

# In Defense of Life

Land, Territory and Environmental  
Defenders at Risk





# In Defense of Life:

Land, Territory and  
Environmental Defenders at Risk

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This publication is the result of the commitment and work of many people. We would like to express our gratitude and recognition especially to the human rights defenders who have shared their experience and knowledge. We also thank the members of PBI Mexico, especially the volunteers who make up our field teams.

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# EDITORIAL

**Ben Leather is a campaigner at Global Witness, an international NGO campaigns to end the murders of land and environment defenders, who risk their lives to protect forests, rivers, as well as local communities. Ben worked for Peace Brigades International, Mexico Project from 2009**

**to 2014 as a field volunteer in Guerrero, and later served as Security and Communications Coordinator and Advocacy Coordinator. He is currently a member of PBI Mexico's Strategic Committee**

In January of this year, the renowned human rights defender Isidro Baldenegro López was murdered while visiting his family in the state of Chihuahua. In 2005, Isidro had received the Goldman Prize for his non-violent campaign against illegal logging in the forests of the region. His case once again attracted international attention to Mexico and highlighted the risks faced by people defending land, territory, and environment.

This attack is an example of how the international scenario has worsened for community leaders, indigenous activists, human rights lawyers and those who work for non-governmental organizations that defend the rights of the land and the future of our planet. Global Witness documented a record number of 200 people defending the land and the environment<sup>1</sup> killed during 2016, with more than 161 murders in the first eight months of this year<sup>2</sup>. These numbers are an alarming example of the environment being transformed into a new battlefield for human rights. Globally, industries are entering more and more new territories, driven by the demand for products such as wood and minerals. Even so-called "clean energy" projects leave a bloody mark when communities are illegally displaced by hydroelectric plants and wind farms.

Mexico continues to be among the most violent countries for people defending land and environment, but this year there have been more murders than ever before.<sup>3</sup> However, this is only the most critical point of the problem: Mexican activists and their families also face threats, attacks, surveillance and harassment.<sup>4</sup> In addition, those who refuse to give up their rights to the imposition of business projects are increasingly being silenced by criminalization.<sup>5</sup> Community and indigenous defenders, and within this group, women human rights defenders, are especially affected by judicial processes or detentions, because they often carry out their work defending human rights voluntarily, and cannot generate income during the development of these judicial processes, which affects them and their families.<sup>6</sup>

Both businesses and the government have stigmatized defenders. For example, when the Mexican NGO Prodesc demanded that Excellon respect the rights of communities affected by mining, they were publicly defamed and labeled as opponents of development<sup>7</sup>. Others face the threat of incarceration. Bettina Cruz was arrested and subjected to three years of judicial harassment on false accusations in retaliation for her opposition to the installation of wind

<sup>1</sup> Defenders of the Earth 2016 saw a record 200 killings of people defending their land, forests and rivers against destructive industries Global Witness

<sup>2</sup> See joint project between Global Witness and The Guardian which documents killings of environmental defenders throughout the world.

<sup>3</sup> Global Witness documented 33 assassinations between 2010 and 2015, 3 in 2016, and 8 in the first months of 2017

<sup>4</sup> Between December 1, 2012 and November 30, 2016, the RedTdT registered 302 cases of human rights violations committed against HRDs. 29% of these were committed against defenders who work on land and territory and 21% were related to the implementation of large scale economic projects. See report La esperanza no se agota Red TdT, September 2017, p. 33, 40, 47, 55. In the same period, CEMDA registered 280 human rights violations committed against environmental rights defenders. Integral Protection for Human Rights Defenders, the Debt of the Mexican State, Espacio\_OSC, April 2017, p. 50.

<sup>5</sup> Of the 2,461 human rights violations registered by the Red TdT, 609 could be classified as illegal or arbitrary detention or arbitrary incarceration. La esperanza no se agota, p. 74

<sup>6</sup> Women Human Rights Defenders confronting extractive industries, AWID, 2017 p. 20

<sup>7</sup> Llaman organizaciones de la Sociedad civil a parar las agresiones contra personas defensoras de derechos humanos ProDesc, June 2013





*Posthumous tribute in Geneva to community defender Isidro Baldenegro, murdered in 2017 @PBI-Mexico*

farms in communities without her consent.<sup>8</sup> Globally, rights defenders have also faced complaints filed by companies. All in all, criminalization is being used to silence rights defenders, damage their reputation, trap them in costly legal trials, and deter critical voices.

The Mexican state has an obligation under international law to ensure that human rights defenders can carry out their activism safely, and it is time to make this a priority. The United Nations Special Rapporteur on the Situation of Human Rights Defenders has emphasized that those who defend land and environment face specific and higher risks, because they affect the interests of companies.<sup>9</sup> Therefore, keeping them safe also requires actions from companies, investors, foreign states and their embassies. All of them can prevent threats from occurring by ensuring that communities can give or deny their free, prior, and informed consent on the use of their land and natural resources.

Peace Brigades International has been by the side of human rights defenders in Mexico for more than 15 years, bringing together accompaniment on the field with advocacy at national and international level, to prevent attacks and advocate for their protection. This publication collects testimonies, field

information and expert analysis to highlight the vulnerability of defenders of land environment, and offers recommendations on what States can do to improve this situation.

Everyone can do more to support and protect defenders: make statements when threats occur, and consult with people at risk what the most useful measures that can be implemented to protect them are. Work can also be done to achieve greater accountability. To deter future threats, those responsible for the attacks must be brought to justice, while those who do not support or protect the defenders should face political, financial and judicial consequences. Impunity is the oxygen that fuels attacks. Impunity allowed Isidro Baldenegro to be killed.

The case of Isidro is emblematic of the current Mexican context. He defended the rights of the most marginalized, but he also demanded a better environment for all of us. He was imprisoned by the State, threatened by the loggers, and killed by gunmen. The previous threats against him were not punished and nobody did enough to protect him. His life was cut short and his knowledge was lost. A sustainable and prosperous Mexico for all Mexicans will only be possible if the voices of experts like Isidro are heard; if the people defending land and environment can work freely. This is the time to act.

<sup>8</sup> Ongoing Attacks and Intimidation Against Lucila Bettina Cruz Front Line Defenders April 30, 2017

<sup>9</sup> They Spoke Truth to Power and Were Murdered in Cold Blood: Analysis on the Situation of Environmental Human Rights Defenders and Concrete Recommendations to Better Protect Them, 2016

# **The extreme risk of defending the land, territory and environment**







*San Miguel del Progreso, Guerrero @CDHM-Tlachinollan*

According to international organizations, Mexico is experiencing a “human rights crisis”. Within the framework of the defense of human rights, various bodies and organizations both at the national and international level have identified defenders of land, territory and the environment as a particularly vulnerable group both in Mexico and globally. Territory, land and natural resources have historically been placed as the core of social and armed conflicts.

## Human Rights in Mexico

According to international organizations, Mexico is going through a “human rights crisis”<sup>10</sup>, marked by high rates of violence and grave human rights violations. Among the various factors influencing this crisis, several actors agree on the effects of the security strategy initiated with the so-called War on Drugs<sup>11</sup>; but sustained impunity has also been highlighted as a structural factor that not only acts as a framework, but also contributes to perpetuate the situation.<sup>12</sup> In the case of attacks against HRDs, human rights organizations have constantly demanded the need to carry out appropriate investigations that consider the work of the human rights defenders; are effective, and that aim at finding those responsible and bringing them to justice<sup>13</sup>. Despite progress at the legislative level, such as the constitutional reform of human rights in 2011<sup>14</sup>, or the law that creates the Federal Protection Mechanism for defenders and journalists, the situation has worsened, putting defenders at greater risk and increasing their vulnerability in general. Since 2011, the National Human Rights Commission (CNDH) has confirmed a continuous annual increase in attacks, placing Chihuahua, Guerrero and Oaxaca as the most dangerous states for human rights defenders<sup>15</sup>. The effective implementation of the laws is cut short by not generating the budgetary and administrative conditions to render laws operational and by not prioritizing these issues in the political agenda of all levels of government. Forced disappearances, the use of torture in investigations and to control protests, and forced displacement as a result of territorial disputes, among other issues, result in a worrisome context and limit the exercise of defense of human rights.

## Specific Situation of Defenders

The risk faced by human rights defenders goes beyond the effects of a context of general violence. Because of the work they do, defenders affect the interests of different actors and go on to experience specific situations of violence aimed at hindering their work. The attacks documented in the last year by Mexican civil society organizations present a worrisome panorama, which highlights attacks ranging from threats to extrajudicial executions. Between 2012 and 2016, 302 cases of violations committed against defenders were documented<sup>16</sup>. Political institutions have made proposals to confront this situation, especially with the creation of the Federal Mechanism for the Protection of Human Rights Defenders and Journalists<sup>17</sup>. Since its installation in 2012, the Mechanism has been strengthening and consolidating its work, however, several challenges of financial sustainability and human resources have still to be addressed. Likewise, the Mechanism lacks an integral protection approach; the Space of civil society organizations that monitor it (Espacio\_OSC) has repeatedly expressed its concern that it prioritizes mainly reactive and police measures, without addressing the problem of impunity for attacks<sup>18</sup>.

## Worrisome Situation of Defenders of Land, Territory and the Environment

Defenders of land, territory and the environment are those people or communities that work for the promotion and protection of the human rights associated with land and territory, including the defense of natural resources and the environment, and all that that allows the satisfaction of many

<sup>10</sup> Situation of Human Rights in Mexico, IACHR 2015

<sup>11</sup> “Peace in Mexico?” Security Strategies and Human Rights, PBI Mexico, 2014

<sup>12</sup> Statement of the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, on his visit to Mexico, October 7th, 2015

<sup>13</sup> Mexico’s Mechanism to Protect Human Rights Defenders and Journalists: Progress and Continued Challenges PBI and WOLA, May 2016

<sup>14</sup> Implementation of the Constitutional Reform on Human Rights, SEGOB July 2016

<sup>15</sup> CNDH emits general recommendation 25 regarding attacks against human rights defenders, and requests that their protection be guaranteed CNDH March 2016

<sup>16</sup> La esperanza no se agota Red TdT, September 2017

<sup>17</sup> For more information, see <https://www.gob.mx/defensorasyperiodistas>

<sup>18</sup> Integral Protection for Human Rights Defenders, the Debt of the Mexican State. Espacio\_OSC April 2017





*Peaceful demonstration of communities against the installation of a hydroelectric project in the state of Oaxaca @EDUCA*

other rights and needs, such as food, housing, work; and social relationships and meanings culturally assigned to them. Many times, they are people or communities that have already been affected by displacements or disposessions; they are also communities at risk of being displaced that want to remain in the territory, and communities affected by large-scale economic projects (legal or illegal), who oppose the imposition of those projects and claim the right to consultation and consent; and who may be indigenous or peasant communities. It also includes people and organizations that, without being directly affected, act as allies or accompany those who defend their rights.

