in their perspective (Kamphius et al. 2022). As Anzueto, Roy Grégoire and Dufort (2022) compellingly demonstrate in their analysis of embassy actions in Colombia, Trudeau-era Canadian diplomatic approaches to extractives in Colombia involve a simultaneous depoliticization/politicization of human rights and corporate abuses wherein both are couched within discourses which explain democratic resistance as terrorism. Although embassy officials seldom fell on 'rule of law' narratives to explain their inaction with respect to ongoing abuses (instead they actively denied they were happening), the depoliticization was evident in their ignorance of the issues when they involved bona fide complaints against their corporate clients. However, their arguments became politicized when communities peacefully resisted a company's activities.

From this broader dataset we have selected a case that we argue demonstrates what happens when the embassy fails to act within the duties ascribed to it in international law. Not only does it reveal the complete context of impunity that continues to breed impunity for those responsible for the ongoing attacks and violations against human rights defenders, but these examples demonstrate the complete failure of the existing Canadian government mechanisms to uphold their international obligations to protect human rights defenders against rights violations and harm.

## 5. Case study: disregarding deadly attacks?

In 2009, in Chiapas, Mexico, land and environmental defender Mariano Abarca was assassinated in front of his home in broad daylight for his opposition to a barite mine owned by Canadian company, Blackfire resources. Following his assassination, thousands of pages of ATIPS were analysed by Canadian CSOs and what they found was shocking. Records revealed that the embassy ignored the threats made against Mariano's life, of which they were made aware on multiple occasions including a public speech Mariano himself made outside of the Canadian embassy in Mexico and through upwards of 1,400 letters of concern which were sent to the embassy when he was criminalized and arrested (Moore and Colgrove 2013). Instead of fulfilling its obligations to protect a defender at risk, the embassy lobbied for the company with Mexican officials, and met with officials to protect the project when local community members opposed the mine and its impact. The embassy clearly ignored the concerns of community members and claims that armed thugs were working for the company. Ultimately, Abarca, a defender known to the embassy, was assassinated for his opposition to the mine. Not only did embassy inaction in this case prove fatal, but their actions produced more harm than good (ibid.). In the words of Canadian Federal Court Judge Keith Boswell who heard the case presented before Canadian courts, 'perhaps Mariano Abarca would not have been murdered' if the Canadian embassy in Mexico '[had] acted in a certain way' (Family of Mariano Abarca et al. 2019).

What the Abarca case also revealed, following Mariano's assassination and his family's subsequent pursuit for truth and justice, is how adamant the Canadian government was that Canadian public officials had no obligation to protect Mariano's well-being. In 2018, Mariano's family presented a complaint to the Public Sector Integrity Commissioner (PSIC) to request an investigation into the embassy's actions in the events leading up to Mariano's

murder. The PSIC commissioner refused to order an investigation and the subsequent decisions throughout the appeal process demonstrated that the Canadian government's position was based on questioning whether or not 'Canadian public officials are obligated to follow government policies that have been publicly announced or appear on government websites' (Family of Mariano Abarca et al. 2019). Despite the rhetoric that the Canadian government repeatedly draws on to emphasize its commitment to international human rights, in practice its own position is one that leans heavily on the denial of the development of any meaningful accountability mechanisms for its companies and its officials. As Kamphius et al. compellingly demonstrate with regards to the failure of the embassy to meaningfully act to protect another human rights defender, this time Canadian citizen Jennifer Moore while abroad in Peru, the policies that currently exist to govern embassy officials behaviour are essentially useless (Kamphius et al. 2022). As lead researcher and lawyer Charis Kamphius noted in a press release that was published along with the report, 'there is overwhelming evidence that Canadian officials systematically ignore Canada's own policies when it comes to corporate accountability and the protection of defenders. These policies are effectively rendered meaningless' (Justice and Corporate Accountability Project and MiningWatch Canada 2022).

The Mariano Abarca case, and subsequent JCAP documentation of the Jennifer Moore case referenced above (Kamphius et al. 2022), provide the groundwork evidence for a pattern of serious consequences of the Canadian diplomatic mission's avoidance or active refusal to protect human rights defenders. For our purposes, they not only serve as warnings to be heeded, but serve as indicators that Canada's foreign service is actually part of the problem. Guatemala does not fall outside of this trend.

On 16 January 2021, Julio David Gonzalez Arango was shot inside the small store located in his home in Mataquescuintla, Guatemala. Gonzalez is a vocal opponent of the Escobal mine and a leader in his community. Gonzalez suffered serious injuries but survived the attack (Maritimes-Guatemala Breaking the Silence Network 2021).

