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## Jalisco, Colima States Involved in Nasty Territorial Dispute

*by LADB Staff*

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Territorial disputes are not uncommon between countries around the world but are a bit more unusual between states within the same country. In Mexico, a bitter land dispute between the western states of Jalisco and Colima developed in the late 1980s and continues unresolved to this date, partly because of changes to the Constitution that left the high court (Suprema Corte de Justicia de la Nacion, SCJN) out of the equation.

The animosity between the two states reached such a high level this year that the federal government was asked to send troops to keep the peace. The disagreement also has partisan undertones, with the governing Partido Accion Nacional (PAN), which has controlled the Jalisco statehouse for more than two decades, and the opposition Partido Revolucionario Institucional (PRI), which governs Colima, accusing each other of worsening the situation and failing to act in good faith. The most visible evidence of the dispute regards ownership of the Pena Colorada mine, which spans 5,000 hectares.

The facility, owned by the Argentine-Italian consortium Ternium, contains deposits of 200 million tons of iron ore and is the main supplier to Mexico's largest steel companies. The mine is physically within the territorial limits of Colima state, but the concession documents filed with the Secretaria de Economia (SE) in March 2000 registered the mine in Cuautitlan on the Jalisco side of the border. The mine is in an area that Jalisco claims was ceded without justification in the 19th century.

But the dispute regarding the mine is only a piece of the fight about territory, which includes the communities of Minatitlan in Colima and Cuautitlan in Jalisco. Supreme Court unable to intervene. A major problem for the two states is the inability to resolve the dispute through the courts. In 1998, the SCJN agreed to hear Jalisco's claim to the land but failed to hand down a decision after several years because of the complexity of the issue. The high court eventually had to relinquish the case after the Senate approved constitutional reforms that placed territorial disputes in the hands of the upper house of Congress, effective in December 2005.

The Senate has created a commission to deal with the matter, but the panel has taken little action on the Jalisco-Colima row. As a result, cooperation between the two states has suffered. Tensions have simmered below the surface for a number of years with two other areas under dispute: the region near the Volcan de Colima-Cerro Hijos and the coastal region of Pena Blanca, Playa de Oro, and La Culebra. "The municipalities of Manzanillo in Colima and Cihuatlan in Jalisco both claim La Culebra and nearby El Rebalse as part of their territory," said the Mexico City daily newspaper La Jornada. There are economic reasons for the two sides to both lay claim to the land. For example, the dispute about the coastal communities is rooted in the economic potential of the area. "This land contains developments and tourism complexes, such as Pena Colorada, which signify millions of dollars in revenues," specialists at the Universidad de Guadalajara (UdeG) said at a forum on July 13. The most contentious of the three areas, however, is the Cuautitlan-Minatitlan region, where the Pena Colorada mine is located. Tensions took a turn for the worse this year because the territorial

