

Rights Action
February 3, 2012

Mining Law Reform In The 'Murder Capital' Of The World

- Statement From Honduran Organizations Rejecting New Mining Law Proposed By Honduras' Illegitimate Congress
- Statement From Development And Peace
- Commentary by Grahame Russell

Since The June 2009 Military Coup In Honduras, Ousting A Democratically Elected Government And Ushering In An Illegitimate, Military Backed Government, Rights Action – And Many North American Organizations And Writers – Have Denounced State Repression And Increasing Violence In Honduras. Sadly, It Is Now Accepted That The Honduran Regime Has Killed 100s Of Its Own Citizens Since The June 2009 Coup, That Honduras Has Become The 'Murder Capital' Of The World, That It Is One Of The 'Journalist-Killing Capitals' Of The World, And That It Has One Of The Highest Levels Of Repression Against And Killing Of Lgbt People In The World.

- Read: "Honduras Is A Disaster Zone" - [Http://Myemail.Constantcontact.Com/Rights-Action-Event.html?Soid=1103480765269&Aid=8msvorj29w4](http://myemail.constantcontact.com/Rights-Action-Event.html?Soid=1103480765269&Aid=8msvorj29w4)
- Read: "In Honduras, A Mess Made In The U.S." (& Canada) - [Http://Myemail.Constantcontact.Com/Honduras---A-Mess-Made-In-The-U-S-----Canada-.html?Soid=1103480765269&Aid=lljuy5muur0](http://myemail.constantcontact.com/Honduras---A-Mess-Made-In-The-U-S-----Canada-.html?Soid=1103480765269&Aid=lljuy5muur0)

Now, Global Mining Companies (Including, Notably, Canadian Companies Such As Goldcorp Inc. And Aura Minerals) Await The Passing Of A New Mining Law By Honduras' Illegitimate Congress. This Pending Mining Law Follows A "Free Trade" Agreement That Canada Signed With The Military-Backed Regime Of Honduras In

2011. The Government Of The Usa Already Has A “Free Trade” Agreement (Cafta) In Effect With The Honduran Regime.

This Pending Mining Law Also Follows Up Years Of Struggle In Honduras, Led By The Siria Valley Environmental Defense Committee (A Group Rights Action Has Funded And Worked With For Many Years) And Other Honduran Groups, To Denounce And Remedy Multiple Environmental And Health Harms, And Other Violations, Caused Directly And Indirectly By Goldcorp Inc's Mountain-Top Removal / Open Pit, Cyanide Leaching Gold Mine. (Background Articles And Reports Available On Request: Info@Rightsaction.Org)

Complicity

Together, The Governments Of The Usa And Canada – Along With Our Resource Extraction Industries – Are Maintaining “Business And Politics As Usual” Relations With The Honduran Regime, Turning A Blind Eye To Repression And Violence That Have Reached Levels Similar To Those Of The Military Regimes In The 1980s.

If This Law Is Passed, And If Global Mining Companies Proceed With Mining Exploration And Exploitation Activities, There Is Little Doubt They Will (Knowingly) Become Involved With Serious Social Conflicts That May Well Result In Repression.

It Is The Responsibility Of The American And Canadian People To Demand That Our Governments And Mining Companies And Investors Stop Business And Politics As Usual. At This Time In Honduras' History There Is No Way To Maintain Business And Politician Relations That Do Not Contribute To And Benefit From The Repression, Violence, Corruption And Impunity.

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To Support Mining-Harmed Communities In Guatemala And Honduras: See Below

- Please Re-Post And Re-Publish This Information
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Communiqué:

Honduran Organizations Reject The National Congress' Proposed Mining Law Because It Violates The Rights Of The Honduran People (Translation: Mining Watch Canada, www.Miningwatch.Ca)

The Below Signed Organizations Alert The Honduran People To The National Congress' Decision To Approve A Proposed Mining Law, Written By The National Congress' Legislative Commission Led By Deputy Donaldo Reyes Avelar, For Disrespecting The Demands That The Citizens Of This Country Have Been Making In This Regard For The Last Decade.