Various bodies and organizations at national and international level have identified land, territory and environmental defenders as a particularly vulnerable group both in Mexico and globally<sup>19</sup>. Territory, land and natural resources have historically been placed as the core of social and armed conflicts. Currently, projects involving the extraction of natural resources (mining and exploitation of forests), of power generation (hydroelectric,

wind, gas pipelines and coal mining), and of infrastructure and tourism are most impacting community dynamics and generating the largest number of human rights violations<sup>20</sup>. The economic and development progress that these projects aim to promote often contradicts the development models led by indigenous peoples and communities, as a way of exercising their right to self-determination. Another relevant factor in this context would be the historical discrimination that affects indigenous peoples, hindering their participation in the elaboration of public policies and legislation and increasing their vulnerability. Threats and attacks against the physical and psychological integrity continue to be the most frequent attacks against defenders. Between June 2016 and May 2017, 11 extrajudicial executions of land defenders were documented<sup>21</sup>, and alarmingly, human rights organizations have registered an increase in this serious violation of human rights in the current political administration. Criminalization is also consolidated, especially affecting this group of defenders; it ranges from the misuse of criminal law to other forms of criminalization such as defamation, harassment or surveillance.

<sup>19</sup> "A deadly undertaking" – UN experts urge all Governments to protect environmental rights defenders, June 2016

<sup>20</sup> *La esperanza no se agota* Red TdT

<sup>21</sup> *Defender los derechos humanos en México. La ejecución extrajudicial como respuesta del Estado.* ACUDDEH, August 2017

## Structural Factors Associated with Risk

Several organizations have expressed concern regarding some of the effects of so-called “structural reforms”, highlighting the energy reform, and other subsequent ones such as the mining law; in addition to the effects of free trade agreements and trade agreements, which would negatively pressure communities, and would not guarantee effective mechanisms for access to justice for indigenous communities and peoples who may be victims of human rights abuses as a result of business and economic activities. On the other hand, the current agrarian law would allow some legal uncertainty regarding the legal ownership of certain territories. Many communities have indicated that their not being recognized as indigenous communities erases the possibility of addressing conflicts through legal means; on the other hand, an individual conception of territory denies the collective rights of communities, or only considers that the territory is a land that is inhabited and does not regulate the other natural resources found in it that are also fundamental in their survival and in which external actors are also interested<sup>22</sup>. Failure to comply with current regulations and their lack of clarity has been expressed by civil society in environmental matters and labor rights; the shortcomings in the right to indigenous consultation has sparked the concern of national parties and international organizations, with worrisome examples, such as that experienced by the Yaqui tribe, the Consultation in Juchitán and in Sierra Tarahumara<sup>23</sup>. The implementation of federal public policies, such as the Special Economic Zones (ZEE), has been strongly criticized by civil society for considering that it promotes the industrialization of fields, eliminating the subsistence economy, and distancing itself from mechanisms of citizen consultation and participation, transparency and accountability before the population of the relevant regions<sup>24</sup>.

## International Framework

In recent years, international organisms have highlighted the vulnerability of land, territory and environmental defenders. In 2016, Mexico received a visit from the UN Working Group on Business and Human Rights, which commented in its final report that “Human rights defenders and journalists must be better protected so that they can play their important role. In view of the generalization of the attacks and the cases of intimidation against the people who defend their rights, the highest officials of the Government and the CEOs of the companies must make it very clear that intimidation and attacks against human rights defenders are unacceptable and will not be tolerated.”<sup>25</sup>

In 2016, the Special Rapporteur on the situation of human rights defenders dedicated a report to environmental defenders<sup>26</sup>, where he noted that the Declaration on Human Rights Defenders recognizes the legitimacy of the defense of environmental rights defense and the “valuable work” carried out by rights defenders, by contributing to the elimination of human rights violations, including those resulting from “the refusal to recognize the right of peoples to self-determination and the right of all peoples to exercise full sovereignty over their wealth and natural resources.” In 2017, the same Rapporteur pointed out that defenders working in the field of business and human rights suffer more and more attacks, and stressed the responsibility of the States to create a favorable environment for the respect of human rights, for the protection of defenders and for assuring victims have access to effective reparation<sup>27</sup>. In the Latin American context, it is worth noting that the Inter-American Commission on Human Rights (IACHR) in 2017 installed a special rapporteur on Economic, Social, Cultural and Environmental Rights, in order to address the challenges in this matter<sup>28</sup>.

<sup>22</sup> **Report: Territory Rights of the Indigenous Peoples of the Sierra Tarahumara** Red en Defensa del Territorio Indígena en la Sierra Tarahumara, 2016

<sup>23</sup> **Yaqui Tribe Presents Report on the Independence Aqueduct Consultation Process** FUNDAR, February 2015

<sup>24</sup> **Economic Zones Threaten Oaxacan Territory** El Topil, December 2016

<sup>25</sup> **Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Mexico**, April 2017

<sup>26</sup> **Report of the Special Rapporteur on the situation of Human Rights Defenders**, [A/71/281 August 2016](#)

<sup>27</sup> **Report of the Special Rapporteur on the situation of Human Rights Defenders**, [A/72/170 July 2017](#)

<sup>28</sup> **IACHR Chooses Soledad García Muñoz as Special rapporteur on Economic, Social, Cultural and Environmental Rights (ESCEER)** IACHR July 2017





*Wind turbines in the Zapoteca community of Union Hidalgo, Istmo de Tehuantepec @GretaRico-ProDESC*

The UN Guiding Principles on Business and Human Rights<sup>29</sup> have existed since 2011; these are voluntary principles that focus on the duty of States to protect human rights, the responsibility of companies to respect human rights, and the access of victims to effective reparation. The Guiding Principles establish, among other things, that States must ensure that “there are no obstacles to the legitimate and peaceful activities of human rights defenders”. Several states, including the Mexican State, have begun to develop National Action Plans (NAP) in order to implement the guiding principles in their respective countries. In Mexico, a national working group was created, which includes representatives of civil society, different government agencies, and business chambers, and which is led by the Ministry of the Interior (SEGOB) and by the Ministry of Foreign Affairs (SRE).

The Focal Group, a group of organizations accompanied by PBI, has followed this process of preparation of the NAP, and from the beginning has publicly expressed areas for improvement in order to make this plan more participatory and to take into account the voices of people and communities that are affected by business activities. However, the Focal Group has indicated that the draft of the program has not taken its recommendations into account, and that it insufficiently addresses the critical situation of human rights defenders in this field<sup>30</sup>. The group emphasized that “the obligation and

the primary responsibility to promote and protect human rights and fundamental liberties rests with the States, and that States have a duty to protect against human rights abuses committed in their territory and / or jurisdiction by third parties, including transnational corporations”. Moreover, the UN Human Rights Council adopted resolution 26/9, which is a draft of a legally binding international instrument on transnational corporations and other companies with respect to human rights<sup>31</sup>. This resolution and the subsequent meetings of the Intergovernmental Working Group in 2015, 2016, and 2017 were favorably received by the Special Rapporteur on the situation of human rights defenders and supported by organizations and individuals from around the world, articulated in the Alliance for the Treaty<sup>32</sup>.

**It is in this context of high risk and multiple interests in which land, territory and environment defenders carry out their work. This publication seeks to create visibility for the legitimate work of this group of defenders; the amplitude of the concept itself that includes people, organizations, indigenous and mestizo communities; the contribution they make to the construction of fairer and more respectful societies with respect to human rights; and the urgency of making effective the duty to protect them against unprecedented risk.**

<sup>29</sup> Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, United Nations, 2011

<sup>30</sup> New Program on Business and Human Rights Doesn’t Cover International Standards: OSC ProDESC, July 2017

<sup>31</sup> Elements for the Draft Legally Binding Instrument on Transnational Corporations and Other Business Enterprises with Respect to Human Rights, September 2017

<sup>32</sup> For more information see <http://www.treatymovement.com/statement>.




# Voices from the field

experiences of struggle and opposition

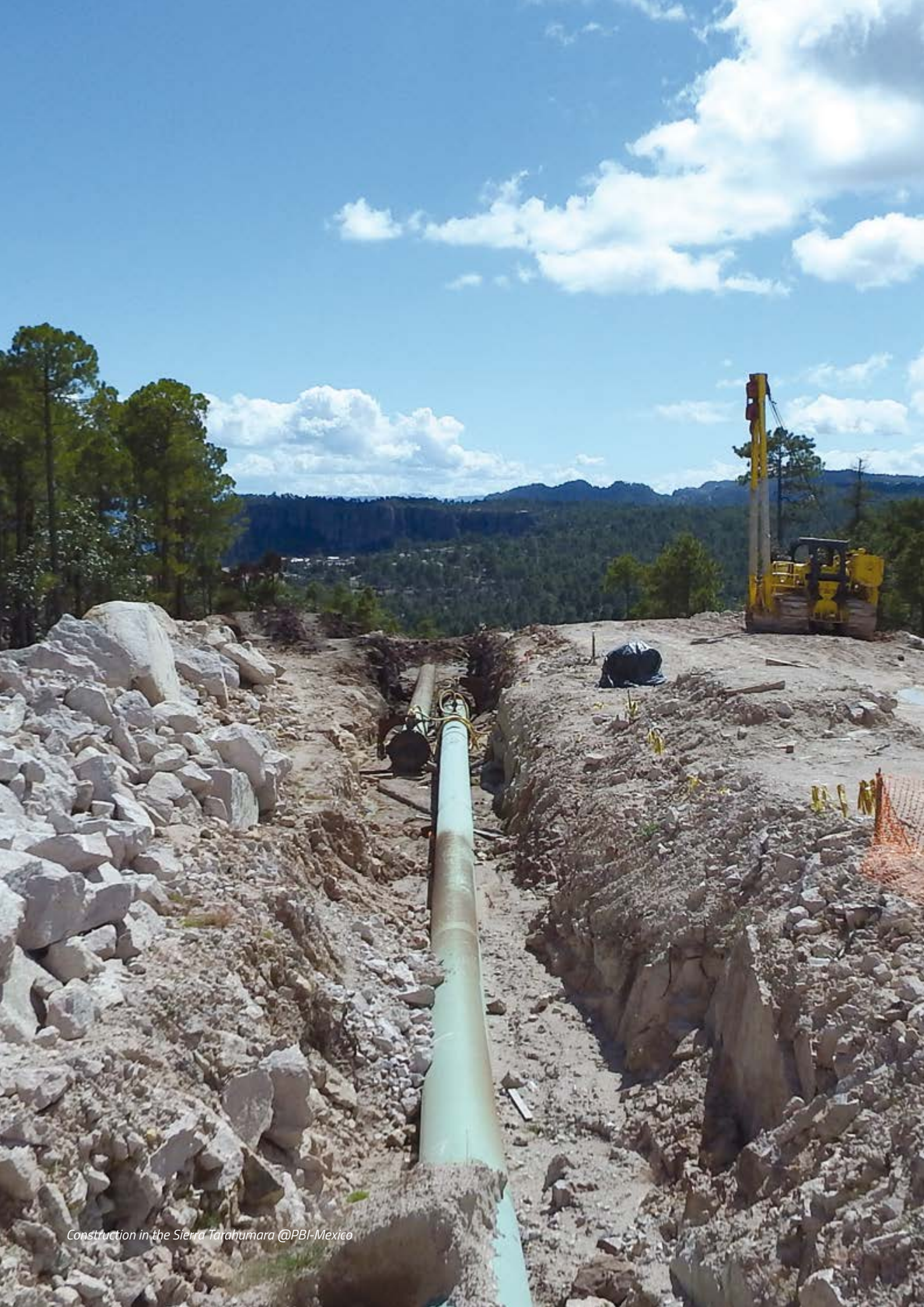




A person wearing a white long-sleeved shirt and a white hat stands in the foreground, looking out over a body of water. The water is calm and reflects the sky. In the background, there are green hills and mountains under a clear blue sky. The person is standing on a grassy bank. The text is overlaid on a dark teal background that covers the right side of the image.

