

On Behalf of the Traditional Authorities of the Eight Yaqui Pueblos in Sonora,
Mexico, by the International Indian Treaty Council, an Indigenous Peoples
Organization in General Consultative Status with the United Nations Economic
and Social Council, and the Water Protector Legal Collective, an Indigenous Legal
Organization

Response to Follow-Up Report of Mexico

116th Sess. CERD

17 November – 05 December, 2025

For more information, please contact Andrea Carmen, Executive Director, International Indian Treaty Council at +1 520-273-6003 or andrea@treatycouncil.org; and Natali Segovia, Executive Director & Senior Attorney, Water Protector Legal Collective at +1 602-796-7034 or nsegovia@waterprotectorlegal.org.

Attachments: Update to the CERD Urgent Action Procedures re: Plan Sonora, 25 August, 2025;
Original CERD Urgent Action Submission re: Plan Sonora, 7 March, 2025

The country of Mexico underwent its periodic review in 2024 during the 112th Session of the CERD. In the CERD's concluding observations, the Committee noted two specific areas for review under its follow-up procedures under Article 9(1) of the Convention and Rule 65 under the Rules of Procedure: community radio stations and unaccompanied migrant children.¹

Paragraphs 38 and 39 outline CERD's concerns regarding community radio stations, and do note that Indigenous Peoples' rights to freedom of expression and culture are often implicated when community radio stations are persecuted. The Committee also noted that is particularly concerned regarding Indigenous Peoples and their safety when denouncing human rights violations and opposing projects in their territories, highlighting the murder of Samir Flores Soberanes. The Committee called for Mexico to conduct a thorough investigation on the lives and harassment or persecution of journalists and community communicators, especially those defending the rights of Indigenous Peoples. The Committee also called for Mexico to ensure Indigenous community radio stations have the resources necessary for proper functioning with consideration in the transmission of Indigenous knowledge, culture and traditions.²

Paragraphs 44 and 45 outline CERD's concerns regarding unaccompanied migrant children. The Committee noted that new amendments and provisions geared towards protecting migrant children in Mexico in some instances have left those children without the ability of initiating international protection. As a result, the

¹ CERD/C/MEX/CO/22-24 at ¶61.

² CERD/C/MEX/CO/22-24 at ¶38-39.

Committee called for Mexico to guarantee protections for migrant children and their ability to seek asylum, international protections, and family reunification.³

Although the community radio stations issue does heavily involve Indigenous Peoples' rights, the parties of this update desired to request that the Committee continue to prioritize Indigenous Peoples' rights in all contexts, with special attention to extractive industry and Free, Prior and Informed Consent.

For example, the Yaqui people of Sonora, Mexico have never been notified, let alone been able to engage in Free, Prior and Informed Consent protocols regarding Plan Sonora. Plan Sonora has been underway for years and is a massive state-wide, federal government-backed extractive industry plan that is adversely impacting Indigenous Peoples, their ways of life, and will continue to do so. Part of Plan Sonora are several lithium mines – some of the largest in the world, and the waste that comes from lithium mining contaminates water resources for at least 300 years. Water resources in the Sonoran Desert are already fragile due to Treaty right violations, drought conditions, and the worsening climate crisis. The water that is left is all the more precious and must be protected. However, extractive industry, Indigenous Peoples, Free, Prior and Informed Consent, desecration of sacred landscapes, and widespread interference with Indigenous subsistence rights were not part of the follow-up procedures, and therefore, Mexico was not required to do follow-up reporting despite egregious violations of Indigenous Peoples' rights.

As a result, parties of this follow-up report urge the CERD to continue to prioritize Indigenous Peoples' rights in all its follow-up procedures and concluding observations during periodic reviews.

Respectfully submitted,

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³ CERD/C/MEX/CO/22-24 at ¶44-45.

**Update to the United Nations Committee on the Elimination of Racial Discrimination
(CERD) Urgent Action Procedures
on Behalf of the Traditional Authorities of the Eight Yaqui Pueblos in Sonora, Mexico,
by the International Indian Treaty Council, an Indigenous Peoples Organization in
General Consultative Status with the United Nations Economic and Social Council, and the
Water Protector Legal Collective, an Indigenous Legal Organization**

August 25, 2025.

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Attachments: Letter from the Traditional Authorities of the Yaqui Tribe – Del Pueblo de Huirivis to the Mexican Foreign Ministry dated 18 August, 2025; Letter from Traditional Midwives Concerned with Adverse Impacts of Plan Sonora, compiled and signed 24 August, 2025.

I. Introduction

The submitting Indigenous Traditional governments and organizations respectfully provide this update to the United Nations Committee on the Elimination of Racial Discrimination (“CERD” or “the Committee”). This update follows our March 7, 2025 urgent action procedures submission, which raised the urgent and ongoing threat of human rights violations against the Eight Traditional Yaqui Pueblos and other Indigenous Peoples of Sonora, Mexico, resulting from extractive and industrial lithium mining projects carried out under Plan Sonora.

Plan Sonora is a broad development initiative for a so-called “green” energy transition in Mexico, including large-scale mining of lithium and copper, infrastructure expansion (expansion of Guaymas port, highways, and railroads), and mega-projects such as solar and liquefied natural gas facilities. These developments are moving forward rapidly in the Rio Yaqui river basin, in the ancestral lands of the Eight Traditional Yaqui Pueblos, despite their catastrophic impacts on the precious water resources from the Rio Yaqui watershed, a region already under extreme stress from drought and water scarcity, agrochemical contamination, and mining waste.

Mexico has Treaty obligations to the Yaqui found in the Decreto Cardenas of 1937, which guarantees land and water rights to the Yaqui, reserving half (50%) of the Rio Yaqui’s surface flow. These rights have not been honored and the Yaqui have long struggled to secure their right to water through legal action, including a case before the Inter-American Commission on Human Rights (which resulted in a “Plan de Justicia Yaqui” under now-former President Andres Manuel Lopez Obrador). In addition, the recent “Plan Hidrico Sonora 2023-2053,” guarantees water supply to Sonora, Mexico for the next 30 years and recognizes that mining strains water resources.

The Bacanora Lithium Mine, part of the Plan Sonora mining plans, has been in development since at least 2010, with exploratory activities directly affecting the Yaquis just south of the U.S./Mexico border, 20 km south of Bacadehuachi, near the feeding waters of the Rio Yaqui. No notice or consent has been sought from the Yaqui for these projects. The mine is currently halted due to international arbitration between Mexico and two British and one Chinese company, but remains a serious threat to the Yaqui's access to clean water. Lithium mining, particularly through open-pit methods, is highly water intensive and causes significant environmental damage. In Sonora, open-pit mining, which produces 37 tons of CO2 per ton of lithium mined, will not only deplete already scarce water resources but will also contaminate the remaining water with toxic substances that will remain *for at least 300 years*.

The Yaqui have never been informed or consulted about Plan Sonora or its component projects, in violation of their rights under ICERD and the U.N. Declaration on the Rights of Indigenous Peoples.

II. Updates since March 7, 2025

a. Arbitration Proceedings regarding Plan Sonora and Bacanora Lithium Mine: International Centre for Settlement of Investment Disputes ("ICSID") at the World Bank

The international arbitration (ICSID Case No. ARB/24/21) initiated by Bacanora Lithium Limited (British), Sonora Lithium Ltd. (British), Ganfeng International Trading (Shanghai), and Co. Ltd. (Chinese) companies against Mexico due to its nationalization of lithium, currently preventing lithium extraction at the Bacanora Lithium Mine, remains pending. Thus, it is of utmost importance that the CERD engage our petition for remedies under urgent action procedures.

Since our submission in March 2025, the arbitral tribunal and party representatives have been confirmed. On July 24, 2025, claimants filed observations on Mexico's preliminary ICSID jurisdictional objections. Both parties were ordered to advance arbitration costs of \$150,000 USD each (ICSID Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50); as of March 28, 2025, Mexico has failed to pay its share. The cost of these proceedings, coupled with the investment in this project (\$48 billion from U.S. investment), and likely millions more in ongoing exploratory activity since at least 2010, are concerning, considering the proceedings do not take into account Indigenous Peoples' human rights protected by both the ICERD and the U.N. Declaration on the Rights of Indigenous Peoples ("UNDRIP"). Although ICSID rules allow for non-disputing parties to request permission to file a written submission in the proceeding, besides exorbitant costs, there are other barriers to access in this forum. In at least one instance, the arbitral tribunals have denied the filing of *amicus curiae* of four Indigenous communities in Zimbabwe (ICSID Case No. ARB/10/25). The Yaqui *have never even been notified of Plan Sonora nor the Bacanora Lithium Mine.*

While the Bacanora Lithium Mine operations are halted due to this ongoing arbitration, the other portions of Plan Sonora are moving forward and moving quickly. Moreover, as soon as these arbitrations portions are concluded the Bacanora Lithium Mine, whether by Mexico governmental operations, or other private actors from other country states, will be allowed to move forward by Mexico.

b. Plan Sonora Advancing Without Indigenous Consultation or Free, Prior, and Informed Consent of the Yaqui

Since March 2025, the Government of Mexico and the State of Sonora have publicly expanded and promoted Plan Sonora while continuing to exclude the Yaqui and other affected Indigenous Peoples:

- Official Branding & International Promotion

Prior to Mexico nationalizing its lithium reserves, Bacanora Lithium, a foreign conglomerate, advertised that it would be developing the *largest lithium mine in the world*.¹ The environmental impact statement approvals, land acquisitions, and water license permits were all received and granted in 2018.² Bacanora's website states the company and project is dedicated to environmental sustainability.³ Mexico now advertises Plan Sonora as a centerpiece of its global energy transition strategy, presenting the plan first at COP27 and COP28, and on a newly launched official government website.⁴ Plan Sonora has garnered wide global political and financial support from the European Union, the World Bank and other international organizations.⁵

Despite a stated commitment from Bacanora to the Equator Principles and an action plan aligned with the Equator Principles on its website,⁶ the basic principles of Equator Principles (including Principle 5 which includes “informed consultation and participation;”⁷ and IFC Principle 7 performance standards as it relates to Indigenous Peoples⁸), have not been met here. Additionally, Mexico's basic obligations to Indigenous Peoples under the International Covenant on the Elimination of All Forms of Racial Discrimination (“ICERD”) and the U.N. Declaration on the Rights of Indigenous Peoples (“U.N. Declaration”) have also not been met.

Under 5.01 Bacanora Lithium states it will “assess potential physical and economic resettlement, particularly in relation to ranchers and to Affected Communities using Ecosystem Services to contribute to livelihoods.” Deliverables include an “Assessment of Physical and Economic Resettlement and then a Land Access and Resettlement Framework and then either a Livelihoods Resettlement Framework or a Livelihoods Resettlement Plan, as appropriate” to be completed “prior to commencement of

¹ “The Sonora lithium project, located in Sonora, Mexico, is the biggest lithium deposit being developed by Sonora Lithium (SLL), a joint venture [] of Bacanora Minerals (77.5%) and Ganfeng Lithium (22.5%). The min is estimated to hold proven and probable reserves of 243.8Mt, containing 4.5Mt of lithium carbonate-equivalent (LCE).” *Top ten biggest lithium mines in the world*, Mining Technology (Aug. 30, 2019), <https://www.mining-technology.com/features/top-ten-biggest-lithium-mines/>.

² Bacanora Lithium (last visited Aug. 21, 2025), https://bacanoralithium.com/sonora_lithium_project/default.aspx.

³ *Environmental*, Bacanora Lithium (last visited Aug. 21, 2025), <https://bacanoralithium.com/sustainability/environmental.aspx>.

⁴ Sonora Sustainable Energy Plan, (last visited Aug. 21, 2025), <https://codeso.mx/en/sonora-plan/>.