Our Organizations Have Demanded That The Commission Create Space For Debate And Discussion Such That A Collective Process May Take Place To Develop A Mining Law With Real Citizen Participation And In Which The Rights Of Campesino And Indigenous Populations Would Be Privileged, Protected And Guaranteed, Along With The Conservation And Protection Of The Environment And, Above All, That The Right Of Communities To Determine Their Own Development Be Respected.

With Regard To Our Demands, The Mining Commission Informed Us On Monday January 16th That The Ruling On The Mining Bill Was Finished And That They Had Committed Themselves To Hand It In To The President Of Congress Before The End Of The Current Legislative Session, Given That They Were Under "Enormous Pressure

From Investors." They Also Indicated That They Were Predisposed To Meet With Social Organizations, Environmentalists And Human Rights Defenders To Inform Them About Its Contents, Which Was Contrary To Our Demand For Active And Effective Citizen Participation.

Upon Reviewing The Proposed Law That We Received From The Mining Commission, We Find That Its Content Is More Damaging Than The Current Law, Which It Tries To Rectify, In Continuation With The Servile Way In Which Our Riches Have Been Handed Over To National And Foreign Investors, Behind The Backs Of The Honduran People.

This Proposed Law Developed By The Mining Commission Behind Closed Doors Seriously Violates The Territorial, Cultural, And Spiritual Rights Of Indigenous And Afro-Descendent Peoples, As Well As Their Full And Legitimate Right To Autonomy And Rights Under Convention 169 Of The International Labour Organization, Revealing Its Colonialist And Racist Intent To Exterminate Original Peoples.

This Proposed Law:

1. Continues Promoting Open-Pit Mining,
2. Opens The Door Not Just For Multinational Corporations, But Also For Foreign Governments To Become Title Owners Of Mining Concessions,
3. Fails To Guarantee And Protect Access To Water For Communities, Privileging Its Use By The Mining Industry, In An Open Violation Of The Human Right To Water,
4. Ensures, Within The Context Of Creating Incentives For Investments, The Validity Of Tax Loopholes So That Companies Don't Pay Taxes,
5. Reduces Requirements For Granting Of Mining Concessions, Paving The Way For Investors And Making It Difficult For Communities To Defend Their Natural Resources,

6. Reduces And Eliminates The Majority Of Reasons For Which Mining Concessions Can Be Cancelled, Which Coincides With Content Of An Earlier Bill That Was Being Debated,
7. Restricts And Impedes Access To Information Regarding Mining Activities, Deeming This Information (Technical And Financial) As Confidential And Only Available To The Mining Authority,
8. Only Considers Binding Community Consultations Under Exceptional Circumstances And Not As A General Norm. Also, The Consultation Process Is Only Established For Production Licenses, Which Entails The Automatic Granting Of Concessions Given The Potential Lawsuits That Companies Could Bring Against The State [Presumably Under Free Trade Agreements Or Other Investment Protection Agreements],
9. Promotes Administrative Silence As An Expedited Way To Approve Requests That Mining Companies Make.

But The Principal Trap Within The Proposed Mining Law Is Found In Article 103, Which Reads: "Upon Approval Of This Law, Those Applications Which Are Currently In Process Will Continue To Be Processed Through To Completion Under The Law In Place When They Were Submitted, Without Prejudice To The Revision, Evaluation And Rectification Which These Applications Could Entail."

This Means That The More Than 300 Mining Projects, That Have Still Not Been Approved, Which Were Suspended By [2008] Executive Decree, Will Be Processed Under The Current Mining Law. This Is The Same Law That Was Declared Unconstitutional By The Supreme Court Of Justice. This Disposition Contradicts Article 105 Of The Proposed Mining Law, Which Revokes Legislative Decree 292-98 That Contains The General Mining Law. As Such, The Proposed Law Hands The Whole Country Over To The Mining Companies So That They Can Destroy It As They Like.

