



MiningWatch Canada
Mines Alerte

Report

from the March 20-27, 2010 fact-finding delegation to Chiapas, Mexico, to investigate the assassination of Mariano Abarca Roblero and the activities of Blackfire Exploration Ltd.

Executive Summary

This report is the product of a fact finding delegation to Chiapas, Mexico, to investigate the activities of Calgary-based Blackfire Exploration Ltd., a private Canadian mining company. The delegation took place at the invitation of the Mexican Network of Communities Affected by Mining after the murder of environmental activist and mine opponent Mariano Abarca on November 27, 2009. The delegation visited the municipality of Chicomuselo, the *ejidos* where Blackfire's "Payback" mine is located, the nearby city of San Cristobal de las Casas, Tuxtla Gutierrez the state capital of Chiapas and, finally, the Canadian Embassy in Mexico City.

The delegation found that once Mexican federal concessions for subsurface (mineral) rights were granted to Blackfire, the company negotiated agreements with municipal and *ejidal* organizations for surface rights.¹ These agreements were secretive and suspect, and left the members of the local communities with little protection and very few benefits from the development of the barite mine. The delegation has substantial concerns about the accountability of the various levels of government in Mexico with respect to the benefits that should have accrued to the communities affected by the mine.

The site of Blackfire's "Payback" mine is similar in appearance to a quarry, covers approximately 15,000 square metres and is divided into two main extraction areas. The forest vegetation had been bulldozed to expose the veins of barite. The mine site is in a steep, mountainous setting. Community members from adjacent *ejidos* expressed concerns about environmental impacts, particularly on water flow and quality, and the risk of a landslide. Residents of Chicomuselo also expressed concern about new cracks in their houses caused by ore-laden truck traffic on the town's streets.

¹ An *ejido* is communally held territory, managed by a council of elected *ejido* members. Until the signing of the North America Free Trade Agreement in 1994, it was not possible for *ejido* land to be parcelled off or sold.

There were no visible indications that any preventative measures to mitigate risk at the open-pit mine site were taken by Blackfire. On December 7, 2009, the Chiapas state environmental agency (SEMAVI) issued a closure order, shuttering the project for an undefined period due to environmental violations. We understand that the company is fighting this closure in state-level civil courts. However, the majority of people the delegation spoke with in Chiapas were clear that they wanted the company to leave the area permanently.

The social impacts of Blackfire's barite mine in the municipality of Chicomuselo are profound, most notably as a result of the murder of Mariano Abarca on November 27, 2009. Tensions in the community have eased somewhat since the closure of the mine, but the Abarca's home remains under 24-hour police protection.

Currently, there are six people in jail for the killing of Mariano. It is the view of the Abarca family that Blackfire was ultimately responsible for the violence that followed the arrival of the mine, culminating in Mariano's murder. His family calls on the Mexican authorities to ramp up their investigations, and to avoid them becoming further politicized.

This report is accompanied by a series of recommendations that target the main actors involved in this tragic case in an effort to seek redress for those most affected by Blackfire's mining operation in Chiapas, while at the same time promoting a change in the way Canadian resource extraction companies acting outside Canada's borders are regulated by Ottawa.

Among the recommendations of the delegation are:

- That Blackfire leave Chicomuselo and Chiapas, that it cease and desist from the legal action the company has initiated in the Chiapas court system to overturn the mine site closure order issued December 7, 2009 by the Chiapas Ministry of the Environment and Housing (SEMAVI).
- That Blackfire issue a public apology for the acts of intimidation carried out by company employees, with particular reference to the assassination of environmental activist Mariano Abarca Roblero, for which several company employees have been jailed while others remain fugitives from justice;
- That there be an all-party motion of censure of Blackfire's activities in Chiapas introduced for a vote in the Canadian Parliament;
- That the parliament of Canada debate and pass Bills C-300 and C-354 as soon as possible.
- That the RCMP carry out a thorough investigation of Blackfire's relations with municipal authorities in Chicomuselo following the March 10 complaint under the *Corruption of Foreign Public Officials Act* filed with the RCMP by nine Canadian organizations.