⁵ Sonora Sustainable Energy Plan, (last visited Aug. 21, 2025), <https://codeso.mx/en/sonora-plan/>.

⁶ *See Equator Principles Action Plan for the Sonora Lithium Project*, Bacanora Lithium (last visited Aug. 21, 2025), <https://bacanoralithium.com/userfiles/pages/files/equatorprincipalsactionplan.pdf>.

⁷ *Principle 5: Stakeholder Engagement*, Bacanora Lithium (last visited August 21, 2025), <https://bacanoralithium.com/userfiles/pages/files/theequatorprinciplesjuly2020.pdf>.

⁸ *See IFC Performance Standard 7: Indigenous Peoples*, International Finance Corporation: World Bank Group (Jan. 1, 2012), <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>.

construction.” Moreover, under 1.04, Bacanora Lithium states it needed to produce an “operational Stakeholder Engagement Plan (SEP)” to “include provisions for Informed Consultation and Participation” for “Affected Communities” and “disadvantaged or vulnerable” communities, but do not once mention Indigenous Peoples.⁹ Although this item was supposed to begin *prior* to “financial close,” the Yaqui and other Indigenous Peoples in Mexico have not even been informed let alone consulted – the lesser requisite of Free, Prior and Informed Consent as outlined in Bacanora Lithium’s own materials. The Yaqui and other adversely affected Indigenous Peoples have received no notice and are already facing relocation, dangerous living conditions, and even threats to their well-being and life for opposing the secretive Plan Sonora and Bacanora Lithium Mine.

- State-Owned Lithium Enterprise

Following its 2023 nationalization of lithium, Mexico has distanced itself from the claim that the site of the Bacanora Lithium Mine holds the largest deposit of lithium in the world.¹⁰ Despite no consent from Indigenous Peoples in the region, Mexico has also established a lithium company, LitióMX, and has announced development of an electric vehicle line called the “Olinia” – an Indigenous Nahuatl word meaning “to move.”¹¹ One of the assembly plants for these electric vehicles is planned to be located in Sonora.¹²

- Government Partnerships & Public Relations

On March 26, 2025, Governor Alfonso Durazo Montaña (Sonora) met with California Chamber of Commerce and California state legislators, calling Sonora “the gateway to a new era of sustainable development” adding that “[w]ith the Sonora Plan, we are creating the conditions to attract investment in innovative projects that not only benefit our people but also strengthen the regional economy in North America.”¹³

The same day, Governor Durazo signed a memorandum of understanding with the National Autonomous University of Mexico (“UNAM”) to advertise Plan Sonora and create a laboratory for Geology, Renewable Energy, and Ecology to specifically study “rare earth elements.”¹⁴ Mexican authorities are

⁹ See *Equator Principles Action Plan for the Sonora Lithium Project*, Bacanora Lithium (last visited Aug. 21, 2025), <https://bacanoralithium.com/userfiles/pages/files/equatorprincipalsactionplan.pdf>.

¹⁰ *Mexico does not have the largest reserves of lithium*, Aristequi (May 21, 2021), <https://aristeginoticias.com/2105/aristegui-en-vivo/enterate/mexico-no-tiene-las-reservas-mas-grandes-de-litio-harp-enterate/>.

¹¹ Caroline Tracey, *What is Plan Sonora?*, The Border Chronicle (Feb. 18, 2025), <https://tribunodelpueblo.org/what-is-plan-sonora/>.

¹² *The goal is for Sonora to host one of the Olinia electric vehicle assembly plant: Shenbaum*, Consejo para el Desarrollo Sostenible: Sonora Investments (Feb. 6, 2025), <https://codeso.mx/en/the-goal-is-for-sonora-to-host-one-of-the-olinia-electric-vehicle-assembly-plant-sheinbaum/>.

¹³ Governor Durazo boosts clean energy investment in partnership with California, Consejo para el Desarrollo Sostenible: Sonora Investments (Mar. 26, 2025), <https://codeso.mx/en/governor-durazo-boosts-clean-energy-investment-in-partnership-with-california/>.

¹⁴ Governor Durazo signs Memorandum of Understanding with UNAM to promote the Sonora Plan, Consejo para el Desarrollo Sostenible: Sonora Investments (Mar. 26, 2025), <https://codeso.mx/en/governor-durazo-signs-memorandum-of-understanding-with-unam-to-promote-the-sonora-plan/>.

now framing Plan Sonora as directly responsible for a 15.79% decrease in poverty in Sonora, presenting the initiative as a social good while erasing Indigenous opposition.¹⁵

- Key Plan Sonora Infrastructure Under Construction

As part of Plan Sonora, other key infrastructure projects are moving forward. A solar array near Puerto Peñasco, promoted as the largest in Latin America, is nearly finished according to Mexico's Federal Energy Commission. Transmission lines will support both Mexico and California. Similarly, liquified natural gas projects including the Saguaro Energy Project at Punto Libertad and the AMIGO LNG terminal in Guaymas will supply liquid gas through pipelines from Texas' Permian Basin to serve new industrial parks in Mexico and export for Asia bypassing the Panama Canal. Finally, new transportation corridors are underway including a new highways between the state of Chihuahua and Guaymas, as well as a new cargo train line from Guaymas to Nogales.¹⁶

- The Yaqui Peoples Ongoing, Unanswered Requests for Free, Prior and Informed Consent on Plan Sonora

On June 30, 2025, Andrea Carmen, Executive Director of the International Indian Treaty Council, was a panelist during the U.N. Human Rights Council 59th Session's Annual Panel Discussion of the Adverse Impacts of Climate Change on Human Rights: Facilitating Just Transition in the Context of Addressing the Impacts of Climate Change on Human Rights, and stated:

I am from the Yaqui Indigenous Nation whose traditional Sonora Desert homelands are divided by the international border between Mexico and the United States. In December 2023 at COP 28 in Dubai, Mexico and the US held a joint press conference to announce "Plan Sonora" which includes massive amounts of lithium mining and processing using scarce desert groundwater, the basis for subsistence and survival of Indigenous Peoples of the Sonora Desert. This slide shows what they call the "exploratory" Bacanora lithium mine currently operating in Sonora Mexico and the massive destruction it has already caused. Concessions for additional lithium mines are being issued in Sonora and elsewhere in Mexico. Despite our long-standing Treaty relationship and the 2022 "Yaqui Justice Plan" in which Mexico recommitted to respect Yaqui water rights, our traditional authorities have not been informed by Mexico about

¹⁵ *Highlights Alfonso Durazo low in poverty and economic growth in the State*, El Imparcial (Aug. 15, 2025), <https://www.elimparcial.com/son/sonora/2025/08/15/resalta-alfonso-durazo-baja-de-pobreza-y-crecimiento-economico-en-el-estado/>. See also, Tanya Vásquez, *Sound in fifth place with lower poverty rates in Mexico*, El Imparcial (Aug. 14, 2025), <https://www.elimparcial.com/son/sonora/2025/08/14/sonora-en-quinto-lugar-con-menores-indices-de-pobreza-en-mexico/>.

¹⁶ Caroline Tracey, *What is Plan Sonora?*, The Border Chronicle (Feb. 18, 2025), <https://tribunodelpueblo.org/what-is-plan-sonora/>.

Plan Sonora, nor have good faith consultations taken place for the purpose of obtaining their Free Prior and Informed Consent.

A lithium mine operating in Nevada USA, opposed by the impacted Indigenous Peoples, has used 4 billion gallons of ground water a year since 2022. Open-pit lithium mining produces 37 tons of CO2 per ton of lithium and contaminates ground water up to 150 miles away. Mapuche leaders from the so-called lithium triangle in Chile, Argentina and Boliva report a similar lack of FPIC, as well as contamination and depletion of their traditionally used water sources. Is this really “Just Transition”?

On July 17, 2025, a representative credentialed by the International Indian Treaty Council from Rio Yaqui asked a Mexican government official in a side event at the Expert Mechanism on the Rights of Indigenous Peoples about Mexico’s commitment to Free, Prior and Informed Consent and how it will be accorded to the Yaqui Nation regarding Plan Sonora and proposed lithium mining. This question went unanswered and this direct question from a community member was ignored. The side event was held in Geneva, hosted by the Mexican government concerning its constitutional reform.

On August 18, 2025, one of the Eight Traditional Authorities, Del Pueblo de Huirivis, sent a letter to invite the Mexican Foreign Ministry to meet with the Yaqui Traditional Authorities to discuss Plan Sonora. As of this update, no one from the Mexican government has initiated contact with the Yaqui Peoples about Plan Sonora or the imminent harm the extractive plan will impose on the Yaqui Peoples. Huirivis’ invitation specifically asks the Mexican government to share its presentations on Plan Sonora during both COPs 27 and 28 of the United Nations Framework Convention on Climate Change. Mexican government officials, along U.S. official John Kerry, announced Plan Sonora on the global stage and still have not engaged with the Yaqui Peoples. This invitation is attached to this update.

On August 24, 2025, Itepo ito Te Aniasakane, an organization of traditional midwives working in tandem with the Yaqui Peoples and Eight Traditional Authorities, compiled a letter with signatures showing deep concern for maternal and infant health in their communities and how new forms of pollution will be a detriment to health outcomes. This letter is attached to this update.

Since learning of Plan Sonora, Yaqui Peoples have been engaging at all levels of government and calling for international attention to the inevitable harms in their homelands as a result of Plan Sonora, and have only been met with silence by the Mexican government.

c. Adverse Impacts on Other Indigenous Peoples

Plan Sonora is ignoring Indigenous Peoples' rights at every turn. The Yaqui have yet to be informed of the Bacanora Lithium Mine and how it will devastate their water and way of life, and the Puerto Peñasco solar farm was also built on sacred salt flats to the Tohono O'odham Nation.¹⁷ The National Institute of Archaeology also called for the Guaymas-Nogales train line to be rerouted to avoid harming historical sites and Indigenous Peoples, but the directive was ignored.¹⁸ Similarly, a group of more than 30 environmental organizations: Whales or Gas?, have come together to oppose Saguaro Energy liquid natural gas pipeline, a key part of Plan Sonora.

Plan Sonora's reach extends beyond Yaqui territory impacting Opata Nation and Lipan Apache, among others, that have also not received adequate consultation. Leaders within Lipan Apache have initiated complaints in the Sonoran government to address destruction to homes and threats to life. Continuing development is advancing systematically without the Free, Prior, and Informed Consent of Indigenous Peoples, and the same are erased from the planning, consultation, or benefit-sharing of Plan Sonora, while bearing disproportionate harms.

III. Conclusion

Since March 2025, the Mexican government has accelerated Plan Sonora's implementation, expended its global promotion, and entered into new partnerships while still denying the Yaqui and other Indigenous Peoples their rights to information, consultation, and consent. The Yaqui Pueblos remain excluded and are being erased from consideration of Mexico's future and move towards sustainable energy at risk of irreparable harm to their lands, waters, and survival. We respectfully urge the CERD to take immediate action under its urgent action procedures to prevent further violations of ICERD and UNDRIP.

Respectfully submitted,
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¹⁷ Astrid Arellano, *The largest solar farm in Latin America, at what cost?*, Dialogue Earth (June 21, 2023), <https://dialogue.earth/en/energy/371694-largest-solar-farm-in-latin-america-at-what-cost/>.

¹⁸ Caroline Tracey, *What is Plan Sonora?*, The Border Chronicle (Feb. 18, 2025), <https://tribunodelpueblo.org/what-is-plan-sonora/>. See also, Jesús Alberto Ibarra, Twitter Post (June 28, 2024), https://x.com/Morpheus_mx1/status/1806698856857694414.

