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Construction of Natural Gas Pipeline in Chihuahua Encounters Resistance From Some Raramuri Communities

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The construction of a pipeline to carry natural gas from El Encino in Chihuahua state to the port of Topolobampo in Sinaloa state has encountered resistance in some Raramuri communities in the Sierra Tarahumara, which fear environmental damage to their ancestral lands. The strongest resistance has come from the community of San Elías Repechike in the municipality of Bocoyna. The Raramuri people are also known as the Tarahumara.

Mexico's federal electric utility, the Comisión Federal de Electricidad (CFE), awarded the concession to TransCanada to construct the 530 km pipeline as part of a 25-year transportation contract. The El Encino-Topolobampo pipeline was expected to connect other similar ducts along the route. "Mexico's government is engaged in a comprehensive plan to expand the nation's electrical grid and generating capacity, and much of that generation will be natural gas-fired," Russ Girling, TransCanada's president and chief executive officer, said shortly after the concession was awarded in 2012.

Construction of the pipeline was begun in mid-2014 but was halted temporarily while consultations were held in the Raramuri communities. The process has been rife with errors and missteps, as the Canadian company attempted to negotiate directly with each community, which is a violation of international law.

The Coordinadora Estatal de la Tarahumara (CET), the state agency that works directly with the Raramuri communities, was forced to intervene directly in the case to ensure that a full hearing was held in each community.

"According to the law, negotiations between private parties are legal," said CET director Miguel Ángel González García. "However, since indigenous communities are involved, certain norms should be followed at the local, national, and international level. Whatever decision is made must include a consultation process."

Objections 'falling on deaf ears'

Some critics wondered whether state and federal authorities and TransCanada are using the hearings to truly listen to the concerns of each of the Raramuri people. Javier Ávila, a Jesuit priest who works as a human rights advisor to Raramuri communities, said the main concern of the residents is that they are not receiving full information about the project and that their concerns are not fully taken into account, particularly the potential of major environmental damage to their ancestral lands.

"We're scared, we're very scared," Melesio Torres, governor of the community of Pitorreal, told the daily newspaper El Universal. "No one has explained anything. They just arrived and began cutting down trees, then they brought the pipes; we don't know what risks are involved."

Other critics noted that community representatives were being offered faulty translations in their native language, which might have resulted in a lack of understanding of what residents were surrendering. "The people hired to perform simultaneous translations should be trained in terminology and basic concepts related to the material they are going to be translating," said Citlali Cortés, an expert from Instituto Politécnico Nacional (IPN), who was present at the public hearing held in the community of Bawinocachi.

"In addition to a deficient translation, the representatives of the company constructing the pipeline did not answer questions posed by Raramuri people," Cortés told the weekly news magazine *Proceso*.

Luis Javier Pérez Enríquez, leader of the community of San Elías Repechike, sent a letter to TransCanada and to the CET asking that the pipeline be rerouted away from their communities, and any work must protect the forests, watersheds, and prairies in the Sierra Tarahumara. The appeal also went to the Secretaría de Energía (SENER) and the CFE. The letter pointed out that there is still time to make modifications to the project, since actual work had not begun.

Pérez Enríquez and fellow leader Emilio Enríquez repeated the request at the public hearings hosted by SENER and the CFE in the community of Creel on Feb. 21, Pérez Enríquez and Enríquez attempted to make their case to reject the construction of the pipeline through their land, but their comments seem to fall on deaf ears.

Instead of cooperation from the company, community leaders say they received threats from TransCanada, which wants to avoid construction delays.

Critics agree that the consultation, which took place on Feb. 21, was a simulation, as the concerns of the communities were not taken into account. "State official Miguel Ángel González issued a statement at the end of the hearing saying that the construction of the pipeline would proceed even though the governor of Repechike, Luis Javier Pérez, informed them of the opposition from his community," said *Proceso*.

Chihuahua state not supporting Raramuri communities

Pérez Enríquez said the CET appears too willing to accommodate the CFE and TransCanada instead of supporting the communities during negotiations. In an interview with the daily newspaper *Milenio* in late February, CET director González García boasted that negotiations were going well with TransCanada, and only two communities had yet to reach an agreement with the transnational. Still, the CET official emphasized that the agreements should respect the rights of each community.

Rather than acknowledge the objections from Repechike, González García listed the projects that the CET has accepted to consider a number of proposals in conjunction with the construction of the pipeline, including several hanging bridges, road improvements, development of water supplies, and conservation and protection of forests. "We are going to review each and every one of these proposals and programs in consultation with the governors," said the CET director. "We will guarantee that each community will receive what was promised."

Given the lack of constructive dialogue between the CET and his community, Pérez Enríquez decided to hold a press conference, which was broadcast via the Internet. "[Some Raramuri representatives] said they were victims of threats from TransCanada, raising concerns about the potential threat to their communities," said an article in the daily newspaper *Regeneración*. "They

emphasized that they would not allow the construction of the pipeline because of concerns about the potential for an accident during the transport of natural gas."

Another concern among is the extremely small amount of financial of compensation that TransCanada and authorities are willing to pay the communities for the use of their land. In some cases, the company has offered a one-time payment of 10,000 pesos (US\$664) to each member of the community to rent the land for 50 years. "It's absurd, it's not even a peso a day," Ávila told the daily newspaper El Universal.

In other instances, the company has offered 30,000 pesos (US\$1,992) to each community member, along with roofing materials and construction products.

The CET is also using the consultation process to obtain feedback from four communities about a proposal to construct a new airport in Creel. The public consultation might not have taken place if a court had not ordered authorities to hold the hearing, said Consultoría Técnica Comunitaria (Contec), an organization that works to protect the rights of the Raramuris.

Contec representatives said the Raramuris have won two other legal victories during the past year, including two decisions dealing with the proposed Proyecto Turístico Barrancas del Cobre. In one decision, a federal court ordered the government to create a special trust (fideicomiso) for the project. In a second decision, Mexico's high court (Suprema Corte de Justicia de la Nación, SCJN) ruled that representatives of the affected communities must be added to the consulting group that oversees the special trust for the same project. The Raramuri communities most affected by the project are Bacajipare, Huetosachi, Mogotavo, and Piedra Bola. [Peso-dollar conversions in this article are based on the Interbank rate in effect on March 4, 2015, reported at 15.05 pesos per US \$1.00.]

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