When talking about processes of struggle and opposition, these processes are often associated with being “anti-development” thereby contravening the international legal framework that protects their right for defense, omitting the causes of this opposition, criminalizing their struggles, and ignoring the economic, political and cultural impact. Moreover, those who pursue community processes have been accused of wanting to impose their own visions and take advantage of communities for economic purposes; which fails to consider the ability of communities to sustain their processes, and hinders the potential of performing a joint work. In this chapter we include processes of peaceful struggle and opposition, through which communities and peoples exercise their right for defense, despite the difficult contexts and the risks that this work entails.





*Construction in the Sierra Tarahumara @PBI-Mexico*

# Sierra Tarahumara, defending the territory in contexts of violence<sup>33</sup>

The Network in Defense of Indigenous Territories of the Sierra Tarahumara (Defensa Tarahumara) brings together organizations dedicated to the comprehensive defense of the human rights of indigenous peoples, in order to achieve legal recognition of their territories and preferential access of peoples and communities to natural resources.

Consultoría Técnica Comunitaria (CONTEC) is an organization that promotes the peasant economy and governability in indigenous communities and in forest ejidos (communal land system) of the Sierra Tarahumara, integrating the legal defense of the territory with community projects, research and communication.

Alianza Sierra Madre (ASMAC) is an organization that works with the peoples and communities of the Sierra Tarahumara, promoting their rights to defend land and territory, their preferential access to natural resources, their rights to food, education, and full exercise of their culture.

Comisión de Solidaridad y Defensa de los Derechos Humanos (COSYDDHAC) promotes human rights, particularly those of indigenous peoples, through the documentation and defense of human rights violations and the channeling of particular cases for their defense.

The state of Chihuahua is located in the north of Mexico and is bordered by Texas and New Mexico. The so-called “Sierra Tarahumara”, a mountainous region of vast dimensions and difficult access, corresponding to the northwestern side of Sierra Madre Occidental; it consists of 21 municipalities, where basic services and connectivity exist precariously. The region is inhabited by four Indigenous Peoples: Odami or Tepehuan, Pima, Warijio and the most numerous – reaching a 77.8% – the Raramuri or Tarahumara people. The area has

been of economic interest mainly due to its wide extension and because 70% of it is of forestry interest; furthermore, it has such a biodiversity that makes it attractive for mining and tourism<sup>34</sup>. The confluence of different parties and interests, has positioned Sierra Tarahumara as one of the areas that presents most agrarian conflicts, which has meant an important deterioration of the collective rights of communities, and has generated an ecological imbalance due to the exploitation of those communities<sup>35</sup>.

<sup>33</sup> Artículo elaborado por PBI a partir de entrevistas realizadas en 2016 y 20017 a personas defensoras comunitarias y organizaciones de la sociedad civil que les acompañan. Para más información de las organizaciones véase: <http://es.defensatarahumara.org/>; <http://kwira.org/>; <http://alianzasierramadre.org/es/>; <http://www.cosyddhac.com/>

<sup>34</sup> For more information, see [http://alianzasierramadre.org/images/en/downloads/diagnostico\\_sociocultural.pdf](http://alianzasierramadre.org/images/en/downloads/diagnostico_sociocultural.pdf)

<sup>35</sup> For more information, see <http://kwira.org/informe-derechos-territoriales-de-los-pueblos-indigenas-de-la-sierra-tarahumara/>



Several indigenous communities that inhabit this region are in the middle of a process of defense of land and territory, with the aim of preserving their life models, based on their history and rights as peoples. We have interviewed human rights defender organizations that work with communities and their opposition processes. All those organizations have a close relationship with PBI since the opening of our office in the north of the country. Although we have interviewed people from the communities, we have incorporated this information in a crosscutting way, safeguarding names for security reasons.

## Context of the defense of land and territory in Sierra Tarahumara

Mexican and international civil society has seen with concern the increase in and consequences of violence on people living in the Sierra, especially its impact on those who defend land and territory. During the last official visit to Mexico by the United Nations Special Rapporteur on the situation of human rights defenders, and one day before his arrival in the state of Chihuahua, Isidro Baldenegro, an internationally recognized community defender, was assassinated. Two weeks later, Juan Ontiveros who just days before had participated in a meeting in the state capital together with civil society organizations and authorities, raising awareness of the security situation and the territorial agrarian conflict in his community, was also assassinated<sup>36</sup>.

During his visit to the state, the Special Rapporteur mentioned the presence of organized crime in the area and a lack of adequate protection by authorities as one of the risks faced by both the indigenous communities of the mountains and the people who accompany them<sup>37</sup>. The presence of illegal actors, such as organized crime, has been recognized as a phenomenon that is increasing in this region due to its strategic interest, both for cultivation and for the transfer of illicit substances. One of the main problems the above circumstance has caused is the pressure that these groups exert on the indigenous

communities that inhabit the territory, by generating forced recruitment and forced internal displacement processes, among others<sup>38</sup>. Members of COSYDDHAC tell us that, for those who stay, there is uneasiness and fear; in addition to the dispossession -- either by occupation or control of the land -- which reduces the space for traditional and subsistence crops, "Their space has been taken away, their peace has been removed (...) an act such as sitting on a stone to see with great satisfaction how their forest, their corn, their beans, their potatoes, their broad beans, or their plants are growing ... now they do it with fear".

Another problem which land and territory defenders in the Sierra Tarahumara face is the development of projects and mega-projects -- both of national and transnational nature -- concerning the tourism, mining, and infrastructure sectors (such as the Creel airport or the "Encino-Topolobambo" gas pipeline<sup>39</sup>). The installation of mega-projects is described by some defenders as a "cultural shock", which "puts at risk the natural resources of the mountains in favor of the interests of parties other than the ancestral inhabitants; i.e. of private or public groups in power." Among the effects on communities and the environment resulting from projects and mega-projects, they mention: dispossession; contamination of water and/or the use of water resources traditionally used for human consumption or agriculture; and deforestation. Communities and civil society organizations have denounced that, in most cases, these projects are carried out without consulting the indigenous communities, and that, in cases where this consultation is carried out, it does not meet the minimum standards of being free, being performed prior to the commencement of the project and being informed, which leads to a scenario of "distribution of economic benefits" that results in the manipulation of communities or in their division<sup>40</sup>.

The organizations point out that the Mexican State "is not taking care of the indigenous people", because the agrarian reforms implemented in 1923 and in 1992 did not take into account the indigenous territorial organization; which now

<sup>36</sup> [Environmental and Indigenous Rights Defender Juan Ontiveros Ramos Killed](#) Front Line Defenders, February 2017

<sup>37</sup> End of mission [statement](#) by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst on his visit to Mexico from 16 to 24 January 2017

<sup>38</sup> [Diagnosis of the Situation of HRDs and Journalists in the State of Chihuahua](#) SEGOB, July 2016

<sup>39</sup> Pie de página 39: For more information on these cases, see [33 assassinations between 2010 and 2015 Tierra Nativa and Pipeline El Encino Topolobampo](#). CONTEC, 2016.

<sup>40</sup> [For more information, see Comparative Analysis of Three Consultations in the Sierra Tarahumara](#) CONTEC, June 2016





*Community Defenders of Sierra Tarahumara during briefing @CONTEC*

implies a lack of legal recognition of the communities and their ancestral lands, and therefore of the right to use and ownership over these territories (both the land and natural resources), and thus affecting the exercise of their collective rights<sup>41</sup>. Legal uncertainty in land tenure of Mexican indigenous communities was identified by the previous special rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, who specifically denounced the violations of the collective right to land and territory and to the enjoyment of the natural resources of the Tarahumaras and Tepehuanos in the mountain region<sup>42</sup>. COSYDDHAC tells us that “they have a plot of land, where they grow their crops and where their houses are located; however, in case of logging or if a mining company arrives in the region to exploit it or if a pipeline is built, they earn nothing, they are not even consulted, because they are not the owners of the land. As they have no right over their territory, they have no way to benefit from logging or to say whether they agree to it or not.”

## **The high cost of defending land and territory in Sierra Tarahumara**

Despite the context -and because of it- there are communities that are in the process of defending land and territory, many of them have organized and receive the aid of people and organizations that defend human rights. This diversity of defenders faces risks in the exercise of its work, among which are public defamation, such as that suffered on several occasions by COSYDDHAC<sup>43</sup>; harassment, such as that which was perpetrated against CONTEC<sup>44</sup>; threats, such as those suffered by members of ASMAC (for which protection measures ordered by the IACHR were granted<sup>45</sup>); and assassinations, such as that of the renowned defender Ernesto Rabago, advisor to the Baqueachi indigenous ejido (land communal system), who was murdered in his office and whose case remains unpunished<sup>46</sup>.