**AUTORIDADES TRADICIONALES DE LA TRIBU YAQUI
DEL PUEBLO DE HUIRIVIS.**

Pueblo de Huirivis, a 18 de agosto del 2025

Su Excelencia C. Juan Ramon De La Fuente Ramírez.

Secretario de Relaciones Exteriores

Del Gobierno de México.

Plaza Juárez No 20, piso 22, Colonia Centro

Delegación Cuauhtémoc, C.P 06010

Ciudad de México.

Los que Suscribimos Autoridades tradicionales de la tribu yaqui, del Pueblo de Huirivis, Guaymas Sonora. En uso de las facultades que nuestras leyes internas nos confieren, así como el Derecho que nos asiste como pueblos indios amparados en la Constitución Política de los Estados Unidos Mexicanos en su artículo Segundo, en la Ley y Derechos y Cultura Indígena Aprobada.

Por lo anterior expuesto nos permitimos comunicarle lo siguiente:

el Gobierno Federal implementa un proyecto llamado Plan Sonora, La nación yaqui tiene en su haber el derecho que emana del decreto de 1939, emitido por el entonces presidente de la República General Lázaro Cárdenas Del Rio.

En el tema del derecho del agua, el plan de justicia implementa un proyecto de abasto de agua de calidad para todas poblaciones de la nación yaqui.

Actualmente el proyecto se encuentra en su etapa final, su infraestructura ya inaugurada para su operación, el tubo principal de descarga se encuentra conectado a la presa General Álvaro Obregón (el Oviachi), el cual garantiza el abasto del vital líquido para nuestros pueblos.

La nación yaqui a través de sus Usos, Costumbres y Tradiciones por décadas se a conducido bajo el respaldo de sus guardias tradicionales y que lo conforman su

tropa yoreme, por lo tanto todo acuerdo debe ser bajo consenso que emanan de las propias autoridades tradicionales de los ocho pueblos yaquis.

Estamos de acuerdo C. Canciller en el desarrollo económico y social para nuestros pueblos, especialmente cuando se tocan temas de relevancia como los Derechos del Agua y Territorio, lo cual fue aceptado por las autoridades el Plan de Justicia Yaqui.

El Yacimiento del Litio y otros Metales serán extraídos por las Empresas Mineras, promovidas en el Plan Sonora.

El Rio Bavispe conecta la cuenca del Rio Yaqui, los proyectos mineros históricamente son fuente contaminación, recientemente un grupo de ambientalistas prevén un desastre en términos de contaminación a través de la Cuenca del Rio Yaqui debido a la minería del litio.

Según fuentes informativas el agua contaminada puede alcanzar hasta 150 millas rio abajo y los efectos hasta 200 años, además las grandes cantidades de agua subterránea que se utilizan.

Bajo ley internacional los pueblos indígenas debemos ser informados de las actividades que puedan afectarnos, bajo el proceso del Consentimiento Previo Libre e Informado.

Considerando lo anterior C. Canciller, respetuosamente solicitamos haga una visita oficial a nuestra nación yaqui para dialogar sobre el Plan Sonora, ya que la información que tenemos es nula ya que, a través de los diferentes canales sociales, estos estaban presentes en la Conferencia de partes de la Convención Marco de las Naciones Unidas sobre Cambio Climático (COP 28) en Dubái, Emiratos árabes Unidos.

Solicitamos C. secretario una Moratoria de acción urgente por parte del Comité para la Eliminación Racial de las Naciones Unidas el día 07 de marzo del 2025.

Afirmamos que esta moratoria debe entrar en vigor hasta que la nación yaqui haya sido informada como se afirma en la Declaración de la Naciones Unidas sobre los Derechos de los Pueblos Indígenas y donde México se ha comprometido a respetar.

Su visita Excelencia a nuestra Nación Yaqui, no solamente nos ayudará a entender el Plan Sonora, si no a deliberar los Beneficios o Danos para nuestros pueblos, además una reunión de ese nivel nos dará la oportunidad de dialogar y fortalecer los lazos políticos, que se basan en las relaciones entre Naciones y tratados internacionalmente vinculantes como lo afirmamos en el Decreto emitido por el presidente de la Republica General Lázaro Cárdenas del Rio en 1939, entre México y la Nación Yaqui.

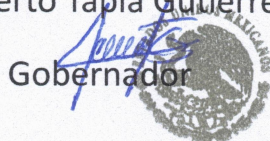
A solicitud de la peticion para los usos y efectos legales a que haya lugar, se extiende la presente en el Pueblo de Huirivis, Rio Yaqui, Municipio de Guaymas, Estado de Sonora, siendo el dia de la fecha mencionada.

ATENTAMENTE

Autoridades Tradicionales del Pueblo de Huirivis

C. Alberto Tapia Gutiérrez

Gobernador



GOBERNADOR
PUEBLO HUIRIVIS
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C. Juan Cuén Saviva

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C. Juan José Rivera Aguilar

Comandante

Manuel Chapa Zavala
C. Manuel Chapa Zavala

Capitán

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secretario

C.c.p. Andrea Carmen. Directora Ejecutiva del Consejo Internacional de Tratados Indios

C.c.p. Autoridades Tradicionales de los ocho Pueblos Yaquis.

Itepo ito Te Aniasakane

Traditional Midwives Meeting Concerning Plan Sonora



Proyecto de Salud Itepo ito Te Aniasakane

Comité para la Eliminación de la Discriminación Racial de las Naciones Unidas (CERD), Medidas de alerta temprana y procedimientos de urgencia

La organización Itepo ito Te Aniasakane incluye la participación de más de 20 parteras tradicionales y trabajadoras de salud comunitaria que sirven a 32 comunidades dentro de los Ocho Pueblos Tradicionales Yaqui en Rio Yaqui, Sonora, México. Nuestro trabajo se basa en colaborar para reforzar la salud y el bienestar en todas nuestras comunidades con un enfoque en promover y proteger a la salud materna de las madres embarazadas, nuevas madres y los bebés.

Por muchos años, las parteras tradicionales en nuestras comunidades han expresado nuestras preocupaciones sobre los impactos negativos en la salud y el desarrollo materno y pediátrico en nuestras comunidades causados por la aplicación de plaguicidas tóxicos en nuestros territorios por granjeros externos. El agua utilizada por nuestras/os familias, mujeres, niños y bebés está contaminada y hemos visto niveles crecientes de cánceres en miembros de nuestras comunidades junto con defectos de nacimiento extremos y enfermedades congénitas en los bebés, incluyendo a recién nacidos. Hemos presentado estas preocupaciones en muchas reuniones internacionales incluyendo en organismos de las Naciones Unidas como el Foro Permanente sobre las Cuestiones Indígenas de la ONU, el Comité de los Derechos del Niño y el CERD.

Ahora enfrentamos a una nueva amenaza que se suma a nuestras preocupaciones sobre la contaminación del agua que llega a nuestras comunidades, llamada “Plan Sonora,” la cual traerá la minería de litio a gran escala a los territorios tierra adentro de las tierras de la Nación Yaqui. Nosotras entendemos que esta minería usará grandes cantidades de agua subterránea que es escasa en el desierto y que la contaminación se extenderá por muchas millas, disminuyendo los recursos hídricos que fluyen al Rio Yaqui. Nosotras necesitamos recibir información del gobierno mexicano sobre estos planes y los posibles impactos en nuestro abastecimiento de agua y la salud de la Nación Yaqui, especialmente la de las nuestras mujeres y niños en desarrollo.

Por lo tanto, nosotras estamos de acuerdo con y apoyamos las alegaciones entregadas a las medidas de acción temprana y procedimientos de urgencia del CERD por nuestras Autoridades Tradicionales en marzo del presente año, las cuales confirman que nosotras no hemos sido informadas por México sobre el Plan Sonora y cómo podríamos ser afectadas. Hacemos un llamado al gobierno mexicano a que cumpla con sus obligaciones de obtener nuestro Consentimiento Libre, Previo e Informado basado en sus obligaciones internacionales y nacionales. Hasta entonces, nosotras vamos a continuar expresando nuestras preocupaciones y apoyando al llamado de una moratoria en el desarrollo del Pan Sonora, incluyendo a la minería de litio y otros recursos que pueda afectar negativamente a la salud de nuestras familias, mujeres, niños y nuevas generaciones.

Nosotras agradecemos su atención a este asunto, el cual nosotras consideramos una cuestión de la más importancia para la vida y la salud de nuestra Nación Yaqui.

Entregada respetuosamente por las integrantes del Proyecto de Salud Rio Yaqui, Itepo Ito Te Aniasakane.

Nombre	Cargo	Pueblo	FIRMA
KATHRYN CARMEN	DIRECTORA	ITEPO ITOTE ANIASAKANE	Katryn Carme
Zulma Margarita Leyva Quezada	Partera	vicam sinah.	PROYECTO
Lluna Estefano Amparano	Auxiliar de salud	Bataconica	Lluna Amparano
Laura Margarita Leyva Alvarez	promotora de salud	Potam	LUCA
Nuvia Miranda Fuentes	Partera	Barrio CBTA	
Beatriz Valdez Coronado	Partera	Mcnam. Sinah.	
Frosthina Garcia Bacasegua	AUXILIAR DE SALUD	Gonsimilitas	
Francisco Beatriz Valencia	Garcia	Est. Lencho	

Abraham Marquez Valencia	Aux de Salud	torim	
Maria Aurelia Valencia Glaz	Aux. de Salud	Pitohaty	<i>ghy</i>
FEDERICA VALENCIA ORCIO	Aux. DE SALUD	VICAM PUEBLO	FEDERICA VALENCIA
polmar Jimenez Buitimea	AUX Babojos,		<i>PLUMB</i>
Claudia Valencia Hernandez	Aux. Loma de Guameen		Claudia Valencia Hdz.
Beania galestegui V	partera		Beania galestegui V
Maria del Rosario Lizo. H.	AUXILIAR		El Castillo.
Silvia Zovale Garcia	AUXILIAR		Casa Azul
Gabriela Alvarez Buitimea	Partera		B. Mazocoba
Clementina Molina Espinoza	Partera		<i>ghy</i>
Maria Severiana Jecari Molina	AUXILIAR	Cardenas	
MARCELLINA FLORES	partera	AUXILIAR	Loma de BACUM
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Tiapsi Elicabeth Eunice Alvarez Areado	Partera	VICAM SWICH	
Thelma Dinora Cabrera Buitimea	Partera	VICAM SWICH.	

Executive Summary: Submission to the United Nations Committee on the Elimination of Racial Discrimination (CERD) Urgent Action Procedures on behalf of the Eight Traditional Yaqui Pueblos of Sonora, Mexico

Submitted by the International Indian Treaty Council and the Water Protectors Legal Collective March 7, 2025

The submitting organizations respectfully request that the United Nations Committee on the Elimination of Racial Discrimination (“CERD” or “the Committee”) initiate urgent action procedures to prevent the devastation of environmental and water resources that the Eight Traditional Yaqui Pueblos of Sonora, Mexico rely on for survival. The threat to their way of life stems from lithium and other mining activities planned under “Plan Sonora” in Sonora, Mexico. The Yaqui have not been officially notified of Plan Sonora or any of the mining activity, nor have they been engaged in Free, Prior and Informed Consent procedures as required by the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD” or “Convention”), CERD General Recommendations 23 and 37, the U.N. Declaration on the Rights of Indigenous Peoples (“UNDRIP”), and Mexico’s Treaty obligations to the Yaqui.

Plan Sonora is a broad development initiative aimed at purported “green energy” policies for a future energy transition in Mexico. It includes projects in education, infrastructure, and mining for transition minerals such as lithium and copper. At least five lithium mines are planned, alongside other ventures like solar projects, liquefied gas facilities, and the expansion of the Guaymas port. The open-pit lithium mines will exploit precious water resources from the Rio Yaqui river basin—a region already struggling with drought and water scarcity in the Sonoran Desert.

