LATEST:
Mexico
“happy, happy, happy”?

FOCUS:
Mayan Train

ARTICLE:
Civil Observation Mission in the Isthmus:
Amplifying and connecting voices

SIPAZ ACTIVITIES:
From mid August to mid November 2019

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SIPAZ is an international observation program created in 1995, after the Zapatista uprising in 1994 to monitor the conflict in Chiapas, Mexico.

International Service for Peace (Servicio Internacional para la Paz or SIPAZ) is a response from the international community to the request of Mexican human rights organizations and religious leaders in Mexico, asking for a permanent international presence in Chiapas. In February 1995, a delegation of various international peace organizations came to Chiapas. They decided to create an organization encompassing a coalition of faith based and nonviolence based organizations in the United States, Europe and Latin America that shared a common concern regarding the situation in Chiapas.

Today SIPAZ supports the search for nonviolent solutions and aids in the construction of a culture of peace and dialogue between the actors involved in the conflict in Chiapas as well as, increasingly, in other areas in Mexico (Oaxaca and Guerrero). SIPAZ also serves as a bridge for communication and exchange between other organizations and networks that work to construct a just and lasting peace at a local, national, regional and international level.

The SIPAZ International Team in Chiapas:

- Maintains an international presence and accompanies processes that are working towards the construction of a culture of peace in Mexico.
- Provides trustworthy communication that integrates the voices of local actors and mobilizes the local, national and international community in the search for alternative solutions to the causes of violence in Mexico.
- Joins together with organizations, movements and networks in order to share and strengthen the processes that are leading towards building a just peace.
- Maintains contact and dialogue with the many different actors that are present in the conflict.

SIPAZ recognizes and respects the principles of non-intervention and sovereignty of the Mexican State and its citizens upon whom must depend the negotiation and initiative that are necessary in order to achieve an eventual solution to the conflict.

The coalition members of SIPAZ represent many years of experience in international non-governmental peacemaking and conflict resolution. Building on that experience, SIPAZ seeks to play a facilitative role enhancing the context in which Mexicans are working to solve largely Mexican problems.

International Coalition

- Asociación Cristiana de Jóvenes (YMCA) (Argentina)
- Baptist Peace Fellowship of North America (North Carolina, USA)
- Benedictine Sisters of Erie (Pennsylvania, USA)
- Capacitar (California, USA)
- CAREA (Berlin, Germany)
- Carolina Interfaith Task Force on Central America (N. Carolina, USA)
- Catholic Conference of Major Superiors of Men’s Institutes
- Peace and Justice Committee (Washington DC, USA)
- Centro Memorial Dr. Martin Luther King Jr. (La Habana, Cuba)
- Christian Peacemaker Teams (Illinois, USA)
- Church of the Brethren (Washington DC, USA)
- Dominican Sisters of San Rafael (California, USA)
- Episcopal Peace Fellowship (Washington DC, USA)
- Fellowship of Reconciliation/EEUU (New York, USA)
- FOR Austria (Austria)
- Franciscan Friars, Santa Barbara Province (California, USA)
- Franciscan National Justice Peace and Ecology Council (Washington DC, USA)
- Global Exchange (California, USA)
- IF/When (California, USA)
- Illinois Maya Ministry, United Church of Christ (Illinois, USA)
- Iniciativa Ecuménica «Oscar Romero» (CIPFE, Montevideo, Uruguay)
- International Committee for the Peace Council (Wisconsin, USA)
- International Fellowship of Reconciliation (Aalmaar, Holland)
- Jubilee Economics Ministries (USA)
- JustaPaz (Bogotá, Colombia)
- Kentucky Interfaith Taskforce on Central America (USA)
- Leadership Conference of Women Religious (Washington DC, USA)
- Loreto Community Latin America / Caribbean Committee (Colorado, USA)
- Marin Interfaith Task Force on the Americas (California, USA)
- META Peace Team (Michigan, USA)
- Movimiento Ecuéménico de Derechos Humanos (Buenos Aires, Argentina)
- National Benedictines for Peace (Pennsylvania, USA)
- Pax Christi (Pennsylvania, USA)
- Pax Christi International (Brussels, Belgium)
- Peaceworkers (California, USA)
- Presbyterian Church of Chicago (Illinois, USA)
- Racine Dominican Sisters (USA)
- Resource Center for Nonviolence (California, USA)
- Servicio Paz y Justicia de América Latina (Montevideo, Uruguay)
- Sojourners (Washington DC, USA)
- Southeastern Yearly Meeting of the Religious Society of Friends (Florida, USA)
- SweFOR (Sweden)
- Unitarian Universalist Service Committee (Massachusetts, USA)
- Washington Office on Latin America (WOLA) (USA)
- Western Dominican Province (Arizona, USA)
- Witness for Peace (Washington DC, USA)
September marked three months since the governments of Andres Manuel Lopez Obrador (AMLO) and Donald Trump reached an agreement in which Mexico undertook measures to lower the level of migration that crosses its territory to reach the United States. According to the United States, the number of arrests on its southern border dropped by 56% in this period. The two governments stated that this reduction is due to the change in migration policy in Mexico- towards one of containment, which has included the deployment of the National Guard to the southern border area of Mexico, as well as a change of rules for migrants from Africa and Asia, which no longer allows authorization for them to travel through Mexico to the border with the United States.

These changes have generated extreme concern on the part of national and international organizations, as well as the United Nations, as the changes imply a resurgence of human rights violations against migrants. The agreement also includes another aspect that has generated controversy, the US policy called “Stay in Mexico,” which forces migrants to wait in Mexico during their asylum process.

