

October 21, 2007

## The LATIN AMERICAN WATER TRIBUNAL

.. finds that Goldcorp Inc. (via its subsidiary Minerales Entre Mares de Honduras, S.A) is “guilty and must take responsibility for inappropriate use and contamination of water sources in the [Siria Valley] region and for causing harm and risk to the ecosystem and to human health.”

===

BELOW: Findings of the Latinamerican Water Tribunal against the Goldcorp Inc. mining company. These findings were translated for Rights Action by Rosalind Gill, rgill@glendon.yorku.ca.

RIGHTS ACTION COMMENTARY: The evidence of environmental harms and human rights violations caused by Goldcorp’s mine in Honduras continue to mount, even as there continue to be no effective way to hold the company accountable for its actions in Honduras or Canada. One must simply, patiently and endlessly continue to denounce these abuses to one’s own politicians, the media and the investors and shareholders.

Canadian and US governments and laws support and promote this type of harmful mining because it brings huge profits north. It will only be through a relentless and patient public campaign that we will be able to muster the public and political outcry necessary to stop this abusive and unjust type of global business and investments.

Please redistribute far ‘n’ wide. If you want on-off this email list: [info@rightsaction.org](mailto:info@rightsaction.org)

===

## LATIN AMERICAN WATER TRIBUNAL PUBLIC HEARING IN GUADALAJARA, MEXICO, 2007

### CASE SUBMISSION:

Water usurpation, irrational exploitation and contamination of surface and groundwater, attributed to mining activity in the Siria Valley, in the Municipalities of San Ignacio, Cedros and El Porvernir, Department of Francisco Morazán, Republic of Honduras.

PETITIONING ORGANIZATION: The Siria Valley Regional Environmental Committee [Rights Action supports and works closely with this Committee]

DEFENDANT: Goldcorp’s subsidiary: Sociedad Minerales Entre Mares de Honduras S.A.

### THE FOLLOWING PETITION WAS SUBMITTED BY THE PLAINTIFFS:

1. In 1994, the company, Minerales Entre Mares de Honduras, S.A, was set up in Tegucigalpa. In 1995, the company was granted an exploration concession for the San Martin project in the municipality of San Ignacio, Department of Francisco Morazán. In 1998, an American

company, Glamis Gold Limited, bought the Honduran company; Glamis Gold was then acquired by Goldcorp Inc. of Canada in 2006.

2. Despite the fact that the mining concession had been granted for March 8, 2000, construction for the San Martin project began on January 10, 2000. Furthermore, the environmental license was pending for March 9, 2000 - the application had been made under the 1968 Mining Code, while the exploitation concession was granted under the 1998 law.
3. The concession was granted for a 23,000 hectare area in the Siria Valley, which includes the municipalities of San Ignacio, El Porvenir and Cedros.
4. On January 25, 2000, the Siria Valley Regional Environmental Committee submitted a denouncement exposing destruction of the forest, harm to the environment and contamination of water to the Office of the Special Prosecutor on the Environment. Based on observations made by an inter-institutional team, on October 30, 2000, the Prosecutor called for a judicial investigation of Minerales Entre Mares de Honduras, S.A for environmental crimes, forest crimes and water usurpation. However, the case has yet to be tried.
5. In July, 2000, 483 citizens of El Porvenir presented a petition to repeal the environmental license granted to Minerales Entre Mares de Honduras, S.A by the Natural Resources and Environment Secretariat (SERNA).
6. In May, 2001, the United Nations Committee on Economic, Social and Cultural Rights recommended that the State of Honduras apply existing legislative and administrative measures to ensure that transnational companies not violate environmental and labour laws.
7. In August 2001, SERNA granted permission to Minerales Entre Mares de Honduras, S.A to dig five new wells, despite the fact that it had been recognized that there was a crisis in water resources in the communities.
8. Due to the worsening crisis in water provision to the communities, there was illegal sale of water in the Siria Valley. There was an attempt to control the situation through SERNA resolution SG 083 2002, which prohibits industrial use of water. However, on the request of Minerales Entre Mares de Honduras, S.A, this resolution was repealed. The company promised to provide water for domestic use to the communities of San Ignacio, Barroza and El Pedernal, on the condition that an evaluation be carried out to ascertain the community's needs and the company's capacity to fulfill those needs.
9. On April 8, 2002, the National Autonomous Service of Aqueducts and Sewer Systems (SANAA) announced that it was necessary to prohibit exploitation of water resources for industrial use in the Siale, Malaque and Playa Rivers until a preliminary study of the effects of the exploitation of water had been produced.
10. In June 2002, when another denouncement was issued by the Siria Valley Regional Environmental Committee. The Special Prosecutor's Office asked Minerales Entre Mares de Honduras, S.A to temporarily suspend its activities.

11. Starting in 2003, there were a number of monitorings and evaluations of surface water, sediments and wells, some of which were jointly carried out by state organisms and Minerales Entre Mares de Honduras, S.A. The analysis demonstrated evidence of persistent heavy metal contamination, especially arsenic and mercury, as well as cyanide. In many cases, the levels were higher than standards allowed by the United States (USEPA) and the WHO. Indications of high levels of lead and arsenic were also found in the blood of members of communities in the Siria Valley.

