

# **Rights Action Media Release on Free, Prior, and Informed Consent (FPIC) Shareholders Motion at the Annual Goldcorp Shareholders Meeting (May 10, 2010)**

**Rights Action Communiqué & Media Release**

**May 10, 2010**

**Why does Goldcorp Inc. recommend that shareholders vote against a “Free, Prior and Informed Consent” Resolution – a requirement of national and international law for mining?**

**GoldCorp’s Annual Meeting of Shareholders**

**When:** May 19, 2010 at 10:00 a.m. (Toronto time)

**Where:** One King West Hotel & Residence, 1 King Street West, Toronto, Ontario

## **For Information**

about educational and protest activities before and during Goldcorp’s Annual Meeting of Shareholders, contact: Karen Spring, [spring.kj@gmail.com](mailto:spring.kj@gmail.com), 416-951-0319

## **Speaking Tour**

From Goldcorp mine-affected communities in Guatemala & Honduras, Javier de Leon (Guatemala) and Carlos Amador are on a speaking tour with Karen Spring of Rights Action, from May 7-May 20, in Ontario. Information: [spring.kj@gmail.com](mailto:spring.kj@gmail.com), 416-951-0319

Goldcorp Inc. management received a shareholder’s resolution asking Goldcorp to implement a policy ensuring that “Free, Prior and Informed Consent” (FPIC) is obtained from communities and indigenous peoples potentially impacted by mining before Goldcorp proceeds to mine, ... and that Goldcorp suspend mining in those places where it has not done so.

This should be a simple policy to implement and ensure. Obtaining FPIC is required by international law and by national law in Guatemala and Honduras.

However, at neither of its gold mines – the “San Martin” mine in Honduras nor the “Marlin” mine in Guatemala – was the Free, Prior and Informed Consent of the impacted municipalities and indigenous communities obtained, before Goldcorp began mining.

All the ensuing health and environmental harms and human rights violations that have occurred in and around their mine sites since Goldcorp began mining in Honduras (2000) and Guatemala (2005), flow from and out of this initial violation of not obtaining FPIC.

(For information about the multiple harms & violations: [info@rightsaction.org](mailto:info@rightsaction.org), [www.rightsaction.org](http://www.rightsaction.org))

**Below:** Information that Goldcorp Inc. has had on its website since March 26, 2010, encouraging shareholders to vote against the resolution that was submitted by shareholders.

## GoldCorp Inc. Comments

Page 77, of schedule B of the Goldcorp Inc. Management Circular, March 26, 2010  
[http://www.goldcorp.com/resources/Management-Information-Circular\\_2010.pdf](http://www.goldcorp.com/resources/Management-Information-Circular_2010.pdf)

Goldcorp makes every effort to be responsive to concerns expressed by its shareholders by engaging in dialogues, participating in issuer/investor working groups and adopting policies or initiatives responsive to shareholder concerns when the Company concludes that doing so is in the best interests of all shareholders.

In 2007, Goldcorp met with several socially responsible investors as part of an ongoing dialogue regarding corporate social responsibility, human and indigenous rights. As a result of that consultation, Goldcorp agreed to undertake a human rights impact assessment of its operations in Guatemala.

**[Rights Action comment:** This “human rights impact assessment” has been widely discredited in Guatemala and in Canada. On request, Rights Action can provide background articles explaining how and why this “human rights impact assessment” is discredited.]

The results of that assessment are scheduled to be reported to the Steering Committee for the assessment and to be presented to Goldcorp, the interested stakeholders, and the general public prior to the Meeting. Goldcorp anticipates addressing the recommendations of the report with shareholders during the Meeting.

In addition to the opportunities available during the Meeting, the Company encourages shareholders to communicate with management and the Board. Any shareholder wishing to communicate with management, the Board or an individual director should send a request to the Corporate Secretary as described on page 65 in this management information circular.

## Shareholder Resolution

Kathryn Anderson, RR#3, Tatamagouche, Nova Scotia B0K 1V0, owner of 10 Common Shares (NOBO list dated March 26, 2010), and Brenda Cooper, 103 Highway 19, Port Hastings, Nova Scotia B9A 1J9, owner of 1 Common Share (NOBO list dated March 26, 2010), have submitted the following proposal for consideration at the Meeting:

## **Resolved**

“That the Board create and adopt, by September 1st, 2010, a corporate policy on the right to free, prior, and informed consent (“FPIC”) for its operations impacting indigenous communities and all communities dependent on natural resources for survival.”

**Reasons:** “We ask the Board to consider the following in creating this policy:

1. To respect the United Nations Declaration on the Rights of Indigenous Peoples as best practice with regards to FPIC rights.
2. Take specific note of the legal difference between consultation and consent.
3. Implement this policy retroactively to ensure that all our mining licenses were obtained in adherence to this policy.
4. Cease all operations, expansion, and exploration where consent of the affected population has not been obtained by the state.
5. Apply this policy to any license with partial or full Goldcorp ownership.”

