

11-18-2009

## Jalisco Communities, Environmental Groups Seek To Halt Construction Of Dam Near Guadalajara

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/sourcemex>

---

### Recommended Citation

LADB Staff. "Jalisco Communities, Environmental Groups Seek To Halt Construction Of Dam Near Guadalajara." (2009).  
<https://digitalrepository.unm.edu/sourcemex/5355>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in SourceMex by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

## **Jalisco Communities, Environmental Groups Seek To Halt Construction Of Dam Near Guadalajara**

*by LADB Staff*

*Category/Department: Mexico*

*Published: 2009-11-18*

Three communities in Jalisco state, the environmental advocacy organization Centro Mexicano de Derecho Ambiental (CEMDA), and other human rights advocates have joined forces to explore taking legal action to stop the Comision Nacional de Agua (CONAGUA) from constructing El Zapotillo Dam on the Rio Verde in Jalisco state. Authorities had planned two dams in the state, El Zapotillo and Arcediano, to supplement water supplies in Guadalajara and other nearby communities. Recently, construction of Arcediano was postponed indefinitely because of much higher-than-expected cost estimates, but work on El Zapotillo is expected to proceed unless CEMDA and other opponents succeed in blocking the project.

### *Project intends to ease water shortages in Guadalajara*

El Zapotillo, which would have a capacity of more than 900 million cubic meters of water, is expected to provide water to Guadalajara, the Los Altos communities in Jalisco state, and the city of Leon in Guanajuato state. The project would require investments of about 5.3 billion pesos (US\$406 million), with costs divided between the federal government and the private engineering companies that will construct the dam.

The bid was awarded to a consortium comprising Peninsular Compania Constructora, FFC Construccion, and Grupo Hermes. Jose Luis Luege Tamargo, director of the Comision Nacional de Agua (CONAGUA), said El Zapotillo would go a long way toward easing a pending water shortage in Guadalajara, Mexico's second-largest city. Federal and state authorities estimate that Guadalajara's water supplies will last another three years if no new dams are constructed. The city relies heavily on water from nearby Lago Chapala, whose supplies at times have fallen to dangerous levels (SourceMex, June 27, 2001 and October 22, 2003).

Although dams like El Zapotillo could ease a pending water shortage, opposition has arisen from environmental and human rights organizations and local residents, who argue that their positions are not being taken into account when these projects are planned. Three communities that would be displaced by El Zapotillo have formed the organization Comite Salvemos a Temacapulin, Acasico y Parmalejo to fight the project. Residents of the three communities complain that they are being harassed by legislators from the governing Partido Accion Nacional (PAN) and CONAGUA to back off from opposing the project. "A spokesman for the organization identified PAN Deputy Jose Luis Iniguez as one of those who has warned [residents] that if they don't negotiate, they will lose their lands," said the Mexico City daily newspaper La Jornada.

Another major supporter of the dam is PAN Gov. Juan Manuel Oliva of Guanajuato because the water from the facility would benefit the industrial city of Leon. Rather than succumb to the pressure, the organization has joined forces with environmental and land-rights advocates and

indigenous-rights organizations like Colectivo COA to file legal action asking the courts to nullify the government decree granting concessions to private companies to construct the dam. COA attorney Claudia Gomez said the coalition also plans to file a complaint against CONAGUA for failing to fully comply with the environmental code (Ley General de Equilibrio Ecologico y Proteccion Ambiental, LGEEPA), which requires an environmental-impact study (Manifestacion de Impacto Ambiental, MIA). CONAGUA did conduct an MIA, but later changed some of the dam's dimensions. COA said that, by making this change, CONAGUA was obligated to conduct a new MIA. Project supporters accuse "outside interests" of inciting local residents. "If we examine the situation closely, you'll see that 90% of those opposing the project are people who have nothing to do with El Zapotillo," said Jorge Videgaray, president of the council of the Sistema de Agua Potable y Acantarillo de Leon (SAPAL).

### *Opponents bring fight to OAS human rights commission*

The battle regarding El Zapotillo has repercussions beyond Mexican borders. CEMDA has joined more than 40 other international environmental organizations in bringing concerns about El Zapotillo and several yet-to-be constructed dams in Latin America before the Inter-American Commission on Human Rights (IACHR) at a hearing in Washington in early November. The IACHR is an agency of the Organization of American States (OAS). Representatives of the organizations opposing construction of the megaprojects testified at the IACHR hearing, calling attention to the violations and omissions made by various governments in constructing other large dams in Latin America, including Yacyreta in Argentina-Paraguay, Rio Madeira in Brazil-Bolivia, Baba in Ecuador, Chan-75 in Panama, and La Parota in the Mexican state of Guerrero. Environmental concerns and displacement of local communities were also major issues when ex-President Vicente Fox's administration first proposed constructing La Parota in 2005 (SourceMex, September 14, 2005).

