

THE TRUTH AND THE HALF-TRUTHS IN THE ‘SOCIALIZATION’ OF THE MINING LAW IN HONDURAS

The member organizations of the National Coalition of Environmental Networks (Coalición Nacional de Redes Ambientales) can testify that the following major truths were made clear at the various “briefing” sessions on the proposed Mining Law. These were conducted by the Mining Commission of the National Congress, the Ministry of Natural Resources, the Directorate for Mining Promotion (DEFOMIN), and the commissioners of the Ministry for Technical Planning and Cooperation (SEPLAN).

First Truth: In all the regions where the aforementioned days took place - Santa Rosa de Copan, Olancho, Ceiba, Las Vegas Santa Bárbara, Choluteca and Danli - THE PEOPLE, WHETHER IN ORGANIZATIONS OR AS INDIVIDUALS, HAVE SAID AN EMPHATIC ‘NO’ TO OPEN-PIT MINING.

Second Truth: In view of the mistrust that this process generates, the people have demanded that THESE ‘SOCIALIZATION’ DAYS ARE NOT USED TO TRY TO LEGITIMIZE A LAW OPPOSED BY OVER 90% OF THE POPULATION and that it should not be passed with all of the contradictions, errors, and violations of constitutional guarantees, human rights, and international environmental and biodiversity conventions that it contains. They have proposed that there should instead be a transparent process of ‘participation’ in the drafting of the mining law.

Third Truth: The population and their local authorities have made it clear that, even if Congress passes this harmful draft mining law and permits open-pit mining, in open defiance of the people’s demands, THEY WILL NOT ALLOW ANY MINING COMPANY TO OPERATE IN THEIR TERRITORIES.

Fourth Truth: It is thus clear that if the National Congress passes this law, IT WILL BE DIRECTLY RESPONSIBLE FOR THE CONFLICTS THAT ARE CREATED IN COMMUNITIES, IN DEFENSE OF THEIR NATURAL RESOURCES AND WAY OF LIFE.

Fifth Truth: In all these “briefing” sessions, the above-mentioned public officials have tried to deceive the population by telling a series of HALF-TRUTHS WHICH, ACCORDING TO ETHICAL PRINCIPLES AND VALUES, ARE COMPLETE LIES. They are the following:

First Half-Truth: “The new law better protects natural resources and provides for greater controls.”

The truth of the new law:

- It makes it possible for buffer zones of protected areas to be subject to mining concessions.
- It fails to safeguard the human right to water for the population, as it permits mining companies to use a community’s water indiscriminately, even when it is outside the area under concession.

- It removes from municipalities their authority to designate zones as protected or water-producing.

- Under the pretext of reducing bureaucracy, it relaxes the requirements for obtaining an environmental license.

Second Half-Truth: “Under the new law communities can decide if they accept or reject mining in their territories.”

The truth:

- It proposes a deceitful and selective consultation mechanism, which would only take place in cases where there was opposition to the project when in fact the law should be applied across the board.

- It is proposed that the consultation will take place before the company begins the exploitation phase, that is, after the concession has already been granted. This makes it non-viable to comply with the consultation results because companies will be able to sue the Honduran government for compensation for lost profits under free trade agreements. This has already occurred in San Salvador, where a mining company sued the government for \$100 million, and in California, where the state had to pay \$14 million to a mining company for having denied it an operating license.

Third Half-Truth: “Under the new law, mining companies will pay more taxes and generate development in local communities, such as in Las Vegas, Santa Barbara.

The Truth:

- The new law would increase municipal taxes from 1% to 2%; however, under the old process the same companies had agreed to pay municipalities no less than 5%.

- The new law permits mining companies to avail themselves of special tax arrangements, such as those in the Promotion and Protection of Investments Law, in which the tax concessions that were declared unconstitutional by the Supreme Court of Justice are reinstated, including: rent tax reduction up to 70%, accelerated depreciation of assets, free imports and exemption from payment of tariffs on all mining company imports, tax stability for up to 15 years, etc.

- In Las Vegas, Santa Barbara, currently the El Mochito mine is facing a lawsuit for 60 million Lempiras because of the findings that contaminated spills into water sources caused the death of hundreds of heads of cattle in the area.

- In the Siria Valley, the presence of toxic levels of heavy metals in the population’s blood has been confirmed. In the face of the ineffectiveness and complicity of the state in hiding this information, the people have sued the Honduran government for violating their rights to health, personal safety, water, and a healthy environment.

Fourth Half-Truth: “You can’t prohibit open-pit mining because the method used depends on how the minerals are distributed in the subsoil.”

The Truth:

- The decision to approve or prohibit highly destructive and polluting methods such as open-pit mining depends on government policy and decision-making, as Costa Rica and Panama have recently shown.

- Behind the weak argument promoting open-pit mining lies the privileging of profit, gain, and exorbitant earnings for transnational mining companies and their state sponsors as well as the relegation to second place of the well-being and development of rural, indigenous, and campesino communities.

For our organizations, it is evident that we face a rigged process that is trying to equate ‘briefing’ with the population’s effective participation. In all the regions where this process has taken place, people have demanded that the Mining Commission report how it will guarantee that the proposals by communities and organizations are included in the draft law. Up to now, they have refused to give a clear answer to this demand.

The failure to conduct a transparent and comprehensive process in which the different social actors, especially the member organizations of our National Coalition, can effectively participate in the debate, analysis, and development of the draft mining law, only serves to confirm the apparent conspiracy between the members of Congress that have coordinated this questionable process and SERNA and DEFOMIN officials. These have assumed the role of promotion and public relations for the projects of environmental destruction and dispossession of transnational mining, forgetting their fundamental obligation to protect the interests of the Honduran people.

NATIONAL COALITION OF ENVIRONMENTAL AND SOCIAL NETWORKS OF
HONDURAS