The attack against Gonzalez came at a significant moment in the long struggle for self-determination of the Indigenous Xinka people who have been in active opposition to the project since 2010. Only one day before the assassination attempt, the Guatemalan Ministry of Energy and Mines announced it would be conducting consultations with the Xinka people in accordance with Guatemala's constitutional obligations to consult Indigenous peoples. Since the mine had been paralysed, it has represented a significant operational loss for Tahoe Resources, and then PAS, and the company and its shareholders have been actively following any advances in the process in the hope that a positive outcome in the consultation process will result in reinitiating operations at the mine (MiningWatch Canada and SumofUs, 2019). A lot is riding on this consultation process for the company, both financially and politically, and the embassy is well aware of the stakes given their ongoing engagement with company officials. At the time of writing, the consultation process is still ongoing.

As noted, this particular attack on Gonzalez is simply the latest in a long line of assassinations and attacks against members of the Civil Society Group of Mataquescuintla,<sup>11</sup> and the wider resistance to the Escobal mine. Gonzalez was previously criminalized in 2013 for allegedly 'stealing explosives' from the mine. The charges were subsequently dropped due to a lack of merit. In the following years, he received numerous attacks on social media, in particular from people known to be linked to the Escobal mine. In 2018, there were direct attacks against Gonzalez, including further criminalization (Perez 2021). Other members of the peaceful resistance of Mataquescuintla suffered similar attacks, including the 2014 murder of Topacio Reynoso Pacheco, a 16-year-old human rights activist and outspoken

11 The Civil Society Group is a non-violent group of mostly small coffee farmers concerned about the impact of the Escobal mine.

opponent of the Escobal mine. Her father, Alex Reynoso survived the attack, only to survive a second attack a year and a half later. The assassination attempt of Gonzalez was followed by threatening text messages to two other members of the Civil Society group of Mataquesuintla, stating that they would be next ([Maritimes-Guatemala Breaking the Silence Network 2021](#)). It is important to note that these attacks were reported to relevant Guatemalan authorities and brought to the attention of the Canadian Embassy on multiple occasions leading up to the attack on Gonzalez. For years, Canadian, US and Guatemalan NGOs as well as CSOs had been warning of the increased tension and escalating violence around the mine, specifically with respect to defenders from Mataquesuintla.

Unfortunately, it was not even a year later that Gonzalez was violently attacked. The Canadian Embassy was immediately informed by BTS staff, who made a request for sustained attention on Gonzalez. Following this initial communication, and in response to the severity of the events unfolding on the ground, 195 organizations from around the world signed a letter of concern regarding the attack on Gonzales and the continued impunity of those who threaten the lives of opponents of the Escobal mine. The letter, dated 21 January 2021 and sent just seven days after the attack, was addressed to relevant Guatemalan authorities, and key members of PAS. However, the Canadian and US ambassadors were also copied in. The letter was also sent directly to Canadian Embassy officials by BTS staff in Guatemala. It laid out the measures which Gonzalez and others had taken in response to the attacks, including a complaint they had filed with the Human Rights Defenders Unit of the Public Prosecutor's office in December 2020 following regarding an increase in threats (*ibid.*). However, attacks against Gonzalez and other members of the resistance only increased after the 2020 complaint. The letter of concern also highlighted that parallel groups were actively intimidating members of the peaceful resistance, and that local perceptions of the conflict positioned PAS's activities as stoking the conflict in the region, despite the court-ordered suspension of the project pending consultation with the Xinka people. Despite the embassy's refusal to accept on previous occasions that the company's increased presence in the region might actually be contributing to the escalating tensions, local perceptions on the ground were certainly pointing fingers at the company.

The letter also included several calls to action for Guatemalan authorities, including a full and impartial investigation of the assassination attempt against Gonzalez, as well as the threats and attacks against other members of the peaceful resistance; the guarantee of the human rights of Gonzalez and other members of the Peaceful Resistance; and the protection of the consultation process. In addition, the letter demanded that PAS uphold the court order to suspend the project pending the consultation with the Xinka people and cease contributing to increased tensions in the region. Finally, the signatories demanded that the international community pay special attention to the risks faced by human rights defenders affected by the Escobal mine.

In response to the direct communication sent by BTS, an embassy official responded by noting that the letter would be shared with the Canadian ambassador and for BTS to provide an update if any response was received from the principal recipients of the letter or if there were any further updates on the case. The embassy official also drew BTS staff's attention to a Tweet which they had published on the official embassy account on 18 January 2021 in French, Spanish and English. The tweet read: 'We condemn the attack against #HumanRights defender Julio González and call for prompt investigation of this incident to bring those responsible to justice. The defense of #HumanRights is essential for the construction of a prosperous, just and inclusive society. #Canada4Rights'.<sup>12</sup>

After failing to receive a significant response from the Canadian embassy after this attack, and having the historical antecedents in mind, BTS staff attempted to address the shortcomings of the Canadian embassy's response by requesting a meeting with the

12 You can find the original Tweet here: <https://twitter.com/canembguatemala/status/1351253378546995203?s=24> (referenced October 15, 2024).