Given This Situation, We Call Upon Social Organizations, Environmentalists, Indigenous And Afro-Descendant Peoples, And Human Rights Organizations, To Express Their Repudiation, Rejection And Condemnation Of The Contents Of This Proposed

Law, As Well As Of Those Deputies That Are Trying To Make A Fool Of The Honduran People By Acting In The Interests Of Multinational Mining Companies And Not Of Their Own People, Whom They Are Constitutionally Mandated To Serve.

We Also Demand That The President Of The National Congress Respond To Our Insistence That Space Be Created For Public Debate And Creation Of A Mining Law That Is Truly Patriotic, That Incorporates The Demands And Proposals Of The People, And Not To Carry Out A Simple Information Process As The Mining Commission Has Done.

The Indigenous Peoples Who Sign This Declaration, Signal That If This Law Is Approved, We Will Not Recognize This Law Nor What Takes Place By Extension, Nor Those Who Approve It. We Also Make Clear That With This Law Or Without It, We Have The Right To Self-Determination And Dignity, And Are Not Prepared To Accept Our Own Death And The Continuation Of Colonialism.

Finally, We Conclude That If This Law Is Approved Behind Closed Doors And Behind The Backs Of The Honduran People, The National Congress And The Deputies Of The Mining Commission Will Be Those Responsible For The Social Conflict That This Will Generate, When The Honduran People Exercise Their Rights To The Defense Of Their Territory, The Protection Of The Environment And The Protection And Safeguarding Of Life, And The Integrity Of People And Their Goods.

Tegucigalpa, Honduras, January 24, 2012.

Honduran Centre For The Promotion Of Community Development
(Cehprodec)
Civic Council Of Popular And Indigenous Organizations Of
Honduras (Copinh)
Civic Alliance For Democracy (Acd)
Committee For The Defense Of The Flora And Fauna Of The Gulf Of
Fonseca

(Codeffagolf)
Regional Environmental Committee Of The Siria Valley
National Association For The Promotion Of Ecological Agriculture
(Anafae)
Centre For Investigation And Promotion Of Human Rights
(Ciprodeh)
The Santa Barbara Environmental Movement (M.A.S.)
Madre Tierra Association
Association Of Non Governmental Organizations (Asonog)
Popol Nah Tun Foundation
Environmental Network Of The Municipalities Of Comayagua And
La Paz (Redamucop)
Fundambiente
Association Of Environmentalist And Agro-Forestry Journalists
(Ahpaaf)
Network Of Nature Defense Committees Of Choluteca And Valle
National Roundtable On Advocacy For Risk Management
(Member Of The
Steering Committee Of Sinager)
Committee Of Journalists For Life And The Freedom Of Expression
Environmental Defense Committee Of The Guisayote Reserve
Honduran Ecumenical Institute For Community Service (Inhesco)
National Network Of Mine Affected Communities
Defense Committee Of The Rights Of The Indigenous People Of
Yamaranguila
(Coprodedpiy)

Honduran Partners Mobilize Against New Mining Law

In [Advocacy](#), January 26, 2012, By Mary Durran, Development And Peace

[Http://Www.Devp.Org/En/Blog/Honduran-Partners-Mobilize-Against-New-Mining-Law](http://www.devp.org/en/blog/honduran-partners-mobilize-against-new-mining-law)

A Few Months After The Conclusion Of Controversial Negotiations Between Canada And Honduras On A Free Trade Agreement, The

Honduran Congressional Committee On Mining Announced On January 16th That A New Mining Bill Has Just Been Concluded And Is To Be Debated In Congress.

The Current Honduran Mining Law, As Described By Pedro Landa Of Development And Peace Partner Cehprodec, Is Perceived As A Piece Of Legislation That Places The Interests Of International Mining Companies Before Those Of The Communities Affected By Mines, And Even Those Of The Honduran State.

“The Content Of This New Law Is More Harmful Than The Current Law That We Have Been Trying To Amend,” Said [Cehprodec In A Statement On The New Bill](#). “It Continues The Tradition Of Handing Over Our Wealth To Honduran And International Investors, Ignoring The Needs Of The Honduran People.”

