

One year after the Pasta de Conchos tragedy

MEXICO - Miners Buried by Negligence and Impunity

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[IPS](#) - Negligence and collusion among authorities, mine owners and unions killed 65 miners one year ago in a coalmine in the state of Coahuila, in the north of Mexico, but no one will go to prison for it.

So far, only two bodies have been recovered. The miners were buried under tons of earth after one or more explosions in the shaft where they were working. Recuperating the remaining bodies could take another year or two, even though the company has been working hard to reach them.

The families of the victims, who received indemnification and housing from the powerful Industrial Minera México consortium which owns the mine, are waiting for justice to be done.

The accident happened on Feb. 19, 2006 at the Pasta de Conchos mine, and was one of the worst in Mexico in over 100 years.

As well as revealing criminal negligence, the tragedy aggravated a conflict in the miners union, which has been split between two rival leaders for a year. There is evidence that the then Vicente Fox administration (2000-2006) had a hand in that conflict.

Investigations by police, legislators and the state Human Rights Commission (CNDH) indicate that the accident in Coahuila could have been prevented if Labour Ministry inspectors had done their job properly and the company had implemented safety regulations.

Union officials were also responsible for allowing work to continue in unsafe conditions, of which they were aware, said part of a lengthy report by the CNDH.

Police investigations are still under way, and no one has been accused in court yet. But it is already clear that no one will go to jail, as the maximum charges are culpable homicide, meaning that no crime was intended although due diligence was neglected.

People found guilty of these charges could be sentenced to prison, but they would be eligible for bail.

Geologist Gonzalo Rodríguez of the National Autonomous University of Mexico told IPS that the accident showed that there were "serious regulatory problems in the Mexican mining sector, because controls are weak, and open to negotiation and corruption."

"There is a need for legal reforms and strict measures, otherwise another serious accident could happen any time," he said.

On Jul. 12, 2004, Labour Ministry inspectors visited the Pasta de Conchos coalmine. Their report itemised 48 health and safety measures that required attention.

But it was not until Jul. 8, 2005 that the company was informed of the inspection results and asked to make the necessary changes to "ensure safety" at the mine.

Seven months later, the inspectors visited the mine again to verify whether the company had complied with the stated requirements.

On this occasion, 19 months after the first inspection, it was found that only 28 out of the 48 required measures had been implemented. Several of the requirements could not be verified, because parts of the mine were closed down and some equipment was out of order.

The accident occurred just 12 days later. Only 13 miners survived, several of whom said that safety conditions in the tunnel were poor, and that there had been an apparent accumulation of gases.

According to statements by the parties involved, which were withheld in confidence by the CNDH report, official inspections of mines frequently extend over an excessive period of time and verification is late and lax. These problems are tolerated by the authorities and the mining companies, and also by workers' representatives, they said.

The CNDH analysis concluded that there was evidence at Pasta de Conchos of violations of the rights of legality, safety, and respect for physical integrity and for life of the 65 persons killed and 11 injured.

Legislators and experts from the state Geological Service complained during the investigations that the Industrial Minera México withheld documents and made allegations without any proof, but the company insisted it had done no wrong.

The company, which extracts and processes coal, copper, zinc and gold, maintains that until direct evidence is found within the mine of what happened there a year ago, it cannot be accused of anything.

The present government of Felipe Calderón, of the conservative National Action Party, like Fox, has suspended the Labour Ministry officials in charge of the mine inspections and recognised that they acted negligently.

The International Labour Organisation (ILO) considers mining, especially coalmining, to be one of the most dangerous types of work. Each year over 15,000 miners are killed in accidents worldwide.

In the case of the 65 miners who were killed, it is hoped that Coahuila state and federal prosecutors will reach definitive conclusions soon and bring those responsible to trial.

To mark the first anniversary of the tragedy, the families of the victims held rallies and marches, and miners declared a one-day strike.

The National Miners and Metal Workers Union (SNTMMRSM) is split at present, because just two days before the accident, the Fox administration withdrew accreditation from its leader Napoleón Gómez.

The reason given was that the government had been notified by an oversight committee of the miners union that the new leader was Elías Morales.

They have both been at odds since then, and each of them claims that they have always worked for workers' safety and to prevent accidents like that of Pasta de Conchos.

The Fox administration refused to recognise Gómez as secretary general of the union, and so does Calderón. The Attorney-General's Office (dependent on the presidency) has accused him of corruption, and there are over 5,000 lawsuits against him, brought by workers who allege that he has misappropriated union funds.

But many miners and other national and international unions support Gómez and are critical of the government's interference in union affairs, and several mining companies recognise his leadership. Gómez has been living in Canada since 2006, to avoid arrest.

The Calderón administration, which took office in December, has urged the miners union to hold an

extraordinary meeting to solve the conflict. This could be held in April.

The miners' conflict led to strikes in 2006, and police action against strikers at one of these resulted in two deaths. A fist-fight on Feb. 2 between supporters of the rival union leaders left 20 injured.

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