Costa Rica: Hopeful resolution on moratorium to mining and oil

On 11 March, the Plenary Commission of the Costa Rican National Environmental Technical Secretariat (Secretaría Técnica Nacional Ambiental - SETENA) flatly rejected the Environmental Impact Assessment submitted by the Industrias Infinito S.A. (IISA) Company on the Crucitas Mining Project, located in the area of the Mining Exploitation Concession granted by the Ministry of Environment and Energy (MINAE) during the previous government.

The MINAE granted the exploitation concession on 17 December 2001, through Resolution R-578-2001-MINAE. This resolution was granted under complete reserve. The decree was published and made known to the public on 30 January 2002, two days before the elections, making it practically impossible to lodge an appeal. However, the communities from the north of Costa Rica reacted and on 22 March 2002 held major demonstrations repudiating the decision and making it clear that they would not allow such a noxious activity to take place.

The Crucitas Mining Project has its background in the Mining Exploration Permit granted --also in an underhand way-- on 1st October 1993. Based on such a permit, exploration works were carried out over a five-year period, resulting in the discovery of an important gold deposit. On 13 December 1999, the request for a Mining Exploitation Concession was submitted to the Geology and Mines Office. This request was given administrative file number 2594. Mining rights in the area considered by the Concession are valid for a period of 10 years as from 16 January 2002.

During the recent resolution, SETENA based its rejection on legal reasons such as the lack of juridical certificate and the introduction of changes in land use. Among the technical aspects addressed was the fact that the area of influence is badly defined and that for SETENA it should be located in the sub-basin of the San Juan River. From a social standpoint, it should have been foreseen that the situation of poverty generates the appearance of new populations and that the conflicts that were provoked in the previous attempt at exploration were not taken into account. The tourist and archaeological importance of the zone is an important social aspect that has also been overlooked. According to SETENA, an element that requires rigorous attention and that has been treated lightly refers to the use and management of toxic substances, such as cyanide. There is no Closure Plan and the contingency plans are deficient.

The resolution also questions the fact that the studies on which the EIA are based, are outdated, field assessment is insufficient and data on floristic composition have been omitted. According to the SETENA plenary, the elimination of 108 hectares of primary forest and 177 hectares of secondary forest will promote the disappearance of endangered species.

Another important aspect refers to international commitments that the country has taken on, together with the other Central American countries, regarding joint assessment of transboundary projects. In this respect, the EIA has made no evaluation of the effects on the major watershed of the San Juan River, the border zone of Costa Rica with the greatest diplomatic, legal and migratory conflicts. Furthermore, the resolution makes it clear that the area of influence should have included Nicaraguan territory.

OILWATCH Costa Rica has assessed this resolution as a step forward towards the moratorium: "We are happy with this resolution and hope that the possibility of opening gold mining in Miramar de Puntarenas will be closed and that SETENA flatly rejects oil exploration in the Northern Zone. With this and the annulment of the hydrocarbon law and a moratorium law, Costa Rica will be internationally at the vanguard," stated Mauricio Álvarez, OILWATCH resource person.

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