

OFFICIAL COMMUNIQUÉ TO THE PUBLIC OPINION

LEGAL ACTION DEFENDING THE CONSULTA POPULAR OF CAJAMARCA

Today, Wednesday the 5th of June 2019, the corporation 'Cajamarca Despensa Hídrica y Agrícola', promotor of the Consulta Popular in Cajamarca, represented by the Center of Studies for Social Justice 'Tierra Digna', filed an absolute nullity claim against the National Mining Agency of Colombia and the company Anglo Gold Ashanti before the Administrative Court of Cundinamarca.

The purpose of the lawsuit is to declare the nullity of (3) three mining concession contracts registered in 2007, which are still in force in the region of Cajamarca. The concessions should be nullified on the ground of violating the superior mandate expressed through the Consulta Popular (Popular Referendum) of the 26th of March 2017, in which 97% of the citizens of Cajamarca prohibited mining activities in their territory.

At the time the mining concession contracts were signed it was licit to explore and exploit minerals in Cajamarca. However, this legal landscape changed due to the incorporation of a new rule to the legal system, namely the Consulta Popular, which transformed a former lawful action (to explore and exploit minerals) to unlawful. Consequently, there should not be any mining contracts in Cajamarca at present.

The Consulta Popular of Cajamarca was a citizen initiative, in which the community, using their democratic rights, mobilized for the protection of its sovereignty and peasant life. The Consulta Popular complied with all the legal and constitutional requirements, it is now definite and, therefore, its results have mandatory effects. This legal action should be understood as the coming together of the struggles of the peasants of Cajamarca in defense of their land, but also as the beginning of a new phase that seeks to recognize the legal effects of the implementation of Consultas Populares that have been made throughout the country.

Comité Ambiental Campesino de Cajamarca y Anaimé Comité Ambiental en Defensa de la Vida
Conciencia Campesina
Colectivo Socio-ambiental Juvenil de Cajamarca (Cosajuca)
Fundación para la Defensa de la Madre Tierra (Funmati)
Centro de Estudios para la Justicia Social Tierra Digna