Grupo Filtro<sup>13</sup> to share ongoing concerns in the hope that there would be pressure from other countries for a more significant response by the Canadian embassy. During the meeting the community members and international organizations asked for follow up regarding the ongoing attacks and intimidation at the Escobal mine. After the meeting, BTS staff sent follow up materials to the Grupo Filtro but did not receive any information about outcomes from the meeting or further follow up.

A follow-up letter was subsequently sent in March 2021 to Canadian Members of Parliament Marc Garneau and Mary Ng into which the embassy in Guatemala was copied. In April and again in August, as concerns around threats continued to pour in, follow-up emails requesting updates were sent by both BTS and MWC, which were completely ignored by the embassy. As Gonzalez's case continued to be a concern, he applied to extend his Protective Measures through the IACHR along with other members of the peaceful resistance, while other members of the Xinka Parliament continued to receive threats against their lives. His application was supported by a letter-writing campaign to the IACHR in which both MWC and BTS participated (Earthworks et al. 2021). Despite all the movement to raise awareness and concerns about the increasing tensions for the Xinka Parliament and its representatives, there was no word from the embassy.

As is clear from this example, very little action was apparently taken from by the Canadian embassy to fulfil its international legal obligations, that is its duty to protect against harm—including towards Canadian companies operating in host-states like Guatemala. Instead the insistence on dialogue and the constant repetition of its expectations for companies to voluntarily adhere to the UN Guiding Principles to protect human rights serve to ratify what Roy (2019) and Weisbart, Moore and Connelly (2022) refer to as dialogical racism: wherein certain racially-motivated ideas about 'Guatemalans combined with a pro-development stance on mining', tend to constantly provide the benefit of doubt to the company, and contribute to an overwhelming state of impunity which serves to simply breed more impunity.

Essentially, and despite the severity of the situation with the targeted attack against Gonzalez, the embassy did very little for him and others like him. Following on the coattails of years of advocacy and pressure directed at the embassy to exercise its diplomatic influence to prevent further harm, the embassy opted to publish a Tweet and ignore any advocacy calls for a more engaged and CSO-directed approach in line with their own policies within the Voices at Risk guidelines, including withdrawing diplomatic support from the Canadian company set to benefit from the mine's reopening. In this specific case, Gonzalez survived the aggressions of his attack, but other defenders have not.

Sadly, during the writing of this article, another land defender in resistance to the Escobal mine was killed. Noe Gomez Barrera was murdered on 28 October 2023, and his death, like all those that have occurred over the past decade, was significantly linked to the Escobal mine (Radio Canada International 2023). Gomez Barrera was elected by his people as one of the 59 Indigenous Xinka representatives to participate in the ongoing consultation process with the Guatemalan Ministry of Mines and Energy. He also was a long-time member of the peaceful resistance to the Escobal mine and other mega-extractive projects destroying the ancestral lands of his people. The embassy continues to use the same lines to justify dialogue and a semblance of equal footing between a multinational Canadian mining corporation and the peaceful rural resistance of farmers and shop owners or simply turns a blind eye to the fact that the Escobal mine is an unwanted development project in rural Guatemala. At the same time it justifies the presence of Canadian Foreign Direct Investment as having a right to continue this project within a context plagued with extreme violence.

13 According to the Guatemalan Human Rights Attorney (PDH)'s website, the Grupo Filtro is an inter-governmental body composed of embassy representatives from the European Union, Switzerland, Sweden, Spain, Italy, Germany, the UK, Canada, the USA and the Office of the High Commissioner of the United Nations. The aim of the group is to 'protect human rights in Guatemala'.

We cannot help but think about the dozens of communications which, over the course of the years analysed here, highlighted the concerns of the Xinka Parliament and its people about increased threats and attacks that went unheard and unanswered. In our opinion these deaths and violent actions are preventable, and the embassy does have a role to play in protecting the lives and livelihoods of rural Guatemalans being negatively affected by a Canadian corporation on their lands and in their communities, as well as an internationally-enshrined obligation to do so. We cannot help but ask ourselves, like Federal Court Justice Boswell, what the fates of those land defenders who are no longer with us may have been if the embassy's actions had been different.