The Yaqui people (comprised of Eight Traditional Yaqui Pueblos in present-day Sonora, Mexico and across the U.S.-Mexico border, the Pascua Yaqui Tribe in present-day Arizona) who reside in the Rio Yaqui basin, have long fought to protect the Rio Yaqui. Prior to Spanish contact and colonization, the Yaqui river was *navigable*, ran for over 320 kilometers (200 miles), and was a vital source of life, but now runs dry.

Mexico has Treaty obligations to the Yaqui found in the Decreto of President Lazaro Cardenas of 1937 and 1940, which guarantees land and water rights to the Yaqui, reserving half (50%) of the Rio Yaqui’s surface flow. These rights have not been honored and the Yaqui have long struggled to secure their right to water. In addition, although it does not recognize the water rights of the Yaqui or any other Indigenous Peoples in Sonora, the recent “Plan Hidrico Sonora 2023-2053,” guarantees water supply to Sonora, Mexico for the next 30 years and recognizes that mining activity strains water resources. Despite the numerous legal instruments upholding the water rights of the Yaquis, none of these obligations have been addressed or respected under Plan Sonora or any of the mining activities associated with it.

The Yaqui first learned about Plan Sonora at the 2023 U.N. Conference of the Parties, Climate Change Conference (COP28) where Mexican and U.S. officials revealed that the United States has invested \$48 billion dollars as a proposed climate solution focused on lithium mining in the Sonora region. This initiative is framed as a “green energy” solution, but it ignores critical water issues in the region and violates Yaqui Treaty rights, as well as fundamental human rights under the Convention, UNDRIP, ILO 169, and other international standards.

The Bacanora Lithium Mine, part of the Plan Sonora mining plans, has been in development since at least 2010, with exploratory activities directly affecting the Yaquis just south of the U.S./Mexico border, 20 km south of Bacadehuachi, near the feeding waters of the Rio Yaqui. No notice or consent has been sought from the Yaqui for these projects. The mine is temporarily halted due to international arbitration between Mexico and two British companies and one Chinese company, but remains a serious threat to the Yaqui’s access to clean water.

Lithium mining, particularly through open-pit methods, is highly water intensive and causes significant environmental damage. For example, a similar lithium mine in Nevada, United States has used 12 billion gallons of fresh groundwater reserves since 2020. In Sonora, open-pit mining, which produces 37 tons of CO₂ per ton of lithium mined, will not only deplete already scarce water resources but will also contaminate the remaining water with toxic substances that will remain *for at least 300 years*. Importantly, the toxic threat that lithium mining activities pose to the feeding waters of the Rio Yaqui jeopardizes the fulfillment and intention of the water-related portion of the Plan de Justicia Yaqui, which aims to strengthen water security for the people of the Eight Yaqui Pueblos. The aim of the Plan de Justicia Yaqui will be nullified if the waters that will be used to fulfill it will be polluted by the mining activities supported by Plan Sonora.

The Mexican government’s failure to consult the Yaqui or respect their Treaty rights to water violates fundamental rights and international human rights norms, including ICERD Articles 2(1), 2(1)(a), (2)(2); 5(a), (b), (d)(vii), (e)(iv), (e)(vi); and 6; CERD General Recommendations 23 and 37; and UNDRIP Articles 20, 21, 22, 23, 24, 25, 26, 29, and 32. Failure to seek the Free, Prior and Informed Consent of the Yaquis before initiating mining activities is a fundamental breach of their rights.

Moreover, the Mexican government is currently undergoing constitutional reform in which it would recognize land, water, and other resource rights for Indigenous Peoples and other rights; however, the practices of the Mexican government are not in compliance with these reforms, nor are they compliant with the ICERD and UNDRIP.

We request that CERD take Urgent Action to address these violations and call on the Government of Mexico to:

1. **Halt all mining activities** under Plan Sonora until the Yaqui Traditional Authorities Free, Prior and Informed Consent is obtained in accordance with their own procedures for making such decisions.

2. **Provide unredacted information** on all exploratory and preliminary activities related to lithium mining and other mining activities under Plan Sonora to the Yaqui immediately.
3. **Ensure** that Plan Sonora and the Plan Hidricos Sonora 2023-2053 and 2024-2030 harmonize with the terms of the Plan de Justicia Yaqui, the UN Declaration on the Rights of Indigenous Peoples, and the Decreto Cardenas of 1937 - 1940, with the full and active Yaqui participation in the process and with the outcomes published
4. **Include the Yaqui** in the ongoing international arbitration at the International Centre for Settlement of Investment Disputes ICSID Case No. ARB/24/21 regarding the Bacanora Lithium Mine, ensuring their full participation in good faith.
5. **Provide resources and funding** to safeguard and fulfill the Yaqui's right to access and enjoy their water, in compliance with Mexico's international Indigenous human rights obligations.

Submission to the United Nations Committee on the Elimination of Racial Discrimination (CERD) Urgent Action Procedures on Behalf of the Traditional Authorities of the Eight Yaqui Pueblos in Sonora, Mexico, by the International Indian Treaty Council, an Indigenous Peoples Organization in General Consultative Status with the United Nations Economic and Social Council, and the Water Protector Legal Collective, an Indigenous Legal Organization on March 7, 2025.

I. Introduction

The submitting Indigenous Traditional governments and organizations respectfully request that the United Nations Committee on the Elimination of Racial Discrimination (“CERD” or “the Committee”) initiate urgent action procedures to prevent impending human rights violations, which will result in the devastation of environmental and water resources that the Eight Traditional Yaqui Pueblos and other Indigenous Peoples of Sonora, Mexico rely on for their survival.

The urgent threat to their way of life and protected fundamental rights, stems from lithium and other mining activities planned in Sonora, Mexico, proposed by “Plan Sonora” and advanced by the government of Mexico. Plan Sonora is a broad development initiative aimed at purported “green energy” policies for a future energy transition in Mexico. It includes mining for transition minerals such as lithium and copper, with at least five lithium mines planned. Among these, is the Bacanora Lithium Mine near the feeding waters of the Rio Yaqui (“Yaqui River”), directly affecting the Yaqui and a serious threat to Yaqui’s access to clean water.

Plan Sonora only came to the attention of the Yaqui and other Indigenous Peoples who will be impacted when it was announced publicly by the governments of Mexico and the United States during the 28th Conference of the Parties of the U.N. Framework Convention on Climate Change in Dubai, United Arab Emirates.

Plan Sonora threatens to violate a number of internationally recognized rights as described in this submission. The Yaqui Traditional Authorities have not been formally consulted or informed about this plan, which will result in contamination of their traditionally owned and used lands and waters, nor have they given their Free, Prior and Informed Consent as required by the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD” or “Convention”), the CERD’s General Recommendations 23 and 37, and the U.N. Declaration on the Rights of Indigenous Peoples’ (“UNDRIP”) Articles 20, 21, 22, 23, 24, 25, 26, 29, and 32. This action also violates Mexico’s Treaty obligations to the Yaqui under the Decreto Cardenas, developed between 1937 and 1940, which specifically recognizes Yaqui water rights to the Yaqui River in perpetuity. Additionally, Yaqui law requires Free, Prior and Informed Consent impacting the collective lands or waters of the Yaqui Nation. This process mandates a written resolution signed and stamped by the Five Traditional Authorities of each of the Eight Pueblos,

totaling 40 approvals. The Mexican government is well aware of this requirement and has complied with it previously.

II. Plan Sonora Violates Yaqui and Other Indigenous Peoples' Rights to Free, Prior and Informed Consent and Endangers Their Way of Life Due to Exorbitant Water Consumption and Dangers of Pollution.

A. Background: The Yaqui River and Yaqui Water Rights

The Yaqui River basin is home to the Yaqui (comprised of Eight Traditional Yaqui Pueblos in present-day Sonora, Mexico and across the U.S./Mexico border, the Pascua Yaqui Tribe in present-day Arizona) and other Indigenous Peoples. The Yaqui Nation has resided in its traditional homelands since time immemorial and has maintained its own original governmental structures, cultural practices, and subsistence ways of life based on farming, livestock, gathering, and fishing. In these ways they have ensured the longevity and survival of their People. The Yaqui population amounts to 40,000 people spread between the Eight Traditional Pueblos (Cocorit loma de Guamuchil, BÁCUM, Torim, Vicam, Potam, Rahum, Huiribis, and Belem).

The Yaqui have long struggled to preserve the waters of the Yaqui River, not just as a resource in a desert region that exceedingly suffers from drought, but also a sacred source of life and central to cultural traditions and religious beliefs.

Prior to the arrival of the Spanish in the 16th century, the Yaqui River was navigable for most of the year, running from the Sierra Madre Occidental without interruption for over 320 kilometers (200 miles), across the Yaqui Valley to the Gulf of California, where it has historically emptied.

Under the Mexican government, additional control of the water became a point of contention between Euro-Mexican settlers and the Yaqui. In response, President Lázaro Cardenas issued a Treaty, known as the Decreto Cardenas, developed between 1937 and 1940, to restore parts of the Yaquis' territory that had been taken from the Tribe and granted them the right to 50% of the water in the La Angostura reservoir. Despite this, the Mexican government further impacted the Yaqui River by constructing a system of concrete dams including the Lázaro Cárdenas (La Angostura) (1942), Plutarco Elías Calles (El Novillo) (1964), and Álvaro Obregón (El Oviáchic) (1952) dams in the upper Yaqui River. To this day Yaqui Treaty rights to water have not been respected.¹

¹ Nathaniel Flicker, *The Yaqui Tribe's Fight for Survival: A Story of Water Rights and Resistance*, Medium (May 7, 2018), <https://medium.com/ds0c3240-2018/the-yaqui-tribes-fight-for-survival-a-story-of-water-rights-and-resistance-2843e8737759>.

Importantly, the Mexican Government's construction of the Alvaro Obregon or Oviáchic Dam, which began operating in 1952, essentially blocked the flow of water in the Yaqui River, the primary source of water for the Yaqui Nation and its Eight Pueblos. The impacts for this Indigenous desert Nation have been devastating.

The Mexican government has also constructed aqueducts that violate the Free, Prior and Informed Consent of the Yaqui and other Indigenous Peoples. These aqueducts have further exacerbated the water crisis in Sonora. The Rio Yaqui-Guaymas Aqueduct has been in operation for more than 20 years. The Independencia Aqueduct is a 172-kilometer (107-mile) aqueduct, which draws water from the Álvaro Obregón Dam (El Novillo) in the Yaqui River and transfers it to the Sonora River Basin, was approved by the Mexican government without the consent of the affected Yaqui Tribe, as later confirmed by a Supreme Court ruling.² The Independencia Aqueduct was one of several projects approved by the government in 2013, known as the Sonora Sistema Integral project ("Sonora Sí") to supply water to several cities in the state. It aimed to transfer around 60 million cubic meters (2.1 billion cubic feet) of water from the El Novillo Dam in the Yaqui River Basin to the Sonora River Basin, for the city of Hermosillo north of Yaqui Territory and thus, substantially limiting Yaqui primordial rights to water. The Independencia Aqueduct was judicially ordered to halt twice; however, the project continued to be constructed unabated despite the second suspension. The Independencia Aqueduct has now been in operation since 2013 and is considered an egregious Indigenous human rights violation.³

Today, the Yaqui River has been drained of its water and runs dry after decades of overexploitation, unequal water distribution, upstream damming, and severe drought impacting the region.⁴ Severe drought and extremely high temperatures have put an additional strain on the

² Aimee Gabay, *As drought parches Mexico, a Yaqui water defender fights for a sacred river*. Mongobay, Jul. 9, 2024. <https://news.mongabay.com/2024/07/as-drought-parches-mexico-a-yaqui-water-defender-fights-for-a-sacred-river/>. Given the violation of their right to giving consent (FPIC), Yaqui filed a claim for protection and received a favorable ruling in May 2012 from the fourth district judge. One year later, the Supreme Court found that the aqueduct was in fact a violation of the tribe's rights but did not order the immediate suspension of the project. Instead, it ruled that the aqueduct would be stopped subject to evidence that it would cause irreparable damage to the community placing the burden of proof on the Yaqui.