In October, the Collective of Observation and Monitoring of Human Rights of the Mexican Southeast, urged the Mexican State to “respond with total respect and guarantee for human rights towards the migratory and refuge crisis that exists in the country, especially in the southern border. Including a definitive solution to overcrowding and inhuman conditions within the Migration Centres.” At present, the organization Without Borders, estimated that there were about 150,000 people detained in the 53 immigration centers throughout the country, plus another 50,000 returnees as part of the “Stay in Mexico” program.

Front Line Defenders and the All Rights for All Network (TdT Network) have also denounced that attacks against migrant rights defenders have intensified. They identified 69 events of detention, threats, harassment, defamation, aggression, deportation, surveillance or denial of entry to the country between October 2018 and September 2019, 41 of them in 2019. They urged the Mexican government to stop “the criminalization of migrant persons who organize to defend their human rights in their trajectories”, as well as “supervise and limit the actions of the National Guard regarding shelters and migrant detention centers.”
National: AMLO’s First Government Report, a “happy, happy, happy” country?

On September 1, AMLO presented his first Government Report. He referred to the need to continue fighting corruption, as well as to seek justice and equality. In the results of his austerity policy, he said that “in these first nine months we have achieved savings of 145 billion pesos.” He affirmed that “the Stock Exchange has remained stable; the economy is growing slowly but there is no recession, and now the distribution of income is less unfair.”

Regarding security, AMLO said that we still have to “work hard because the results are not good in terms of reducing crime (...) it is our main challenge.” He reported the deployment of 58,600 members of the National Guard and that “the goal is to deploy 140,000 members.”

Regarding human rights, AMLO stressed that “the State has ceased to be the main violator of human rights”, that “45 political prisoners have been released” and highlighted the government’s commitment to “meet the demands of truth, justice, reparations, and non-repetition for the victims.”

On migration, AMLO acknowledged that he had to change his strategy to avoid an economic confrontation with the United States, but did not give more information on the impact this change has had on human rights. He said that “this issue will be addressed without using force and coercion, but by creating work and welfare opportunities for people in their places of origin.”

Human rights: changes that have not been reflected in reality

In August, civil organizations presented the report “Defend Human Rights in Mexico: The End of Impunity?” The report notes that during the first months of AMLO’s government, violations decreased, although 41 events occurred that contain 331 acts of human rights violations, and the acts of individual violations towards defenders have increased. It noted that the measures remain “insufficient” and that it is clear that the issue is not a “priority” for the government. This same month, the Diagnosis of the Federal Protection Mechanism for Human Rights Defenders and Journalists prepared by the representation in Mexico of the United Nations High Commissioner for Human Rights (UNHCHR) suggested that there is a lack of resources to fulfill the promises which the government has made regarding human rights. This situation is exacerbated by the increasing number of beneficiaries due to the increasing number of attacks on journalists and defenders. Another source of concern is the involvement of public servants in cases (55%), suggesting that a strategy that “is part of a systematic policy” is required.

In September, the UN High Commissioner for Human Rights, Michelle Bachelet, expressed concern about the “terrible” situation of journalists and human rights defenders in Mexico. She expressed concern about the increase in violence in the country, in particular for femicides. She also addressed the issue of forced disappearances, with 40,000 missing and 23,000 bodies that remain unidentified. She recognized the announcement of the AMLO government to accept the competence of the UN Committee on forced disappearances to receive individual communications as a “step forward.”

In November, at the end of Mexico’s sixth periodic review of the implementation of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee issued 48 recommendations. Among the main ones, it gave the Mexican State a period of two years to “advance in the process of formation of the National Guard as a civil institution”. It expressed concern “for the militarized nature of law enforcement in general, including the National Guard, and for the lack of a clear timetable on the withdrawal of military force in citizen security tasks.”

In the same month of November, the Senate elected as the new head of the National Human Rights Commission (CNDH in its Spanish acronym) Rosario Piedra Ibarra, activist and daughter of the founder of the Eureka! Committee, an organization of relatives of disappeared persons. Opposition parties to the ruling National Regeneration Movement (MORENA), denounced that there was fraud in the process, and thus demanded the annulment of the vote. Furthermore, seven of the 56 candidates to preside over the CNDH also asked to replace her, saying that, “the process leaves questions of legality that must be remedied.” Four human rights groups and 128 victims from 12 states of the Republic called on the elected president not to take office “until there is a transparent process and without a shadow of a doubt.” Finally, between shouting and pushing, Rosario Piedra, considering her election “legitimate” and “legal,” was sworn in, insisting that she will be
impartial, despite the fact that in the past she was a candidate for MORENA.

**CNI and EZLN building other proposals**

In September, the National and International Assembly “The Isthmus is Ours” was held in Juchitán, Oaxaca, at the invitation of the National Indigenous Congress (CNI in its Spanish acronym) and the Indigenous Government Council (CIG in its Spanish acronym). They explained that “we are here to analyze the onslaught of the patriarchal capitalist system and its megaprojects throughout the country and to strengthen especially the resistance struggles of the Isthmus and southern Mexico against the inter-oceanic corridor of the Isthmus of Tehuantepec, which aims to transform this region into an immense industrial park in the hands of transnational capital, and at the same time as a retaining wall against Central American migrants ordered by Trump.”

A Global Day to Fight in Defense of Life and Our Territories “SAMIR FLORES VIVE” was organized in October. It was named after delegate Samir Flores, an environmental activist who was murdered in February, and was planned as “a dislocated and forceful mobilization, throughout the country, against megaprojects of death, of an anti-capitalist and anti-patriarchal nature.”

In November, the Zapatista Army of National Liberation (EZLN in its Spanish acronym) invited people to participate in the “Combo for Life: December of Resistance and Rebellion” to be held in Chiapas in December. This event will include: the Second Edition of the Puy Ta Cuxlejalictic Film Festival; the first edition of “Dance Another World”; the Forum in Defense of Territory and Mother Earth; the Fourth Assembly of the CNI; the Second International Meeting of Women who Struggle; and, the celebration of the 26th anniversary of the beginning of the “war against oblivion.”