Opponents were able to convince a district court to temporarily halt the project (SourceMex, October 04, 2006), but a federal court later allowed construction to proceed (SourceMex, November 28, 2007). "Through case studies, we document how governments generally disregard important international obligations and standards, such as the need to conduct proper environmental and social-impact assessments," nearly a dozen organizations, including CEMDA, International Rivers, and the Asociacion Interamericana para la Defensa del Ambiente (AIDA), said in the recent report, *Large Dams in the Americas: Is the Cure Worse than the Disease?* The conclusions of the report were presented to the IACHR. "We also show how local families suffer when they are displaced or forcefully evicted by dams and lose valuable farmland, water sources, or traditional fishing areas," said the report. "We further document how the people most harmed by large dams are those from disadvantaged populations, including indigenous, afro-descendent, and poor farming communities." "More than 1 million people, the majority of whom are members of indigenous communities or campesinos, have been affected by the large dams in Latin America," AIDA official Rafael Gonzalez said in testimony before the IACHR. "There are more than 300 large dams that have been proposed for the region, potentially affecting the way of life of hundreds of thousands of people and threatening destruction to important ecosystems." Representatives of several Mexican organizations were among those testifying at the IACHR hearing.

Marco Von Borstel, a representative from the Instituto Mexicano de Derecho Comunitario (IMDEC), said the government left the affected communities out of the planning and consultation process

and ignored recommendations by the Comision Estatal de Derechos Humanos de Jalisco, which asked that an alternative be found to the construction of El Zapotillo. "The [residents of the three communities in Jalisco] were not consulted nor given information by the government," said Von Borstel. Rev. Gabriel Espinosa, a Catholic priest who serves the three affected communities, also presented a case on behalf of the residents. He said communities in Jalisco acknowledge the need for the government to try to meet the energy and water needs of Jalisco. But, he said, "there are better alternatives" involving projects of a much smaller scale that promote the use of less-expensive renewable energy. The CIDH, which has the power to make recommendations to governments, is not planning to take action in the El Zapotillo case until all legal avenues are exhausted in Mexico. There are currently six individual cases filed in Mexico against the project and one collective complaint by the 33 residents of Temacapulin.

### *Government moving ahead with project despite opposition*

Despite the opposition, the government is planning to proceed with El Zapotillo. "The contract has been signed with the consortium that will be involved in the project," said Luege. "CONAGUA has obtained 100% of the land, and we have a schedule set for construction. There is nothing to stop the project." But there was another major glitch that CONAGUA had to resolve. Grupo ICA and the Cota-Vise-Infrocsa consortium, two consortia that failed to win the concession for El Zapotillo, filed a formal complaint with the Secretaria de Funcion Publica (SFP) alleging a lack of transparency in the process that awarded the bid to the Peninsular-FFC-Hermes consortium. The SFP agreed to investigate the matter. The project has also come under debate in the federal Congress, with the water resources committee (Comision de Recursos Hidraulicos) summoning Luege to testify.

Project supporters, including PAN Sen. Alberto Cardenas, said projects like El Zapotillo would benefit millions of people in Mexico. In addition, he said, construction of El Zapotillo would reduce pressure on the overtaxed Lago de Chapala. But other voices in Congress oppose the plan. For example, Deputy Juan Ibarra Pedroza of the Partido del Trabajo (PT) demanded that President Felipe Calderon cancel El Zapotillo because of problems with its location and the negative impact it would have on the communities of Temacapulin, Acasico, and Palmarejo. Second dam in Jalisco postponed because of cost overruns El Zapotillo appears to be the only alternative for the government in the near term.

Just weeks before the decision was made to move forward with the project, Luege announced plans to put construction of the Arcediano dam on the back burner because of escalating project-cost estimates. Arcediano, whose site was closer to the Guadalajara metropolitan area than El Zapotillo, was also viewed as an alternative to ease pending water shortages in Mexico's second-largest city. When authorities first announced the plan in 2002, local experts warned that major engineering flaws would result in huge cost overruns.

A series of studies concluded that construction costs at the planned Barranca de Huentitlan site could escalate to about 15 billion pesos (US\$1.14 billion), more than three times the original estimate of 4.5 billion pesos (US\$344 million). Federal officials had not considered that the geography would require a much larger and more complex concrete wall over the Rio Santiago, which would have resulted in the higher costs. "I think this is an important lesson," said Jose Antonio Gomez Reyna,

a researcher at Universidad de Guadalajara. "Authorities have to listen to the experts and then find the most viable option." Environmental organizations viewed the postponement of Arcediano as a victory.

Groups like the Fundacion Cuenca Lerma Chapala Santiago asked the government to create a much more open process in the event that it decides to revive the project at a different site. "A lot of money has already been spent on this project, and yet information was kept from the public," said Jaime Eloy Ruiz Barajas, a researcher at the Universidad de Guadalajara. Observers are unsure whether the government will resume the Arcediano project at a different location given the uncertain economic situation. CONAGUA has raised the possibility of finding a new location on the nearby Rio Verde, which merges with the Rio Santiago, and constructing a dam that is one-tenth the size of the one that was cancelled. [Note: Peso-dollar conversions in this article are based on the Interbank rate in effect on Nov. 17, 2009, reported at 13.04 pesos per US\$1.00]

-- End --