³ Nathaniel Flicker, *The Yaqui Tribe's Fight for Survival: A Story of Water Rights and Resistance*, Medium (May 7, 2018), <https://medium.com/dsoc3240-2018/the-yaqui-tribes-fight-for-survival-a-story-of-water-rights-and-resistance-2843e8737759>: "Despite the enormous environmental damages and unavoidable socio-economic impacts on the Yaqui Valley, the Sonoran government preceded with the aqueduct project in 2010 without consulting relevant stakeholders. With resistance ingrained in their culture, the Yaqui defended their rights to the river and demonstrated their opposition to the government's plans. In 2010 and 2011, the Yaqui tribe filed for two separate legal protections against the Mexican government for "neglecting their right to prior consultation and dismissing their historical water rights." On August 24, 2010, a Mexican federal court ordered "the precautionary suspension of the construction" of the aqueduct. The state government of Sonora, however, disregarded the court order and continued their construction plans. In response to the government's neglect, Yaqui authorities filed a second suit in April of 2011. The Tenth Judicial District of Sonora ruled in favor of the Yaqui people for a second suspension of construction on May 2, 2011, yet the construction continued unabated."

⁴ Aimee Gabay, *As drought parches Mexico, a Yaqui water defender fights for a sacred river*. Mongobay, Jul. 9, 2024. <https://news.mongabay.com/2024/07/as-drought-parches-mexico-a-yaqui-water-defender-fights-for-a-sacred-river/>

already water-deprived region. Water levels in each of the three dams are at a historic all-time low. According to data from the Yaqui River Irrigation District, the Yaqui River dam system is at 10.9% of its total capacity, with 1.95 billion cubic meters (about 69 billion cubic feet) less water than it did a year ago. Additionally, in June 2024, the National Meteorological Service (SMN) of CONAGUA, the Mexican water management agency, reported that the state of Sonora reached 52° Celsius (125.6° Fahrenheit), which broke Mexico's all-time heat record since 1993.

Due to the foregoing, the Yaqui struggle with access to clean water from the Yaqui River today. Representatives of the International Indian Treaty Council (IITC) have directly witnessed the impacts of such water scarcity provoked by the actions of the Mexican government in violation of internationally binding Treaty rights. IITC Representatives have witnessed Yaqui families gathering water for drinking, cooking and household use from agricultural canals contaminated with pesticides used by outside growers, as well as Yaqui animals used for meat and milk directly drinking out of these same highly-contaminated canals that run through the Yaqui Pueblos.

The Yaqui traditional authorities therefore welcomed the “Yaqui Justice Plan” (“Plan de Justicia”) presented to them by the Mexican government and signed by all parties in Vicam Pueblo in September 2021. A primary component of this Plan de Justicia was to restore, at least in part, the promised water rights of the Yaqui Nation under the Decreto Cardenas, by bringing safe drinking water directly from the Álvaro Obregón dam to the Eight Yaqui Pueblos via a series of aqueducts constructed by the Mexican government.⁵ Such waters would reach the Eight Yaqui Pueblos, as well as Yaqui farmlands. The Mexican government never informed, let alone obtained the consent, of the Yaqui Traditional Authorities that it was simultaneously developing plans for extensive lithium mining around the dam that feeds the waters provided by the Plan de Justicia. Plan Sonora will certainly contaminate the limited ground water of the Sonora desert and is likely to contaminate for centuries this same water source committed to the Yaquis in both the historic Decreto de Lazaro Cardenas and the recent Plan de Justicia.

The Mexican government is currently undergoing constitutional reform in which it would recognize land, water, and other resource rights for Indigenous Peoples and other rights. The administration of current Mexican President Claudia Sheinbaum, has also affirmed the internationally recognized right to water through the “Plan Nacional Hidrico 2024-2030” for all Mexicans, though this does not specifically reference Indigenous Peoples in the country.⁶

⁵ “Por primera vez en la historia, el Estado mexicano garantiza al Pueblo Yaqui su derecho al agua en los términos reconocidos por los Decretos Presidenciales del General Lázaro Cárdenas del Río, y realiza acciones efectivas para la gestión integral y la redistribución del agua de la cuenca del Río Yaqui.” Plan de Justicia para el Pueblo Yaqui, (2021) <https://www.inpi.gob.mx/gobmx-2021/Plan-de-Justicia-del-Pueblo-Yaqui.pdf>.

⁶ Presidenta Claudia Sheinbaum presenta Plan Nacional Hídrico que concibe al agua como un derecho y un bien de la nación, Gobierno de México (Nov. 21, 2024), <https://www.gob.mx/presidencia/prensa/presidenta-claudia-sheinbaum-presenta-plan-nacional-hidrico-que-concibe-al-agua-como-un-derecho-y-un-bien-de-la-nacion>.

Nevertheless, the practices of the Mexican government, especially through its endorsement of Plan Sonora, are not in compliance with these reforms and plans, nor are they compliant with the ICERD and UNDRIP.

B. The Urgent Crisis Situation Resulting from Plan Sonora

Set against this already critical context of water scarcity, drought, and lack of Free, Prior and Informed Consent on other development projects, the Yaqui and other Indigenous Peoples learned about Plan Sonora in 2023 at the U.N. Conference of the Parties' Climate Change Conference in the United Arab Emirates when Mexican and United States officials presented Plan Sonora as a joint venture in which the United States has invested 48 billion dollars as a proposed climate solution focused on lithium mining in the Sonora region—a false solution that is water-intensive and violates Yaqui Treaty rights and fundamental human rights under the Convention, UNDRIP, ILO 169, and other applicable international norms and standards.

Through further research, the Yaqui have now learned that Plan Sonora and ensuing mining activities have been ongoing since at least 2010, with exploratory activities in relation to a lithium mine (hereinafter “Bacanora Lithium Mine”) that will directly affect both the Yaquis and other Indigenous Peoples just south of the U.S./Mexico border, 20 km south of Bacadehuachi, in the south flowing feeding waters of the Rio Yaqui, yet no notice of the proposed development plan, mining projects or consent for the same was sought from the Yaqui.⁷

Plan Sonora is a broad, state-wide development plan that focuses on “green energy” policies for a “just transition” for future energy use and consumption. The plan includes education, infrastructure development, policies for wellbeing, equality of rights, mining for transition minerals, and prioritizes reactivation of economic growth in the region. Plans include at least five lithium mines and other ventures including copper mines, solar energy, liquefaction of gas, and expansion of the Guaymas port. These mining projects will be large open pit mines using precious water resources in a drought devastated area of the Sonoran Desert in Sonora, Mexico.⁸ Despite mining being a large component of Plan Sonora, planning documents outlining the breadth of Plan Sonora only include the word “lithium” twice in over 100 pages of materials with

⁷ The Bacanora Lithium Mine began exploratory activities in 2010 on an original four concessions. Now, there are ten concessions for the Bacanora Lithium Mine that expand across nearly 100,000 hectares. The Rio Yaqui flows from north to south with feeding waters in northern Sonora near the Bacanora Lithium Mine. There are also groundwaters and aquifers that flow into and feed other waterways across the U.S./Mexico border near southern Arizona, United States. The current Bacanora Lithium Mine activities are 20 km south of Bacadehuachi, which is 487 km from Vicam, Sonora, Mexico - the heart of the Yaqui lands. *See Appendix Figure 2 Bacanora Concession; Bacanora Lithium Project*, https://bacanoralithium.com/_userfiles/pages/files/documents/updatedandreclassifiedlithiumresourcecessionoralithiumproject.pdf.

⁸ *See, Plan Sonora, Apuntes, Directrices Y Compromisos Para El Plan Estatal De Desarrollo*, http://qrcgcustomers.s3-eu-west-1.amazonaws.com/account13786107/19922187_2.pdf?0.4148663245814138.

no mention of Indigenous Peoples and only a vague reference as to where the water will come from to pursue these mining endeavors.

Currently, the Bacanora Lithium Mine is temporarily halted because Mexico has nationalized lithium production, making Mexico the sole owner of any lithium produced from any mining activity within the country.⁹ Two British companies and one Chinese company initiated arbitration against Mexico over the mine in June 2024: Bacanora Lithium Limited and Sonora Lithium Ltd.; and Ganfeng International Trading Co. Ltd. Importantly, although the Bacanora Lithium Mine is currently halted until the arbitration is concluded, *all of the other lithium and mining projects are ongoing without delay and are in various stages of development, with rapid action by the Mexican government and related companies.* According to the investigations by entities named in this submission, there are no current environmental impact statements, requisite water quality testing, or knowledge of whether environmental laws and policies are being followed by corporate operations.

Accordingly, a compounding factor of Plan Sonora and the interests of the Yaqui and other Indigenous Peoples is the lack of publicly accessible information regarding the full scope of mining and other extractive activities ongoing and planned. Mexican governmental authorities have claimed that they have no knowledge of ongoing mining activities despite presenting on Plan Sonora very publicly in partnership with the United States. The Yaqui and other Indigenous Peoples have relied on individual organizational support to understand the scope of extractive industries under Plan Sonora and even at the time of this submission, research and investigations are ongoing.

Although mining activities have been ongoing since at least 2010, there will be devastating impacts if these activities continue without the Free, Prior and Informed Consent of the Yaqui even if operations continue without complications. This is especially the case because Plan Sonora directly threatens the integrity of the Plan de Justicia and the water security it promises to the Eight Yaqui Pueblos. It is likely complications will arise and further deplete the little water that is still available and potentially pollute the water for *300 years*. Should such damage occur to the waters of the Yaqui River, generations of future Yaqui will be forever changed because these operations were allowed to continue in violation of the Yaqui's rights to Free, Prior and

⁹ This development in legislation has halted activities at the Bacanora Lithium Mine because foreign companies have large investments and ownership in the mine and the lithium the mine produces. The Bacanora Lithium Mine has investors and owners from the United States, Canada, the United Kingdom, China, and Japan. Other ventures and mining operations in Plan Sonora also have similar multi-national investment and ownership. As a result of both the multi-national interest in the Bacanora Lithium mine and the legislation nationalizing lithium preventing those multi-national interests from profiting off the lithium produced there is international arbitration ongoing with the International Centre for Settlement of Investment Disputes. See, Mexico to Seek Deal Over Disputed Mining Concession with Ganfeng, <https://www.mining.com/mexico-to-seek-deal-over-disputed-mining-concession-with-ganfeng/>; see also ICSID Bacanora Lithium Limited, Sonora Lithium Ltd., and Ganfeng International Trading (Shanghai) Co. Ltd. v. United Mexican States (ICSID Case No. ARB/24/21), <https://icsid.worldbank.org/cases/case-database/case-detail?CaseNo=ARB/24/21>.

Informed Consent, to full and equal enjoyment of human rights and fundamental freedoms, to equal treatment before tribunals, to security of person, to health, to religious freedom, and to participate in cultural activities.

C. The Dangers of Lithium Mining in Sonora, Mexico

There are two primary concerns with Plan Sonora and the planned mining activities: unsustainable water usage and contamination of any remaining water resources.