## 6. Conclusion: when economics trumps all

The Canadian government has been criticized time and again by experts in international law, representatives of international human rights governance institutions, academics, and civil society organizations for leaning too heavily on voluntary mechanisms to regulate corporate behaviour. This article highlights how the Canadian states' own actors, that is members of diplomatic missions and embassy officials and staff, are failing to comply with the government's own policies and guidelines, and how the government is refusing to develop effective mechanisms for its own representatives to ensure that human rights are protected. It is not only Canadian corporate behaviour that is responsible for human rights harms, but the Canadian government itself. This study is not the first to highlight the power that embassy officials play in Canadian economic development abroad (as the previously mentioned cases of Mariano Abarca and Jennifer Moore demonstrate).

The importance of foreign embassies on the protection or continued violation of human rights in host-countries should not be understated, especially within the current political economic context which sees a race to extract natural resources at all costs. Canada is one of the many 'home-country' states driving this rush (Thomas and Coburn 2022; Gordon and Webber 2016). Embassy officials are often the only contact that foreign corporate executives have with a country they are investing in, and the knowledge they have prior to investing is no doubt limited at best. Trade Commission Services are especially important since, as we noted at the beginning of this article, they purport to provide companies with the tools and lobbying efforts they need to run a successful business abroad. This is perhaps why, shortly after PAS bought Tahoe Resources, they reached out to the Canadian embassy. PAS had not previously worked in Guatemala when they took over Tahoes assets, including the Escobal mine (and its legacy of violence). According to an Access to Information Request (A201901840\_2022-07-20\_09-14), immediately after the sale, the company reached out to the embassy to schedule an in-country visit. PAS, who presumably knew very little about Guatemala, had knowingly invested in a project mired in violence and conflict, a mine which was suspended, a mine which the company had promised their shareholders they would get up and running. On 26 November 2018, just two weeks after the sale was officially announced, PAS reached out to the Canadian embassy in Mexico (where they did have operations at the time), and the ambassador in Mexico then reached out to the embassy in Guatemala to make the introductions. The company subsequently requested a meeting with both the ambassador and mission, and their 'Guatemalan contacts' (Global Affairs Canada 2019: 65). A few months later, the company's CEO and several members of the board travelled to Guatemala to welcome the new Canadian ambassador. Following these meetings, the embassy spent the next few months planning and executing a dinner which hosted 200 people to 'showcase Canada'. The Minister of Mines and the newly elected President of the country were invited. According to the ATIP, PAS paid for the wine and alcohol (ibid.). As we have demonstrated throughout this article, the same kind of immediate treatment and access is never afforded to any of the Guatemalan or Canadian CSOs lobbying on behalf of human rights defenders, and, in fact, in the majority of cases,

these organizations rarely receive so much as an email response. These are the two faces of Canadian Economic Diplomacy in Guatemala: one is concerned with rolling out the red-carpet for Canadian business, and is not concerned with state-sovereignty questions or interference in order to promote trade and investment; and the other, the one on which we chose to focus in this article, espouses voluntary principles at the expense of the safety and health of people on the ground negatively affected by Canadian Foreign Direct Investment.

There is a fundamental conflict clearly playing out at the level of home-state actors operating abroad through embassies when trade and economic development is given priority over, and often at the expense of, the home-state's internationally enshrined duty to ensure human rights protection. Our years of advocacy within the Canadian embassy in Guatemala did not appear to make any meaningful difference for human rights defenders facing direct threats from Canadian-headquartered companies operating abroad. Moreover, the only impacts that we could assess from the embassy's engagement with CSOs in Guatemala around the Escobal mine, were ones which continued to promote the very operations charged with committing harm. If, as Anzueto (2017) claims, embassies maintained a more open-door policy with Canadian and Guatemalan CSOs in the past, which actually enabled meaningful spaces for human rights defence, that door is locked shut. Combine that with the increased economic interest in the region from the extractive industries sector, a full-on wager into the promoting of Canadian foreign investment through the TCS, and a total lack of political will by the Canadian government to develop binding mechanisms to hold corporations to account, the embassy is exclusively serving Canadian corporate interests.

## Acknowledgements

We would like to acknowledge the support from the Maritimes-Guatemala Breaking the Silence Network and MiningWatch Canada for their agreement in allowing us to refer to our experiences while previously employed by both organizations, as well as from countless other CSOs in Canada and Guatemala with whom we have conversed about Canadian corporate and government accountability and impunity. We would also like to acknowledge the support that both organizations received from the Justice and Corporate Accountability Project (JCAP) out of Osgoode Hall Law School for the initial processing of the data. We would also like to thank both of the reviewers for their careful review and feedback during the review process.

