



Indigenous peoples file for injunctions against mining concessions in Mexico

- They seek recourse using this institutional route and the law to defend their right to self-determination and demand respect for their human rights
- They argue in defence of their ancestral territory and cultural identity

April 14, 2015

In the last few weeks, Nahuat Indigenous peoples from the states of Puebla and Colima have filed for three injunctions at the federal level, claiming that their rights have been violated by the Mexican state. They argue that the Secretary of Economy granted mining concession titles that affect their ancestral territories.

On March 17, the Maseual people that live in the municipalities of Cuetzalan, Tlatlauquitepec and Yahonahuac in the state of Puebla filed for an injunction. It was admitted by the Second District Court in the city of Puebla. On March 24, the Nuahuat people of the community of Zacualpan in the state of Colima filed for another injunction. It was admitted by the First District Court in the city of Colima. The campesino community of Tecoltemic in the municipality of Ixtacamaxtitlán, Puebla completed this cycle when they filed for an injunction on April 7. It was admitted by the Fourth District Court in the city of Puebla.

The federal justice system admitted the three suits for injunctions, granting the outright suspension of the mining concessions in favour of these first peoples. This is highly important, given that the companies with title to these mining concessions will not be able to undertake activities with the aim of eventual mineral extraction. These actions build upon prior efforts by the Wirárika people and the Me'phaa who also presented suits to defend their territories from mining activities.

These legal actions demonstrate the structural and symbolic violence that is fostered by the mining law and related public policy. The current mining law is an instrument that has enabled mining concessions to be granted that dispossess peoples from their territories in favour of mining companies. This is discriminatory, violating the Political Constitution and international agreements that oblige the

Mexican state to respect human rights, in particular the right of first peoples and equivalent communities to self-determination and the control of natural resources that they have ancestrally made use of on their territory.

The mining industry has historically has the greatest impacts on the human rights of first peoples and equivalent communities, leading to a pattern of systematic abuses. One of its impacts has been to dispossess first peoples in Latin America from their territory. In recent years, technological advances have led to forms of extraction that are much more aggressive, such as open-pit mining, which leads to a scale of destruction that can be difficult to imagine.

For example, the Mexican Network of Mining-Affected Peoples (REMA its initials in Spanish) has documented what has occurred in the community of Carrizalillo, Guerrero, a serious case of what can take place as a result of mining activities today. Carrizalillo is a community occupied by mining activities whose lands have been destroyed. REMA has documented how Goldcorp operates on 85% of the Ejido's territory and the little that has not been destroyed is contaminated.

REMA has denounced the negative health impacts that the population faced, such that illnesses arising from mining activities have turned into something common. According to studies undertaken, up to 70% of the population is affected by related illnesses, every family has at least one member affected, and, in some cases, whole families are affected. REMA has also drawn attention to how mining attracted organized crime to the community. According to REMA, after eight years of mining activities in this community, the population lives in a virtual hell, to such degree that just a week ago nearly half of the families have left the community, displaced by violence, assassinations and extortion from organized crime.

Experiences such as this have motivated other communities to defend their territories to keep them free of mining activities. This is a continuation of the struggle that began some five hundred years ago and that has allowed them to keep their identity alive.

Historically in Mexico, the coexistence of biological and cultural diversity within the same geographic space, giving rise to a tremendous biocultural heritage, has been ignored. Also, the Mexican state by definition is a pluricultural state, which means that the unity of the state resides in the diversity of the peoples living within it. As a result, the authorities are obliged to guarantee the cultural control of the peoples of their territories and the natural resources that they have traditionally used.

It is fitting to note that as a result of the legislative changes based on the recent Energy Reforms have put Indigenous peoples and communities in an even more vulnerable situation. Many of their territories have been targetted for extractive projects and other activities that the state considers strategic. There is great potential that this will give rise to social conflict in diverse regions of the country.

The peoples affirm their resolve to defend their identity, rights and territory, opting for social organization and the use of legal measures. Through the acts of Indigenous, citizen, municipal and agrarian assemblies, as well as community bylaws, diverse peoples have asserted their right to self-determination and autonomy, rejecting mining projects from being undertaken on their territories. It is vital that the mining paradigm in this country change, given that the current legislation and public policy violates the human rights regime that is enshrined in the constitution.

Attentively,

Tiyat Tlali Council,

Indigenous Council of Zacualpan for the Defence of Territory

Mexican Network of Mining-Affected Peoples (REMA its initials in Spanish)

Mexican Centre for Environmental Law (CEMDA its initials in Spanish)

FUNDAR