

## Submission to the Special Rapporteur on the Human Right to a Healthy Environment

### CGRS Input on Environmental Impact Assessments, Strategic Environmental Impact Assessments, and the Right to a Clean, Healthy and Sustainable Environment

Center for Gender & Refugee Studies  
University of California College of the Law, San Francisco

April 14, 2025

The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform the thematic report of the special rapporteur on the human right to a clean, healthy and sustainable environment to be presented to the United Nations General Assembly's 80th session.<sup>1</sup>

This submission draws upon the following resources, which provide analyses and information relevant to the call for input.

- CGRS, [Root Causes of Migration: Climate Disasters and Environmental Degradation in Honduran Asylum Claims: Expert Declaration by Donald Hernández Palma](#) (October 24, 2024) [hereinafter, Factsheet]. A copy of this resource is included in the Annex.
- Declaration of Donald Hernández Palma, Expert on Climate Disasters and Environmental Degradation in Honduras (Sep. 18, 2024) [hereinafter, Hernández Declaration].<sup>2</sup> The document is not attached. However, it is available via this [link](#) for general research purposes and is also available upon request to advocates working on fear-of-return claims for Honduran nationals through [CGRS's Technical Assistance Library](#).

---

<sup>1</sup> The Office of the High Commissioner for Human Rights, [Environmental impact assessments, strategic environmental impact assessments and the right to a clean, healthy and sustainable environment](#) (accessed on Mar. 17, 2025). Question # 1: "Information regarding existing regulation of environmental impact assessments and strategic environmental assessments, including in relation to: . . . The extent of consultation with and participation of affected persons and/or communities; . . ." and question # 4: "Main challenges experienced by States, businesses and rightsholders concerning the adequate request, evaluation and implementation of EIAs, including: . . . b) challenges experiences by rightsholders in influencing assessment design, participating in assessments, and accessing assessment findings and conclusions."

<sup>2</sup> Donald Hernández Palma is the Executive Director of the [Honduran Center for the Promotion of Community Development](#) (CEHPRODEC), a leading organization advocating for human rights and environmental protection in Honduras. As an agronomist and human rights attorney, he has worked on these issues for over three decades.

- CGRS, *Honduras: Climate Change, Human Rights Violations, and Forced Displacement* (December 20, 2023) [hereinafter, Report]. A copy of this resource is included in the Annex.

Failure to conduct proper environmental impact assessments exacerbates environmental degradation, causing devastating impacts on local communities. Among the most vulnerable communities are Indigenous Peoples, who are rarely consulted, particularly in relation to development projects carried out on their lands.

This submission highlights deficiencies in environmental assessments and the lack of consultation with affected communities in Honduras. Part I addresses the government's failure to conduct proper environmental impact assessments before authorizing damaging mega-industrial projects. Part II examines the exclusion of Indigenous Peoples from decision-making processes regarding land concessions, in violation of both domestic and international laws. Finally, Part III offers recommendations to ensure proper environmental assessments, protect Indigenous land rights, and strengthen accountability mechanisms.

## I. HONDURAS'S FAILURE TO CONDUCT ENVIRONMENTAL IMPACT ASSESSMENTS

Honduras is severely affected by the impacts of climate change and disasters. Our Factsheet highlights the increasing intensity of hurricanes, storms, droughts, floods, and rising sea levels in the country. The climate emergency poses a serious and escalating threat to the lives, health, and safety of the Honduran people.

These effects are exacerbated by the government's harmful development policies, particularly through the promotion of mega-industrial projects. Our Report documents that the rapid expansion of these projects was made possible primarily through 1) reforms enabling corporations to appropriate large areas of land, 2) the granting of concession permits without meaningful participation of local communities, and 3) the brutal repression of any opposition. Mega-industrial projects advanced without proper environmental impact assessments (EIAs)<sup>3</sup>—such as hydroelectric dams, mining, monoculture farming and cattle

---

<sup>3</sup> Honduras is a Signatory to the Rio Declaration on Environment and Development, which recommends that national authorities conduct environmental impact assessments for any activities that are likely to have a significant adverse impact on the environment. See ECLAC, *Honduras and Colombia sign on to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development* (Apr. 17, 2013), <https://www.cepal.org/en/notes/honduras-and-colombia-sign-declaration-application-principle-10-rio-declaration-environment#:~:text=The%20Declaration%20on%20the%20implementation%20of%20Principle,Development%20in%20Latin%20America%20and%20the%20Caribbean>; See also Rio Declaration on Environment and

ranching—disrupt ecosystems, deplete natural resources, and further intensify the country's vulnerability to climate change.

Furthermore, the Honduran government fails to regulate, monitor, or control industrial activities that cause environmental degradation. Our Report documents that authorities routinely grant environmental licenses and permits without any EIAs, and with virtually no transparency. State agencies responsible for overseeing these assessments often neglect their duties. Even when studies are carried out, corporations typically ignore environmental regulations.

In addition, the Hernández Declaration documents that, in the cases of mining projects, no independent environmental or cost-benefit studies are conducted at all. Instead, Honduran law allows corporations to define their own standards for evaluating environmental impact.<sup>4</sup> The agency responsible for granting environmental licenses, *MiAmbiente* ("My Environment"), issues them automatically, requiring only that corporations complete an online form. This lack of oversight enables unchecked industrial activity, which comes at a high cost to both local communities and the environment.