boundaries remain unresolved. Violence nearly erupted in April, after Colima Gov. Silverio Cavazos Cevallos sent a contingent of state police to prevent workers hired by the municipality of Cihuatlan in Jalisco from digging a well in the disputed territory. The argument regarding land goes far beyond the mine and includes several adjacent communities, including Plan de Mendez. In the 1950 census on population and housing, the government's statistics agency (Instituto Nacional de Estadística, Geografía e Informática, INEGI) placed Plan de Mendez in Colima. The 2005 census, however, considered the community part of the Cuautitlan municipality. "One of the problems in these communities under dispute is that a portion of the population considers itself part of Colima and the other a part of Jalisco," said La Jornada. The newspaper said a number of residents would prefer to remain in Jalisco because that state has supported their communal lands (ejidos) and also distributed benefits through federal social programs like Procampo. State governments send police to disputed area. The situation worsened in June, when Colima police arrested eight employees of a company hired by Jalisco state to restructure and upgrade a hanging bridge that connects Paticajo in Colima with Plan de Mendez. After booking them and taking their fingerprints, Colima authorities released all but one of the detainees. "The person detained is innocent," said Cuautitlan Mayor Gerardo Palacios Campos. "He is being detained like a prisoner of war." The situation escalated to such an extent that both governors sent small contingents of state police to the area. Furthermore, Cavazos ordered roadblocks to be set up in the area. Jalisco Gov. Emilio Marquez called the actions of the Colima governor "provocations" and responded by increasing the number of state police in Plan de Mendez. He said his administration would take whatever actions were necessary to "guarantee the integrity of our state." Cavazos responded with his own act of bravado. "We are not scared that Jalisco is going to triple its police presence," Cavazos said in a news conference. "We have been very emphatic about our desire to resolve our disagreements through dialogue, but if there are any acts that violate our harmony, then we won't just stand there with our arms crossed." Even though no shots were fired, there was enough concern about the potential for armed conflict that the two governors agreed to call on President Felipe Calderon's administration to send troops. Once the contingent of 30 soldiers arrived, the two governors agreed to withdraw their state police units. "The two governors felt comfortable with the request for the federal government to send troops to replace the state police to patrol the area," said deputy interior secretary Abraham Gonzalez Uyeda. PAN-led Jalisco governors and PRI-led Colima chief executives have carried on the dispute for a couple of decades. Even though the disagreements developed in the 1980s, more than a decade before the PAN took over the governor's seat in Jalisco, the issue has had some partisan characteristics for the past 15 years. Some observers say the dispute escalated in 1998 when then Gov. Alberto Cardenas, who ended the PRI control of the Jalisco statehouse (see SourceMex, 1995-02-15), filed the lawsuit that claimed more than 40,000 ha in Colima. Francisco Ramirez Acuna, who succeeded Cardenas as chief executive in Jalisco, continued Cardenas' efforts, also clashing with his PRI counterparts in Colima. Ramirez Acuna currently serves as interior secretary and could possibly serve in a mediating role in the dispute. Cardenas is also a member of President Felipe Calderon's Cabinet, serving as agriculture secretary. The presence of the federal troops has helped reduce tensions, but animosities remain between the two governments. Shortly after the arrival of federal troops, Colima officials accused Jalisco Gov. Gonzalez Marquez of continuing efforts to gain control of some of the disputed territory. "[The Jalisco governor] is doing this even though the Senate has not determined how to resolve this issue," Colima's government secretary Hector Michel Carmona said on July 9. Experts say Senate not best arbiter of legal dispute Some critics argue that the Senate is not the best entity to arbitrate the dispute and that the issue should be returned to the high court. Universidad de Guadalajara (UdeG) experts said the court should

have retained jurisdiction on this particular dispute even after the Congress approved changes that gave the Senate the power to make decisions on land disputes. "One cannot retroactively apply a law that harms a certain party," said Hirineo Martinez Barragan, director of the geography and territorial studies department at UdeG. Martinez and UdeG legal experts argued that the issue not only will become highly politicized in the Senate but that legislators lack the necessary legal background to make the appropriate decision. Francisco Ramirez Reynoso, a legal expert at UdeG, said he is confident that any decision based strictly on the Constitution would result in the return of all disputed territories to Jalisco. Other legal experts say Jalisco has long held expansionist ideas. "Jalisco has had interest in the mining region of Minatitlan since the 19th century," said Guillermo Ruelas Ocampo, a law professor at the Universidad de Colima. Additionally, he noted that Jalisco failed in an effort to create a major seaport at La Culebra that would have marginalized the nearby port of Manzanillo in Colima. Several senators agree that a resolution to the case could take a long time. "Neither side wants to give in," said Sen. Ramiro Hernandez Garcia. Hernandez Garcia said the Senate commission studying the case would have to come up with various scenarios to determine the states' territorial boundaries. Rather than wait for a solution from the Senate and risk further escalation of the conflict, Colima government secretary Hector Michel and his Jalisco counterpart Fernando Guzman met with deputy interior secretary Abraham Gonzalez to draft a series of measures to help reduce tensions. These include an agreement to allow the federal government to assume reconstruction of the bridge connecting Patitajo with Plan de Mendez and the creation of a joint security plan that would allow the federal government to retire its troops from the disputed area.

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