**CHIAPAS: Vulnerability of defenders and journalists.**

In August, the body of Nora Patricia Lopez, environmentalist and head of the red macaw project of the Aluxes ecopark, was found in Palenque. Last June, environmentalist Jose Luis Alvarez Flores was also killed in that area. In January, activist Sinar Corzo Esquinca who was working in defense of the right to water in Tonala was murdered. There have also been threats and apprehensions against environmentalists in Tuxtla Gutierrez, Chilon, and San Cristobal de Las Casas.

In September, journalists and relatives of Mario Leonel Gomez Sanchez, a journalist murdered in Yajalón in 2018, demonstrated to demand the arrest of the intellectual authors. They denounced that one year after the murder, there is still no justice. The victim’s brother accused the State Attorney General’s Office (FGE in its Spanish acronym) of having been slow and negligent in the investigations. Although three people were arrested as alleged material perpetrators, he denounced that there is institutional cover-up and influence peddling in the case while he and his family have lived in fear “because those responsible are walking in the streets of Yajalón as if nothing had happened.”

In regards to advances, in November the former mayor of Amatan, Manuel de Jesus Carpio Mayorga of MORENA, was arrested by state police. He is accused of the murders of the members of the Independent Regional Peasant Movement-National Coordinator Plan of Ayala-National Movement (Mocri-CNPA-MN in its Spanish acronym), Noe Jimenez Pablos and Jose Santiago Gomez Alvarez last January. The activists had participated in protests to demand the dismissal of the mayor, by denouncing the cacicazgo of the Carpio Mayorga brothers, the arbitrariness of the municipal police in collusion with criminals, and the unfulfillment of public works, among others. Manuel de Jesus Carpio Mayorga and his entire cabinet had resigned as they were identified as possibly involved in the murders.

**Internal forced displacement: human rights crisis remains in Los Altos**

In September, a political agreement was reached that allowed the return of 13 displaced families in Ejido Puebla, municipality of Chenalho. Inhabitants
of this town called for the release of Javier Gomez Gutierrez, a prisoner sentenced for murder in the context of the post-election issue of May 2016 that led to the displacement. They said that the return of the “self-displaced” has not been finalized since there is still another group in San Cristobal de Las Casas. Diego Cadenas, director of the Kuuntik Human Rights Center, who has accompanied this group, said “13 displaced families returned (...) after paying a fine of 15,000 pesos per family, the same fine paid by the current municipal President Abraham Cruz Gomez from Chenalho, at the time one of the perpetrators of forced displacement. That the victims are required to pay a fine to their aggressors to be able to return to their community of origin, far from being an action that helps to avoid the repetition of the act, instead results in an incentive to repeat displacement.”

In October, the CNDH issued a recommendation for “the conditions of violence, insecurity, constant risk, and lack of protection in the Municipality of Aldama, Chiapas, due to a dispute over possession of land with the Municipality of Chenalho, which resulted in the death of one person ... and the displacement of several families.” Although the CNDH acknowledged some progress, “this has been insufficient” “since the acts of violence by various armed groups have not ceased.” It should be remembered that at the beginning of June, a non-aggression pact was signed between the two municipalities without ending the eradication of violence in the area.

In November, two years after the mass displacement of more than five thousand indigenous people from communities that are on the border between Chenalho and Chalchihuitan due to an old agrarian conflict between the two municipalities, the widow of Samuel Luna Giron, who was killed in October of 2017, as well as his family and friends demanded justice, as no one has been arrested for the murder. They also asked the authorities to comply with repatations for damages and dismantle the armed civil groups of Chenalho that continue to operate with impunity.

Other human rights issues

In August, the Popular Campaign against Feminicide in Chiapas expressed its “repudiation” for the “lack of commitment of governments (...), given the serious increase in femicidal violence.” It reported that so far in 2019 there have been 120 violent deaths of women, of which only 49 have been classified as femicides. Although since November 2016, a Gender Violence Alert (GVA) has been activated in the state, “the alarming figures quoted” can only be explained by “the lack of interest of the authorities.” It demanded, among other things, that the authorities tackle femicidal violence as a social, cultural, and political problem that requires concrete and urgent action and that the GVA be extended to all the municipalities of the entity.

In November, civil organizations expressed their concern about the militarization of the municipality of Chicomuselo. One year after the inauguration of the military headquarters in said municipality, they denounced that the function of the military base has been “to intimidate the mining resistance that exists in the communities, as well as to monitor the work carried out by the defenders of the territory.” They said that despite the arguments to justify their presence, “thefts and robberies have not been reduced.” They noted that since August, after the announcement of the EZLN to create new Autonomous Municipalities, one of them in Chicomuselo, “military tours have been reported.”

OAXACA: Systematic attacks on human rights defenders

In October, 17 months after the forced disappearance of defender Ernesto Sernas Garcia, the World Organization Against Torture (WOAT) denounced the inaction of the Mexican State in the case. It called on the authorities to start an effective search to
find his whereabouts. According to the Front Line Defender organization, the disappearance of the lawyer “coincided with a crucial moment in a criminal process in which he legally represented 23 defenders [of the Red Sun/Sol Rojo organization], whose detention in 2015 was declared arbitrary by the Group of Work on Arbitrary Detention of the United Nations.”

