HAITIAN COMMUNITIES WON’T TRADE WATER FOR GOLD
On World Water Day, GJC Joins Mining-Affected Communities in Defense of the Right to Water

(New York, March 22, 2018)— Haitian residents in rural communities must not be asked to trade water for gold, the Global Justice Clinic (GJC) said today. In collaboration with U.S. scientists, the Kolektif Jistis Min (Justice in Mining Collective or KJM), and community residents, GJC is conducting a study on the right to water in Northern Haiti. The study, undertaken in communities that lie within a gold mining permit outside of Cap Haïtien, is generating data about the residents’ enjoyment of the right to water, drawing on field and laboratory tests that show the quality of the water they consume, the status of groundwater, and patterns of water use. The gold mining permit, which encompasses more than two dozen communities, is one of only three issued by the Haitian government authorizing a company to build an industrial gold mine. No such mines have yet been built in Haiti.

It is estimated that a large-scale industrial gold mine uses the amount of water in one day that a family in rural Haiti would consume in more than 20 years. It is well known that mining, particularly mining for gold, silver, and other metals, not only uses significant amounts of water, but contaminates water as well. Contaminated waste water must be carefully isolated and treated to protect drinking water from infiltration. Too often, however, communities suffer the effects of industrial accidents and natural disasters, and find that they cannot prove that mining is to blame since they do not have data concerning pre-mining conditions in their communities.

Less than half of Haiti’s rural population has access to safe drinking water—even before industrial mining. Government agencies charged with advancing access to water and protecting the environment experience frequent budgetary and personnel challenges. The Bureau des Mines (BME), which is responsible for regulating the mining sector, has said that it cannot undertake monitoring without company help. Not a single environmental and social impact assessment concerning gold mining has been made public. In early March, the Bureau National d’Évaluation Environnementale (BNEE) told GJC it had not received an environmental impact assessment for a gold mining project. Haitian law requires that such a study is submitted before a company receives a permit to build a mine; companies hold three such permits today.

Despite these manifest institutional failures, the Haitian government continues to court investment and sees the mineral sector as crucial for the country’s economic growth. A new mining law written with the support of the World Bank sits before Haiti’s Parliament but has not been published for public comment. If passed, observers believe the law would eliminate existing barriers to the development of Haiti’s first industrial gold mines.

The right to water study, which will conclude in the fall, will provide community members with the data they need to promote and defend their right to water. Residents have collectively spent hundreds of hours under the hot Haitian sun to conduct household and water point censuses, engage in educational activities concerning the potential impacts of mining, and facilitate teams of scientists, human rights attorneys and law students to gather data.

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For background on the environmental and human rights risks of gold mining in Haiti, see Byen Konte, Mal Kalkile: Human Rights and Environmental Risks of Gold Mining.

About the Global Justice Clinic
The Global Justice Clinic at NYU School of Law provides high quality, professional human rights lawyering services to individual clients and nongovernmental and intergovernmental human rights organizations, partnering with groups based in the United States and abroad. Working as legal advisers, counsel, co-counsel, or advocacy partners, Clinic students work side-by-side with human rights activists from around the world. The Clinic has worked on human rights issues in Haiti since its founding.