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## President Enrique Peña Nieto Signs Questionable Expropriation Decree to Build Highway in Protected Area

by Carlos Navarro

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Grupo Higa, an engineering company that was already in hot water for its role in a corruption scandal involving President Enrique Peña Nieto's failed concession for a high-speed rail between Mexico City and Querétaro ([SourceMex, Dec. 3, 2014](#)), is part of another controversy involving a questionable expropriation of land belonging to a local indigenous community. The government expropriated the 37 hectares of land owned by the Otomí people to construct the controversial Toluca-Naucalpan highway, which would provide another access route to the soon-to-be expanded Mexico City airport ([SourceMex, Jan. 15, 2014](#)).

The government's decision to proceed with the expropriation is problematic in several ways. The highway would slice through a protected area known as the Bosque Sagrado Otomí, designated a protected area in 1952 at the request of the Otomí people who inhabit the community of Xochicuautla. By signing the expropriation decree on July 9, Peña Nieto violated the pact signed by the government with the Otomí people. The Bosque Sagrado Otomí includes the Santuario del Agua and the Parque Estatal Otomí-Mexica. The expropriation is the latest chapter in the eight-year battle between the local indigenous community and the federal and state governments and private developers.

### *Controversial contractor to benefit*

The second concern is that the concession was granted to a company owned by Juan Armando Hinojosa Cantú, who appears to have benefitted from his personal friendship with Peña Nieto, both during his tenure as governor of México state and as president of the republic. Constructora Teya, an affiliate of Grupo Higa, not only received the contract for the Toluca-Naucalpan highway but also was part of the Chinese-led consortium that had been granted the contract for the Mexico City-Querétaro high-speed rail line, which was eventually cancelled. Grupo Higa also appeared to receive special treatment from the administration for a no-bid contract to construct a presidential hangar as well as concessions to widen several highways around the country. The Grupo Higa companies also received a large stake in the construction and maintenance of an aqueduct to serve the Monterrey metropolitan area.

The relationship between Grupo Higa and the president dates back to 2005-2011, when Peña Nieto was governor of México state. "Constructora Teya, an affiliate of Grupo Higa, which is the property of Juan Armando Hinojosa Cantú, has been favored in the awarding of public works contracts in México state," said the online news site Sinembargo.

Several improprieties surrounded the concession for the Mexico City-Querétaro rail line, including the "Casa Blanca scandal," in which a partner of Hinojosa Cantú sold a large home under favorable terms to Peña Nieto's wife, actress Angélica Rivera, at about the time the concession was announced. The same contractor is said to have sold a home to Finance Minister Luis Videgaray at an unusually low price ([SourceMex, April 29, 2015](#)).

Peña Nieto's decision to sign the expropriation order attracted strong criticisms. "With a stroke of the pen, Enrique Peña Nieto wiped out a presidential decree issued in 1952 that provided legal certainty and possession of their land to the Otomí indigenous peoples of San Francisco Xochicuautila in Mexico state," Jesusa Cervantes wrote in the weekly news magazine Proceso. "The move benefitted the president's favorite contractor, Juan Armando Hinojosa Cantú, so that he could build the private Toluca-Naucalpan highway."

The president signed the expropriation order even though a federal court had ordered the contractor and the government to halt the project pending resolution of a lawsuit filed by community leaders Lucas Hernández Josefa, Armando García, and José Luis Fernández Flores. In the expropriation decree, the federal government offered to pay a total of 10 billion pesos (US \$615 million) to residents who could demonstrate legally that they are part of the San Francisco Xochicuautila community.

The plaintiffs had waged the legal fight since the project was proposed in 2007. The local residents have challenged the project in the courts and have organized a number of demonstrations to complain that there was no consultation process and that they did not authorize the use of their lands for development. The ultimate goal is to have the project cancelled entirely.

"There are also questions about the underhanded manner in which the authorities made the project a reality," said the online news site Huellas. "México state, a private company, and the federal government have colluded on several occasions and sat down to determine the strategy to move the project forward."

"There have now been eight years of conflict with the indigenous communities, which had been able to use the courts to stop all efforts for the project to proceed," added Huellas. "Even so, the federal government intervened with an expropriation decree."

### *Land taken from Otomí community*

The indigenous leaders said they were not surprised that Peña Nieto decided to proceed with the project. "We knew the president's political grip in this state goes back for years and years," García told The New York Times. "We just didn't know it would end up affecting us directly, so badly."

"But even with a court order on his side, bright green pines have been stripped away and tree stumps dot the hillside," said the Times.

The government has cracked down, sometimes in a violent manner, against demonstrators seeking to halt the project. "Through our civilian observation, we have verified that the Otomí indigenous human rights defenders are at a high risk of being physically assaulted and unjustly detained/ arrested for their work in defense of indigenous peoples and the environment," said the Centro de Derechos Humanos Zeferino Ladrillero ((CDHZL). "We also observe that there are no signs of willingness by both the government and the company to respect the decision of the Otomí people."

The administration defended the expropriation as necessary to serve "the public interest" and to create a much-needed corridor between the Valley of Mexico and the Federal District.

A recent communiqué from the México state communications ministry said the Naucalpan-Toluca highway, which will span 39 km, would provide a new link to the La Venta-Chamapa-

Lechería highway, connecting the state capital with northwest Mexico City. The cost of the project is estimated at about 7.2 billion pesos (US\$442 million).

Even though the expropriation has given the state and federal governments and the private developer more muscle to move forward with the project, the residents of San Francisco Xochicuautila have vowed to continue fighting. Leaders have planned to file a second complaint about the project with the semi-independent Comisión Nacional de los Derechos Humanos (CNDH).

The Otomí communities have gained the support of several organizations, which joined in a massive march along Mexico City's huge venue, the Paseo de la Reforma, to demand that the government cancel the highway project. The march, which took place at the end of July, included activists who have advocated for a number of causes, including a more thorough investigation of the incident in which students from a teachers college in Guerrero (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) were killed by criminal organizations in complicity with local authorities ([SourceMex, Oct. 15, 2014](#)).

The demonstrators accused Peña Nieto of making false promises to protect the Bosque Sagrado Otomí only to go back on that promise. "Enrique Peña Nieto lied so he could protect the powerful interests," an inhabitant of San Francisco Xochicuautila who traveled to Mexico City for the march said in an interview with Sinembargo.

The CDHZL, meanwhile, pledged to continue fighting for the residents of San Francisco Xochicuautila. "We will strengthen our observation in the territory, and we will support the indigenous people in educating international institutions and organizations about the difficult situation facing indigenous human rights defenders in México state," said the human rights organization. [Peso-dollar conversions in this article are based on the Interbank rate in effect on Aug. 12, 2015, reported at 16.26 pesos per US\$1.00.]

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