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Federal Government Reaches Truce with Yaqui Indians in Aqueduct Dispute

by Carlos Navarro

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President Enrique Peña Nieto’s administration has reached a truce with Yaqui Indian communities in their dispute about water rights in the Río Yaqui. The dispute centers on the Acueducto Independencia, a waterway that captures 634 gallons of water per second from the Río Yaqui and diverts it through 130 km of pipeline between Presa El Novillo and the state capital of Hermosillo (SourceMex, July 31, 2013).

The Yaquis, who have opposed the project from its inception, argue that the Sonora government usurped their water rights and violated the law by ignoring court orders to halt construction and then to stop operations of the aqueduct. The aqueduct, which has the capacity to transport about 75 million cubic meters of water to Hermosillo annually, has already caused a water shortage in the Yaqui communities, said Yaqui leader Tomás Rojo Valencia.

After months of negotiation, the Peña Nieto administration and Yaqui representatives finally reached an agreement on Jan. 21, guaranteeing that the water extracted from the Río Yaqui would only be used for human consumption in Hermosillo and that the administration would respect court rulings spelling out the rights of the region’s Yaqui and campesino communities. The Suprema Corte de Justicia de la Nación (SCJN) has issued two rulings against the project, one based on the illegality of extraction permits and the other based on illegal occupation of federal land.

The Jan. 21 agreement—the Convenio de Coordinación y Conceptualización Temática con Autoridades Tradicionales de la Etnia Yaqui—was signed at the headquarters of the Secretaría de Gobernación (SEGOB) in Mexico. Among those endorsing the document were Interior Secretary Ángel Miguel Osorio Chong, Sonora Gov. Guillermo Padrés Elías, deputy interior secretary Luis Miranda Nava, and David Korenfeld of the Comisión Nacional del Agua (CONAGUA). The agreement represented somewhat of a breakthrough between the Sonora state government and the Yaqui community, since this was the first time that the two sides sat down face to face at the negotiating table. In his Twitter account, Padrés Elías later described the meeting as "excellent."

While the Jan. 21 agreement appeared to be a good step toward resolving the dispute, there were a few bumps on the road. On Jan. 29, the Yaqui government issued a communiqué accusing the state government, and specifically CONAGUA, of having negotiated in bad faith. In the statement, the Yaqui leaders said an agreement signed between CONAGUA and Sonora state authorities violated the terms of the original accord. The Yaqui communities said an agreement signed between Sonora state and CONAGUA on Jan. 23 guaranteed that water from the pipeline would supply both the city and the municipality (which includes the outlying communities) of Hermosillo, "This goes beyond the scope of the original agreement," said a document put together by the legal advisors of the Yaqui tribe.

Furthermore, the Yaqui community objected to the absence of language in the Sonora-CONAGUA agreement that specified that the pipeline would only be used to supply water to Hermosillo "during a time of real need and emergency for the city."
"The agreement has to be respected as is," said Rojo Valencia, who led a delegation that met with Miranda and Korenfeld at the SEGOB offices just days after the text of the CONAGUA agreement with Sonora state was announced. The meeting appears to have served its purpose. Rather than risk the progress made in resolving the issue, the Peña Nieto administration revisited the issue with the Yaquis and offered reassurances that the terms of the Jan. 21 agreement would be followed.

Yaquis agree to suspend highway blockade

In return for the government’s concessions, Yaqui leaders agreed to suspend a roadblock that had been in place on a section of the Mexico City-Nogales federal highway (Carretera Federal México 15) since May 2013.

The Yaquis and supporters—including the Movimiento Ciudadano por la Defensa del Agua (MCA) and agricultural producers from the Valle del Yaqui—set up the intermittent blockade to pressure the Sonora and federal governments to take the concerns of the Yaqui communities more seriously. When the terms of the Jan. 21 agreement came into question, protestors increased the length of the blockade by one hour in both the morning and evening.

"These promises by the administration restore our confidence in the federal government," Mario Luna Romero, a spokesperson for the Yaqui communities, and the MCA said in Vicam, the capital of Yaqui nation. "Because of this, the eight Yaqui communities represented here have determined to suspend our public protest on the international highway."

Long-term dispute not yet resolved

Still, Yaqui leaders said the federal and state governments were exaggerating when they spoke about the implications of the truce. "[Gov. Padrés Elias] and the Secretaría de Gobernación left the impression that the problem has been resolved," said Citlalli Hernández, a spokesperson for the Yaqui tribes. "This worries us."

Federal officials and leaders of the Yaqui community are expected to continue discussions on the long-term plans for the Acueducto Independencia, and the tribal communities are hopeful that aqueduct operations can be suspended altogether.

Area agricultural producers, who were forced to find alternative routes or adjust shipping schedules to transport their produce to avoid the Yaqui blockade, welcomed the truce. Gonzalo Beltrán Collantes, director of the Confederación de Asociaciones Agrícolas del Estado de Sinaloa, said the highway blockade complicated shipments of fruits and vegetables to the US market, although actual losses were difficult to quantify. The additional costs, he said, would come in the increased operational expenses, including refrigeration, fuel, and other transportation-related expenditures.

Jorge Cons Figueroa, a representative for the trucking industry chamber in Sonora (Cámara Nacional del Autotransporte de Carga) said schedules were adapted to avoid the times when the highway was blockaded. "Fortunately for us, the hours when the highway was going to be closed were made clear," said Cons Figueroa. "We organized our schedules around those hours and were able to get through."

The MCA argues that the water in Presa El Novillo, where the water for the Acueducto Independencia originates, belongs only to those who reside in the Río Yaqui basin. "The federal government has put all its attention on resolving the immediate conflict but has not made an effort
to solve the problem in the long term," said MCA spokesperson Alberto Vizcarra Osuna. "The water crisis is Sonora is not resolved by distributing a resource that is already very limited."

Despite Vizcarra’s assertions, federal authorities are looking at other ways to resolve the water shortage in Hermosillo, the Sonora state capital, including allocating about 100 million pesos (US$7.5 million) through CONAGUA to boost infrastructure and install state-of-the art equipment to better measure water usage and prevent waste.

"The internal problems of Hermosillo have to be resolved," said Rogelio Díaz Brown, mayor of the community of Cajeme, in the Valle del Yaqui, which has locked horns with the Padrés Elías administration regarding water policies. Among other things, Díaz Brown suggested that the city consider options such as a desalination plant and a treatment facility for wastewater.

Still, Díaz Brown said he was satisfied with the agreement that the federal government reached with the Yaqui community. "What is important is that we reached this point through dialogue," said the Cajeme mayor.

Hermosillo Mayor Alejandro López Caballero met with a delegation from the Yaqui community a few days before the Jan. 21 agreement was signed. By all accounts, the meeting went very well. "What is important is that conciliation is being reached through dialogue," said López Caballero. "The ideas and opinions of all involved, including the interests of those who are affected, were placed on the table." [Peso-dollar conversions in this article are based on the Interbank rate in effect on Feb. 19, 2006, reported at 13.33 pesos per US$1.00.]

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