<sup>41</sup> For more information, see <http://kwira.org/informe-derechos-territoriales-de-los-pueblos-indigenas-de-la-sierra-tarahumara/>

<sup>42</sup> *Informe del Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas*, Sr. Rodolfo Stavenhagen, December 2003

<sup>43</sup> *Padre de la Tarahumara reclama al gobernador campaña de difamación y acoso en medios* Sin Embargo, March 2015

<sup>44</sup> *Se unen 112 ONGs al rechazo por la fiscalización irregular a CONTEC* CONTEC, February 2015

<sup>45</sup> *Medida Cautelar No. 60-14*

<sup>46</sup> *A 7 años del asesinato impune del defensor de derechos humanos Ernesto Rábago Martínez, la comunidad indígena de Baquéachi continúa exigiendo justicia* CEDEHM, March 2017





*Wood transportation in Sierra Tarahumara. Illegal and/or unregulated extraction is also a source of conflict. @CONTEC*

For the defenders who support them, people in the communities are at a greater degree of risk than other defenders who could be protected by an institution and are more capable of responding to possible attacks. Community defenders are especially vulnerable, since they are in the territory on a daily basis and live with a multiplicity of potential aggressors. An example of this is the community of Choreachi, displacements, assassinations and threats have been documented and members of the community have been awarded precautionary measures by the IACHR since 2014. Because the risk for defenders of land and territory in the area continued to worsen, in 2017 the IACHR granted precautionary measures to the entire community<sup>47</sup>. In addition, the recent murders of defenders of this territory support the conclusion that the risk level faced by these communities is extreme and that the need for protection is urgent. "That is the tragedy... one, two, three families, who say 'they will not get in here' ... and they say it for the last time, because the next time they cannot say it, for they are already dead, they have killed them."

## **The challenge of resisting: "If one were silent, the stones would scream"**

In response to the closing in their space for action, communities and organizations have identified and promoted self-protection mechanisms, where the sense of ancestral community has been fundamental to continue their struggle; they have also implemented other security strategies in their transfers, schedules, communications, which allows them to "continue to walk tall in the face of adversity". The diversification of legal strategies has led defenders to win cases despite the difficulties they face; and because of threats, on several occasions, they have been forced to generate new work strategies, as ASMAC tells us: "We have found a way forward -- constantly training community promoters, and every time we are training younger people ... We are not ourselves [in the territory], but we are still working (...) They have not defeated us. They're not going to break us; we're going return."

<sup>47</sup> Corte Interamericana de Derechos Humanos ordena al Estado mexicano proteger a la comunidad de Choréachi Red TdT March 2017



*Press conference concerning the end of activities of the "Caravan for Justice in Sierra Tarahumara" in Mexico City. @PBI-Mexico*

Another example of these mechanisms is the work carried out by the Network in Defense of the Indigenous Territories of the Sierra Tarahumara a network of civil society organizations that denounces violations of land, territory and environmental rights before different judicial bodies, offering legal advice and assistance to communities during trials and during the enforcement of relevant verdicts. The network is defined as a space with a political sense, which jointly analyzes cases from a legal standpoint, and establishes work strategies for effective assistance to communities. They have discovered that legal remedies are essential to achieve the other work objectives each organization has. According to CONTEC, which is a member of the network, "apart from being a network of organizations, it is a network of communities in defense of territory." Their work seeks to foster a more global organization in communities that allows them to face isolation and to stop threats to their territories. Another issue addressed is advocacy and visibility: For three years, the network has conducted "Caravans for Justice" which visits key actors at both the state and federal level, in order to detect issues, to raise awareness,

and to acquire commitments to address problems in the Sierra comprehensively.

Thanks to civil society efforts in Chihuahua, the Federal Protection Mechanism for HRDs and journalists activated an early warning system, consisting in a "Contingency Plan" signed on June 9, 2017 in response to the worrisome violence and risk situation they face in the state. The Plan includes a series of measures aimed at preventing potential aggressions and violations of human rights and aimed at guaranteeing that further violations and aggressions do not occur<sup>48</sup>. Said Plan devotes a chapter to the specific case of the Sierra Tarahumara, consisting of a set of actions that will be developed in order to complement the protection measures that certain mountain communities have. For PBI, the early warning means an important recognition of the emergency situation in the state of Chihuahua, and represents a more contextualized approach to addressing it. However, until now, no significant changes have been observed that indicate an improvement in the serious situation of defenders

48 Revisan acuerdos de Plan de Contingencia para Personas Defensoras de Derechos Humanos y Periodistas CEDEHM, July 2017





Peaceful demonstration of communities in Jamiltepec, Oaxaca @PBI-Mexico

# “Resistance” for communities means that they can decide the type of development they want

EDUCA, Services for an Alternative Education was created in 1994 and is based in the City of Oaxaca de Juarez. Through its work in the area of territorial rights, it strives to strengthen and consolidate the leadership of social, regional and community organizations that fight for the defense of their right to territory. It also strives to make alternative proposals to current development policies. EDUCA aids in several community processes for the defense of the territory before mega-projects

of exploitation of natural goods for the generation of energy and the extraction of minerals. Both its members and the supporting community defenders have suffered harassment, threats and defamation towards their work.

Marcos Arturo Leyva Madrid is the founder and director of EDUCA. Neftali Reyes Mendez works in the field of territorial rights. They both tell us that for communities “defending life is to defend everything it represents: the river, the minerals, the forests, their houses, their dead”<sup>49</sup>.

Oaxaca is one of the states with the highest levels of poverty, biodiversity, and with an important ethnic and cultural pluralism. 45% of the land in the state is communal property, and historical conflicts over land boundaries have been exacerbated by the sale and speculation of communal and ejido lands after the constitutional reform and after the amendment made to article 27 of the constitution<sup>50</sup>. For many organizations, the promotion of mega-projects and tourist or industrial corridors related to the implementation of the Puebla-Panama Plan<sup>51</sup> has increased this conflict. The Network of Those Affected

by Mining (REMA) ranked the state as the second in the country in terms of the number of social mobilizations against mining<sup>52</sup>; and according to data from EDUCA, the Ministry of the Economy reported 407 mining concession titles in force in 2016, covering an area that represents 5% of the state. The energy matrix and the structure of the energy sector in Mexico are also of concern to civil society, because for them it would represent a setback in terms of the Rights of Indigenous Peoples and Human Rights<sup>53</sup>.

49 This article is based on an interview carried out by PBI in August 2017. For more information on EDUCA please see <http://www.educaoaxaca.org/>.

50 For more information, see *Desigualdad extrema y tendencias de desarrollo. El caso del estado de Oaxaca, México* EDUCA and Oxfam Mexico, March 2016

51 For more information, see *Oaxaca: Conflicto Social y Violaciones a los Derechos Humanos* FIDH September 2006

52 *Interactive Map on Mining Concessions in Mexico* REMA, August 2017

53 For more information see: *Contexto Sobre Minería en Oaxaca* and *Contexto Hidro-Energético en Oaxaca*, EDUCA 2016





*Peaceful demonstration of communities opposed to the imposition of a hydroelectric project in Jamiltepec @PBI-Mexico*

The Mexican Commission for Dialogue with Indigenous Peoples ranks second in the nation for mega-project related conflicts<sup>54</sup>. In 2014, indigenous peoples, communities and organizations in the state met and identified significant threats to their territory from diverse interests that would seek to control them; in the face of the violation of the human rights of those who defend the territory; and in the face of the reforms, such as proposed reforms to Agrarian Law, the Telecommunications Reform and the Education Reform stand out<sup>55</sup>. Last year, the problem was aggravated by the creation of Special Economic Zones, promoted by the government with the objective of shortening gaps between territories by creating new separate areas of development, and which have been viewed with concern by civil society, due to their possible consequences on the militarization of the territory and the imposition of development projects<sup>56</sup>.

"Neither the organizations nor the communities are against the projects, or against the investment processes, the concern is due to the type of investment in question, whom it benefits and who it harms". EDUCA points out the importance of communities being part of the investment processes and that these should reflect their regional identity and vision, and aspirations for improvement in the quality of life within the communities. "Nowadays, there are investment projects or mega-projects that do not respect the community, the environment, or the right of people to decide whether

or not they want this type of projects." Because of these circumstances, the people or communities that defend their rights become community defenders.

## Difficulties in exercising the right to defend human rights

**Marcos:** One difficulty encountered by human rights defenders has to do with the fact that investment projects are often installed without the consent of the community, and to maintain the community more or less under control, pressure is exerted upon it, often through of armed groups that harass those who create the processes of defense and opposition. Another problem is the local cacique system, since the cacique's economic and political power in the region is threatened with the work of those who defend the territory. In addition, there are criminalization processes for defenders that try to link them to criminal actions. There is a series of crimes that are regularly attributed to almost all activist defenders, the sole fact that you do something in response, that you walk in the street in a demonstration can be used to prosecute you for the crime of attacks against the public byways; if you take an office and do not let a person out, authorities say it's kidnapping. The use of these crimes is arbitrary, the State uses them to file a criminal action against defenders. There are also communication strategies, media campaigns used to discredit

<sup>54</sup> [Oaxaca, Segundo lugar en conflictos indígenas PROCESO](#), September 2017

<sup>55</sup> [Declaración Política del Encuentro de Pueblos, Comunidades y Organizaciones de Oaxaca EDUCA](#), March 2014

<sup>56</sup> For more information see [Las Zonas Económicas Especiales de México](#) Economy Ministry June 2016

by accusing them of not being defenders, but criminals; accusations of embezzlement of funds, or of defending a certain criminal gang.

**Neftalí:** I think another problem is that companies provide financing (for projects), but they are never directly involved, so the strategy they have used is the creation of a civil association that defends and promotes the project within the community. Said association begins to generate opinions favorable to the company, and begins to divide the social fabric. On the other hand, there is the arrival of paramilitary groups or armed groups, where it is very difficult to establish the link between the company and these violent groups and the associations they have created. This pattern occurs throughout the country and is one of the most important points, because we have few tools to hold the company accountable; there is no mechanism that requires companies to respect human rights. In addition, there is impunity in the aggressions towards defenders while the same justice system criminalizes them. These are the two sides of the same coin, and this is a very serious problem in several of the cases we accompany.

## Responsibility of non-state parties and public development policies

**Neftalí:** Companies are playing a very important role in community social divisions. They do not get involved directly, but they demand that the State repress, not the entire state, but certain parts or officials. In addition, private investment is favored along with this type of projects; the law of Special Economic Zones is an example of that. Each time there is a stronger separation between the decisions made by the State towards a certain work or certain public activity, and what the public is thinking of as an alternative, as a route, as a solution. This situation is clearly seen in the laws of the Special Economic Zones, where a private, economic sector is privileged and on the other hand the citizenry is left totally unprotected.

**Marcos:** It seems to me that we are already seeing the signs, especially in the issue of economic zones in Oaxaca, and it has to do with giving “security to investments”, which translates precisely into a greater military and police presence in these places. On the other hand, opposition movements are also

perceived in the processes of criminalization, and this is being translated into media campaigns, which pit one part of society against another, in order not to generate organized and social processes for the defense of the territory. These are the same threats that we saw in the eighties and nineties, with disappearances, murders, torture, death threats, office raids. Now what we see is the intensity of these aggressions that come both from the government and from transnational companies.

