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#HRC54

Impacts of development projects and indigenous women (Sonora, Chihuahua and Jalisco)

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Good afternoon. Thank you for the opportunity to take the floor.

The impact of development projects on the human rights of Indigenous Peoples, particularly on women, is dispossession. This is not only material; it is also immaterial, and affects the land, the bodies, the spirit or collective conscience in different ways.

There are many development projects that have affected the indigenous people, but there is something in oral history that points out that during the diaspora of the Yaqui people to the southern states of Mexico, women were separated from their children because they "instilled in them hatred for the mestizos". At least that is what some military reports describe.

Because of this affront, Yaqui women do not or did not feel excluded in their rights to territory and access to natural resources, since, like their peers, they were exiled for defending land, water, culture.

In the last ten years, two major projects have impacted the Yaqui people: an aqueduct (2010) and a gas pipeline (2014). Both cases occurred without consultation and with an increase in violence, disappearances, stigmatization and criminalization, in addition to the disregard for the performance and leadership of women in the defense of their territory, natural resources, government and normative systems. Because they question land rights, the collective future and defend the collective spirit.

Yaqui women who are not assigned a land endowment are more vigilant in caring for collective property and natural resources. "The women of the tribe are in charge of transmitting the love for the language, the culture and the territory through stories to their children and grandchildren" (Laura Hernández). Although many of the Yaqui women who have land endowments are also aware of this, they tend to be more aware of their private or family land endowments, as it is common for political operators of megaprojects to intimidate those who have

land rights in order to alienate them, even if the intimidation does not come from the authorities. This is often used to appease a movement in general.

Even so, the women continued to seek more information because the explanation provided about the installation of the gas pipeline only spoke of its benefits. They tried to convince us that as a people we would enjoy benefits with the passage of the pipeline through ancestral lands, among them the installation of companies in the territory -which is a form of colonization-, and also that it would increase the value of our land (surplus value). This was an insult, because the territory already has a sacred value, for all the goodness it offers, medicine, food, sacred places and places of historical importance, to mention a few.

When the women saw that the construction of the gas pipeline in the territory had begun even without their consent, they appealed to the federal justice system. The judge did not give reason to the Yaqui people, since other peoples had signed the consent - without consultation, without informative meetings in the community decision-making meeting places, and without a general assembly at the end where all the people expressed their consent. In this case, the women were threatened and warned to leave the traditional authorities alone, as they were the main defenders of the territory, of governance and decision-making by consensus.

In addition, the negotiators reported that there was excellent acceptance of the project by other peoples, such as the Rarámuri in Chihuahua - until a meeting was held with them and it was learned that they had been told the same thing, that among the Yaqui there had been great acceptance and that the installation of the pipeline had already been completed.

In the state of Chihuahua, in Rarámuri territory, the development projects were the Creel Airport and a gas pipeline. In this case, the Repechique community also filed an injunction for lack of consultation to carry out the project¹. They were not taken into account because they did not have title to the land, which they have inhabited since before the creation of the ejidos or the granting of any property title. The court ruled taking into account the ancestral possession and ordered a consultation under international standards, as well as reparation for the immaterial (moral) damage caused to the culture, identity, possession and cosmovision of the indigenous people of Repechique.

In order to comply with the sentence, the community and the State Government created a Trust in 2017. The purpose of the Trust is to carry out productive projects of collective benefit. Among others, the community presented to the technical committee of the Trust a sewing workshop project, which was approved, and construction began in April 2020. Just one month later, members of the community building the workshop began to be harassed by agents of the state

¹ On November 28, 2014, the community of Bosques San Elías Repechike won the amparo 422/2014, the 8th District Court resolved to recognize the rights derived from the ancestral possession of the community in the area indicated in the lawsuit, i.e. in the 11,417.52179 hectares.

prosecutor's office, who arrived at the construction site in elaborate operations, arguing the existence of a complaint for dispossession, theft and damage to the environment initiated by private owners of titles to these lands. On August 13, security measures were established and 50 people were detained, preventing them from continuing with the construction of the workshop (investigation file C-I- 09-2020-00148).

This prompted the community to file Amparo 1199/2020 before the First District Court against the security measures of the Chihuahua State Attorney General's Office. The suspension was granted, and the injunction was extended to request that the investigation file be archived. The amparo was granted ². The construction of the workshop, which was inaugurated on Friday, June 11, 2021, was restarted.