Lithium mining has widely documented harmful and toxic impacts. An investigation from the Howard Center at Arizona State University uncovered that the coming electric battery revolution in the United States will require billions of gallons of water to mine lithium in some of the driest regions of the world. The extraction process most often involves pumping underground water to the surface to create evaporation pools where lithium-rich brine can be collected. The cost of such mining activities is immense: the water table drops, and fresh water sources disappear, leaving Indigenous Peoples and rural communities without enough water to drink or irrigate their crops. Wells and lagoons that once brimmed with water have now dried up near mining sites. In all, the lithium extraction process is environmentally devastating.

While Lithium can be produced in several ways, lithium mining under Plan Sonora will be open pit mining, which produces 37 tons of CO₂ per ton of lithium mine, and results in a concave pit. This extraction method requires large swaths of land to be clear-cut and forever changed to clear the way to blast deeply within the earth to access Spodumene, the mineral rock in which lithium is found. Open pit mines also use large amounts of water and a similarly operated lithium mine in Nevada, United States has used 12 billion gallons of fresh groundwater reserves since 2020, causing the groundwater supply to dry up rapidly.¹⁰

Lithium mining will impact the water table and affect surrounding groundwater, further impacting water access for the Yaqui and peoples of Sonora. Water security in Sonora, Mexico is low as the area is drought prone and the climate crisis has only exacerbated the accessibility of water in the area. In 2021, nearly 400,000 cattle died due to terminal dehydration and starvation.¹¹ Not only is Sonora deeply affected by drought, but so is the entire country of

¹⁰ See Vera, M.L., Torres, W.R., Galli, C.I. *et al.* Environmental impact of direct lithium extraction from brines. *Nat. Rev. Earth Environ.* 4, 149–165 (2023), <https://www.nature.com/articles/s43017-022-00387-5#Glos7>; MIT Climate Portal, How is Lithium Mined? (Feb. 12, 2024), <https://climate.mit.edu/ask-mit/how-lithium-mined>; Sierra Club, Guidance on Lithium Mining and Extraction, <https://www.sierraclub.org/sites/www.sierraclub.org/files/Lithium-Mining-Guidelines.pdf>; Arizona PBS, Lithium Liabilities: The untold threat to water in the rush to mine American lithium, (Jan. 25, 2024), <https://cronkitenews.azpbs.org/howardcenter/lithium/stories/lithium-liabilities.html>.

¹¹ See, Kate Linthicum, *A drought-plagued northern Mexico, tens of thousands of cows are starving to death*, Los Angeles Times (Apr. 1, 2021), <https://www.latimes.com/world-nation/story/2021-08-01/in-drought-plagued-northern-mexico-cows-are-starving-to-by-the-tens-of-thousands>.

Mexico as nearly two thirds of Mexico is experiencing a long-term drought.¹² If lithium and other mining activities continue, any water that is left after water intensive activities will be severely contaminated with toxic materials that will kill off keystone species and leave the water polluted for at least 300 years.

Similarly situated mines have led to dead fish in streams, rivers, and waterways consistently and have required repeated shutdowns of operations due to mass deaths of aquatic life.

Unfortunately, in these similarly situated mines, the mining activities continued after temporary shutdowns due to the increased need for lithium. Other similarly situated lithium mines have released toxic substances as a direct result of lithium mining activities as far as 150 miles (241.4 km) from the mining and processing plants in the waterways. Concerned parties are working to gather further testing to understand the full scope and effect of the pollution caused by lithium mining activity.¹³

If the lithium mining continues as planned, toxic substances, pollution, and unsustainable water usage will leave the Yaquis with little water, if any. The recently implemented Plan de Justicia, which promises to deliver water through an aqueduct from the Álvaro Obregón dam to the Eight Yaqui Pueblos, would be severely threatened if the waters are polluted by the mining activities supported by the Plan Sonora. The health and subsistence rights of the people of the Eight Yaqui Pueblos would be severely impacted and the Plan de Justicia regarding water rights of the Yaqui Peoples would be rendered moot by Plan Sonora.

D. Lithium and Other Mining Activities in Plan Sonora Violate Indigenous Peoples' Right to Free, Prior and Informed Consent.

Mexico and other countries have been pursuing lithium mining through Plan Sonora quickly and quietly to the detriment of the Yaqui and other Indigenous Peoples in the region. Due to the secretive nature of the project and company activities, the Yaqui and other Indigenous Peoples have had no official knowledge or even notice of the mining activities that will affect their lands, waters, and ways of life. If no notice is given, it is impossible to engage in Free, Prior and

¹² See, Reuters, *Mexico water supply buckles on worsening drought, putting crops at risk*, NBC News (July 2, 2021), <https://www.nbcnews.com/science/environment/mexico-water-supply-buckles-worsening-drought-putting-crops-risk-rcna1331>; Adam Voiland, *Groundwater Depletion Maps Reveal Depths of "Extreme" and "Exceptional" Mexican Drought*, SciTechDaily (June 14, 2024), <https://scitechdaily.com/groundwater-depletion-maps-reveal-depths-of-extreme-and-exceptional-mexican-drought/>.

¹³ See, *The Environmental Impact of Lithium*, Institute for Energy Research (Nov. 12, 2020), <https://www.instituteforenergyresearch.org/renewable/the-environmental-impact-of-lithium-batteries/>; *The cost of green energy: lithium mining's impact on nature and people*, Mining Technology (Oct. 30, 2023), <https://www.mining-technology.com/analyst-comment/lithium-mining-negative-environmental-impact/?cf-view>; *The Lithium Gold Rush: Inside the Race to Power Electric Vehicles*, NY Times, (May 6, 2021) <https://www.nytimes.com/2021/05/06/business/lithium-mining-race.html>; Alex Kim, *Lithium: Not as clean as we thought*, Climate News 360, (Jan. 14, 2022), <https://climate360news.lmu.edu/lithium-not-as-clean-as-we-thought/>; <https://greenly.earth/en-us/blog/ecology-news/the-harmful-effects-of-our-lithium-batteries>.

Informed Consent processes as required by both Mexico's international human rights legal obligations and the Yaqui's own processes and law.

Additionally, Mexico has Treaty obligations to the Yaqui found in the Decreto Cardenas guaranteeing the Yaqui land and water rights and reserves half of the Rio Yaqui surface flow to the Yaqui. Mexico has also instituted the Plan de Justicia Yaqui to preserve and protect water for the Yaqui. Another plan, Plan Hidrico Sonora 2023-2053, also guarantees water supply to the municipalities of Sonora, Mexico for the next 30 years and even contemplates mining needs and recognizes that mining strains water resources.¹⁴ This is echoed in the most recent Plan Hidrico Sonora 2024-2030 under President Sheinbaum's administration.

None of these obligations have been addressed under Plan Sonora or any of the mining activities associated with it. The Yaqui and other Indigenous Peoples were under the understanding that Mexico was attempting to work towards water preservation in conjunction with their rights as Indigenous Peoples; however, research and investigation has shown otherwise as these activities have been ongoing for at least 14 years and the Yaqui and other Indigenous Peoples only recently learned that their water and ways of life are critically endangered from Plan Sonora, which is progressing quickly.

III. CERD Urgent Action is Appropriate

The imminent threat and impact on Yaqui and other Indigenous Peoples of Sonora warrants CERD Urgent Action. In addition to Convention Articles 2, 5, and 6, CERD General Recommendation 23 and CERD General Recommendation 37 are applicable here.

The actions of the Mexican government in this situation constitute environmental racism with severe discriminatory impacts on the human rights of the Yaqui and the other Indigenous Peoples of the Sonora region, including rights to health, water, subsistence and food, and life.

The Yaqui have struggled with access to water from the Yaqui River for decades and the declining water table, as well as drought made worse by resources overexploitation, and imminent possibility of contamination, constitutes a dire and urgent situation. The Yaqui are being denied basic, fundamental rights to health, ongoing encroachment on their lands and in effect, will become economic and climate refugees as extraction projects will inevitably lead to forced removal. The polluting and hazardous activities by companies granted concessions by the Mexican government and Mexico's activities on or near Yaqui Territory, have severely impacted Yaqui human rights, cultural rights, and religious rights showing a consistent pattern of racial discrimination.

¹⁴ Plan Hidrico Sonora 2023-2053, Gobierno de Sonora, <https://www.sonora.gob.mx/images/documentos/plan-hidrico-sonora-2023-2053.pdf>.

Hydraulic developments of the Yaqui River and subsequent socio-economic turmoil and governmental conflicts with the Yaqui demonstrate the environmental violence they have suffered. Environmental racism, socio-economic disparities in terms of environmental harms and benefits, has been a driver of historical and present-day environmental violence against Yaqui people.¹⁵ Here, environmental racism has manifested as institutionalized racism, where Mexican institutional procedures and legislative policies have repeatedly produced inequitable and unjust conditions for Yaqui resulting in structural oppression, where Yaqui health and culture are framed as opposing government policies and public progress.¹⁶

Accordingly, CERD Urgent Action is appropriate here. Under the Convention, which specifically incorporates and references the Universal Declaration on Human Rights, early warning measures work to prevent existing issues from escalating and urgent action procedures are meant to respond to issues requiring immediate attention to prevent or limit serious violations of the Convention. Early warning and urgent procedures are determined by the Committee to be appropriate under factors including, but not limited to: presence of a pattern of racial discrimination evidenced by social and economic indicators; segregation or exclusionary policies in political, economic, social and cultural life; policies or practices of impunity for discriminatory violence by both state officials and private actors; significant numbers of refugees or displaced persons especially when belonging to ethnic groups; encroachment onto traditional Indigenous lands or forced removal from their lands especially for extraction projects; and polluting or hazardous activities showing a pattern of racial discrimination.

In CERD General Recommendation 23 on the Rights of Indigenous Peoples, the Committee recognized the importance of Indigenous Peoples' rights and expressed that they have "been a matter of close attention and concern." The Committee reaffirmed that the Convention applies to Indigenous Peoples and recommended to State parties that they ensure that "no decisions directly relating to [Indigenous Peoples'] rights and interest are taken without their informed consent."¹⁷

Convention Articles 2, 5, and 6 are implicated here. Specifically, Art. 2(1) states that country members may not "engage in [any] act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation" and each country member "undertakes not to sponsor, defend or support racial discrimination by any persons or organizations." Further, according to Article 2(1)(a), country members must "take effective

¹⁵ Reynolds, Kristin, and Nevin Cohen. *Beyond the Kale: Urban Agriculture and Social Justice in New York City*. 10. Athens, GA: University of Georgia Press, 2016.

¹⁶ Nathaniel Flicker, *The Yaqui Tribe's Fight for Survival: A Story of Water Rights and Resistance*, Medium (May 7, 2018), <https://medium.com/dsoc3240-2018/the-yaqui-tribes-fight-for-survival-a-story-of-water-rights-and-resistance-2843e8737759>.

¹⁷ Gen. Rec. 23, para. 1.

measures to review governmental, national and local policies and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination” such as Plan Sonora. Additionally, under Art. 2(2), country members must “ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.”

Art. 5, working in conjunction with Art. 2 and the standards found therein, states that country members must guarantee: (a) the right to equal treatment before tribunals; (b) the right to security of person and protection despite where that violence originates; (d)(vii) the right to freedom of religion; (e)(iv) the right to health, health services, and other social services; and (e)(vi) the right to equally participate in cultural activities. These rights to equal treatment under the law, security of person, work, health and economic, social and cultural rights have been violated by Mexico in its disregard to the rights of the Yaqui.

