

## A path to nowhere



In recent years the country has made considerable progress in human rights and sustainable development. These gains are now in peril. The Government is pushing ahead with hydroelectric and highway mega-projects that violate agreements and legal restrictions, cause serious environmental damage and displace thousands of people from their land. These policies are irresponsible and absolutely devoid of any holistic human rights perspective. Nevertheless, the State appears determined to follow a development path that is totally unsustainable, despite the protests of the Mexican people and civil society organizations

**DECA Equipo Pueblo**

**Areli Sandoval Terán**

**Instituto Mexicano para el Desarrollo Comunitario - IMDEC**

**María González**

**HIC-AL**

**Silvia Emanuelli**

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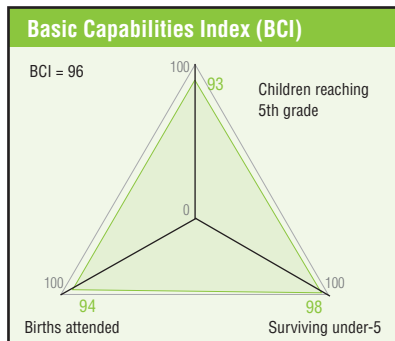
The country subscribed to Agenda 21, an action plan that emerged from the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, Brazil, in 1992. The Agenda calls for a sustainable development strategy based on human needs, affirms the right to a healthy and productive life in harmony with nature, and declares that protection of the environment should be an integral part of the development process.

To promote sustainable development, the State must first establish a solid environmental, economic and social foundation, and then design and implement coordinated policies, programmes and projects that guarantee the well-being of present and future generations. The Mexican State, however, is promoting projects that violate human rights, including the right to development and a healthy environment. Its policies contravene Agenda 21 and obligations under international law, as well as the country's own Constitution and environmental protection regulations.

### The El Zapotillo dam

The El Zapotillo dam project in the Altos de Jalisco region is one of many projects proceeding in the face of protests from local communities and civil society organizations. The sponsors – the Federal Government through the National Water Commission (CONAGUA), and governments in the states of Jalisco and Guanajuato – assert that the dam will promote local and regional development and supply potable water to the city of León in Guanajuato, 10 municipalities in Altos de Jalisco and the city of Guadalajara.

No strategy that respects people's right to development can assume that the end justifies the means, but this is precisely the State's premise at El Zapotillo. The project involves building a concrete curtain 105 meters high that will store 911 million m<sup>3</sup> of water in a reservoir with a surface area of 4,500 ha. It will also include the construction of 145 kilometres of aqueduct. The estimated total cost will be



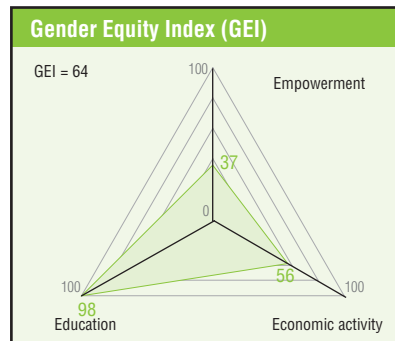
8,010 million Mexican pesos (approximately USD 680,000,000).

Critics note that the useful life of the dam is only 25 years. They point out that project will destroy the natural valley of the River Verde and flood three communities that date back to the sixth century – Temacapulín, Acasico and Palmarejo. Around 700 people currently live in these communities and a high proportion of the population is women and older adults. If the project is carried out, they will be expelled from their ancestral lands and their culture and history will be irretrievably lost.

These communities declared their opposition to the project when it was announced in 2005 and organized to fight for their human rights by peaceful means. Despite harassment and threats, they have continued to denounce the project as an irreparable violation of their fundamental rights and demand that the project be cancelled. They are also insisting that experts be brought in to make an independent evaluation of the social, cultural and environmental impacts of this mega-project. The pressure from the authorities and the threat that their ancestral homes will disappear have severely damaged their psychosocial health.