## “Continue resisting”, actions taken by the community

**Neftalí:** Many communities still have a community life where the Assembly plays an important role in decision-making, in informing people. The process of opposition is a collective process where access to information to make a decision about communities plays a pivotal role. In addition, whether they are agrarian communities or ejidos, communities maintain a very strong relationship with other neighboring communities thanks to parties or exchanges, which generates the construction of networks of communities in defense of territory. This is the basis for a series of strategies in which local, state and national filing of accusations plays a very important role; as does the documentation of rights violations, of aggressions or of the problem; and the social mobilization, not only demonstrations, but the social mobilization in the sense that the community begins to mobilize, to inform itself and to talk about the issue, in the sense that the community generates an assembly or a forum, and begins a series of actions for that defense.

**Marcos:** We start from the premise that there is no territorial defense if there is no local subject that conducts it. Our task is to create a collective subject; in Oaxaca we still have organized communities, either through their municipal, agrarian, or communal authority or a committee. There are communities to which these opposition processes have helped to have a new relationship with the territory, as in the case of Paso de la Reina<sup>57</sup>, where, for 10 years, adults, young people, boys, and girls have rediscovered the meaning of the river in their community life. EDUCA cannot transform reality alone, we have to join with others and generate processes of cooperation.

57 For more information, see [Proyecto de Aprovechamiento Hidráulico de Usos Múltiples Paso de la Reina](#)







# Cloete, “Our life is worth more than coal”

Pasta de Conchos Family Organization (OFPC) focuses its fight against coal extraction activities carried out under irregular conditions, or where relevant legislation has not been properly applied. Created in 2006 to demand the rescue of the bodies of the 65 miners who were trapped in the Pasta

de Conchos Mine, the organization denounces the situation of impunity with which violations and abuses of human and environmental rights are met, advises those health or assets have been affected by mining, and inspects the security and labor conditions in the mines<sup>58</sup>.

Coahuila, located on Mexico's northern border, is characterized by the so-called "Zona Carbonífera" (Coal Region), which occupies 15,000 square kilometers in the northern part of the state. The region contains 95% of the country's coal reserves<sup>59</sup> and generates around 10% of the national energy through coal extraction, from which 7% of the Federal Electricity Commission's power is generated<sup>60</sup>. Because of all this, the presence of extractive industry is very visible

in the municipalities of the region, whether through legal, illegal, irregular or industrial mining<sup>61</sup>. By 2013, the Centre for reflection and action on labour rights (CEREAL) had described the area as a "red light", due to the situation of irregularity that it identified in "pocitos" and in gravel and sand mines<sup>62</sup>. Coahuila has also been identified as a high-risk zone for the defense of human rights, and as one of the states with the greatest number of attacks against defenders<sup>63</sup>.

<sup>58</sup> For more information on the work of OFPC, see <http://www.pastadeconchos.org/>

<sup>59</sup> For more information, see <http://www.pastadeconchos.org/carbonifera>

<sup>60</sup> Cloete: *La defensa de la casa*, Jose Ignacio De Alba

<sup>61</sup> *Informe Especial Sobre Las Condiciones De Seguridad E Higiene En La Zona Carbonífera Del Estado De Coahuila* CNDH, November 2011

<sup>62</sup> For more information, see <http://www.cerealgdl.org>

<sup>63</sup> *In Defense of Life Civil Observation Mission (MOC) Report on the situation of human rights defenders in Mexico* CMDPDH, September 2015



Inhabitants of Cloete remember miners who have lost their lives working in the area. @OFPC-HistoricalArchive

In April 2015, OFPC opened an office and library in Cloete, in the municipality of Sabinas, with the purpose of advising those who's health or property had been affected by the exploitation of coal in the area. According to the testimonies of the local population, several mining companies have undertaken open pit mining, which has important impacts on the lives of the inhabitants, damaging the property and environment of hundreds of families that inhabit the town of Cloete. According to OFPC, these activities do not respect the Environmental Impact Manifesto of 1996, which determines that "activities of exploration or extraction of coal cannot be carried out within the lands of the urban area located at a distance of 350 meters from the last house of the towns of Sabinas, Villa de Agujita and Villa de Cloete, Coahuila"<sup>64</sup>.

Since the opening of the office in Cloete, OFPC members have peacefully defended their right to health, housing, education and a healthy environment, protected through what are known as economic, social, cultural, and environmental rights; demanding compliance with existing laws for their protection and for the protection of the environment in the context of mining extraction<sup>65</sup>. Because of this work, members of OFPC have suffered harassment and threats, and have faced criminalization processes. In an interview with PBI, Cristina Auerbach explained the situation in Zona Carbonífera; the reasons why the OFPC was created; its role in the protection and promotion of the labor rights of the miners, of the

communities and of the environment in the area; and the important role that the people of Cloete play in the struggle to protect their homes and to defend their rights.

## "I'm only defending my house"

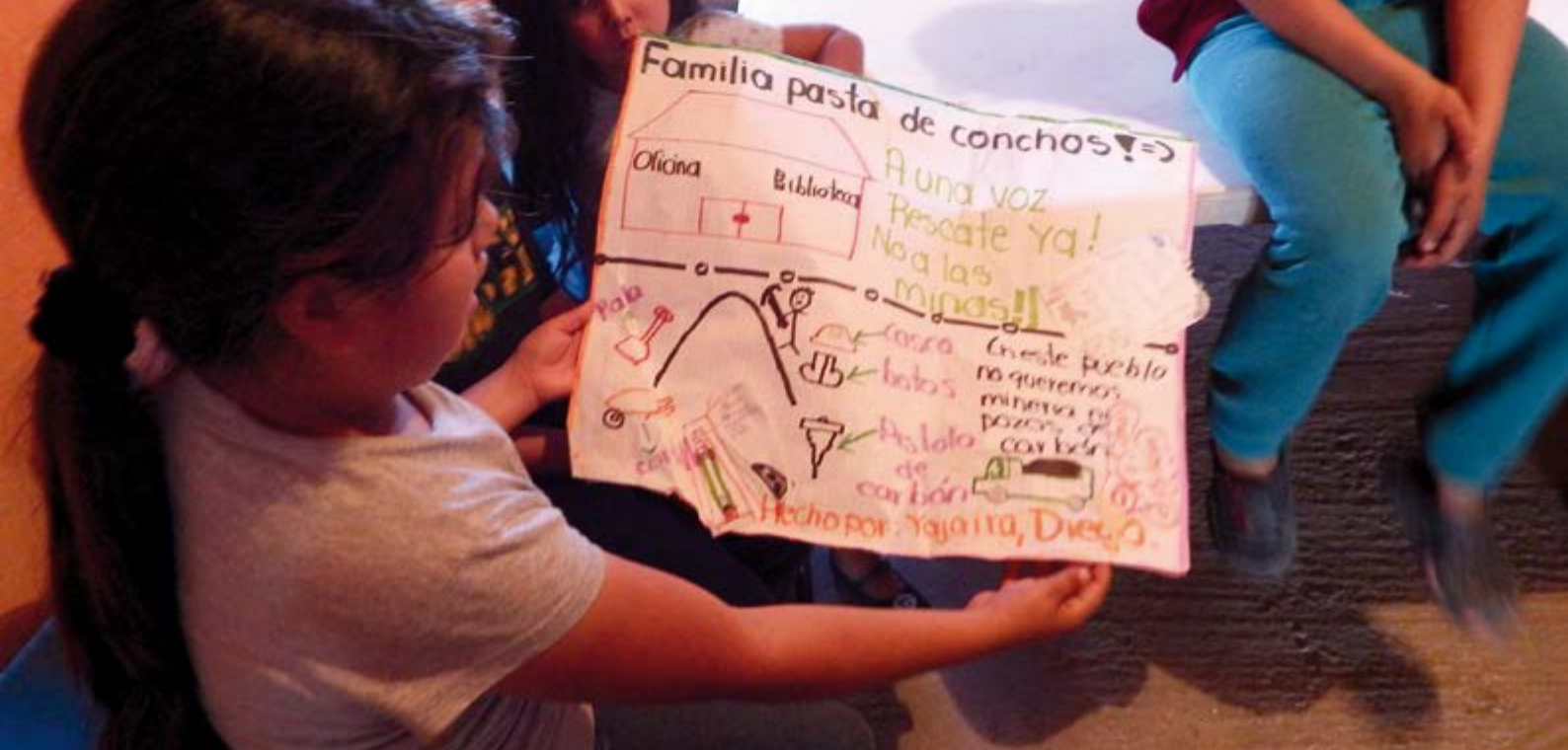
The economy of the Zona Carbonífera is little diversified, and is thus very fragile. Water is wasted in extraction mines and treatment plants. Small scale employment is common in the villages – we hire each other for small scale construction, cleaning, to cook, etc. The population of this region has health issues. It's not just the miners who breathe dust from the mines, we are all permanently breathing dust; the region has more particles in the air than Mexico City, and that gives us an idea of the magnitude of the health problem we have. In this way, all the complaints that were filed with the National Human Rights Commission (CNDH) are about the issue of coal mines, and include the right to health, environment, life and personal integrity. However, as in many cases, it seems that the CNDH is ignoring the conflict, because the complaints were filed two and a half years ago and CNDH has not issued any recommendations.

Cloete is a small mining town. According to its development plan, the municipality of Sabinas made the decision to extract the coal, which would entail the disappearance of Cloete. The plan was in line with the incursion of the businessmen, who

<sup>64</sup> PBI expresses profound concern for the security situation of human rights defender Cristina Auerbach of the Pasta de Conchos Family Organisation due to recent acts of intimidation and defamation PBI Mexico, March 2016

<sup>65</sup> For more information on the legal framework related to mining, see *Minería / Legislación, normatividad y convenios internacionales* SEGOB, June 2015





*Library in OFPC's office in Cloete @PBI-Mexico*

exercised a lot of violence against people. For example, the police would detain people, who were then handed over to a business, and their security guards brutally beat them so that they would leave their home and the town, and they could then have access to the coal. Cloete is the result of privatization 20 years ago and the result of a state that operates in favor of dealers and entrepreneurs under the excuse that they will foster 'development' with the energy reform.