## Conflict of Interest

Both authors were former employees of two Canadian CSOs who use advocacy as a tool to promote government and corporate accountability when supporting human rights defenders. During the time of writing this article, neither was a paid employee of either of these organizations.

## Funding

No funding was received for the researching, writing or publishing of this project.

## References

- Amnesty International. 2019. *Last Chance for Justice: Dangerous Setbacks for Human Rights and the Fight Against Impunity in Guatemala*. London: Amnesty International. <https://www.amnesty.org/en/documents/amr34/0611/2019/en/> (referenced October 15, 2024).
- Amnesty International. 2023. *DRC: Powering Change or Business as Usual. Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of the Congo*. London: Amnesty International.

- Anzueto, M. 2017. Canadian Human Rights Policy toward Guatemala: The Two Faces of Janus? *Latin American Perspectives* 44(4): 74–90.
- Anzueto, M., E. Roy Grégoire, and P. Dufort. 2022. Beyond the 'Weakness of the State': Canada's Intervention in post-Agreement Colombia. *International Journal* 77(2): 248–69.
- Connolly, C. 2019. *Lobbying by Mining Industry on the Proposed Canadian Ombudsperson for Responsible Enterprise (CORE)*. Toronto: Justice and Corporate Accountability Project. <https://justice-project.org/wp-content/uploads/2019/07/2.-Report-on-Lobbying-by-Mining-Industry-july-24-fn.pdf> (referenced October 15, 2024).
- Coumans, C. 2017. Do No Harm? Mining Industry Responses to the Responsibility to Respect Human Rights. *Canadian Journal of Development Studies* 38(2): 272–90.
- Coumans, C. 2018. Into the Deep: Science, Politics and Law in Conflicts over Marine Dumping of Mine Waste. *International Social Science Journal* 68(229-230): 303–23.
- Coumans, C. 2019. Minding the 'Governance Gaps': Re-Thinking Conceptualizations of Host State 'Weak Governance' and Re-Focussing on Home State Governance to Prevent and Remedy Harm by Multinational Mining Companies and their Subsidiaries. *Extractive Industries and Society* 6(3): 675–87.
- Coumans, C. 2023. *Canada's Mining Dominance and Failure to Protect Environmental and Human Rights Abroad: Brief Accompanying Testimony provided by Catherine Coumans of MiningWatch Canada on February 6, before The House of Commons' Standing Committee on International Trade (CIIT)*. Ottawa: MiningWatch Canada. <https://www.miningwatch.ca/sites/default/files/background-briefcanadasroleinminingabuseabroadfebruary142023.pdf> (Last Accessed October 15, 2024).
- Cultural Survival. 2022. *Observaciones Sobre el Estado de los Derechos Indígenas en Guatemala: Preparado para: La Sesión 42 del Examen Periódico Universal del Consejo de Derechos Humanos de las Naciones Unidas*. Cambridge: Cultural Survival. <https://www.culturalsurvival.org/sites/default/files/Guatemala%20UPR.pdf>.
- Denault, A. 2008. *Noir Canada: Pillage, Corruption et Criminalité dans en Afrique*. Montreal: Ecosociete.
- Deva, S. 2012. *Regulating Corporate Human Rights Violations, Humanizing Business*. London and New York: Routledge.
- Earthworks, Maritimes-Guatemala Breaking the Silence Network, MiningWatch Canada, Institute for Policy Studies-Global Economy Program. 2021. Activistas piden que se proteja a los líderes Xinka que participan en la consulta sobre la mina Escobal. *MiningWatch Canada*. 18 August. <https://miningwatch.ca/es/news/2021/8/18/activistas-piden-que-se-proteja-los-l-deres-xinka-que-participan-en-la-consulta-sobre> (referenced 18 January 2024).
- Family of Mariano Abarca, Justice and Corporate Accountability Project, Otros Mundos Chiapas, Red Mexicana de Afectados por la Minería (REMA), MiningWatch Canada. 2019. Abarca Family Files with Federal Court of Appeal, insisting that Canadian Embassy in Mexico Must Be Investigated. 19 August. MiningWatch Canada. <https://miningwatch.ca/news/2019/8/19/abarca-family-files-federal-court-appeal-insisting-canadian-embassy-mexico-must-be> (referenced 18 January 2024).
- Global Affairs Canada. 2019. Access to Information Request Record #: A201901840\_2022-07-20\_09-14.
- Global Affairs Canada. 2024a. Responsible Business Conduct Abroad: Canada's Strategy for the Future. <https://www.international.gc.ca/trade-commerce/assets/pdfs/rbc-cre/strategy-2021-strategie-1-eng.pdf> (referenced 18 January 2024).
- Global Affairs Canada. 2024b. Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders. Government of Canada website. [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/human\\_rights-droits\\_homme/rights\\_defenders\\_guide\\_defenseurs\\_droits.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng) (referenced 18 January 2024).
- Global Atlas of Environmental Justice. 2024. Pan American Silver Corporation (Feature Map). <https://ejatlas.org/company/pan-american-silver-corp> (referenced October 15, 2024).
- Global Witness. 2022. *Decade of Defiance: Ten Years of Reporting Land and Environmental Activism Worldwide*. London: Global Witness. <https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/> (referenced 24 January 2024).
- Gordon, T., and J. Webber. 2016. *Blood of Extraction: Canadian Imperialism in Latin America*. Halifax: Fernwood Publishing.
- Granovsky-Larsen, S., and C. Weisbart. 2021. Tahoe Resources' Violent Mining Operation. In C. Nolin, and G. Russell (eds), *Testimonio: Canadian Mining in the Aftermath of Genocide*. Toronto: Between the Lines Publisher.
- Gregory, S. 2019. Cameras Everywhere Revisited: How Digital Technologies and Social Media Aid and Inhibit Human Rights Documentation and Advocacy. *Journal of Human Rights Practice* 11(2): 373–92.

