

# **Presentation to the Committee on Economic, Social & Cultural Rights: Gold Mining in Honduras**

This presentation was made to CESCR in connection with the fact-finding mission to Honduras investigating the gold mining industry.

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My name is Anna Cody, I work with the Center for Economic and Social Rights based in New York.

In March/April 2001 I conducted a fact finding mission to Honduras with the specific aim of investigating the current operation of the gold mining industry, following the passage of the General Mining Law in November 1998. This law was passed just after Hurricane Mitch in a climate of substantial international pressure for Honduras to provide favourable conditions to foreign investment for its reconstruction.

The fact finding mission revealed substantial human rights violations in the areas of: Self determination, right to favorable work conditions, right to adequate standard of living and the right to health and a healthy environment. You have a copy of the report written subsequent to the mission in your material.

In this presentation I will discuss how the gold mining industry functions, the effects on peoples health of two specific gold mines, some problems with the law itself, and include some recommendations.

## **Gold Mining industry**

The Gold mining industry is dominated by mostly Canadian, USA and Australian mining companies. Since the 1970s a new technique has been developed using cyanide for gold mining. This new technique means that mines which were previously not considered profitable are being created. The technique used in gold mining has involved creating a large open pit, taking out rock, crushing it, and then sprinkling cyanide solution on the crushed rock. The cyanide bonds with the gold in the crushed rock and is channeled into collection pools. The gold is then removed. It takes several hundred tonnes of ore to produce small quantities of gold.

Cyanide is highly toxic. A teaspoon of 2% cyanide solution can kill a person. The cyanide solution in the mines is recycled but ultimately loses its value. The question then remains of what to do with the cyanide-laden water. In Honduras, cyanide contaminated waters have been released into river systems.

The two mines on which I focus are at San Andres Copan and the San Martin mine.

## **San Andres**

Some of the problems with the mine at San Andres include:

In order to build a mine in that area, the community was forced to relocate. The community states that it felt pressured to relocate. The people are still waiting for legal title to their houses. They were not consulted about the type of housing or design of the new community. This means that the houses do not have a plot of land around them for small food crops and raising animals which is the traditional style.

Another community, San Miguel which is located close to the mine, has a house within 42 meters of the cyanide heap leaching pad. This is the area where cyanide is sprinkled onto the rock. People in that town complain of increased skin and respiratory diseases. They also complain of high levels of dust generated by the rock crushing machine. They are worried about the long term effects on their health of living so close to cyanide. Another community closely situated is perched on top of the mountain which is being excavated for gold. The houses in the community shake every time there is an explosion and there are cracks in their houses. These community members are also required to walk through the mine to get to their community. The road is used constantly by huge trucks which have killed domestic animals.

The mine at San Martin consumes large quantities of water and sand. The water has been taken from the ground water reserves. Sand has been removed from nearby rivers. The communities have remarked on the lower levels of water in the river. There are no limits on the amount of water which the mine can use and the use of sand was initially uncontrolled.

### **Structural problems: the law itself**

The General Mining Law came into force in 1999. The stated aim of the law is to create favourable conditions for foreign investment in the process of reconstruction following Hurricane Mitch.

It gives wide sweeping powers to mining companies with ineffective environmental protections or provision for people to participate in decisions which affect their health.

Mining companies are required to conduct an Environmental Impact Study when seeking a mining license. However it is the mining company who chooses who will conduct the study and pays for the study. The government reviews the study but does not conduct its own study. This Environmental Impact Study, then provides the basis for the environmental controls on the mine. Neither the community at San Andres or near the San Martin mine had any participation in this process. When asked whether the people should be consulted, a government official replied "why consult peasants, they are illiterate and there would be anarchy". The community is supposed to be given 15 days to object to a mining license being granted. But most don't even know when a company has applied for a license as it is only advertised once in a newspaper which doesn't even get delivered to some of these communities.

The people should be consulted about decisions which will effect their lives so profoundly, and the EIS should be conducted by the Government with input from the people and not paid for by the mining companies.

The environmental controls are currently ineffective. Water studies reveal high levels of heavy metals, lead, mercury, arsenic and iron in the river systems in the mining areas.

The current roles of the bodies monitoring environmental protection need to be clarified. The Organisation responsible for promoting mining should not also be responsible for monitoring environmental standards. We recommend that a new organization should be created within the Ministry for Natural Resources and the Environment whose principal functions are to:  
Conduct EIS at the beginning of a mine and every 2 years during the operation of the mine and;  
Monitor compliance with environmental protections

The body which conducts and reviews EIS should include an NGO nominated technical person. It should also include a community representative. This will facilitate community participation in decisions affecting their health.

Communities should be legally represented when they are being petitioned to relocate so that they can negotiate fairly with mining companies. The granting of mining licenses should be subject to review by the Public Prosecutor's Office for the Protection of the Environment as currently there is no review process.

While we recognize the right of Honduras to exploit its natural resources, the rights of the Honduran people to self determination, an adequate standard of living and to health should not be violated in this process. Effective environmental protections must be enshrined in the General Mining Law to ensure that people's lives are not endangered by gold mining.