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Indigenous Communities Attempt to Halt Construction of Massive Hydroelectric Facility in Chiapas

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A plan by the Mexican government to build a massive hydroelectric dam on the Usumacinta River has drawn major opposition from at least 60 indigenous groups on both sides of the Mexico-Guatemala border.

The Boca del Cerro hydroelectric dam is one of five large power-generating facilities proposed for the Usumacinta Basin, which divides the Mexican state of Chiapas and northwestern Guatemala. According to Mexico’s national electric utility (Comisión Federal de Electricidad, CFE), the Boca del Cerro facility would be constructed over four years, with the reservoir wall as high as 55.5 meters. The planned facility would cover a surface of about 800 hectares, of which 707 are located in the municipality of Tenosique and 92 in Palenque.

Indigenous organizations have voiced strong concerns about the project, which they say would damage the integrity of their communities, result in the loss of their lands, and cause major environmental damage. Furthermore, a study released when the reservoir was first proposed more than a decade ago raised a flag about potential damage to archeological sites in the area.

“The government won’t compensate [for the loss of] our lands, the cost of living will increase, and the Chol and Tzeltal people will disappear from the region,” said some of the approximately 300 area residents who attended a hearing in San Cristóbal de las Casas, in Chiapas, in April of this year. The hearing was organized by the Organización de la Resistencia Civil “Luz y Fuerza del Pueblo” de la Región Norte. According to organizers, more than 60 communities from seven municipalities were represented. Also present were representatives of Guatemala’s anti-dam group, Frente Petenero Contra Represas.

Among other issues raised at the meeting was a concern that the community of San Carlos Boca del Cerro, located in the municipality of Tenosique, would “immediately disappear” after it is taken over by the offices and camp of the company in charge of building the dam.

In a press release issued after the meeting, the organizations stated that the Boca del Cerro dam was being imposed by the federal government “in clear violation of the second article of the Constitution,” which grants indigenous people autonomy and the right to be consulted before any major public works project takes places on their lands.

The more than 300 people at the meeting concluded that they would stop, by all available means, the construction of all five dams because of their effect on the customs and traditions of the residents and on the area’s geography.

The critics of the project alluded to four similar dams that were constructed on the Grijalva River, which produced little benefit for local communities. “The [existing] dams at Chicoasén, La Angostura, Malpaso, and Peñitas have brought development and well-being, but not locally,” activists said in a statement. “In all of those cases, broad arable lands, dwellings, and even complete
villages were sacrificed, sunk, all to guarantee the country’s power supply... Why should we believe it will be different this time?"

Activists say that the government will impose its will with the current project as it has in dozens of infrastructure projects around the country. “Each year, we advise about 25 cases on average, all about indigenous people defending their territory from megaprojects, be it natural gas pipelines, thermoelectric power plants, dams, highways, or mines,” said Alberto Solís Castro, director of the non-governmental organization Servicios y Asesoría para la Paz, A.C. (SERAPAZ)

“[The promoters of these developments] act much like organized crime,” Solís Castro said. “They impose themselves in the villages, buying off local authorities, particularly those in charge of the land... A dynamic of harassment and pressure then begins, forcing the communities to yield and accept the project.”

Other organizations have joined the fight against the big megaprojects in Mexico.

“Once these projects receive the permits to proceed, indigenous communities are displaced and their lands subjected to pressures that inevitably have negative consequences for the environment and strategic natural resources, like water,” said Claudia Arena, of the environmental organization Blue Planet Project.

“We have to find alternatives to prevent what is happening throughout the country—hydroelectric projects that are constructed to the detriment of the people,” Marco Von Borstel, area coordinator for Otros Mundos AC/Amigos de la Tierra-México, said in an interview with the online news site La Verdad del Sureste.

**Archeological sites could be lost**

Carlos Rovirosa Priego, an engineer who collaborates with Otros Mundos, said the construction of the reservoir would not only cause problems for communities on the Mexican side of the Usumacinta but also for towns across the river in Guatemala. “Downriver, the project would bury important archeological sites in Chiapas, like Bonampak and Yaxchilan,” he said.

The concerns about potential damage to archeological sites have been raised on various occasions. In December of 2002, a coalition led by the environmental organization Grupo de los Cien and the NGO Ríos Mayas sent a letter to then-President Vicente Fox (2000-2006) pointing out that the Usumacinta River was important to the Maya civilization, and therefore the project should not go forward.