- Imai, S., L. Gardener, and S. Weinberger. 2017. The 'Canada Brand': Violence and Canadian Mining Companies in Latin America. *Osgoode Legal Studies Research Paper* 17.
- Imai, S., L. Mehranvar, and J. Sander. 2007. Breaching Indigenous Law: Canadian Mining in Guatemala. *Indigenous Law Journal* 6(1): 101–39.
- Joly, M. 2023. Canada Announces Bid for Seat on United Nations Human Rights Council. CPAC. [https://www.youtube.com/watch?v=KbWZM3MTvDM&ab\\_channel=cpac](https://www.youtube.com/watch?v=KbWZM3MTvDM&ab_channel=cpac) (referenced 24 January 2024).
- Justice and Corporate Accountability Project (JCAP) and MiningWatch Canada. 2022. Report Finds that Canada's Policies on Human Rights and Environment Defenders are Effectively Meaningless. 11 December. MiningWatch Canada. <https://miningwatch.ca/news/2022/12/11/report-finds-canadas-policies-human-rights-and-environment-defenders-are-effectively> (referenced 18 January 2024).
- Kamphuis, C., and C. Connolly. 2022. *The Two Faces of Canadian Diplomacy: Undermining International Institutions to Support Canadian Mining*. Toronto: Justice and Corporate Accountability Project. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4025474](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4025474) (referenced October 15, 2024).
- Kamphuis, C., and C. Connolly. 2023. *Canada's Systematic Failure to Fulfil its International Obligations to Human and Environmental Rights Defenders Abroad: Submission to the UPR Working Group of the United Nations Human Rights Council in Anticipation of the 2023 Universal Periodic Review (UPR) of Canada*. Toronto: Justice and Corporate Accountability Project. [https://miningwatch.ca/sites/default/files/jcap\\_submission\\_to\\_unpr\\_2023.pdf](https://miningwatch.ca/sites/default/files/jcap_submission_to_unpr_2023.pdf) (referenced October 15, 2024).
- Kamphuis, C., C. Connolly, I. Dávila Pereira, M. Gutiérrez et al. 2022. *The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining*. Toronto: Justice and Corporate Accountability Project. [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) (referenced October 15, 2024).
- Kurmanov, B. 2024. Digital Citizen Activism in Central Asia: Beyond Contestation and Cooperation. In A. Mihr, and C. Pierobon (eds), *Polarization, Shifting Borders and Liquid Governance*. Washington: Springer.
- La Plante, J. P., and C. Nolin. 2017. Consultas and Socially Responsible Investing in Guatemala: A Case Study Examining Maya Perspectives on the Indigenous Right to Free, Prior, and Informed Consent. *Society and Natural Resources* 27(3): 231–48.
- Macdonald, L. 2016. Evaluating Canadian Economic Diplomacy: Canada's Relations with Emerging Markets in the Americas. *Canadian Foreign Policy Journal* 22(1): 26–39.
- Manor, I., and E. Segev. 2020. Social Media Mobility: Leveraging Twitter Networks in Online Diplomacy. *Global Policy* 11(2): 233–44.
- Maritimes-Guatemala Breaking the Silence Network. 2021. Open Letter: 190+ Organizations Call for Investigation Following Assassination Attempt Against Xinca Community Leader. Maritimes-Guatemala Breaking the Silence Network. 21 January. <https://breakingthesilenceblog.com/2021/01/21/open-letter-190-organizations-call-for-investigation-following-assassination-attempt-xinca-community-leader/> (Last Accessed October 15, 2024).
- Maritimes-Guatemala Breaking the Silence Network. 2021. Attack Against Julio Gonzalez of the Escobal Mine Resistance. Maritimes-Guatemala Breaking the Silence Network. 26 January. <https://breakingthesilenceblog.com/2021/01/26/attack-against-julio-gonzalez-of-the-escobal-mine-resistance/> (Last Accessed October 15, 2024).
- McKercher, A., and L. Sarson. 2016. Dollars and Sense? The Harper government, Economic Diplomacy, and Canadian Foreign Policy. *International Journal: Canada's Journal of Global Policy Analysis* 71(3): 351–70.
- Melini, S., and A. Orozco. 2015. Calas denuncia a exministro de Energías y Minas. Prensa Libre. 12 July. <https://www.prensalibre.com/guatemala/justicia/calas-denuncia-a-exministro-de-energia-y-minas/> (referenced 26 June 2024).
- Mijares Peña, S. 2014. Human Rights Violations by Canadian Companies Abroad: Choc v Hudbay Minerals Inc. *Western Journal of Legal Studies* 5(1): 1.
- MiningWatch Canada. 2013. Blog Post: Backgrounder: A Dozen Examples of Canadian Mining Diplomacy. 8 October. <https://miningwatch.ca/blog/2013/10/8/backgrounder-dozen-examples-canadian-mining-diplomacy> (Last Accessed October 15 2024).
- MiningWatch Canada and NISGUA. 2013. Tahoe Resources Shareholder Alert: A Dangerous Investment. 8 May. [https://www.resistescobal.com/wp-content/uploads/2020/04/TahoeResources\\_2013InvestorAlert.pdf](https://www.resistescobal.com/wp-content/uploads/2020/04/TahoeResources_2013InvestorAlert.pdf) (Last Accessed October 15, 2024).
- MiningWatch Canada and SumofUs. 2019. Xinka People of Guatemala and International Allies Concerned Pan American Silver Will Continue Unwanted Intervention. MiningWatch Canada. 9