Coahuila is a very sexist state, and the mining sector is also sexist, but in the case of coal mining, being so dangerous, has taken to the extreme the attributes associated with masculinity (strength, courage, heroism, etc.). Therefore, publicly, we women are accused of being 'conflictive old women' and of 'not caring for our families,' which makes the work of women defenders more difficult. Every time we do something to stop an open pit mine in Cloete, they attack us; they defame us; they open criminal investigations about us; they accuse us of dispossession. This is because the coal that comes out of Cloete is delivered to the state government that, in turn, sells it to the CFE, and so we are accused of causing millions of pesos of losses. Despite the violent reaction of businessmen, politicians and governments, we have managed to get some of the companies out of town, we have managed to cancel concessions and prevent them from returning to work. The people of Cloete, especially the women who live next to the pit mines, have become human rights defenders to protect their homes and their people. We believe that the fact that

the defenders in the coal region have a comprehensive vision has made it possible to address the mining problem in all its aspects, for the first time in history we took on coal extraction. And yes, the great achievement is to have decreased the deaths in mines, but there is still a lot to be done. Now miners are poorer than before, every time they are registered with less salary, they are still very sick, many work in clandestine or illegal mines, without even being registered with the Social Security Institute.

OFPC is a great effort of very few people. We do not know how many we are. But we do know that we are in all mines, in all towns. Distances, poverty, and the organizational inexperience of more than two hundred years, and especially the fear after the era of the "Zetas" Cartel<sup>66</sup>, make it very difficult to think of meetings of the entire organization, but we have other mechanisms to communicate, to create relationships, and to progress in our agenda. Our motto is "to do everything we can, whenever we can, because our life is worth more than coal." So, with this idea of the future, we have a lot of fun together, we have a library for adults and another one for boys and girls, and we built three greenhouses. We are recognized as a very successful organization, but we believe that it is a tremendous success because we are not the government, we are not the unions and we are not the companies; and if all those who have the duty and responsibility to act fail to do so, to prevent miners from being killed and villages from being illegally destroyed, we will not be moving forward.

<sup>66</sup> Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza are Crimes against Humanity FIDH, July 2017





Ancestral authorities travel their territory with experts. @CDHM-Tlachinollan

# The struggle of the Me'Phaa People for being a free of mining territory

The Tlachinollan Human Rights Center (CDHM Tlachinollan) is a human rights organization which has worked in the state of Guerrero since 1993. They promote and defend the rights of the ñuu savi, me'phaa,

nauas, nn'anncue and mestizo peoples of the Montaña and Costa Chica regions of Guerrero; among them the collective rights of indigenous peoples; economic, social, cultural and environmental rights; and women's rights<sup>67</sup>.

The state of Guerrero is a territory of interest for the mining sector, due to the 42 mineral deposits it has. Thirty-eight concessions have been delivered by the federal government in order to conduct exploration and mining activities, without taking into account the right to territory, consultation and consent of indigenous peoples<sup>68</sup>. According to Tlachinollan's latest report, the peoples that inhabit the region have identified mining as one of the main threats to the territory, which is why they have developed a series of opposition strategies and fight both locally and as part of networks<sup>69</sup>. A recent and successful case is that of the San Miguel del Progreso community, Júba Wajíin - in the Me'Phaa language

- which, since 2011, has collectively rejected open-pit mining in its territory and who, in June 2017, obtained the final decision that prohibits open-pit mining through injunction (juicio de amparo) number 429/2016. This sentence is the result of a collective process carried out by the community, integrated by more than 3,800 people, who mainly live on their maize and coffee crops, and who continue to fight so that all the parties involved comply with the final decision<sup>70</sup>. Although this sentence is a positive sign in favor of indigenous peoples and their collective rights, the communities are reinforcing their organizational processes to be able to exercise them.

67 For more information on Tlachinollan's work, see: <http://www.tlachinollan.org/>

68 For more information on this case, see *Júba Wajíin: Una batalla a cielo abierto en la Montaña de Guerrero por la defensa del territorio y la vida* Tlachinollan, Julio 2016

69 *Guerrero: Mar de luchas, Montaña de Ilusiones*. XXIII Report, Tlachinollan, June 2017

70 *OPINIÓN | Júba Wajíin: Un rayo contra las mineras* Tlachinollan, July 2017



## **“We are here, because you are fighting”<sup>71</sup>**

In the Mountain Region of Guerrero, 20 agrarian nuclei have been organized as a structure of indigenous and agrarian origin to face mining projects that threaten their territory. Since 2012, they have resorted to various legal resources and implemented an intense information campaign targeting the Me'phaa, ñuu savi and suljáa peoples, who belong to more than 200 communities, in order to ensure they have access to reliable information that allows them to understand the consequences and damages caused by the new open-pit mining model. This process has allowed them to make decisions freely in their own community assemblies, which has led to the rejection of this type of projects. To date, the struggle of the Regional Council of Agrarian Authorities in Defense of Territory (CRAADT)<sup>72</sup>, has been identified as a regional and national reference, for the force they have shown to prevent the installation of mining projects in the almost 180,000 hectares of territory that they administer and control. Their declarations of municipalities free of mining, together with the injunctions, have created a shield that encourages many other communities to join CRAADT and to prevent foreign companies from depriving them of their natural resources.

In its 2011 report, CDHM Tlachinollan reveals that about 200,000 hectares of the Montaña region have been granted under a concession for exploration and mining exploitation. From the dissemination of this information, an organization process within the agrarian nuclei began in order to care for and defend their territory. In 2012, the federal government announced the “Reserva de la Biosfera de la Montaña de Guerrero” decree<sup>73</sup>. This project was an ANP (Natural Protected Area) of 157 thousand hectares, which affected 13 agrarian nuclei in 5 municipalities. This ANP would be located in the communities with the highest concentration of forest, water and biodiversity and would coincide with the largest mining concessions of the region, which was alarming for the majority of the population. The announcement of the decree sparked the disagreement of the agrarian nuclei and generated a process of collaboration of the same for the defense of their territory before any type of threat that would violate their own internal decision-making processes.

## **Defense of the territory: Taking care of the lives of future generations<sup>74</sup>**

My name is Valerio Amado Solano, I am president of the communal land commission of San Miguel del Progreso, a community where we are all of me'phaa origin. Between 2010 and 2011, we realized that something was happening, because helicopters flew very low, one helicopter entered a community and left, and then another one entered, and so helicopters came and went; and we found out that it was mining. Then in 2011 the commission called a meeting to see what we were going to do with this problem that was coming, and the people issued a letter definitively rejecting mining, which was sent to the national agrarian registry in Chilpancingo (capital of Guerrero), because that was required by Agrarian Law. Then the petition for an injunction was filed in 2013 and it took until 2015 for it to be granted, but as the injunction was in favor of the community, the government, the Ministry of the Economy did not want to accept it. We also wanted the mining law to be reviewed, so that we would have more in favor on our side; but instead, they decided to cancel two concessions: “Reducción Norte” and “Corazón de Tiniebla”.

We already knew that they were going to tell us lies, they proposed building us a cement house, delivering us a car, building us a road, providing us with light, water, all that. The people said no, because they did not want the hills to be destroyed, since we go to the hills and we pray, because they are a sacred place, and the water that supplies the town comes from those hills! We have other sacred places also where we go to hide the bones of the animals that we kill to eat; we have places where we go to get pigweed, we go to get medicinal herbs, and all that in exchange for building a house for us? And how long would that house last? Well... that house would last long enough for us, but would it last for future generations?

One of the main obstacles we had was in the first petition for an injunction is that the government said that we were not indigenous, because if they admitted that we are indigenous, Convention 169 would have supported us. So, to avoid its responsibility the government said “no, you are not indigenous people and you are not organized either.”

<sup>71</sup> This article was written by the Tlachinollan Human Rights Centre and the phrase is attributed to the Centre's Director during his speech at the XXIII anniversary celebration

<sup>72</sup> Manifiesto del Consejo Regional de Autoridades Agrarias por la Defensa del Territorio y en Contra de la Minería y de la Reserva de la Biosfera en la Montaña de Guerrero y Costa Chica Consejo Regional de Autoridades Agrarias en Defensa del Territorio, May 2015

<sup>73</sup> El Consejo Regional de Autoridades Agrarias en Defensa del Territorio dice no a la Reserva de la Biosfera de la Montaña de Guerrero y a la explotación minera CRAADT April 2013

<sup>74</sup> Interview of Valerio Amado Solano, President of the San Miguel del Progreso Communal Land Commission carried out by PBI in August 2017





*Examining history is part of the process of opposing mining in communal territory. @CDHM-Tlachinollan*

Later on, in 2012, the council of authorities in defense of the territory was formed, because other communities were also realizing that their territories were also being granted under a concession. This council is still valid, and is integrated by communities of more than 20 agrarian nuclei of several municipalities and their communities. The declaration of the mining-free zone is for all the people and for all the other communities, by obtaining a favorable resolution in the petition for injunction the first time, seven communities and two municipalities benefited, and this petition for injunction benefits three municipalities and seven agrarian nuclei. What we want is for this to be disseminated, so that in the face of any problem, we already have support from the people. Because what the government wants to do is not OK, to deprive us of our resources, which our ancestors have been able to take care of, and we are doing the same. On whether we would accept an indigenous consultation, then not flatly, not just because I say it or because San Miguel says it, but that it is a regional Costa-Montaña agreement. The thing is that this is about open-pit mining! They are going to devastate the community and several other communities; and we have been to Carrizalillo<sup>75</sup> and we saw how the hills are falling apart there, we saw the problems that the inhabitants face now: organized

crime, many people are leaving the place, so, we already have evidence of what can happen to us.

**For the indigenous communities in the Mountain region of Guerrero, the mining concessions granted by the Mexican State represent the imposition of a policy that threatens the existence of ways of life rooted in the ancestral world view of the Me'phaa peoples, where nature is understood as something sacred that is cared for and defended. The legal and organizational actions undertaken by San Miguel del Progreso and other communities of the Mountain region of Guerrero are an example for other peoples committed to the exercise and defense of collective rights recognized at the international level in the United Nations Declaration on the Rights of Indigenous Peoples, in Convention 169 of the International Labor Organization, and in Article 21 of the American Convention on Human Rights, on prior, free and informed consultation, among others. These initiatives have been supported by the Tlachinollan Regional Human Rights Center and implemented through a network of communities themselves.**

<sup>75</sup> Carrizalillo, ejemplo de lo que viene con el nuevo impulso minero Desinformémonos, April 2014







# Xochicuautila continues and will continue in resistance"<sup>76</sup>

In Mexico State, the Otomí indigenous community of San Francisco Xochicuautila has experienced a conflict for more than a decade because of the highway project between Naucalpan and Toluca. During this time, and

within the framework of this struggle, the community has indicated that it has suffered repressions including persecution, threats, harassment and imprisonment<sup>77</sup>.

Large-scale development projects include a range of projects, including highway construction<sup>78</sup>. The Otomí indigenous community of San Francisco Xochicuautila is located in Estado de Mexico and was mentioned by the Special Rapporteur on the situation of human rights defenders, Michel Forst, as a case that exemplifies the processes of defense of the territory of indigenous peoples<sup>79</sup>. The Otomí people are distributed in different communities throughout Mexico State, where they have settled for thousands of years generating economic, social, cultural and symbolic relationships with the territory.