In November, Fredy García Ramírez, a member of the Committee for the Defense of Indigenous Peoples (CODEDI in its Spanish acronym), was arrested. According to the Prosecutor’s Office, the arrest derives from an arrest warrant for events that occurred a few weeks earlier in the community of Santiago Xianica, where two members of the state police were allegedly tortured and a member of the State Investigation Agency died. Front Line Defenders expressed its “serious concern” for this detention when “the use of fabricated crimes has become an effective strategy to intimidate those who work for human rights in Oaxaca.” The Observatory for the Protection of Human Rights Defenders stated that “it is not an isolated incident, but is part of a pattern of systematic attacks against CODEDI in the last 21 months, including five murders, two assassination attempts, six arbitrary detentions, three incidents of raid and robbery, as well as permanent threats and the militarization of the area where the (...) CODEDI is located.”

Another situation that raises concerns about human rights happened in August, one year after the Gender Violence Alert (GVA) was issued in 40 municipalities in Oaxaca, when several organizations reported that 126 women were killed in this period. They consider that this figure implies that the GVA “did not make a difference” when 60% of the cases occurred in municipalities that have it. They called on the governor to meet immediately with the municipal presidents of the state to apply the GVA. They also asked to make public the budget for its implementation as well as a detailed report of its results.

In matters related to land and territory, one year after the flood of the Jalon dam due to heavy rains, in October, the inhabitants of Magdalena Ocotlan denounced that the authorities have not seriously addressed the case. Although there was a penalty of 800 thousand pesos to the company, they believe that to date the toxic sludge continues to pollute the river and generate diseases. The Canadian company Fortuna Silver Mines, which has 26 mining concessions in 35 municipalities of the Central Valleys of Oaxaca, including the Cuzcatlan Mining District, rejected “the false accusations” and affirmed to comply with “the legislation and provisions on fiscal, environmental, health, labour, and social matters.” They also plan to expand the access of the same mining company to more than seven thousand hectares. The municipal president of Ocotlan demanded the cancellation of the permits for this extension as well as the immediate attention of the problems caused by the spill.

GUERRERO: Ayotzinapa and the “rot” of the justice system

In September, the Subsecretary of Human Rights of the Interior, Alejandro Encinas, reported that 24 defendants were released for their alleged participation in the disappearance of the 43 students of the Normal Rural School of Ayotzinapa in Iguala, in 2014. He added that 77 people of the 142 that had been arrested were released. He stated that this constitutes an “affront to victims and parents, and a mockery of justice” and that it “shows the misery, the rot in which the justice system in the country is located.”

In November, the families of the 43 held a meeting with President AMLO and members of the Truth and Access to Justice Commission for the case. The president endorsed his commitment to do everything possible to find the whereabouts of the students. Alejandro Encinas, said that the case file is in “a process of total reconstruction (...) suffers from many failures in the way it was integrated.” He said that the Attorney General’s Office (FGR in its Spanish acronym) is preparing material to declare the officials involved in the construction of the case. Shortly after, several unknown subjects intentionally set fire to the facilities of the former municipal police command in Iguala, where documents related to the disappearance of the 43 were kept.
Human rights defenders: At permanent risk

In September, the Cocula union leader and community activist, Oscar Hernandez Romero, disappeared. The United Steelworkers (USW) union in the United States announced that “Hernandez opposed the Canadian mining company Torex Gold Resources, which in 2018 banned a campaign to organize miners” of the Media Luna mine. “Such a campaign was suspended after three supporters [of unionization] were killed. And so far no one has been arrested,” it added. The union stated that “the Mexican government must act immediately to locate Oscar Hernandez Romero and investigate the murder of the workers.”

In October, civil organizations expressed their “deep concern” over the statements of the former Attorney General of the State of Guerrero, Inaki Blanco Cabrera, against the lawyer of the La Montaña “Tlachinollan” Human Rights Center, Vidulfo Rosales, “whom he accuses of obstructing the investigations and profit with the defense of the families of the 43 disappeared student teachers.” They affirmed that the statements intend to “divert attention and thus prevent the state authorities of Guerrero from being investigated.”

On November 20, the body of the activist and leader of the Popular Front of the Mountain (FPM in its Spanish acronym), Arnulfo Ceron Soriano, who had been missing since October 11, was found in Tlapa de Comonfort. Tlachinollan regretted that the case was not addressed immediately, but rather until it escalated internationally: “This lack of due diligence in the first hours that followed the complaint, added to the context of macrorriminality, extreme violence, corruption, and impunity that characterize the state of Guerrero make this case very complex.”

In November, the Regional Coordinator of Community Authorities - Community Police (CRAC-PC in its Spanish acronym) denounced the criminalization and persecution of its members by the judiciary after the “counter reform promoted by the State Government that repealed the legal provisions (...) referring to the powers of the CRAC-PC to seek to impart and administer justice, a circumstance that undermines our community institution and generates an permissible framework for the criminalization and prosecution of our regulatory systems.”

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“The absence of permanent spaces for dialogue between the State and indigenous peoples make the consultation of an investment project the only space where all the historical demands of indigenous peoples are addressed, and therefore this requirement for projects of investment is very important.”

In the middle of the month of November of this year, the government of the “Fourth Transformation” convened the authorities and representative institutions of the municipalities and indigenous communities belonging to the indigenous Maya, Ch’ol, Tzeltal, and Tsotsil, among other groups, from the states of Chiapas, Tabasco, Campeche, Yucatan, and Quintana Roo, located in the area of the “Mayan Train Development Project”. The general public of these states was also invited to participate in the Indigenous Consultation process and Participatory Citizen Exercise Day, regarding the Mayan Train Project.

The indigenous consultation intends to establish a dialogue with approximately 3,400 indigenous communities, covering several phases and highlighting 15 regional assemblies, in order to receive their opinions and establish agreements regarding the participation of the peoples that are in the area of influence of the project, both in its implementation and in the “fair and equitable” distribution of benefits.