## **Goldcorp Management Comment**

The Board recommends a vote AGAINST this proposal. Goldcorp is committed to building strong, open and transparent relationships with the communities in which it operates as the foundation for contributing to the sustainable prosperity of these communities.

**[Rights Action comment:** “Sustainable prosperity” – On request, Rights Action can provide extensive information about how Goldcorp’s mines in Guatemala and Honduras are directly and indirectly causing health and environmental harms and numerous human rights violations ..., anything but “sustainable prosperity.”]

Consultation with communities that will or may be affected by the Company’s exploration and mining operations is essential to establishing the partnerships with community groups, government officials, non-governmental organizations, and other stakeholders that are the basis for open, constructive dialogue, and trust between Goldcorp and the communities in which it operates.

**[Rights Action comment:** “Consultation requirements” – the mines that Goldcorp is operating in Honduras and Guatemala complied in no way whatsoever with legally binding consultation requirements.]

As a member of the International Council on Mining & Metals (ICMM), Goldcorp is committed to implementing and measuring its performance against the ICMM’s 10 Principles, which include:

ii#3. Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by Goldcorp activities.

ee#9. Contribute to the social, economic and institutional development of the communities in which it operates.

–#10. Implement effective and transparent engagement, communication and independently verified reporting arrangements with Goldcorp stakeholders.

The ICMM’s Position Statement on Mining and Indigenous Peoples Issues, available at <http://www.icmm.com/our-work/sustainable-development-framework/position-statements>, includes a commitment to: “Participate in national and international forums on Indigenous Peoples issues, including those dealing with the concept of free, prior and informed consent.”

In addition, Goldcorp is in the process of developing a corporate policy on human rights that will be consistent with the ICMM Principles and best industry practices.

**[Rights Action comment:** These ICMM principles – and virtually all the non-binding international statements of principles – undermine the most basic and minimal tenets of the rule of law and administration of justice by ignoring basic and minimum standards of enforceability, sanctions and remedies. Voluntary, non-binding, non-enforceable principles, with no sanctions or remedies whatsoever for non-compliance, are next to useless.]

The Board and management believe that these efforts adequately and thoroughly address the issues raised by the proposed resolution.

The Board and management also believe that the proposed resolution confuses the role of private companies and national governments. The United Nations Declaration on the Rights of Indigenous Peoples, which was adopted in September 2007, is a non-binding declaration that directs national governments to consult with indigenous peoples to obtain their “free, prior, and informed consent” before approving any project affecting the lands, territories or other resources of indigenous peoples.

The International Labor Organization’s Indigenous and Tribal Peoples Convention No. 169, which has been ratified by five countries in which Goldcorp has operations (Argentina, Chile, Guatemala, Honduras, and Mexico) requires national governments to establish procedures for consulting with indigenous peoples regarding the development of natural resources on lands occupied or used by indigenous peoples.

Goldcorp’s engagement with the communities in which it has developed or in the future will propose to develop its operations have complied and in the future will comply with the consultation requirements mandated by national governments; indeed, Goldcorp’s engagement has and will exceed these mandatory consultation requirements to ensure the development and maintenance of robust partnerships with all communities that may be affected by Goldcorp’s operations.

Because Goldcorp is committed to open, transparent, and continuing engagement with all communities that may be affected by its operations and will soon adopt and publish a corporate policy on human rights, this proposal is unnecessary and the Board recommends that you vote AGAINST this proposal.

## **Rights Action: Why reject even the most minimum of standards and obligations?**

Why does Goldcorp Inc. encourage shareholders to vote against even the most minimal of international and national law requirements – to get the free, prior and informed consent of peoples and communities potentially affected and harmed by its mining operations?

This is not a resolution that goes against mining. This is a simple and basic resolution concerning having an obligatory and binding procedure to get the informed permission from and consent of communities, populations and peoples potentially affected and harmed by mining.

### **Double Standard**

Certainly, Goldcorp executives, shareholders and investors would want no less for their families and home communities, were some potentially harmful economic activity to possibly take place in and harm their homes, families, communities, water sources, forests, etc.

### **Speaking Tour: Ontario, May 7-21**

To find out more about harms and violations caused by Goldcorp mines in Guatemala & Honduras, contact Karen Spring, about the speaking tour with Javier de Leon (Guatemala) and Carlos Amador, from May 7-May 20, in Ontario. Information: [spring.kj@gmail.com](mailto:spring.kj@gmail.com), 416-951-0319

### **Goldcorp Annual Shareholder Meeting**

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### **Make Tax Deductible Donations**

To support community development and environmental and human rights defense organizations in Honduras and Guatemala. Make checks payable to "Rights Action" and mail to:

**United States:** Box 50887, Washington DC, 20091-0887

**Canada:** 552 – 351 Queen St. E, Toronto ON, M5A-1T8

**Credit-Card Donations:** <http://rightsaction.org/contributions.htm>

For more information: Rights Action co-directors, Annie Bird ([annie@rightsaction.org](mailto:annie@rightsaction.org), 202-680-3002) & Grahame Russell ([info@rightsaction.org](mailto:info@rightsaction.org), 860-352-2448)