

Declaration: Mining without a permit in Oaxaca, Mexico

- Communities that defend territory and the environment are in danger*
- The Mexican State must prioritize rights over business interests*

We are greatly concerned about the extreme situation lived by peasant and indigenous communities of the Ocotlán Valley. For the past 11 years, the Cuzcatlán mining company, owned by the Canadian company Fortuna Silver Mines, has been extracting silver and gold without permission from local communities, and now the Ministry of the Environment and Natural Resources (SEMARNAT) is about to approve an extension of this company's environmental permit.

A project born from violence and impunity

It is important to remember the assassinations of Bernardo Méndez Vásquez and Bernardo Vásquez Sánchez ten years ago, both citizens of San José del Progreso, the mining project's center of operations. Both were territory, life, and environmental defenders, as well as opponents to the Cuzcatlán mining project, owned by Fortuna Silver Mines. During the first years of mining activities and exploitation, there were several violent events where many people were seriously injured.

As a result of this wave of violence, the company began a process of co-optation and division in the San José del Progreso community. Citizens of San José denounced the presence of armed groups on several occasions. No government agency paid attention to their complaints, the murders of these defenders continue to go unpunished, and the community's social fabric was fractured.

Pollution and non-remediation

In 2018, the tailings dam of this mining project overflowed twice, spilling polluting waste into the El Coyote riverbed. The communities of Magdalena Ocotlán, Monte del Toro, San Matías Chilazoa, and San Pedro Apóstol filed the corresponding complaints with the Federal Environmental Protection Agency (PROFEPA), particularly since the contamination had placed drinking water wells and the region's aquifer at risk.

The environmental authorities, for their part, visited the mining project but did not, at any time, reach out to the affected communities. There was no remediation nor restoration process to El Coyote, and polluting residues are still present in the river three years later. The affected communities did not receive any reparations from the damage.

Water access is a matter of great concern for the communities since in the last three years there has been an alarming decrease of water levels in the wells. The Magdalena

Ocotlán, Monte del Toro, El Vergel, San Martín de los Cansecos, and San Matías Chilazoa are all without access to clean potable water.

Legal protection for mining projects

These past years, the company has irregularly built 75 projects, in disregard for the original environmental impact statement. In 2019 and 2020, it requested the "San José II" environmental permits, both of which were denied by SEMARNAT for disregarding the cumulative, synergistic, and residual impacts of these projects and for having violated the communities' right to a healthy environment.

In 2021, the company once again applied for a "new" environmental permit with SEMARNAT, calling it a "works and activities update," while requesting for an expansion to the original environmental impact statement.

Indigenous consultations and absent federal authorities

The communities made demands for their right to self-determination, territory, and a healthy environment before María Luisa Albores, head of SEMARNAT, whom they met twice in person. Albores promised to participate in a consultation process organized by and from the communities.

The consultations were held on December 10 and 11, 2021, after which local authorities delivered six thousand signatures against the mining project, ten territorial land acts banning mining activities, and two regional declarations. SEMARNAT representatives never showed up to these events, failing to comply with the previously established agreements.

Disputed environmental authorization

In the midst of a dialogue process with the affected communities, on December 14, 2021, SEMARNAT notified the mining company it had authorized environmental permits for another 12 years of commercial exploitation.

In its resolution, SEMARNAT did not mention the assassinations, irregular practices, water contamination, nor the aquifer's hydric stress. Such approval is a sign of betrayal for the organized communities of the Frente No a la Minería por un Futuro de Todas y Todos (No to Mining for a Future of All Front).

"It is outrageous that environmental policies continue to be disadvantageous for people and their communities," said representatives of these communities, who warned that the social and environmental damage caused by the mining company affects 25,000 people in the Ocotlan-Ejutla-Tlacolula region.

It is worth mentioning that the original environmental permit for the Cuzcatlán mining project expired on October 23, 2021. The company continues to operate through an injunction, although its lenders set February 18, 2022, as the deadline to clarify this situation.

On February 4, 2022, the mining company Fortuna Silver Mines publicly announced that it received a notification from SEMARNAT establishing that it made a typographical error: the authorization was only for 2 years, not 12 years. The company has continued operating under a writ of protection, and SEMARNAT has still not published its final decision on the environmental permit in its Official Gazette.

Faced with this situation:

We express a deep concern for the climate of insecurity and threats against defenders, whose lives are at risk. We urge the Mexican authorities to guarantee their physical and psychological integrity.

We demand the Mexican State to safeguard the rights of the communities defending water and their territories.

We remind the authorities that, among other international commitments, Mexico signed the Escazú Agreement in 2021, which mandates the country to promote the protection of defenders of the environment and their territories.

We will be on the lookout in the coming weeks for actions from the Oaxaca communities in their legitimate defense against this mining project.

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