1 INVITACIÓN A CUANDO MENOS TRES PERSONAS NACIONAL MIXTA NO. TMFON-EA/19-S-01

The project in the words of the government

According to official data, “the Mayan train is an integral project of territorial planning, infrastructure, economic growth, and sustainable tourism.” It aims to connect the main cities and tourist destinations in the five states of the Mexican peninsula in the southeast, through 1,460 km of railway and 18 train stations. The main objective stated is “the social welfare of the inhabitants of the Mayan Zone” through the potential generation of jobs, the economy growth of the area, and the development of infrastructure with basic services to improve the quality of life of the people of the region.

According to the government, “the Mayan Train implies the implementation of a new tourism paradigm that not only seeks to preserve local ecosystems, tourist sites, and cultures as much as possible, but will also generate a context that fosters the recognition and respect of native peoples and the ecology of the region; as well as integrating the population into the dynamics of economic growth.”

During the day, the railway will be used to transport local passengers and tourists, and at night to move cargo. “This will facilitate the commercial flow of local products to meet regional demand and optimize transportation costs.” The train is planned to be built in different phases and times; thus “during 2019, obsolete train tracks that go from Palenque to Valladolid will be rehabilitated, a section that represents half of the route. And in 2020 the construction of the sections of Selva and Caribe II will begin.” They plan to complete the project in four years and start its operation in
The project itself will have an investment of 120 billion pesos. The financing will be sourced by a mixed public-private model. When the government announced the project, they thought about 10% public financing, but in October of this year they announced that this figure will probably be around 40% of public money, leaving the rest for private investment. In November of this year, the president affirmed that “at first it was planned to finance the construction of the Mayan Train through credits, but he clarified that thanks to the savings achieved by his administration in the first year of government, the work will be paid with the 2020 budget so as not to generate more debt to the country.”

The project is supported by the UN-Habitat and the United Nations Office for Project Services (UNOPS). The Secretary of Commerce of the United States government, Wilbur Ross, reported that “they are willing to invest and help to build the Mayan Train and other infrastructure works in the southeast [of Mexico].”

Second consultation for the implementation of the project

The indigenous consultation process on the Mayan Train takes place one year after the first “general” or “citizen” consultation was carried out, in which 946,081 people participated and 89.9% voted in favor of the project. At the time, different communities, activists, organizations, and academics criticized the lack of a specifically indigenous consultation.

After this citizen consultation, on December 16, 2018, AMLO officially initiated the construction program when, through a Mayan ritual, AMLO requested permission from Mother Earth. For May 2019, the National Fund for Tourism Promotion (FONATUR in its Spanish acronym), published the bidding rules for the contracting of the basic engineering services of the train. The consortium composed of SENERMEX Engineering and Systems, Daniferrotols, Geo-technics, and Technical Supervision and Key Capital won, for an amount of just over 298 million pesos.

Subsequently, and on several occasions, the president spoke on the project presenting it as a fact. In September 2019, he expressed that “it is a work accepted by the majority of the inhabitants of the states of Yucatan, Tabasco, Chiapas, Campeche, and Quintana Roo, there is acceptance.” During an event in Campeche, he mentioned that “hail, rain, or shine, kicking or shouting, the Mayan Train is going ahead because it is going ahead.” At other times, he stated the opposite: for example, in relation to the indigenous consultation, he said that “if people say no, we go there; the people rule.”

ILO Convention 169: Theoretical basis - but not practice - of indigenous consultation regarding the Mayan Train

Since announcing the Mayan Train plan, the director of the National Institute of Indigenous Peoples (INPI in its Spanish acronym), Adelfo Regino, has repeatedly mentioned the importance of a prior, free, and informed consultation, in accordance with the terms of Convention 169 of the International Labor Organization (ILO). This Agreement on indigenous and tribal peoples was adopted by the International Labor Conference in 1989 and ratified by Mexico in 1990. It defines the consultation as a human right of collective ownership, with specific scope for indigenous peoples. There are also other laws and declarations, such as the United Nations Declaration on the Rights of Indigenous Peoples that support such consultations.

All these texts imply that an indigenous consultation is a requirement for the Mexican government to initiate a megaproject, such as the Maya Train. In November 2019, Adelfo Regino once again pointed out that “the purpose of conducting a citizen consultation [read indigenous] to begin the construction of the Mayan Train is in order to comply with what is established in Convention 169 of the International Labor Organization (ILO) and to listen to the voice of the people (...) ILO Convention 169 establishes the duty to consult before legislative or administrative measures are made that
have an impact on indigenous peoples and communities.”

A review of the “Protocol for the implementation of consultations to indigenous peoples and communities in accordance with the standards of Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries”, prepared by the National Commission for the Development of Indigenous Peoples (CDI in its Spanish acronym), now INPI, demonstrates that one of the basic conditions for an indigenous consultation is that the consultation be carried out prior to the start of the measures, authorizations, concessions, permits, or actions intended to promoted the project. That is, during the design of the project.

Challenges and criticisms of the consultations

Both in this case and in other projects proposed by the AMLO government, different sectors of civil society denounced that it seems as though “consultation processes are used to legitimize decisions already taken, without the participation of the affected peoples.”

We must take into account, as shown by an ILO regional report that “one of the main obstacles to the implementation of prior consultation in Latin America has been the high level of distrust between the parties that interact in these processes (States, indigenous, and private peoples), which hinders dialogue and the generation of agreements.” According to the report “both [the] State[s] and companies have been slow to understand that a consultation process, not only is to inform and propose compensation measures, but in many cases to make important changes to the investment project, finding ways to give indigenous peoples benefits. In turn, companies must understand that a prior consultation can also conclude that a given project is not suitable for the territory. Regarding the institutional aspects, it can be seen that the lack of consultation structures, official procedures, and teams trained to develop these processes also constitutes a great difficulty in developing consultation processes.”