- May. <https://miningwatch.ca/news/2019/5/9/xinka-people-guatemala-and-international-allies-concerned-pan-american-silver-will> (referenced 18 January 2024).
- Moore, E. 2017. Update Regarding Tahoe Resources Affected Communities in Casillas—Police Use Pepper Spray on Peaceful Protestors in the Middle of the Night. Maritimes-Guatemala Breaking the Silence Network. 25 July. <https://breakingthesilenceblog.com/2017/07/25/update-regarding-tahoe-resources-affected-communities-in-casillas-police-use-pepper-spray-on-peaceful-protestors-in-the-middle-of-the-night/> (referenced October 15, 2024).
- Moore, J. 2015a. *Unearthing Canadian Complicity: Excellon Resources, the Canadian Embassy, and the Violation of Land and Labour Rights in Durango, Mexico*. Ottawa: MiningWatch Canada and United Steelworkers Canada. [https://miningwatch.ca/sites/default/files/excellon\\_report\\_2015-02-23.pdf](https://miningwatch.ca/sites/default/files/excellon_report_2015-02-23.pdf) (referenced 24 January 2024).
- Moore, J. 2015b. *In the National Interest? Criminalization of Land and Environment Defenders in the Americas*. Ottawa: MiningWatch Canada and ICLMG. [https://miningwatch.ca/sites/default/files/inthenationalinterest\\_fullpaper\\_eng\\_1.pdf](https://miningwatch.ca/sites/default/files/inthenationalinterest_fullpaper_eng_1.pdf) (referenced 24 January 2024).
- Moore, J., and G. Colgrove. 2013. *Corruption, Murder and Canadian Mining in Mexico: The Case of Blackfire Exploration and the Canadian Embassy*. Ottawa: MiningWatch Canada, Common Frontiers and the United Steelworkers. [https://miningwatch.ca/sites/default/files/blackfire\\_embassy\\_report-web.pdf](https://miningwatch.ca/sites/default/files/blackfire_embassy_report-web.pdf) (referenced 18 January 2024).
- NRCAN (Natural Resources Canada). 2024a. Canadian Mining Assets (CMAs), by Country and Region, 2021 and 2022. Government of Canada website. <https://natural-resources.canada.ca/maps-tools-and-publications/publications/minerals-mining-publications/canadian-mining-assets/canadian-mining-assets-cmas-country-and-region/15406> (referenced 18 January 2024).
- NRCAN. 2024b. Canadian Mining Assets: Information Bulletin 2024. Government of Canada website. <https://natural-resources.canada.ca/maps-tools-and-publications/publications/minerals-mining-publications/canadian-mining-assets/19323> (referenced 18 January 2024).
- NISGUA. 2017. Communities Maintain Peaceful Demonstration in Protest of Negative Impacts of Tahoe Resources' Mine in Guatemala. 15 June. <https://nisgua.org/24-hour-peaceful-blockade-tremors-escobal-mine/> (referenced October 15, 2024).
- Nolin, C., and G. Russell. 2021. *Testimonio: Canadian Mining in the Aftermath of genocide*. Toronto: Between the Lines.
- Nolin, C., and J. Stephens. 2010. We have to Protect the Investors: Canadian Mining Companies in Guatemala. *Journal of Rural and Community Development* 5(3): 37–70.
- Pérez, R. 2021. Ante preconsulta comunitaria por mina el Escobal, se intensifican amenazas. Prensa Comunitaria. 23 January. <https://prensacomunitaria.org/2021/01/ante-preconsulta-comunitaria-por-mina-el-escobal-se-intensifican-amenazas/> (referenced 18 January 2024).
- Pitan, E. 2023. Ejecutivas aceptan haber lavado dinero para el exministro Erick Archila y reciben condenas conmutables. Prensa Libre. 26 January. <https://www.prensalibre.com/guatemala/justicia/ejecutivas-aceptan-haber-lavado-dinero-para-el-exministro-erick-archila-y-reciben-condenas-conmutables/> (referenced 26 June 2024).
- Radio Canada International. 2023. Organizaciones canadienses piden justicia tras asesinato de líder xinca Noé Gómez. Radio Canada International (RCI). 15 November. <https://ici.radio-canada.ca/rci/es/noticia/2026959/asesinato-lider-xinca-noe-gomez-guatemala-organizaciones-indigenas> (referenced 18 January 2024).
- Roy Grégoire, E. 2019. Dialogue as Racism? The Promotion of 'Canadian Dialogue'. In Guatemala's Extractive Sector. *Extractive Industries and Society* 6(3): 688–701.
- Schnoor, S. 2017. A Vulture is not a Dove: The Politics of Indigeneity and Resistance to Canadian Extractivism in the Americas. *Media Tropes* 7(1): 97–165.
- Seck, S. 2010. Conceptualizing the Home State Duty to Protect Human Rights. In K. Buhmann, L. Roseberry, and M. Morsing (eds), *Corporate Social and Human Rights Responsibilities: Global Legal and Management Perspectives*. London: Macmillan.
- Seck, S., and K. Stefanik. 2016. Business and Human Rights: Challenges in Accessing Remedy and Justice. In G. DiGiacomo (ed.), *Human Rights: Current Issues and Controversies*. Toronto: University of Toronto Press.
- Sevin, E., and I. Manor. 2019. From Embassy Ties to Twitter Links: Comparing Offline and Online Diplomatic Networks. *Policy and Internet* 11(3): 324–43.
- The Silver Institute. 2018. *World Silver Survey 2017*. London: Thompson Reuters. <https://www.silverinstitute.org/wp-content/uploads/2017/05/WSS2017.pdf> (referenced 18 January 2024).