Art. 6 states that country members must “assure [] everyone within their jurisdiction and remedies, through the competent national tribunals ... against any acts of racial discrimination which violate [] human rights and fundamental freedoms contrary to this Convention, [and] the right to seek from such tribunals just and adequate reparation.” While the Yaqui have repeatedly availed themselves of litigation in Mexico, including contesting lack of Free, Prior and Informed Consent resulting in favorable judicial decrees, the state of Sonora and the Mexican government have failed to comply with court judgments.¹⁸

Under CERD General Recommendation 37, the Committee’s understanding of health is “the highest attainable standard of physical and mental health [] increasingly viewed through an ecocentric lens...[and] includes collective dimensions and integrates spirituality, traditional medicine, biodiversity, and interconnectedness, closely tied to [] right[s] to self determination and supported by the principles of the U.N. Declaration on the Rights of Indigenous Peoples.” The Committee also stated that Indigenous Peoples “have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources, which includes the right to free, prior and informed consent.”¹⁹

This submission requesting urgent action addresses the discriminatory actions of Mexico that have violated Yaqui and other Indigenous Peoples’ human rights or resulted in an urgent crisis for the Yaqui People. The organizations and individuals named in this submission have also retained firsthand accounts that Indigenous Peoples and individuals, located inland from Rio Yaqui, that have been vocal against Plan Sonora have been threatened and suffer from looming

¹⁸ Aimee Gabay, *As drought parches Mexico, a Yaqui water defender fights for a sacred river*. Mongobay, Jul. 9, 2024. <https://news.mongabay.com/2024/07/as-drought-parches-mexico-a-yaqui-water-defender-fights-for-a-sacred-river/>

¹⁹ CERD/C/GC/37 at para. 6.

probability of reprisal, and are experiencing forcible removal from their lands and territories directly as a result of these extractive activities.

The facts presented here show a clear pattern of racial discrimination against the Yaqui and other Indigenous Peoples in Mexico. Resource extraction planning, exploration, legislation, investment, and commencement without the Free, Prior and Informed Consent of the Yaquis and other Indigenous Peoples that will be affected clearly interfere with their rights to full and equal enjoyment of human rights and fundamental freedoms and have denied their rights to equal treatment before tribunals because without notice it is impossible to challenge the decisions regarding Plan Sonora. This conduct has also denied the Yaqui and other Indigenous Peoples the right to security of person and protection due to the impending influx of transient workers and environmental violence, as well as interfering with the Yaqui's and other Indigenous Peoples' right to health, religious freedom, and participation in cultural activities because widespread pollution and devastation due to the use of toxic substances from open pit mining will endanger traditional and original ways of life that are interconnected as stated in General Recommendation 37.

The inherent, Treaty, and human rights of the Yaqui and other Indigenous Peoples violated by "Plan Sonora" and all its development, infrastructure, and mining activities in the Yaqui River valley, include, inter alia, the right to non-discrimination and equal protection under the law, right to health, rights of the child, right to life, right to food, right to water, as well as the right to Free, Prior and Informed Consent. Plan Sonora also violates numerous commitments made by the Mexican government to the Yaqui through its adoption of the UNDRIP in 2007, including, inter alia, articles 20, 21, 22, 23, 24, 25, 26, 29 and 32. Due to such violations, the productive capacity of Yaqui lands has been decimated and with it, the Yaqui way of life.

As a result, this submission asks the Committee to engage in measures to prevent ongoing and impending devastating harm to the Yaquis and other Indigenous Peoples resulting from Plan Sonora. Due to the potential large scale economic development planned for Sonora, Mexico by the Mexican government, we also alert the CERD to the potential for reprisals, threats and violence against Indigenous Peoples of the area who publicly oppose, in the national or international arenas, these imposed developments in which Indigenous Peoples' lands, waters, health, subsistence, and ways of life will become sacrifice zones or collateral damage in the name of Mexico's climate change mitigation and/or national development plans. This is the responsibility of the Mexican government since Mexico nationalized lithium in 2022.

This submission also asks the Committee to consider the fact that several State parties to the Convention are involved, have stakes, and are invested in the "Plan Sonora," which is already harming Indigenous Peoples and has proceeded without the Free, Prior and Informed Consent of those Indigenous Peoples. This submission recognizes that the early warning and urgent

procedures mechanism only considers the actions of one State party, in this case Mexico; however, this submission highlights this circumstance as a consideration not only in this instance, but as an ongoing consideration since circumstances like this will only become more common with “green energy” policies and energy transition models that work across man-made boundaries and national borders.

IV. Previous CERD Recommendations to Mexico

Mexico is a party to the Convention and is also party to other international human rights laws and standards found within the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; and the International Covenant on Economic, Social and Cultural Rights. Mexico also voted for the UNDRIP in 2007, is a signatory to the Indigenous and Tribal Peoples Convention (ILO Convention) 169, and lists protections for Indigenous Peoples in its constitution, guaranteeing respect, protection, and fulfillment of Indigenous Peoples’ rights to languages, environments, use of natural resources, and representation. Despite these protections, Indigenous Peoples advocating for justice in Mexico face general violence and intimidation from illegally operating companies, drug cartels, and from police and government officials, all of whom enjoy impunity.

The CERD reviewed Mexico in 2024. In its 2024 concluding observations, the Committee was concerned with many aspects that affect Indigenous Peoples. Of note here, such concerns included that Mexico still fosters and engages in structural discrimination against Indigenous Peoples, the lack of Free, Prior and Informed Consent, ongoing adverse impacts of Indigenous Peoples by development and investment projects, using militarized forces to enact development and investment project agendas, internal displacement of Indigenous Peoples, Indigenous Peoples’ control over their lands, territories and resources, and Indigenous human rights defenders, among others.²⁰

The Committee also recommended that Mexico adopt legislation codifying Free, Prior and Informed Consent and guarantee that Indigenous Peoples’ Free, Prior and Informed Consent is obtained before activities are conducted that will affect them in a “timely, systematic and transparent manner, with representatives selected by the affected [Indigenous Peoples].”²¹

Moreover, the Committee noted that Mexico should ensure companies operating within its boundaries engage in human rights due diligence to prevent human rights abuses against Indigenous Peoples and also ensure that those same companies abide by case law and decisions

²⁰ CERD/C/MEX/CO/22-24 at paras. 16-27, 36-37.

²¹ A/62/18 Annex 3, para. 12 (a) - (i).

of the judiciary. Mexico must investigate all human rights abuses that arise from militarized force used during extractive development and investment projects. Additionally, Mexico must protect Indigenous Peoples rights to “own, use, develop and exercise full control over their lands, territories and resources, including by way of the legal recognition and protection of their collective rights over their lands and territories, in line with international standards.”²²

Importantly, this is not the only complaint against Mexico for discriminatory treatment of Indigenous Peoples regarding mining concessions granted without prior consultation violating ICERD Articles 2(1)(a), 5(a), (d)(V). As of September 17, 2024, Case No. 88/2024, which alleges such human rights violations by Mexico, was still pending before the Committee.

V. Previous CERD Decisions Regarding Free, Prior, and Informed Consent, and Indigenous Peoples

This is not the first request made of the CERD with regards to extractive projects lacking Free, Prior and Informed Consent of Indigenous Peoples.

In 2019, during the CERD’s 100th session, the CERD issued a decision condemning the construction of the Trans Mountain Pipeline, Coastal Gas Link pipeline, and Site C dam in Indigenous and unceded territories and without the Free, Prior and Informed Consent of the West Moberly Nation, the Prophet River Nation, the Wet’suwet’en people, and the Secwepemc people in Canada. That decision called upon the Canadian government to cease construction and permitting of these large-scale energy and extraction projects.²³ The decision cited concluding observations issued to Canada in 2017 and Gen. Rec. No. 23. Similar circumstances exist in Mexico for the Yaqui. Plan Sonora is moving forward quickly without notification or the Free, Prior and Informed Consent of the Yaqui, similarly to the Indigenous Peoples in Canada concerning the two pipelines and the dam.

In 2006, during the CERD’s 68th session, the CERD issued a decision in favor of the Western Shoshone National Council, the Timbisha Shoshone Tribe, the Winnemucca Indian Colony, and the Yomba Shoshone Tribe and urged the United States to halt any privatization of Western Shoshone original lands for extractive industry, halt any plans in relation to natural resources without Free, Prior and Informed Consent of the Western Shoshone, and halt adverse policies and arrests enacted against the Western Shoshone on their original lands that impede their ways of life on their original lands.²⁴ Similarly, the Yaqui’s lands and water resources will be devastated due to impending extractive industry and the Yaqui have not been consulted to obtain their Free, Prior and Informed Consent.

²² CERD/C/GC/37 at para. 6.

²³ CERD, Canada Decision 1(100), 100th Session – 2801st Meeting (Dec. 13, 2019).

²⁴ CERD/C/USA/DEC/1 (Apr. 11, 2006).

Moreover, the CERD has recommended that despite a member state's position on the UNDRIP, the "declaration [shall] be used as a guide to interpret the State party's obligations under the Convention relating to [I]ndigenous [P]eoples."²⁵

VI. Urgent Action Request to the Government of Mexico

We request that CERD Urgent Action Procedures make the following calls on the Government of Mexico as a matter of utmost urgency:

1. The Mexican government, along with the Secretariat of Environment and Natural Resources, the National Institute of Indigenous Peoples, the government of the State of Sonora, and any other relevant governmental agencies and officials, halt all mining activity proposed or currently being enacted under Plan Sonora unless and until the Free, Prior and Informed Consent of the Yaqui and other affected Indigenous Peoples is obtained in accordance with their traditionally-mandated internal procedures and practices for making such decisions, and includes providing all relevant information and materials in their own languages and giving adequate time for consideration, discussion and collective decision-making required.
2. The Mexican government ensures all information collected over the lifespan of exploratory and preliminary activities of lithium and other mining activities under Plan Sonora, as well as the impacts of similar activities experienced by other Indigenous Peoples, be provided, unredacted, to the Yaqui and other affected Indigenous Peoples without delay.
3. The Mexican government work diligently and with haste to harmonize the terms of Plan Sonora and Plan Hidricos Sonora 2023-2053 and 2024-2030 with Plan de Justicia Yaqui, the UN Declaration on the Rights of Indigenous Peoples, and the Decreto Cardenas, with full and effective participation by the Yaqui Traditional Authorities and other affected Indigenous Peoples, and provide those outcomes publicly and in writing.
4. The Mexican government, as well as the Directorate-General for International Trade and Legal Consulting invite, include, and ensure an opportunity for full participation in good faith for the Yaqui and other currently or potentially affected Indigenous Peoples in the ongoing international arbitration at the International Centre for Settlement of Investment Disputes ICSID Case No. ARB/24/21.
5. The Mexican government work diligently and with haste to provide abundant financing and any other resources needed to safeguard and actualize the Yaquis' and other affected Indigenous Peoples' right to access and enjoy their water guaranteed to them in a way that complies with Mexico's international and bilateral treaty obligations to Indigenous rights.

²⁵ CERD/C/USA/CO/6 at para. 29.

We thank the Committee for its time and consideration to review this submission as immediately as possible due to the urgent ongoing and impending harms to the Yaqui and other impacted Indigenous Peoples by the Mexican government's "Plan Sonora".

Respectfully submitted by the Eight Yaqui Pueblos of Sonora Mexico, the International Indian Treaty Council, and the Water Protector Legal Collective.