The negative impact of the project would extend far beyond these communities. It would promote lead over-exploitation and pollution throughout the region, and aggravate current social conflicts and disputes over water. The dam would devastate the River Verde biological corridor, wipe out large swathes of cultivated land, increase saline levels in the soil, and damage areas rich in flora and fauna.

As in other hydro-infrastructure mega-projects in Mexico, federal and state authorities have violated the people's right to information and communities'



right to prior consultation. They have not undertaken any evaluation of the social impacts of the project's utter disregard of the affected communities' rights to a healthy environment, adequate housing, water, health, land, work, or any other economic, social and cultural rights.

The residents of Temacapulín have won several legal battles in their bid to stop construction, but the authorities have ignored court rulings and continued construction work. Last March the local community organized further resistance and finally, on 1 April 2011, more than six years after construction began, the Federal Government and the National Water Commission agreed to begin a dialog with the Committee to Save Temacapulín, Acasico and Palmarejo.<sup>1</sup> Two months later, however, authorities confirmed at a so-called resolution committee that the project could go forward and be completed in 2012. Convinced that they had exhausted their options under Mexican law, the residents took the case to the Inter-American Commission on Human Rights.

### The impact of mega-dams

More than a decade ago the World Commission on Dams<sup>2</sup> warned against the serious impacts on the environment and on communities that big dam projects are causing all over the planet. The United Nations Committee for Educational, Scientific and Cultural Rights (UNESCO), as well as many NGOs worldwide, had expressed concerns to Mexico

<sup>1</sup> See: <noalapresaelzapotillo.wordpress.com>.

<sup>2</sup> Set up by the World Bank and the International Union for Conservation of Nature in 1998 in response to increasing opposition to big dams. For further information available see: <www.internationalrivers.org/files/wcdguide-s.pdf>.

concerning the La Parota dam since 2003. This hydroelectric mega-project has also been criticized by the Latin American Water Tribunal, and three UN Special Rapporteurs have issued reports and recommendations noting its potential deleterious impact on the right to housing, the right to food and the rights of indigenous people.

If completed, La Parota, on the River Papagayo in the state of Guerrero, would flood 17,000 hectares of cultivated land, as well as roads, bridges and communities, and displace 25,000 people in the immediate vicinity, along with 75,000 more downriver. As with the El Zapotillo dam, the State has neither divulged information to or engaged in consultations with threatened communities, or issued an evaluation of the project's potential impact on the environment, development, or the human rights of tens of thousands of people living in the area.

In spite of the international recommendations against pursuing this mega-project, and a long and arduous social and legal struggle by the communities affected and organizations allied with them, the Government of President Felipe Calderón has refused to cancel La Parota. The affected communities have continued the fight and in April 2011, they won their fifth legal battle, a court ruling that overturned an agrarian assembly decision of 2010 that authorized the Federal Government to take possession of the land earmarked for the dam. Since May 2011, a coalition of social organizations and networks has been pressing the recently-elected Governor of Guerrero to make a commitment to the threatened communities and lobby the Federal Government to cancel the project.<sup>3</sup>

### Unsustainable development in the Federal District

Dangers to the environment and human rights are not limited to rural areas. The Federal District of Mexico (DF), which encompasses Mexico City and the surrounding urban areas, is also suffering from policies and projects that conflict with sustainable development. Large cities put enormous pressure on natural resources. In addition to their direct impact as a massive concentration of people, they also create an environment in which public policy decisions at the local level are unlikely to maintain a holistic human rights perspective. This poses an increasingly serious threat to present and future generations. One of the most worrying situations

for Mexican civil and social organizations is the development model being pursued by the current Government of the Federal District (GDF – for its initials in Spanish).