The Rarámuri people have managed in some cases to gain access to justice and the protection of the law through amparos, but they are unable to enjoy the rights they have won. When everything seemed to be going well, the criminal harassment began. The person in charge of the sewing workshop project, Teresa González Parra, received an arrest warrant for the probable crime of theft, dispossession and crimes against the environment. Not only Teresa González Parra was criminalized for these facts; also, the Raramuri governor Nicolás has an arrest warrant.

Once again Teresa's case (Exp. 587/2020) and that of the Raramuri governor (Exp. 836/2021) were appealed. This was granted and a complaint was filed for a guarantee. Currently the investigation files are still open, and in May a new investigation file, 528/201, was reported.

There is notable structural discrimination against the Rarámuri people, who have demanded legal recognition of their territory since before the modern Mexican State and have not received justice.

Amparo after amparo the State has been told that it is titling the ancestral territory in the name of private individuals and granting logging permits given by the Ministry of Environment and Natural Resources (SEMARNAT). Among the pending matters are the response to the amparo filed in 2018 demanding legal recognition of the territory; the expropriation request submitted to the State Government by the community; amparo 642/2018 in the tenth District Court claiming title to the San Elías Repechique Forest Territory, and the definitive cancellation of the forest harvesting permits. Currently the sewing workshop is in operation, but criminalization continues, and the investigation files have not been archived.

In 2018, the community of San Juan de la Laguna, municipality of Lagos de Moreno, Jalisco, was also impacted by a gas pipeline imposed without consultation, information or even consent. The Chichimeca women say that they

² The preliminary hearing was held on December 19 and the community was granted amparo.

became aware of the project when work began, affecting the only natural body of water in the region. In addition, the lagoon is being contaminated; this is known because thousands of fish have died. The women tried to make this situation visible but were criminalized. They had to stop some activities with their children because their tranquility was affected, so they went out to defend and put their bodies to prevent the installation of the gas pipeline.

Due to the criminalization, some inhabitants of the community were arrested, among them a woman who was mistaken for one of the leaders and who suffered diabetes because of this episode.

The Chichimeca people of La Laguna were ignored by the various authorities, such as the municipality and the state, arguing that they are not in the registry of indigenous peoples. It is paradoxical that all the resources destined for the community are in the possession of the municipality when they do not know of the existence of an indigenous people. This is supposedly because they have not preserved part of their culture, since colonization destroyed elements such as community government structures, clothing, and language. The municipality is unaware of the existence of the indigenous people but disposes of the resource by blocking access to this socioeconomic benefit. In the midst of this, the Chichimeca women have not given up and their case continues.

In the first case, the Yaqui were not granted the right, the amparo was denied on the grounds that the rights of the Yaqui people of Loma de Bacum, Sonora were not violated. In the case of Repechique, the amparo is granted and a Trust Fund is created with the objective of productive projects of community benefit, but when they are carried out, the authorities, such as Teresa Gonzalez Parra, are not recognized and criminalized. And in the third case, the legal process is still ongoing, and the people have also been criminalized, including some of the women leaders.

In the midst of violence and sadness I want to mention women who continue to give us hope, such as the Purhépecha women of Michoacán who defend their territory in Cherán, which exercises autonomy and its own government. To the Nahua women of Puebla with their business initiatives, with the COTIC (Comité de Ordenamiento Territorial Integral de Cuetzalan). To Masehual Siuamej, an autonomous Nahua women's organization that manages businesses of various kinds such as tortilla factories, a hotel, a pharmacy and a handicraft store. To the women Abejas de Acteal for their strength and also for the organization's business initiatives: coffee, honey and handicrafts.

Finally, I would like to refer to the fact that when the World Bank finances projects, it should demand proof of respect for human rights, especially when these projects affect indigenous territories and especially women, because only they are the ones who can say whether something external will affect them or not.

If there is not, it would be excellent to have a department, area, or directorate with knowledge of indigenous rights that is in charge of verifying compliance with this aspect, in order to give a balance to the peoples and communities in the face of companies that have the full backing of the three levels of government.

That even when the companies indicate that they have complied with the respect of these rights, that this information be directly verified, that they seek a direct channel with legitimate authorities, not with those created to simulate this respect or created to legitimize or obtain consent for development projects.

It is still necessary that the indigenous communities be duly advised regarding their rights in the face of development projects, particularly with respect to possible compensation in accordance with the law.

The participation of women in the negotiation and consultation processes be reviewed by an international body to ensure that it is inclusive, because exclusion is not a cultural issue of the Indigenous Peoples.

There are many spaces where women play the main role, but their participation is invisible in order to protect them, but this does not prevent them from being taken into account. No woman with her important contributions should be forced to abandon her work of defense and activism in favor of her culture and rights as a woman.