



Post Opinion

Mexican communities can beat the giant mining companies



A demonstration by residents of the Sonora River area, held outside the Supreme Court of Justice on August 5, 2019. (PODER)

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On August 6, 2014, the waters of the Sonora River, in northern Mexico, were tinged with copper brown due to the spill of 40 million liters of copper sulfate from the Buenavista del Cobre mine, owned by Grupo México, one of the largest mining companies in the country. It was a terrible day for the more than 25 thousand people who live along the banks of the river and for the million inhabitants of Hermosillo, capital of the border state of Sonora, who drink the water from the El Molinito reservoir. According to the authorities, in this reservoir the heavy metals in the contaminated water settled, which made them harmless to the population. That disaster, which for years was downplayed by the mining company and local and federal authorities, today is close to having a good outcome for the affected communities.

In the Sonora River basin, those affected cannot drink the water that comes out of their taps without fear of getting sick. Bathing causes skin disorders. The economy remains stagnant. But the remediation promised by governments and the company has never been carried out, according to reports we prepared with the Río Sonora Basin Committees, a social movement that brings together hundreds of affected persons and whose work has been recognized by civil society organizations and several United Nations special rapporteurs.

After more than five years of struggle, on January 15, the second chamber of the Supreme Court of Justice - the highest court in Mexico - unanimously granted an appeal protecting the communities of the Sonora River. Although the details of the sentence are not yet known, this is a historic

victory and another argument against assertions that the river and the area are fully recovered.

The appeal challenges the unilateral termination of the Río Sonora Trust, created in 2014 through an agreement between the environmental authorities and Grupo México to repair the damage. The company committed two billion pesos (about 100 million dollars at the time) and carried out an extensive communication campaign.

Both Grupo México – owned by Germán Larrea, the second richest man in the country – as well as former officials of the Ministry of Environment and Natural Resources and the technical committee of the Río Sonora Trust, have asserted that the remediation was carried out in accordance with the law. But the commitments regarding access to drinking water, health care and agricultural restoration were never fulfilled.

The Trust was closed in February 2017, when only 61% of its resources had been disbursed and without having completed the remediation of the river or its most important projects, such as the specialized health center. The reasons for the closure were never shared with the people in the area. In fact, the Río Sonora Trust never included the participation of the affected communities in the remediation strategy or in defining its priorities. Everything was done in the dark.

The decision of the Supreme Court presents different scenarios: that the Trust is reopened or that other reparation mechanisms are created, with participation and transparency. The Río Sonora Basin Committees will await the publication of the complete decision with the same hope they have maintained throughout this struggle.

It has been five years of assemblies, caravans, visits to the authorities in Hermosillo and Mexico City, national and international trips to exchange experiences with other affected communities and tirelessly present their case in various forums despite frustrations due to delay and legal bureaucracy. Years also in which several United Nations special rapporteurs have expressed opinions about the case.

The powerful transnational corporate Grupo México has a long history of damaging the environment, human rights and the rights of its workers. So far it has gone unpunished and, given the prospect that this could change, it is trying to undermine the legitimacy of the social movement and convince public opinion that the struggle is not of the organized people - whom they believe are incapable of thinking for themselves - and that human rights advocacy groups have a hidden agenda and are being manipulated by political interests. It wants to change the story at will.

But Mexican justice seems to be giving a clear signal to the companies: if they damage the environment and the rights of the people, the processes of remediation must be thorough, transparent and include the participation of the communities; secret deals between companies and the authorities are unacceptable.

It is essential that adequate measures are taken to avoid and prevent possible negative impacts of business operations. And any damage that occurs must be remedied immediately and properly. This is also a signal to investors, so they can responsibly consider where to invest and how to communicate with companies to demand that they do things right.

This victory, which appears close, belongs to the communities, the Río Sonora Basin Committees and the human rights defenders who fight for corporate accountability. It is also a fundamental message for authorities, companies and investors, and a key step to finally reach the long-awaited justice for the Sonoran communities and avoid disasters of this magnitude in the future.