First, it must be said that since it was established 14 years ago, the GDF has promoted citizen participation and made great progress in recognizing human rights and introducing public services to support them. The Federal District is the only one of the country's 32 federal entities with a Human Rights Diagnosis Programme (PDHDF). This initiative, promoted by the Mexico Office of the United Nations High Commissioner for Human Rights and set up between 2007 to 2009 with popular participation, has a mandate to review progress toward achieving each of the basic human rights, including the right to a clean environment, the right to water, the right to health services and the right to housing.<sup>4</sup>

In 2010 the GDF became the only public institution in the country with an inter-sector Follow-up and Evaluation Mechanism. This programme created a structure in which different sectors, including civil society organizations, have set up systems to monitor compliance with the PDHDF. The GDF is also the only public body with a PDHDF law, passed in May 2011, which requires all public bodies in the city to pursue policies that respect human rights. In addition, at the instigation of urban popular organizations and with wide popular participation, the GDF drew up a Charter of the City of Mexico that embraces a vision of sustainable, liveable and healthy urban environment, and contains a series of commitments subscribed to by the local executive, legislative and legal branches.<sup>5</sup>

At last year's World Summit of Local and Regional Leaders, the head of the GDF, Marcelo Ebrard, described a broad range of Mexico City initiatives to mayors from other countries. These included programmes in the areas of security, citizen protection, non-motorized transport, citizenship and the environment, as well as housing and urban development projects, all of which, he noted, are elements in the city's progress "in the seven principles of action of the environment agenda: soil conservation, liveability and public spaces, water, transport, air quality, waste management and climate change measures [...] a work agenda that reflects an environmental situation that makes it essential to start implementing changes that will make the development of the city sustainable again."<sup>6</sup>

Despite this impressive rhetoric, this "avant-garde city" is full of contradictions and they are getting worse. In February 2011, 3,500 people took to the streets chanting "Marcelo, you must understand, the city is not for sale."<sup>7</sup> They were expressing their opposition to various mega-projects that would entail destruction of trees and green spaces, irreparably damaging the lungs of the city, as well as land of great ecological value. The building work involved would also have a very negative impact on the subterranean water sources that the city depends on.

One of these large-scale projects is the so-called Western SuperHighway. In January 2011 the PDHDF submitted a report detailing human rights violations in the areas of legal protection, information, citizen participation, healthy environment, and water and adequate housing associated with this mega-project.

The Ombudsman of Mexico City asked the head of the GDF to halt superhighway construction work pending thorough and wide-ranging public consultations to consider the concerns, views and proposals of the people affected. He also urged the authorities to research sustainable transportation alternative for the city's southwest, and change its environmental impact and risk regulations to bring them into line with the Federal District Environment Law provision making a public consultation process mandatory in evaluations of the environmental effects of construction work.<sup>8</sup> Civil society organizations and the people living in the affected areas have gone even further, demanding that the entire project be cancelled.

What these civil society and social organizations are demanding is that the GDF strictly adhere to the commitments it made in the PDHDF and its enabling law, as well as the Mexico City Charter, and cancel all legislative and public policy measures that have a negative impact on human rights. They note that by unilaterally imposing projects like the Western Super Highway, the city authorities are not only exposing the population to serious environmental and social dangers, they are dismantling carefully constructed democratic structures and weakening institutional channels for communication, dialogue, debate and proposals.

Mega-projects promoted by federal and local authorities throughout the country represent gross State irresponsibility. Rather than being based on a holistic human rights approach, the policies these projects represent are leading Mexico down a dangerous path of unsustainable development. ■

3 The organizations that have signed up for this campaign include Espacio DESC, the Tlachinollan Centre for Human Rights, Fundar, Serapaz, WITNESS, and the Mexican Centre for Environmental Rights. For further information, see: Tlachinollan, *Organizaciones refuerzan llamado a Gobernador de Guerrero para un No a la Parota*, (2011), <www.tlachinollan.org/Noalaparota>.

4 See: <www.derechoshumanosdf.org.mx>.

5 See: <derechoalciudaddf.blogspot.com>.

6 See: <ciudaddevanguardia.com/medio-ambiente>.

7 See: <www.eluniversal.com.mx/notas/747578.html>.

8 For further information see: <www.cdhd.org.mx/index.php/boletines/999-boletin-212011>.