Information regarding each of the submitters:

1. Yaqui Nation Traditional Authorities, Rio Yaqui, Sonora, Mexico: The Yaqui Nation is located in the northeastern part of Mexico, in what is known as Sonora, Mexico, as well as the Southern part of Arizona, United States through the Pascua Yaqui Tribe. The Yaqui Peoples have lived there since time immemorial, where they have defended their ways of life, including the right to fish and to farm. On the Mexican side, they are comprised of Eight Traditional Pueblos, which are Cocorit Loma de Guamuchil, Bacum, Torim, Vicam, Potam, Rahum, Huiribis, and Belem. With a population of 40,000 people, the Yaqui Nation has historically depended on the Rio Yaqui, which has historically flowed by the majority of its Pueblos. Each of the Eight Yaqui Pueblos houses the Guardia or Traditional Authority. Moreover, the Yaqui Nation has the Primera and Segunda Cabecera (the First and Second Leading Pueblos). The First Leading Pueblo is Vicam and the Second Leading Pueblo is Potam. Important meetings take place in Vicam and Potam. Decisions related to major subjects like water rights must be reviewed at the First and Second Leading Pueblos and then approved via signature and stamp by the Five Yaqui Traditional Authorities that exist in each of the Eight Yaqui Pueblos. Free, Prior, and Informed Consent is issued through such a process.
2. International Indian Treaty Council: The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America, the Caribbean and the Pacific working for the Sovereignty and Self Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Treaties, Traditional Cultures, Sacred Lands and Waters. The IITC was founded in 1974 and in 1977 became the first Indigenous organization to receive Consultative Status with the United Nations Economic and Social Council. In 2011, IITC was the first Indigenous organization to be upgraded by ECOSOC to "General Consultative Status" in recognition of its wide range of work advocating for the rights of Indigenous Peoples in many UN bodies and processes. IITC has over 100 affiliates representing Indigenous Peoples' organizations, networks, councils and governments from 5 regions, including 9 formal affiliates in Mexico in addition to 4 Yaqui Pueblos in Sonora.
3. Water Protector Legal Collective: The Water Protector Legal Collective (WPLC) is an Indigenous-led non-profit law firm and advocacy organization that works to protect the rights of Indigenous Peoples and Original Nations, the Earth, and climate justice

movements. Born out of the #noDAPL movement at Standing Rock, WPLC's founding mission was to serve as the on the ground legal team for the Indigenous-led movement, providing representation to over 800 Water Protectors facing state repression. Today, WPLC continues to work on the frontlines of struggles to protect the Earth in the United States and internationally, focusing on human rights at the intersection of Indigenous rights, climate and environmental justice. WPLC works to protect the Water, Earth, and ensure Indigenous Peoples have access to legal representation, resources, and long-term accompaniment and advocacy support. WPLC also provides community legal education and training in direct response to needs, and global advocacy includes work in international fora and U.N. mechanisms to create visibility for prevalent human rights violations of Indigenous Peoples.

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APPENDIX

Figure 1 - Lithium Projects in Mexico



Source: EJAtlas.org

Figure 2 - Bacanora Concessions

Concession Name	Title #	Record Date	Expiry Date	Area (hectares)
Bacanora 100% owned concessions				
La Ventana	235,611	Jan. 22, 2010	Jan. 21, 2060	875
La Ventana 1	Approved for Title	Apr 2, 2013	n/a	945
Mexilit S.A. de C.V. (Bacanora 70% - REM 30%)				
El Sauz	235,614	Jan. 22, 2010	Jan. 21, 2060	1,025
Fleur	Approved for Title	Apr. 2, 2013	n/a	2,334.50
El Sauz 1	Approved for Title	Apr 2, 2013	n/a	199.55
El Sauz 2	Approved for Title	Aug. 29, 2013	n/a	1,144.31
Fleur 1	Approved for Title	Dec. 7, 2012	n/a	1,630
Megalit S.A. de C.V. (Bacanora 90% - REM 10%)				
Buenavista	235,613	Jan. 22, 2010	Jan. 21, 2060	649
Megalit	Approved for Title	Nov 7, 2013	n/a	87,085.78
San Gabriel	235,816	Mar. 12, 2010	Mar 11, 2060	1,500

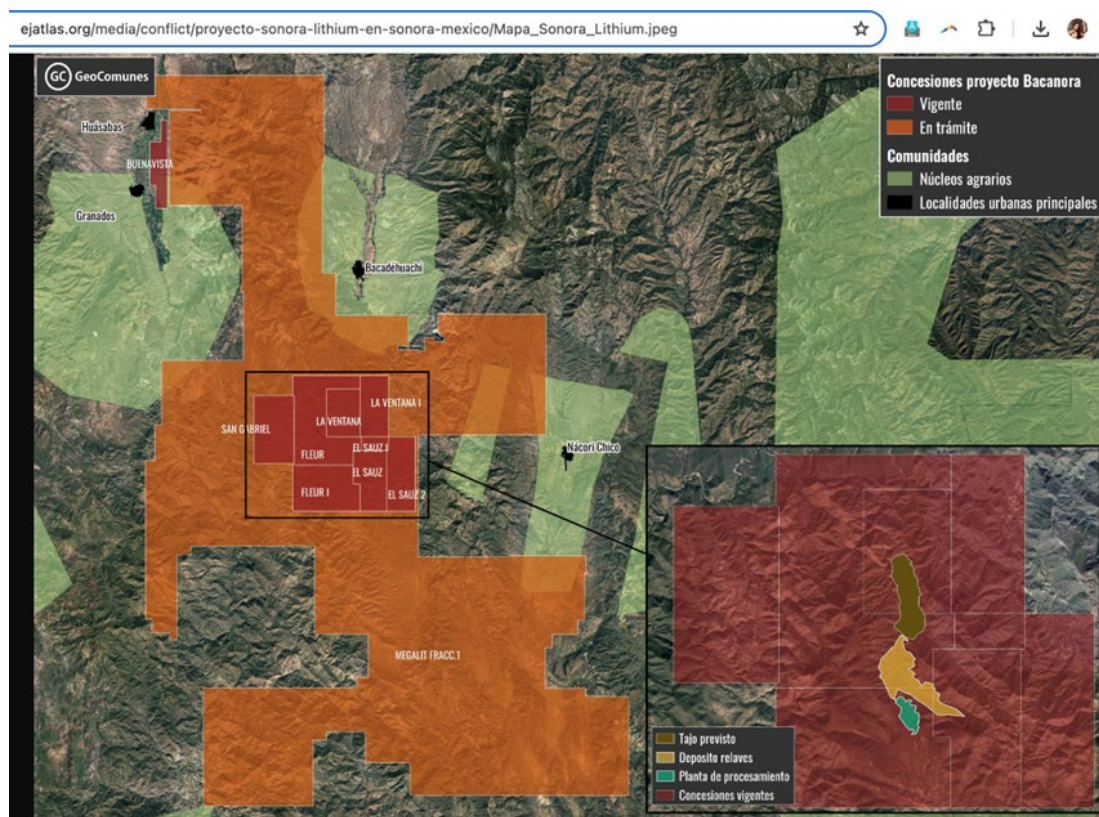
Source: 2014 Report on Updated and Reclassified Lithium Resources, Sonora Lithium Project, https://bacanoralithium.com/_userfiles/pages/files/documents/updatedandreclassifiedlithiumresourcesonorolithiumproject.pdf

Figure 3 - Aerial Map of the State of Sonora



Source: 2014 Report on Updated and Reclassified Lithium Resources, Sonora Lithium Project,
https://baconoralithium.com/_userfiles/pages/files/documents/updatedandreclassifiedlithiumresourcesonoralithiumproject.pdf

Figure 4 - Aerial Map of Bacanora Concessions



Source: EJAtlas.org

**AUTORIDADES TRADICIONALES DEL PUEBLO DE VICAM, PRIMERA CABECERA DE
LOS OCHO PUEBLOS YAQUIS.**

Vicam Pueblo a 24 de febrero del 2025

“Attn” Comité para la Eliminación

de la Discriminación Racial (CERD por sus siglas en ingles)

Medidas de Alerta Temprana y Procedimientos de Urgencia

Asunto: Moratoria al Proyecto Minero del Plan Sonora

Las Suscritas Autoridades Tradicionales del Pueblo de Vicam, primera cabecera de los ocho pueblos yaquis, a través de los derechos que nos confieren las leyes internas y tradicionales tenemos a bien de comunicarle lo siguiente.

Reunidos en la guardia tradicional del pueblo de potam y ante la presencia de las autoridades tradicionales de los pueblos de: Vicam, Potam, Rahum, Huiribis, Belem, Torim y loma de Guamúchil respectivamente.

Recientemente hemos recibido información, no por las instancias gubernamentales del Proyecto Minero que el Gobierno Federal está implementando en el Estado de Sonora, este proyecto obedece a interés de las Trasnacionales de la extracción del LITIO, considerado como la segunda reserva más grande del mundo.

La nación yaqui tiene en su haber los Derechos que emanan del Decreto de 1939, emitido por el presidente, General Lázaro Cárdenas del Rio.

En el Tema al Derecho del agua, el Plan de Justicia implementa un Proyecto de Abasto de Agua de Calidad para todas las poblaciones de la Nación Yaqui, actualmente esta en su etapa final, su infraestructura ya inaugurada para su operación, el tubo principal de descarga, se encuentra conectado a la Presa el OBIACHI. Esto garantiza el abasto del vital líquido para nuestros pueblos.

La nación yaqui a través de sus Usos, Costumbres y tradiciones, por décadas se ha conducido bajo el respaldo de sus guardias tradicionales y su tropa yoreme, es importante mencionar que todo acuerdo debe ser bajo consenso que emanan de las propias Autoridades Tradicionales de los ocho pueblos yaquis.

Estamos de acuerdo en el Desarrollo para nuestros pueblos indígenas, prueba de ello fue la aceptación del Plan de Justicia, Maxime cuando se tocan temas de relevancia: Territorio, Derecho al Agua.

El Yacimiento del Litio es surcado por el Rio Bavispe, a la vez conectado con la cuenca del Rio Yaqui, los Proyectos Mineros históricamente son fuentes de contaminación.

Recientemente grupos ambientalistas prevén desastres en términos de contaminación a través de cuenca del Rio Yaqui. Los pueblos indígenas deben ser informados, bajo el proceso de la Libre Determinación, considerando el Consentimiento Previo Libre e Informado.

Considerando lo anterior, solicitamos que el Consejo Internacional de Tratados Indios, **Utilice las Medidas de Alerta Temprana y Procedimientos de Urgencia del Comité para la Eliminación de la Discriminación Racial (CERD por sus siglas en ingles)** para apoyar nuestra petición dirigida al gobierno de la Republica de México para una Moratoria al Plan del Proyecto Minero de Litio en nuestro Estado de Sonora, llamado Plan de Sonora.

Esta moratoria debe estar en vigor hasta que la nación yaqui haya sido informada bajo su Consentimiento Previo Libre e Informado, como se afirma en la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas y donde México se ha comprometido a respetar.

Reiterando de nuevo nuestra petición a la Moratoria dada la importancia que reviste para nuestra Nación Yaqui y nuestras futuras generaciones.

Quedamos de Usted

ATENTAMENTE.

AUTORIDADES TRADICIONALES DEL PUEBLO DE VICAM.


C. Joaquín Cota Buitimea.

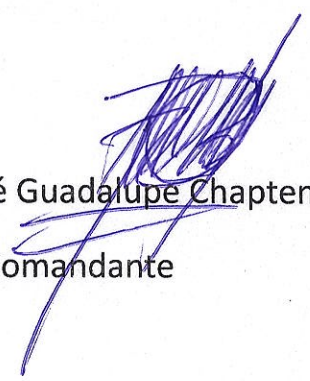
GOBERNADOR DEL PUEBLO DE VICAM
PRIMERA CABECERA DE LOS OCHO
PUEBLOS DE LA TRIBU YAQUI
Gobernador.


Luciano Molina Mendoza

Pueblo Mayor


C. Imeldo Buitimea Jiocamea

Capitán


C. José Guadalupe Chaptemea

Comandante


C. Onésimo Buitimea Valenzuela

secretario

C.c.p. Autoridades Tradicionales de los ocho pueblos yaquis