“These fascinating cities, which were later abandoned, are scattered throughout the river basin,” the coalition wrote. “The inscriptions and art that were recovered [from these sites] during the past century have produced a series of discoveries that provide a new perspective on the [Maya] culture.”

The letter also noted that the Usumacinta River was the main route connecting one of the most important biological and cultural regions of the planet, from the Lacandon Jungle and the Chiapas Highlands to northern Guatemala.

It is uncertain whether the letter had any direct impact on the delay in the project, which remained in mothballs for several years. One possible obstacle was the need to hammer out cooperation agreements between Mexico and Guatemala. In May of 2014, the governments of the two countries reached an agreement to cooperate in the management and conservation of water resources on the
Usumacinta River. It was signed by David Korenfeld, former director of Mexico’s water commission (Comisión Nacional del Agua, CONAGUA) and Carlos Raúl Morales, who was then Guatemala’s vice minister for foreign relations.

The initial plans for the project did not directly involve Guatemala, however. According to the plan drafted by the Comisión Federal de Electricidad (CFE), the initial phase of the project would be developed without affecting Guatemalan territory. “Nevertheless, the proposal leaves open the possibility of future cooperation with Guatemala,” said the Villahermosa daily newspaper Tabasco Hoy.

Critics complained that the CFE purposely kept details of the plan secret in order to minimize opposition from NGOs and the local indigenous communities. The CFE defended the decision with an argument often used by private companies—that making information public would put the electric utility “in a situation of competitive and economic disadvantage.”

The NGOs and the local communities took the issue to the freedom of information institute (Instituto Nacional de Acceso a la Información, INAI), which in September 2015 ordered the CFE to release documents about the project to the public. The availability of details allowed indigenous communities and NGOs to become more organized, resulting in the meeting held in San Cristóbal de las Casas in April.

The documents do not specify the level of investment required by the project, offering only technical details of each of the stages of the construction of the facility on the Mexican side.

According to opponents of the project, the government has already initiated preliminary work on the dam with the construction of containment walls along a stretch of 40 kilometers on both sides the Usumacinta River.

Battle continues over Jalisco reservoir

At the meeting in April, opponents of the project committed to stop construction of the Boca del Cerro reservoir. However, the communities face an uphill battle against the CFE and CONAGUA, which are determined to increase Mexico’s water and electrical power capacities.

Opponents of big infrastructure facilities have met limited success in the courts.

Environmental concerns and displacement of local communities were also major issues when the Fox administration first proposed constructing a dam in La Parota, Guerrero, in 2003 (SourceMex, Sept. 14, 2005). Opponents were able to convince a district court to temporarily halt the project (SourceMex, Oct. 4, 2006), but a federal court later allowed construction to proceed (SourceMex, Nov. 28, 2007).

In 2011, residents of the communities of Temacapulín, Acsico, and Palmarejo in Jalisco won a partial victory when a federal court ordered a halt to construction of the controversial El Zapotillo dam on the Río Verde in the Los Altos region of Jalisco state (SourceMex, Nov. 18, 2009, and March 9, 2011). Despite the court decision, the government moved forward with construction of some aspects of the project. While local activists and NGOs are hoping to halt the project entirely, the battle now appears to center on efforts to limit its scope. Opponents of the project won a small victory in this regard, when the high court (Suprema Corte de Justicia de la Nación, SCJN) invalidated the 2007 agreement between the government and the states of Guanajuato and...
Jalisco that doubled the size of the reservoir wall to 105 meters. The increase in size, along with an accompanying 140-kilometer aqueduct, would have ensured that the communities of Temacapulín, Acasico y Palmarejo, would be under water permanently. In November 2015, the SCJN’s Segunda Sala, which considers administrative and labor issues, ruled that the original agreement, signed in 2005, which limited the size of the wall to 80 meters, should be applicable. This decision, while not halting the project, limits its size, ensuring that affected communities are not displaced.

Litigation continues on both sides, however, with the states of Jalisco and Guanajuato arguing that they need water to meet the needs of big cities like Guadalajara, Zapopan, and León.

Despite the small victory, opponents ultimately might not be able to stop the project entirely. "Temacapulín, like many other towns that have struggled to stop a dam project, has managed to win some legal battles, but in a place like Mexico, winning a court battle is not enough," Campero Arena said in 2013. “Unfortunately, the money for a project like this, and the political interests at play, make it very difficult to stop.”