



Haiti Justice Initiative

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Gold Mining in Haiti Poses Grave Risks to Human Rights and the Environment

New Report Supports Mining Ban

Port-au-Prince May 9, 2016—In a report released in French today, legal experts warn of serious environmental degradation and human rights violations if mining proceeds in Haiti. Entitled *Byen Konte Mal Kalkile: Les risques de l'exploitation de l'or pour les droits humains et l'environnement en Haiti*, the report was co-authored by the Global Justice Clinic (GJC) of NYU School of Law and the Haiti Justice Initiative of the University of California Hastings College of the Law. The report calls for a moratorium on mining, at a minimum, and presents evidence collected during more than 100 days of fact-finding in communities affected by mining in Haiti and dozens of interviews, including with Haitian government officials and company representatives.

The report was released in Port-au-Prince as part of *Kale Je Nou pou Defann Lavi Nou*, an international summit on mining in Haiti. The summit was organized by the *Kolektif Jistis Min* (Justice in Mining Collective), a coalition of Haitian organizations committed to promoting the interests of Haiti's rural communities. Three of the report's four principal authors joined activists and advocates from more than 10 countries around the world who participated in the summit to share their experiences with mining in their own countries.

"Gold mining is inherently risky," says Nikki Reisch, Adjunct Professor of the GJC and one of the report's co-authors, "and Haiti's vulnerabilities to natural disaster and drought combined with its lack of capacity to regulate the industry make mining in the country's Massif du Nord an even more dangerous proposition." Although there is no operative metal mine in Haiti yet, international mining companies have invested millions of dollars in mineral exploration in recent years, and the World Bank has supported the revision of Haiti's outdated mining law. "Discussions about the legal framework and the development of the mining sector in Haiti have occurred behind closed doors, among government officials, company stakeholders, and international financial institutions," says Ellie Happel, the GJC Haiti Program Manager. "The communities most at risk have been effectively excluded from these proceedings."

In interviews, residents of communities affected by mineral exploration activity in northern Haiti complained that mining companies entered their areas without adequate warning. GJC found that some residents had signed or thumb-printed agreements without understanding that they were permitting a company to undertake activities that could "destroy" their land. GJC Director Margaret Satterthwaite emphasized that responsibility does not lie solely with companies: "Under international and domestic law, the Haitian government must inform the Haitian people and actively prevent violation of their rights." The report finds that the government of Haiti has failed to play this essential role.

Byen Konte, Mal Kalkile is the product of collaboration between environmental law experts and human rights lawyers, and was informed by the *Kolektif Jistis Min*. The title of the report, taken from a Kreyòl expression meaning "well-counted, poorly calculated," suggests that Haiti's apparent bounty of mineral resources could easily transform into a curse.

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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.

About the Haiti Justice Initiative

The Haiti Justice Initiative is an umbrella organization for a variety of on-going projects at UC Hastings, including the Hastings-to-Haiti Partnership, a sixteen-year partnership with the École Supérieure Catholique de Droit de Jérémie that includes educational exchanges and collaborative work toward creation of a legal services clinic in Jérémie; legal assistance, community trainings, and related work to address gender-based violence in Haiti conducted by the Center for Gender & Refugee Studies; and other student and faculty projects, including this report on gold mining in Haiti.

Notes for reporters and editors

1. Three of the four authors are in Haiti through May 11th and available for interviews. Members of KJM and residents from communities affected by mining are also available for interviews.
2. The report will be publicly presented on Monday, May 9. The authors will participate in a press conference organized by KJM on Tuesday, May 10 at 10.00 at the office of the Plate-forme des Organisations Haïtiennes des Droits Humains.
3. Background documents related to this report are available at: <http://chrgj.org/clinics/global-justice-clinic/economic-social-and-cultural-rights/preventing-violations-and-advancing-rights-in-haitis-emerging-mining-sector/>.