

Frente Amplio Opositor Mineira (FAO) against the Saint Xavier Mine, Mexico

Origins of FAO: The Canadian mining company New Gold came to the mountain community of Cerro San Pedro, San Luís Potosí State in 1995, to research the possibility of mining for gold and silver in the Saint Xavier Mine (SXM). The following year New Gold announced to the community that mining operations would go ahead, exploiting the natural resources of the area, including water, and forcing local residents to move elsewhere. The community rejected this plan, but the mining authorities carried on despite their resistance. Opposition to SXM, consisting mainly of environmentalists and defenders of cultural heritage, organised into a group known as *Frente Amplio Opositor Mineira* (FAO), or Unified Front Opposing the Mine.

Impact of the mine: The worst environmental impact of the SXM relates to water issues. The San Luís Valley is located in a semi-desert region, and contains an aquifer that provides water to 40% of the state's population of 2,600,000 people. In the early 1960s, it was declared a restricted and then a prohibited zone, as the aquifer was not recharging enough to replenish itself. This meant that no new wells should be constructed for industrial use, but the prohibition was not well enforced by local political officials. In 1972 the mountain of Cerro San Pedro was designated as a historical site, as it represents the essence of San Luís Potosí and is portrayed in the state's coat of arms.

In 1993 the area of Cerro de San Pedro was declared a wildlife preservation zone. Mining was banned from the area due to their over-consumption of natural resources; however, SXM continued to operate despite this clause. The mine consumed 32 million metres³ of water every day, which was then mixed with 16 tons of sodium cyanide. This compound is extremely toxic – just one drop is fatal – and filters directly back down into the aquifer. At the same time the State Water Commission declared that 200,000 people were suffering from significant water shortages, due to the exploitation by SXM. In 2005 the National Water Commission stated that water was being extracted at double the recharge rate.

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When the community rejected the mining project, SXM used various illegal tricks to bypass their acceptance and go ahead with the project. For example, the community supported the construction of two hotels, restaurants and cabins, which would secure them a better economic and social future. SXM immediately put a stop to this construction by buying up the biggest projects and creating uncertainty for investors. SXM has also paid for municipal and political officials political campaigns, and turned to violence in order to suffocate the opposition. One municipal president who refused to acquiesce to SXM's illicit acquisition of land was found dead.

Activities of FAO: FAO works to present the environmental impact of the mine's exploitation of the land and contamination of both surface and subterranean water, as well as the economic, social and political consequences and the historical significance of the area. FAO is organised in a horizontal manner, with a small group of professionals from different disciplines in charge of forming action plans for the group. It also has an office in Canada, where the mining company's head office is based. The organisation is prepared to counter harassment, violence and even death threats through multiple coordinated and inter-connected forms of action, including legal and political defence, mediation and civil resistance. The repressive attitude of the Mexican Government has drawn international attention to the population of Cerro de San Pablo and the resistance movement.

The right to water: Mexico has signed the International Covenant on Economic, Social and Cultural Rights, General Comment 15, recognising the right to water. FAO uses the principle of the right to water both as a strategy to organise activists, and to bring successful cases in various forums, including judicial proceedings before the Federal Tribunal and the Commission on Environmental Cooperation (CEC). The CEC solicited the Mexican government for more information on the violation of the right to water. The government responded to only one part of the enquiry, in which they did accept that the proposed mining activities would cause contamination to the aquifer. However, they claimed that it would not cause serious problems and furthermore, that Mexico is not obliged to apply precautionary measures since it is not a signatory to the Rio Declaration on the Environment.

FAO has also challenged the company's mining activities by bringing a court case against them, using the right to water as a tool to hold the company accountable and calling for intervention by the Mexican and Canadian governments and restitution of damages to the community. The Latin American Court for Water decided to cancel the licence of the company, but a few months later they resumed work after submitting a false environmental impact evaluation to the Ministry of the Environment and receiving a new mining permit.

FAO's work has also raised awareness of the right to water in the community, including through organising movements against privatisation and environmental campaigns, especially regarding water pollution. The right to water focuses equality of distribution and prioritises human rather than corporate use of water. FAO has improved its ability to defend communities and have a political impact in similar cases, especially against mines and water contamination.

Future plans: The vast practical experience and media attention of the FAO, the first anti-mine movement in Mexico, has placed the organisation at the forefront of the many new and emerging movements campaigning against widespread mine exploitation in the country. The human right to water has been the central axis of the organisation's work. However, in Mexico the state of these rights sadly does not go beyond theory: national and international laws and treaties on water protection have gradually been eliminated or modified directly in the interests of companies. Due to this situation, FAO is preparing a demand for the OEA, denouncing the Mexican government for the violation of the most basic of human rights.

The right to water has opened space for civil society to challenge situations in which their water rights are violated. As rights are recognised in national and international law,

people have the possibility of legal resource if their rights are violated. However, in countries with low accountability, even though rights may be recognised by the constitution, the law is often not respected by government or large industrial stakeholders. Weak institutional structures and lack of accountability from government undermines the impact of the rights-based framework. In order for the right to water to be really meaningful at ground level, the improvement of accountability mechanisms is required.