In Mexico, indigenous consultations which have been conducted, such as the Program for the Development of the Isthmus of Tehuantepec (Trans-Isthmus Train), or the Consultation for Constitutional and Legal Reform on the Rights of Indigenous and Afro-Mexican Peoples, or the (yet to be carried out case of) the Maya Train, fall into the scope of the difficulties mentioned above.

For example, the organizations and communities that make up the Network of Community Defenders of the Peoples of Oaxaca (REDECOM in its Spanish acronym) and adherent organizations talked about an “express” consultation for the Tehuantepec Isthmus Development Program: “We believe that the urgency with which it is intended to be implemented prevents people and communities from properly informing us and using our own forms of community organization and agreement building, such as the Community Assembly,” they said.

The Mexican Network of People Affected by Mining (REMA ion its Spanish acronym), stated that “the consultations are not informed, but manipulated. The imbalance in the power relationship starts with information control. The institutional media generates a social lynching in order to pressure the opponents of the project, it is generating divisions and violence where there were none and, in addition, the information that reaches the communities is insufficient, unintelligible, and without useful value so that communities can make good decisions.”

Victoria Tauli-Corpuz, United Nations Special Rapporteur on the Rights of Indigenous Peoples in her “Technical Note on Free Prior and Informed Consultation and Consent of Indigenous Peoples in Mexico” published in March 2019, called on the government to comply with the international standards of indigenous consultations regarding megaprojects in their territories. She stressed that “citizen consultation processes designed for the national population in general do not guarantee the safeguards of the rights of indigenous peoples enshrined in the international standards of rights of indigenous peoples”; Specific rights “that derive from the distinct character of the models and cultural histories of indigenous peoples, and because current democratic processes are usually not enough to meet the particular concerns of peoples, which are generally marginalized in the political sphere.”

In this regard, it is noteworthy that, along with the indigenous consultation on the Mayan Train, at the same time...
the general public is called to participate in a participatory citizen exercise, with the objective of “facilitating social consensus that contributes to maintain the conditions of unity and social cohesion, promote the strengthening of government institutions and democratic governance.” There is concern that the opinion of indigenous peoples remains as “minority” and therefore “expendable”.

Who should be consulted?

Convention 169 stipulates that indigenous peoples must be consulted through their representative institutions. Taking into account the characteristics of the country, the specificities of indigenous peoples and the subject and scope of the consultation, it is possible to determine which are the representative institutions. Depending on the circumstances, the appropriate institution may be representative at the national, regional, or community level; it can be part of a national network or it can represent a single community. An important criterion is that representativeness must be determined through a process of which the indigenous peoples themselves are part.

In this regard, there are also challenges posed in the ILO regional report, mentioned above. It indicates that according to different studies “indigenous organizations and their representatives are permanently questioned by their peers, which makes it difficult to establish lasting agreements.”

How should they be consulted and how will they be consulted?

In the schedule of the Maya Train consultation process published by the government, we can verify that, in comparison with the indigenous consultation or also called “Regional Consultative Assemblies on the creation of the Tehuantepex Isthmus Development Program”, the different stages of the consultation process are divided over the course of a month. One of the reasons why different organizations and communities spoke about an “express” consultation in Oaxaca, was because each assembly lasted only one day.

In one of his morning press conferences, the president noted that during the regional consultative assemblies, the population of Juchitan voted freehand in favor of the project in the Isthmus. According to the aforementioned, a consultation in accordance with Convention 169, will not seek a vote whose result is limited to “being in favor or being against.” Beyond this, the REMA noted that “the consultations do not include ‘binding consent’. The decision of the community does not determine the future of the project, because consultation is an administrative requirement that requires its exercise for projects that are already at very advanced stages in the generation of interests.”

Officially, the consultation on the Maya train began on November 15th, with an “informative stage.” On November 29 and 30, 15 Regional Information Assemblies will be held before declaring the deliberative phase open in which meetings or assemblies may be held in the communities to reflect on the information received and build proposals, suggestions, or approaches regarding the project.

Subsequently, 15 Regional Consultative Assemblies will be held on December 14 and 15 of this year to receive these suggestions or approaches, which may also be received by email or directly at INPI facilities.

Unlike the previous one, the indigenous consultation on the Mayan Train is a little closer to what is established in Convention 169 on the appropriate procedures that the government “must give enough time to indigenous peoples to organize their own processes of decision making and participate effectively in decisions made in a manner consistent with their cultural and social traditions.”

However, “in terms of consent with full information, (the consultation) could be achieved hypothetically, but knowing how the processes are regarding worldviews and community processes, I do not see it feasible to do so in such a short time. That is, it is possible, but not feasible,” said the former head of the National Commission of Natural Protected Areas (CONANP in its Spanish acronym), Ernesto Enkerlin Hoefflich, in an interview with El Universal newspaper.

Mayan Train: A green and sustainable project?

Another legal requirement that must be met is the Environmental Impact Authorization (AIA in its Spanish acronym). The Mexican Center for Environmental Law (CEMDA in its Spanish acronym) reported that, “any project of this type requires authorization in matters of environmental impact by the Ministry of Environment and Natural Resources (SEMARNAT in its Spanish acronym). In the case of railways, an Environmental Impact Manifestation (EIM) must be submitted in regional modality.” As far as the Mayan Train is concerned, these requirements have also not been fully
met’, which is worrying and will hardly be taken before the indigenous consultation as an element to be taken into account. It is also paradoxical, when the project proposes to look for “green development”, in and/or near several Protected Natural Areas (PNAs).

However, different academics have published environmental impact studies, including a study on the impact on the Calakmul and Balam-kúPNAs in Campeche. They concluded that “both the construction of the Mayan Train, as well as the urban-tourist development proposed by FONATUR, will cause negative effects on the ecological functions of the PNAs of Calakmul and Balam-kú (...) the trends of habitat loss and fragmentation, and it will also cause barrier (blocking and running over) and edge (noise and vibration) effects”.