- Simons, P. 2023. On Business and Human Rights: One Step Forward Two Steps Back. *Leiden Journal of International Law* 36(2): 363–88.
- Simons, P., and A. Macklin. 2014. *The Governance Gap: Extractive Industries, Human Rights, and the Home State Advantage*. London and New York: Routledge.
- Studnicki-Gizbert, D. 2016. Canadian Mining in Latin America (1990 to Present): A Provisional History. *Canadian Journal of Latin American and Caribbean Studies/Revue canadienne des études latino-américaines et caraïbes* 41(1): 95–113.
- Thomas, D., and V. Coburn. 2022. *Capitalism and Dispossession: Corporate Canada at Home and Abroad*. Halifax and Winnipeg: Fernwood Publishing.
- United Nations. 1999. Guatemala-Memory of Silence: Report of the Commission for Historical Clarification: Conclusions and Recommendations. *Die Friedens-Warte* 74(4): 1.
- United Nations Human Rights Council. Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises: Economic Diplomacy. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/123/33/PDF/G1812333.pdf?OpenElement> 2018 (referenced 18 January 2024).
- Weisbart, C. 2018. Diplomacy at a Canadian Mine Site. *Critical Sociology* 26(4): 473–89.
- Weisbart, C., Moore, J., and C. Connelly. 2022. Qualifying as Canadian: Economic Diplomacy, Mining, and Racism at the Escobal Mine in Guatemala. In D. P. Thomas, and V. Coburn (eds), *Capitalism and Dispossession: Corporate Canada at Home and Abroad*. Toronto: Fernwood Publishing.