The highway project was initially approved in 2007 and the layout included the disappearance of a large number of Otomí-Mexica forest, affecting the communal lands of San Francisco Xochicuautila, San Lorenzo Huitzilapan, Santa Maria Atarsquillo and Ayotuxco in addition to destroying sacred spaces within the local Otomí culture. Armando Garcia, member of the community and beneficiary of protection measures of the Federal Mechanism, tells us more:

<sup>76</sup> Interview conducted by PBI with Armando Garcia Salazar, a lifelong resident of the municipality of San Francisco Xochicuautila

<sup>77</sup> For additional information on the case, see <http://serapaz.org.mx/category/xochicuautila/>

<sup>78</sup> For additional information, see *Protocolo de Actuación para quienes imparten justicia en casos relacionados con proyectos de desarrollo e infraestructura* SCJN, 2014

<sup>79</sup> End of mission *statement* by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst on his visit to Mexico from 16 to 24 January 2017



*Members of the community of Xochicuautla along with members of Serapaz and Oxfam @SERAPAZ*

"Good morning brothers, sisters. My name is Armando Garcia Salazar, I am an Añatú indigenous person and today we are going to talk about our struggle. We started 11 years ago, during the month of December 2006 with the bad news that a highway was going to go through our indigenous territory. Already in December 2007 we realized that there were staff working, doing soil mechanics studies. They told us that a highway was planned in that area called "Autopista Toluca-Naucalpan" and that the authorities were notified, they showed me a document addressed to the municipality, it was not even addressed to the members of the traditional authorities. So that night we went to see the municipal delegates, we asked them to please call a general assembly to give information to the people, we made several attempts and we managed to get almost all the populations that were involved to come together in Xochicuautla. There, each delegation expressed its position "against" the project going through our land. The first point against this road was the harm caused to the environment; this was our first concern, because our springs are up there, how many trees will they cut down? The answer is thousands.

The authorities, I believe under pressure from the state government and the municipal authorities of Lerma, convened another assembly. There, they told us that this project was going to bring benefits, namely: "the improvement of the streets, the improvement of the electricity network, the improvement of drinking water in the community." We told them 'this does

not represent great help or a great contribution, so what for?' In that second assembly we also said no. Between 2007 and until 2010 the people were summoned to approximately 4 such assemblies. And for the last assemblies people began to lose interest. The government is clever, it looks for ways to divide people. By surprise, in 2010 we realized that the community census was coming: they registered 882 people, 441 for the nucleus integrated by San Francisco Xochicuautla and 441 for its annex, La Concepcion Xochicuautla, for a population of approximately 10,000 inhabitants. It did not even represent 10% of the community. The assemblies began again, and they resumed the project, but now the community is no longer convened, the assemblies were no longer based on local norms and customs, and there were riot policemen to watch over them.

On August 11, 2011 a meeting was held to sign the "Prior Occupation Agreement", but the assembly that failed to meet the legal requirements. Because of these irregularities, we filed a petition for the nullification of this assembly, which was resolved in our favor, but unfortunately according to the court the assembly was nullified, but the agreements were still valid. More than 1,200 riot policemen arrived to guard that assembly, we did not like that, that was a provocation. In 2014 we realized that the project was not only the construction of the highway, but it also included projects with residential areas throughout the forest. On July 9, 2015 the federal government issues an expropriation decree for the lands of San Francisco





*Armando Garcia during his participation in the presentation of the third diagnosis of the OSC Space @SERAPAZ*

de Xochicuautla. Throughout the years of struggle, the community won seven petitions for injunction, four of which were final. The affected populations came together and formed the United People's Front in Defense of Mother Earth (Frente de Pueblos Unidos en Defensa de la Madre Tierra)<sup>80</sup>. We started to meet people from other states, comrades from other struggles, and we joined them. That was between 2011 and 2014. There was also solidarity and visits from people from other countries, which makes us happy, because we say, we have support from outside of Mexico.

As the first delegate for a period of three years, I was imprisoned for standing in front of the machines, I was apprehended together with eight people on November 3, 2014. Before, on May 14, 2014, fourteen people were also apprehended in an area that we call private area. They are also community members and owners of land, they were imprisoned for four days<sup>81</sup>. Since September 2015, we were considered by the Governmental Protection Mechanism for Human Rights Defenders and Journalists as defenders. I think this has been of some help, however, this has not been of as much help as one would like. In theory it sounds very nice, but in practice there is nothing further from the truth. For example, in spite of the fact that there were two permanent injunctions according to which no machinery equipment

should have entered our indigenous territory, they entered on April 11, 2016 to demolish my house without prior notice and without any court order. Because I was part of the Protection Mechanism, the federal police should have arrived, because we have alarm buttons, and these were activated at that time, not only by me, but by several friends. But the federal police never came, and the house was demolished in three or four hours and no one from the government showed up in the area to help or to ask you what had happened.

On May 18, 2017 the community presented an alternative project<sup>82</sup>, that project was accepted by the Government: A comprehensive community development plan, which covers health, culture, education, and leisure, as well as the improvement of sustainable projects. Xochicuautla from the very beginning said that it was not against development or progress, instead, the main reason for our resistance was the ways in which this project was being carried out. This is what has helped, because what we have suggested decreases the environmental impact and this was our goal from the beginning. We have been an icon of several struggles; many organizations have asked us to support them by explaining how we did it, what mechanisms we used. Xochicuautla continues and will continue in opposition, because these (projects) will not stop.

<sup>80</sup> For additional information see <http://frentedepueblosindigenas.org/>

<sup>81</sup> *Policías del Estado de México irrumpen en Xochicuautla. Destruyen casas y Campamento de la Paz y la Digna Resistencia* SERAPAZ, April 2016

<sup>82</sup> *Con propuesta alterna Xochicuautla lanza posible salida al conflicto* SERAPAZ May 2017



A group of approximately ten women are gathered outdoors on a grassy lawn, surrounded by large, leafy trees. They are participating in a workshop, with several women holding hands in a loose circle. The women are dressed in casual attire; some wear hijabs. One woman in the foreground is seated on a black folding chair, wearing a colorful patterned headscarf and a white long-sleeved shirt. Another woman stands nearby, wearing a black t-shirt and dark pants. The scene is bright and sunny, with dappled light on the grass. In the bottom left corner, there is a black umbrella partially visible.

# Women in defense of the territory

*Regional Workshop, Integral Feminist Protection @PereNomendeu*





According to the 2017 report, “Violence Against Women Human Rights Defenders, National Diagnosis”, from the National Network of Women Human Rights Defenders in Mexico (Red Nacional de Defensoras de Derechos Humanos Mexico – RNDDH), violence against female activists and journalists increased. According to the Mesoamerican Archive of Violence Against Women Human Rights Defenders maintained by the IM-Defensoras Network, 118 cases of violence were committed against WHRDs nationwide in Mexico, during 2012. In 2013, this number reached 189 cases and, in 2014, 308, an increase of 261% in just three years<sup>83</sup>. From 2015 to 2016, the number of cases increased to 313 and 550, respectively. Since documentation began, there was an increase of 366% of the total cases of violence against WHRDs from 2012 to 2016.

This chapter highlights the role, contributions and specific situation of women human rights defenders as well as the need for a gender perspective in order for their protection to be comprehensive.

<sup>83</sup> *Agresiones contra defensoras de derechos humanos en México, diagnóstico nacional RNDDH Mexico, February 2017*







# Women have always been on the front lines of the cause<sup>84</sup>

Verónica Vidal, Coordinates of the Women Human Rights Defenders Program at the Association for Women's Rights and Development (AWID). AWID is one of the coordinating members of the Mesoamerican Initiative for Women Human Rights Defenders (IM-Defensoras), a network of over 800 women human rights defenders from Mexico, El Salvador, Nicaragua, Guatemala and Honduras that aims at strengthening

and linking activists from different organizations and movements to establish security networks and solidarity engagement among them; it also proposes to increase attention, acknowledgment and impact in their work to protect and promote human rights<sup>85</sup>. As part of the IM-Defensoras', AWID is in charge of coordinating the Mesoamerican Archive of Violence Against Women Human Rights Defenders in Mesoamerica<sup>86</sup>.

In Mesoamerica, the promotion of extractive policies and implementation of a neoliberal development model has resulted in an economic scheme that favors the creation of large scale economic projects linked to inequitable industries, natural resource privatization, the productive reconvention addressed to monocultures, commercial use of water with hydroelectric plants, etc. The insertion of this model has resulted in the direct installation of companies on communal lands. This creates a disruption in the community and makes

them want to organize themselves and act against such model. Women defenders of land, territory and environmental rights can be found throughout the region where companies have deployed strategies to launch large scale economic projects for the financial, mining, hydroelectric, deforestation and wind power sectors throughout Mesoamerica. They defend their territory, way of life, thoughts and work; they also protect their right to live a healthy life and according to their social, spiritual, religious and economic preferences.

<sup>84</sup> Entrevista realizada por PBI a Verónica Vidal, de AWID

<sup>85</sup> For more information on the IM-Defensoras, see <http://im-defensoras.org>. For more information on AWID, see <https://www.awid.org/>

<sup>86</sup> The Mesoamerican Archive of Violence Against Women Human Rights Defenders in Mesoamerica collects and systematizes aggressions faced by WHRDs in 5 countries: El Salvador, Guatemala, Honduras, México and, since 2105, Nicaragua. The Archive is the only tool of its kind to identify gender components in aggressions and analyze violence from a feminist perspective.

Women have always been on the front lines of the cause; however, due to patriarchal organization and community structures in society, they are often left to act in supporting roles instead of in leading or decision-making roles. Nevertheless, this has not affected their desire to increase their influence in organizational spaces, freeing themselves from social shackles and making them leaders in the defense of land and territory. This has not, however, saved them from acts of violence committed against them within their communities, organizations, social movements and families, who often refuse to accept their choices and want them limit themselves to traditional roles such as mothers and caregivers.

Those committing acts of violence against women land and territory defenders are mostly regional stakeholders and companies that use different tactics, for example the use of public force and criminalization; establishing criminal records by randomly and illegally detaining those participating in peaceful demonstrations or checkpoint blockages; adopting intimidation and harassment methods; making telephone threats and false accusations; launching defamation campaigns and even assassination of leaders. These strategies often target defenders for their gender, for example by targeting not only the women's work, but attempting to undermine their credibility in political affairs and participation in public spaces. Gender-based violence is also present when women human rights defenders are subjected to sexist remarks, acts of sexual violence and threats made, against their children or families. There has been a considerable increase in cases of gender-based violence in the region: in 2016, we documented 15 murders in this region and most of the victims were women land and territory defenders. In 2015, we documented around five murders. Activists have also dealt both with external actors – companies and regional governments that promote this type of investments – and with their own communities because of the internal prejudice on a communal and familial level, who think that they are not fulfilling their role as women assigned by society.