The government has announced that “they will use existing rights of way, respect environmental reserves,” which will build wildlife passages and protect biological corridors. These mitigation methods are also mentioned in the same study of academics, however they affirm that “despite the implementation of these measures, there are critical points in the Los Laureles-Constitución section, such as the cave of bats, whose deterioration is not compensable with conventional mitigation measures. In addition, the main ecological function of the PNAs in this section, which consists in giving continuity to the flora and fauna of the region, is incompatible with the current design of the urban-tourism project.”

In the Calakmul Biosphere Reserves, and others such as Sian ka’an and the Petenes, “it is forbidden to change land use, establish new population centers, and carry out development projects, since its main purpose is conservation of its environmental characteristics,” says Cemda.

South-Southeast Territorial Reorganization Project

The Mayan Train project is related to the Sembrando Vida (Sowing Life) program, but not only for the repair of environmental damage through reforestation. AMLO explained that the Mayan Train, the Trans-Isthmus corridor, and Sowing Life among other “regional development projects” will serve as “curtains” to “capture the migratory flow in its transit” to the United States and “anchor those fleeing poverty” in these regions.

The Mayan Train, according to Geocomunes researchers, is a “much broader and more complex project: The South-Southeast Territorial Reorganization Project. It is a large regional project consisting of various other initiatives (among which are the Mayan Train, Sowing Life, Special Economic Zones (SEZ), and the Trans-Isthmus corridor), towards a long-term and still unfinished objective: the control, distribution, and neoliberal instrumentalization of territories and peoples of the peninsula.” This broader project can be very abstract for the indigenous communities consulted on the Mayan train if they are offered this information.

Tourism project as development?

According to the 2018-2024 Nation Project of the Morena party, “the archaeological sites of Mayan culture and the surrounding communities must be integrated into national development to better conserve and improve the competitiveness of our tourism offer.”

FONATUR reported in October of this year through the newspaper Reforma that the launch of the Fiber of the Maya Train will be delayed, due to difficulties in negotiations with ejidatarios when six of the 18 trusts were formed in the planned stations: Escarcega, Campeche; Izamal and Valladolid in Yucatan; Coba, Quintana Roo; and Palenque, Chiapas. Note that these agreements were achieved before a formal indigenous consultation.

Although there are different declarations by public officials in this regard, the increase in visitor flows is expected to be exponential. Beyond development, what this will mean for the communities and the affected population should be reviewed.

Inhabitants of the area have declared, referring with fear to what happened in other tourist centers such as Cancun, where, according to an interview from Animal Político, “the Mayan people have only obtained bad jobs, after losing their lands. For them poverty and inequality followed. The areas have become the focus of violence and tourism has brought problems such as drug trafficking and human trafficking.”

Horizons

There are serious doubts about the appropriate consultation processes in a project such as the Mayan Train. Clearly, the stages prior to the ongoing consultation failed to respect several laws, treaties, and conventions ratified by Mexico in order to recognize and protect its indigenous peoples. The fact that the government has not yet met the other requirements, including an environmental or market impact study, is particularly worrying when the information stage is already in progress. It is also feared that the income generated will not be left to the communities themselves. It could also generate more divisions in the already injured indigenous communities both during the same consultation process and when the project is carried out, with resources that benefit some more than others, breaking down the values of communality and solidarity. These are some things to consider when deciding whether or not to endorse the project.

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7 INVITACIÓN A CUANDO MENOS TRES PERSONAS NACIONAL MIXTA NO. TMFON-EA/19-S-01
8 Impact of the Railroad and Tourism Growth Associated with the Mayan Train; mitigation measures and design changes for the Calakmul and Balam-kú reserves.
9 Consultation processes for the Mayan Train.
10 The Mayan Train. A new territorial linkage project in the Yucatán Peninsula.
“What we are defending goes beyond the management of economic resources.”

Community of San Mateo del Mar

With megaprojects such as the Trans-Isthmus Corridor, which will connect the ports of Salina Cruz (Oaxaca) and Coatzacoalcos (Veracruz), 47 thousand hectares already concessioned for mining, 28 wind farms and its great biodiversity, the Isthmus of Tehuantepec is an area of priority for the government of Andres Manuel Lopez Obrador (AMLO). However, it is located in the spotlight, as it is an area of strong community organization for the defense of land and territory, with a high register of threats and attacks on human rights defenders and journalists.

Within this context, between October 15 and 19 of this year, a Civil Observation Mission of national and international organizations, journalists, and diplomatic representatives, visited different communities organized in the Isthmus, and documented the situation of defenders in this area. The Mission sought to “share tools for the defense and protection of human rights defenders,” said the Consortium for Parliamentary Dialogue and Gender Equality (Oaxaca Consortium), co-convener of the mission, adding that another aim is to “know and exchange experiences to collaborate and create a support network” with “a specific focus on women defenders.”

The government of AMLO has defined the south of the country as a priority area, for being one of the poorest parts, offering as “development” megaprojects that in themselves were one of the biggest causes of conflict. Both the impact on daily life, as well as the social and environmental effects on the communities visited, including Union Hidalgo, Santa Maria Mixtequilla, Playa Brasil, San Francisco Ixhuatan on Cerro Grande, San Mateo del Mar, and La Venta, vary greatly, depending on of the specific project that is installed or seeking to enter the territory.

Wind farms, for example, generate a lot of noise, sometimes “day and night,” according to an inhabitant of Union Hidalgo. They can reach up to 90 decibels. The parks are very close to the villages, sometimes a few kilometers away. Villagers link the noise to medical problems in the population...
such as insomnia and heart problems. The most visible and tangible damages are environmental and social. On the one hand, in Union Hidalgo, an “elite” group of people who decided to lease their land to wind companies has been formed and thus generate greater profits. On the other hand, wind farms create a lot of garbage. In Juchitán, there is no garbage dump, which is why companies simply leave their garbage on the side of the road, a few kilometers from the city, where outdoor trash is burned. The wind disperses the garbage while the smoke and smell spread to the surrounding areas.