## **II. LACK OF CONSULTATION WITH AFFECTED INDIGENOUS COMMUNITIES**

### **a. A Pattern of Exclusion and Repression**

Beyond its failure to conduct EIAs, the Honduran government also neglects to meaningfully engage Indigenous Peoples when granting concessions on their lands, as required by international treaty law and the Honduran Constitution.

Like many Indigenous Peoples around the world, Indigenous communities in Honduras have a deep connection to their ancestral lands, which are integral to their social, cultural, political, and economic systems. As documented in our Factsheet, their identity is closely intertwined with the surrounding ecosystems on which they depend. These communities view themselves as stewards of their land, water, and natural resources. The Honduran government has acknowledged this special relationship, including by designating some of their territories as protected national reserves.

---

Development, U.N. Doc. A/CONF.151/26 (Vol. I) (1992), principle 17, [https://docs.un.org/en/A/CONF.151/26/Rev.1\(vol.I\)](https://docs.un.org/en/A/CONF.151/26/Rev.1(vol.I)).

<sup>4</sup> "Moreover, no independent environmental or cost-benefit studies are conducted before a mine operates. The law states that the company should establish its own criteria to evaluate and assess its environmental impact." See Hernández Declaration at para. 41.

Despite this recognition, Indigenous Peoples in Honduras remain a vulnerable and oppressed group. As documented in our Factsheet, many environmental laws and regulations were enacted, at least in part, to restrict their land rights. Opposition to these policies or extractive activities is often met with brutal repression, including forced displacement, enforced disappearance, and even murder.

Through the International Labour Organization (ILO) Convention 169, Honduras formally committed to protect Indigenous Peoples' possession of their lands and to consult them before permitting the exploitation of their natural resources.<sup>5</sup> However, despite this obligation, the process of prior consultation and consent from Indigenous Peoples is frequently disregarded when concessions for extractive activities are granted on Indigenous ancestral territories.

#### **b. The Consequences of Disregard: Case Studies**

The Hernández Declaration explains that since 1998, Honduras has granted approximately 504 concessions to mining companies, often without transparency or the legally required consultation with Indigenous Peoples. When Indigenous Peoples file complaints about unlawful land concessions, their claims are typically ignored or dismissed by prosecutors and judges. Moreover, over 80 percent of these mining concessions were obtained using fraudulent or altered documents, often with the involvement of State officials. As a result, many Indigenous communities have faced the abrupt and unjust takeover of their lands.

Our Report documents the example of the San Andrés gold mine concession in the Province of Copán, which had devastating impacts on local Indigenous communities. These communities were completely excluded from meaningful consultation; and no EIAs or regulatory enforcement were carried out. This neglect contributed significantly to air and water pollution, leading to serious health issues—such as respiratory, skin, and gastrointestinal conditions—among the Indigenous Peoples in the affected area. In addition to these health impacts, the mining activities depleted vital water sources, undermining local livelihoods. As a part of the mining project activities, an ancestral cemetery was destroyed, further harming the community's cultural identity and connection to the land.

---

<sup>5</sup> Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 15 & 17, [https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C169,/Document](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document).

Similarly, Indigenous and local communities are routinely excluded from consultations regarding the establishment of hydroelectric plants. The construction of these plants often involves diverting rivers through channels or pipelines, drying up adjacent waterways relied upon by local populations. Once operational, these projects cut off access to water in the affected areas entirely. These waterways are not only vital for daily survival; they also sustain ecosystems that support traditional medicinal plants and hold sacred significance to Indigenous peoples. One such instance occurred when the Honduran government granted a concession to *Desarrollos Energéticos, SA* to construct the Agua Zarca hydroelectric dam on the *Gualcarque* River, a site sacred to the Lenca Indigenous community.<sup>6</sup> Neither the company nor any independent party conducted an environmental assessment or consulted with the Lenca people.

The lack of public consultation with Indigenous Peoples, coupled with inadequate environmental monitoring and weak enforcement of regulations, severely harms Indigenous communities and their ecosystems. This neglect exacerbates the already devastating impacts of climate change on these vulnerable populations.

### III. RECOMMENDATIONS

The failure to conduct EIAs and absence of proper consultation with Indigenous Peoples in Honduras—documented in this submission and associated resources—reflect the government’s negligence and its role in environmental degradation. Indigenous Peoples, in particular, face heightened vulnerability as they confront powerful economic interests with little access to effective protection mechanisms. Drawing on the situation in Honduras, this submission urges the Special Rapporteur on the Human Right to a Healthy Environment to consider including the following in their report to help address these challenges:

- Highlight the obligation of States to carry out comprehensive, independent environmental and human rights impact assessments prior to approving development projects, particularly those affecting Indigenous territories or ecologically vulnerable areas.
- Emphasize the duty of States to uphold the right of Indigenous Peoples to free, prior, and informed consent before any activity is undertaken on their lands, in line with international legal standards.

---

<sup>6</sup> Annie Bird, [The Agua Zarca Dam and Lenca Communities in Honduras](#), Right Action (Sept, 20, 2013).

- Urge States to align domestic legal frameworks with international norms protecting Indigenous Peoples' rights to land, territory, and natural resources, and to ensure their effective implementation.
- Call for the establishment or strengthening of independent oversight and accountability mechanisms to investigate violations of environmental and Indigenous rights and ensure appropriate legal and administrative remedies.
- Promote full transparency in environmental governance and enable the meaningful participation of affected communities at all stages of decision-making.
- Draw attention to the need for robust protections for Indigenous environmental defenders, including measures to prevent criminalization, intimidation, and violence.