Pedro Landa Also Wrote In An Email That Debate Around The Content Of The Bill Has Been Held In The Utmost Secrecy, And That That Members Of The Congressional Commission Working On The Draft Admitted To Him That The Legislation Had Been Rapidly Produced Because Of “Intense Pressure From Investors.”

Development And Peace Supporters Who Followed Our Mining Campaign Are Very Well Acquainted With The Level Of Investment By Canadian Mining Companies In Honduras. In March 2011, Pedro Testified Before The Parliamentary Standing Committee On Foreign Affairs And International Trade (Scfait) On Why Canada Should Not Sign A Free Trade Accord With Honduras At This Time. Apart From The Fact That The Honduran Government's Human Rights Record Since The 2009 Coup D'état Has Been Appalling, Pedro Argued That The Honduran State Has Shown Itself To Be Incapable Of Adequately Regulating Mining Operations By International Companies, And Since Mining Is A Centre Piece Of The Free Trade Accord, The Latter Should Not Go Ahead.

Pedro Said That International Mining Companies, Including Canadian Ones, Have Been Responsible For Environmental

Pollution, Have Failed To Pay Taxes, And Many Are Suspected Of Having Paid Bribes To Government Officials.

Sadly, Pedro's Testimony Seems To Have Fallen On Deaf Ears.

It Is No Coincidence That A New Mining Bill Has Been Introduced Shortly After The Conclusion Of Free Trade Negotiations. According To Honduran Civil Society Groups Working With Communities Affected By Mining, The New Bill, Which Was Drafted Without Their Consultation, Contains The Following Problems:

It Does Not Ban Open Pit Mining, A Practice That Uses Cyanide To Extract Ore, That Has Caused Significant Environmental Damage In The Past;

It Fails To Protect Communities' Right To Water – Thirsty Mining Operations Have In The Past Depleted Water Supplies Around Mines;

It Offers Too Many Tax Breaks To Investors, Depriving The State Of Revenue;

It Makes It Easier For Companies To Obtain Mining Concessions, And More Difficult For Communities To Have Concessions Cancelled;

It Restricts Access To Information About Mining Activities, Making This Available Only To Government Officials; And Community Consultation Prior To Mining Concessions Is An Exception, Rather Than A Norm.

Cehprodec, Along With A Broad Cross Section Of Civil Society Organizations, Is Mobilizing Against This Bill And Is Currently Focusing Efforts On Congressional Representatives Who Will Soon Debate The Bill. Development And Peace Also Signed A Letter Prepared By Cidse, The Coalition Of Catholic International Development Organizations, Calling On The Honduran Congress To Reject A Bill That Fails To Safeguard The Interests Of The Honduran People Before Those Of International Companies.

Development And Peace Plans To Raise Its Concerns Again With Canadian Mps, Before The Final Parliamentary Debate On The Canada-Honduras Fta.

What To Do

Demand An End To 'Politics And Business As Usual'

Please Keep On Sending Copies Of This Information, And Your Own Letters, To Canadian And American Politicians And Government Officials. Since The June 2009 Military Coup, The American And Canadian Governments Have Most Supported And Legitimized The Post-Coup, Repressive Regime Of Honduras. North American Companies And Investors (Including Mining, Tourism, Sweat-Shop Interests) Have Increased Their Business Activities In Honduras Since The Coup. The Repression, Violence, Corruption And Impunity That Characterize Daily Life In Honduras Are Significantly Due To The Political, Economic And Military Interests Of The Usa And Canada.

Support The Pro-Democracy "National Resistance Front" To Make Tax-Deductible Donations

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Info@Rightsaction.Org

On Request: For Funders, Rights Action Can Provide A Full Proposal And Budget For The Work Of Honduran Groups And The National Resistance Front.

More Information: Grahame Russell (Info@Rightsaction.Org) & Annie Bird (Annie@Rightsaction.Org)