12. In 2004, the Special Prosecutor's Office opened a file to investigate the contamination of water in the valley.

13. In September, 2006, the Ministry of Natural Resources and the Environment confirmed that the water in the Siria Valley was contaminated. On July 25, 2007, SERNA penalized Minerales Entre Mares de Honduras, S.A with a fine of one million lempiras for contaminating the environment, according to Administrative Resolution Number 30-R 2007.

14. In response to an appeal of unconstitutionality put forth by different citizens and organizations, On October 4, 2006, the Supreme Court struck down 13 Articles of the 1998 Mining Law, on the grounds that they are not constitutional. All these Articles were applicable to the Siria Valley case.

#### PROCEDURE:

1. Given the lack of effective response to its various petitions, the Siria Valley Regional Environmental Committee turned to the Latin American Water Tribunal.

2. Minerales Entre Mares de Honduras, S.A was duly informed of the indictment by the TLA, but the company neither responded nor turned up at the hearing.

#### LEGAL BASES OF THE PETITION

1. The universal human right to adequate quantities and quality of water is a basic human right that should be fully protected by the State.

2. The right to a water supply is a social right, hence those who live near a water source in litigation, should not be denied this right.

3. Irregularities when the company began operations created a serious social problem and a crisis in water supply in the Siria Valley;

4. There has been repeated leniency, negligence and failure to act on the part of authorities. Their response to the many protests submitted by the affected communities was to simply ignore administrative and environmental regulations;

5. The abusive appropriation of local water resources by the mining company severely violates the rights of Siria Valley communities;

6. The high degree of environmental contamination that has been demonstrated (high levels of heavy metal and cyanide in surface and ground water) has negative consequences for

ecosystems and human health.

GIVEN THE FACTS AND THE ABOVE CONSIDERATIONS, THE COURT OF THE LATIN AMERICAN WATER TRIBUNAL ISSUES THE FOLLOWING JUDGMENT:

1. That Minerales Entre Mares de Honduras, S.A is found guilty and must take responsibility for inappropriate use and contamination of water sources in the region and for causing harm and risk to the ecosystem and to human health.
2. That government authorities are found guilty of not carrying out their obligations and of acting in a manner that is harmful to life, health and nature.

#### RECOMMENDATIONS

1. That clause No. 10 of the mining concession contract between the government and Minerales Entre Mares de Honduras, S.A be suspended because of grave damage to the air, the flora and fauna and the community;
2. That the State of Honduras comply with its international obligations regarding human rights, including the right to effective justice, given that none of the legal cases that have come forth have led to clear sentencing;
3. That the company finance an independent and participatory evaluation of the degree of contamination of the water, the land and the human population, as well as urgent epidemiological evaluations of damage to the health of the population, especially children.
4. That the company be obliged to compensate communities for damages.
5. That as a subsidiary of a Canadian multinational, Minerales Entre Mares de Honduras, S.A apply the environmental and social norms currently in force in Canada.

This Resolution was passed unanimously, on October 11, 2007.

Dr. David Barkin Lic. Patricia Díaz Romo  
Dr. Alexandre Camanho de Assis Dra. Catharina Wesseling  
Dr. Luis Gabriel Torres Gonzales Dr. Salvador Montenegro  
Dr. Philippe Texier Presidente

===

WHAT TO DO:

ANOTHER WORLD IS POSSIBLE, ... EVERY DAY

Rights Action (a tax-deductible organization with legal status in Canada and USA) directly funds and works with community-based development, environment and human rights organizations in Guatemala, Honduras, El Salvador and southern Mexico (Oaxaca, Chiapas); and educates about and is involved in activism related to global development, environmental and human rights struggles.

MAKE TAX-DEDUCTIBLE DONATIONS for indigenous and community-based organizations [like the Siria Valley Environmental Defense Committee] implementing their own development, human rights and environment projects. Make check payable to "Rights Action" and mail to: UNITED STATES: Box 50887, Washington DC, 20091-0887; CANADA: 422 Parliament St, Box 82552, Toronto ON, M5A 4N8. CREDIT-CARD DONATIONS: [www.rightsaction.org](http://www.rightsaction.org).

CREATE YOUR OWN E-MAIL LIST: and re-distribute this and other information;  
[WWW.DEMOCRACYNOW.ORG](http://WWW.DEMOCRACYNOW.ORG): listen to the Democracy Now news program every day;  
READ: Eduardo Galeano's Open Veins of Latin America; Naomi Klein's The Shock Doctrine;  
COME TO Guatemala, Oaxaca or Honduras on Educational-Activist Delegations to learn more about struggles for global justice, equality and the environment: [info@rightsaction.org](mailto:info@rightsaction.org);  
JOIN RIGHTS ACTION's e-mail and snail-mail lists: [info@rightsaction.org](mailto:info@rightsaction.org);