In the case of San Blas Atempa and Santa Maria Mixtequilla, the PEMEX refinery, which is located in Salina Cruz, carries water through pipes from these communities. In addition to the environmental pollution of the refinery itself, the company generates water shortages. Villagers told of incidents in which they had to close some buildings so that there was enough water left for the harvest. For a few months a year, the demand for water from Pemex is so great that it practically depletes the community’s access to water 24/7.

In La Ventosa it was documented that water and land have turned red from mining. Also, in San Mateo del Mar and San Francisco Ixhuatan, the mining operation contaminated the water. As a maritime region, the source of life for many people is fishing. In addition, drinking water is essential for life. The municipalities have declared themselves free of mining, but the government has not respected their decision.

Initially, the companies pledged to take over the renovation of the roads, build schools, hospitals or universities, provide work or simply give money. In the cases of the communities visited, none of these promises have been fulfilled. On the other hand, they indicate that there have been no prior, free, and informed consultations, in accordance with Convention 169 of the International Labor Organization (ILO).

These situations have been going on for many years. With the Trans-Isthmus Corridor, a project proposed as a priority by the AMLO government, it is feared that the negative impacts will be even greater. To date, communities have not been informed about specific plans. Nor is there a study on social or environmental impact, which has led to speculation and doubt.

However, communities share the experience of defending their rights: the search for legitimacy goes before the interests of the state and large companies. And in that search, there is often the risk of death or suffering some other type of violence. “We can no longer go out at night, sometimes we feel that with our voices, because of that resistance we are mounting to defend what is ours they give us dirty looks, threaten us, intimidate us, it really is a very complicated situation.” “They effectively face systematic attacks such as criminalization, defamation, harassment, threats, disappearances, arbitrary detentions, and murders” Consortium states.

In 2018, 13 journalists and activists were killed in Mexico, a number that was already surpassed by May of this year. At least 14 defenders were killed to date, 10 of them in Oaxaca. However, the inhabitants of the Isthmus affirm that “we continue organizing and walking in this struggle.”

The situation is much more complicated in the case of women, given that their work regularly involves other types of harassment, due to the simple fact of being a woman. In a misogynistic society, they have to fight for participation in a process that concerns them just as much as men. If they succeed, they must strive to be truly heard, within the process and by other actors. By their simple participation, women suffer the same forms of violence and some different manifestations, additionally motivated by the same machismo that prevented them from initially defending themselves.

Because of this violence, polarization, and uncertainty, it is more important than ever to put the Isthmus in the spotlight, not only because of the economic opportunities it offers, but also because of its community strength and the real consequences of development projects. It should be remembered that there are voices that are almost never heard, that speak of another way of treating the earth and defining progress and development. A Civil Observation Mission is a way to amplify and connect these voices.
SIPAZ ACTIVITIES

INTERNATIONAL PRESENCE AND ACCOMPANIMENT

CHIAPAS

Civil Observation Missions
- In October, we participated in a Civil Observation Mission in Campeche to visit Guatemalan families who have been displaced for more than 28 months in Mexico, after the community of Laguna Larga was violently evicted by the Guatemalan army in June of 2017.

Highlands
- In August, we accompanied displaced families from Banavil, municipality of Tenejapa, more than 7 years after the violent events that led to their forced displacement, in a meeting with state and local authorities where their case was reviewed. We also accompanied their provisional return to their community where they wanted to celebrate the Day of the Dead.

Northern Jungle
- In October and November, we were present as observers at an inter-institutional roundtable in which it was assessed how to continue with the process that would initiate a consultation in the municipality of Chilón to choose between the current system of political parties or to move to municipal elections by way of customary methods.
- In November, we were present at the commemoration of the 13th anniversary of the Viejo Velasco massacre, which took place in the community of San Martín Chamizal, municipality of Palenque, at the invitation of Xi’Nich and other civil and social organizations.

Border Region
- In October, we participated in an analysis meeting with various civil and religious actors in the area to discuss the prevailing context in the region.

OAXACA
- In November, we participated in a Civil Mission convened by different civil organizations focused on the situation in the Isthmus of Tehuantepec. The Mission began with a series of activities in Oaxaca City, including the presentation of a Report "It’s Time Now: Effective Public Policies for the Right to Defend Human Rights," the conversation "The Protection of Human Rights Defenders and Criminalization of Defense in Oaxaca: Context and Tools," and a visit to the prison where environmental defender Pablo López Alavéz is being held. In the Isthmus, visits were made to various communities, including Unión Hidalgo, Santa María Mixtequilla, Playa Brasil, San Francisco Xihuatán, and La Venta.

PEACE EDUCATION
- In September, we gave a context presentation with a group of new development workers of the German program, Weltwärts.
- In September, we facilitated a space of context analysis in the meeting of the Meeting of Peacebuilders and Reconciliation, which took place in the municipality of Cancun.
- In August and November, we provided workshops to children and young people in Acapulco - Guerrero, on transformation of conflicts and non-violent options for social protest, a space coordinated by the Collective against Torture and Impunity (CCTI).

NETWORKING
- In October, together with those of us who make up the Global Partnership for the Prevention of Armed Conflicts (GP-PAC) - North America Region, co-convened, co-coordinated, and co-facilitated the Exchange of Experiences Forum. Afterwards, we held the annual meeting of GP-PAC partners in the region.
- In November, we spent several days in Mexico City at Mennonite Central Committee’s (MCC) partners meeting titled “Mexican Context and Peacebuilding: Difficulties and Challenges”.

From mid August to mid November 2019