## Integral feminist protection as part of a resistance strategy

In 2010, we found that there was an increase in cases of gender-based violence against women human rights defenders; and that the victims of these attacks could rarely take action to protect themselves. At that time, the protective scope was in its early stages and there was no specific gender-based framework within security mechanisms. An initial diagnosis was made, which highlighted the need to create an alliance to develop certain security mechanisms. We began to realize that an important element in protection was to create self-defense networks for and by women defenders and started to articulate in networks to create a system that would face violence through an integral feminist security strategy including not just local protective measures, but communication activities, domestic and foreign engagement, documentation, self-care and risk analyses with a gender point perspective. That is how IM-Defensoras was born.

In a joint effort between the women human rights defenders International Coalition and several women human rights defenders from Africa, Asia and Latin America, AWID has documented strategies that women defenders have implemented to face and fight against extractive industries<sup>87</sup>. For instance, ways to overcome stigma in the media -- because companies have the capacity to launch massive defamation campaigns; litigation has also been an important tool, however it's one of the most expensive strategies, as it takes time and resources, but there are some successful cases with positive results in seeking injunctions. International engagement has been important; social movements and direct actions; campaigns, peaceful demonstrations, social media campaigns, blockades against companies that use discriminatory practices; and using art as an intervention. Another strategy consists in creating solidarity networks of social movements, for example the IM-Defensoras or the Latin America Women's Union<sup>88</sup>, which brings together groups of women activists in the fight against

<sup>87</sup> Weaving Resistance Through Action: Strategies of Women Human Rights Defenders Confronting Extractive Industries AWID and WHRDIC, August 2017

<sup>88</sup> For additional information on this network see <http://redulam.org/>





*Regional Workshop, Integral Feminist Protection @PereNomendeu*

the mining industry in Bolivia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Peru and Venezuela. Self-care is also an essential part for an integral security strategy, a self-care method that works not only in emergencies, but also a political act that guarantees optimal conditions for social campaigns.

## **The Government should protect the right to defend human rights**

Regardless of their private or public collusion with companies from the private sector, the Government is still the main guarantor of security and is responsible for guaranteeing that the right to defend human rights can be carried out in a peaceful and safe environment. The government should recognize the importance of social campaigns, launched by women and men human rights defenders, and it should not allow, under any circumstance, negative opinions from public

officers that undermine the work of said movements because this diminishes the prestige of human rights defense work in society. The State should guarantee that the structural conditions to solve impunity, injustice and failure to access public resources. Security mechanisms should be properly financed and have certified staff that holds a gender-based protection perspective; in other words, they need to know how to differentiate violence against women and also about support considering women's roles both in their community and society, and guarantee their specific security needs. A review of said mechanisms needs to be made from a legal perspective, because the secondary aggressor is the justice system that re-victimizes and judicializes defenders. International security mechanisms from the United Nations and the Inter-American System, as well as their engagement in the pursuit of justice, fight against impunity and violence are still important to compel governments to stop assaults against women defenders, and to show their involvement and/or lack of commitment to security.



Meeting about "Business and human rights" organized by Fundar in the Isthmus of Tehuantepec @PBI-Mexico



# “Life and identity protection is not negotiable”<sup>89</sup>

Consortium for Parliamentary Dialogue and Equity Oaxaca (Consortio Oaxaca) is a feminist organization that promotes respect for women and women’s human rights, as well as gender equality. Its main goal consists in impacting legal and public policy procedures as well as promoting the creation of citizen networks, training

programs for women to be informed of their rights, and build a democratic society that fosters engagement, justice and social inclusion. Consortio works in the state of Oaxaca, both in rural and urban communities, through courses, workshops, events, counseling and communications activities, among others<sup>90</sup>.

*“I am here because I know that Mother Nature is alive; she is a woman, like me, and she gives birth on a daily basis to feed us; therefore, doing harm to her means destroying life itself. We need to care of ourselves because Nature and our communities need us”.*

Carmelina Santiago, CDI Flor y Canto.

<sup>89</sup> Article by Emily De Wolf and Jessica Sánchez Maya, Consortio para el Dialogo Parlamentario y la Equidad Oaxaca.

<sup>90</sup> For additional information on Consortio’s work see <http://consorciooaxaca.org.mx/quienes-somos/>



Historically and as part of a systematic pattern in undermining social campaigns and defense work led by women, the role of women territory defenders has been made invisible for many years. However, their work has been a key in the defending territory; the defense of their land is not negotiable because it is intrinsically related to the sense of life and identity that it provides them. Social campaigns have resulted in great risks in a context where the Government supports and implements removing public policies, regionally and nationwide, by selling natural resources to the private sector. The neoliberal model of territorial control, supported by the new strategy of “Special Economic Zones” (ZEE) is supported and implemented by the Government, in detriment to communities, women and their identities.

In this context, attacks against Women Human Rights Defenders who defend the territory and women that raise their voices against this logic have increased. Consorcio, as part of the Archive of Violence Against Women Human Rights Defenders, has documented an exponential increase in cases

of violence against women territory defenders -- from 11 attacks in 2012 to 35 in 2016<sup>91</sup>. Attacks against land, territory and environment defenders account for 21% of cases of violence that were documented during Governor Gabino Cué’s administration.

These attacks are particularly problematic in community contexts; even though violence against women activists has increased in cities as well, the number of cases is bigger in rural communities. The most common aggressions include false accusations, launching defamation campaigns that jeopardize women’s credibility, harassment and threats. Attackers make false accusations by using activists’ personal information, photoshop and slander campaigns in social media, have increased through the promotion of gossip that undermines their work.

Women are known to unconditionally defend their land by using pacific and innovative tools and strategies. For instance, women defenders from Puente Madera<sup>92</sup> in the Isthmus of

<sup>91</sup> *Agresiones contra defensoras de derechos humanos en México, diagnóstico nacional* RNDDH Mexico, February 2017

<sup>92</sup> For additional information see *Las mujeres de Puente Madera* Centro de Derechos Humanos Tepeyac del Istmo de Tehuantepec, A.C. and Red de Defensoras y Defensores Comunitarios de los Pueblos de Oaxaca (REDECOM), May 2017





*Women Human Rights Defenders, Rosalba Jimenez (Puente Madera) and Bettina Cruz, with the coordinator of the National Network of Women Human Rights Defenders, @ConsortioOaxaca*

Tehuantepec (Oaxaca) organized themselves, several months ago, to defend the “Pitayal” region. Cerro Igú is a great example of this type of activities. These territories are national symbols and are related to the ancient spiritual practices of the Zapotecs; the Pitayal region is also considered to be the main food-producing source for surrounding communities, such as Puente Madera.

An alliance of young women, farmers, teachers, housewives and older women has enhanced the defense of territory and generated new methods for filing a complaint, demonstrating peacefully and, this is one of our main accomplishments, stopping a large-scale windfarm project from building an electric substation, commissioned by the SEDENA (Ministry of National Security), in their territory. Accompaniment provided to the women and community of Puente Madera who are defending their land clearly shows the strength of the Zapotec community, who have generated security strategies from within and for the community to face the rise in attacks that they have experienced. Community cohesion, determination, simplicity, strength and the legitimacy of the struggle of the women of Puente Madera

are some of the key factors that have allowed them advance in their struggle. Building new ways of self-protection by adopting a gender-based approach that uses communal ways of thinking is clearly a challenge in the collective development of resistance processes with their peers.

**Excerpt from an article by the Tepeyac Human Rights Center and the REDECOM<sup>93</sup>: “Puente Madera is located at the center of the road between Tehuantepec and Juchitán. Within the territory belonging to San Blas Atempa, [the local people] have developed their own lifestyles, and adapted their needs to extreme weather conditions. (...) Conflicts such as the destruction and deforestation of El Pitayal, Cerro Igú, the illegal detention of community authorities and offenses committed by the Municipal President have damaged their daily activities (...) Disputes arose when a large scale economic project that would destroy the Cerro Igú was commissioned. As a response, several Zapotec communities in San Blas Atempa organized themselves to defend their territory”.**

<sup>93</sup> *Las mujeres de Puente Madera* Centro de Derechos Humanos Tepeyac del Istmo de Tehuantepec, A.C. and Red de Defensoras y Defensores Comunitarios de los Pueblos de Oaxaca (REDECOM), May 2017





*Peaceful demonstration to honor Women's Day in Amuzgos @PBI-Mexico*



# Protecting our territory begins from the bodies of its inhabitants<sup>94</sup>

The Committee for the Integral Protection of Human Rights Gobixha (Código-DH) is an organization located in Oaxaca de Juárez, which works to contribute in the re-installation of human and community rights from indigenous and Afro-mestizo groups; it also offers free legal counseling, health and psychological care to

victims of human rights violations, and fosters access to justice and promotes the fight against impunity<sup>95</sup>.

The organization has offices in the municipality of San Pedro Amuzgos and was founded in January, 2011, superseding the Comité de Liberación 25 de Noviembre (the November 25 Liberation Committee).

The dream of the office known today as just “Human Rights” in the community of San Pedro Amuzgos (Tzjo Noa ) started with a young indigenous amuzga woman. She was a Law student who joined the social movement in 2006 which began the People’s Assembly of Oaxaca (APPO). Within this movement, the November 25 Committee was born after seeing the injustices and severe offenses against human rights. The organization’s main goal consisted in providing legal counsel to victims of illegal detentions, torture and forced disappearances.

In 2011, she decided to return to her community and with the experience she acquire while defending victims of human rights violations, started to provide legal counsel to people in her community. While working as a counselor, she met other indigenous women that were also living or witnessing violations against their human rights.

This is how the office started to gain notoriety in the community, especially among mestizo and indigenous women, who constantly experience violence. They said, ‘there is a lawyer that does not charge and listens to women!’

94 Artículo de María Elena Tapia, abogada y coordinadora de la oficina de Código-DH en San Pedro Amuzgos.

95 For additional information see <https://codigodh.org/>



*Community workshop organized by the Código-DH Office in Amuzgos @Código-DH*

That is how the Código-DH office in Amuzgos began, which is now also involved in the communities of Santa María Ipalapa and San Juan Cacahuatpec, communities where human rights violations are commonplace. After six years, they have successfully worked in unlawful detentions in the region, legal representation for women experiencing violence, conflict mediation and attention to the general population to file complaint cases before authorities. It's now possible to see in the streets of the village the political muscles of the women, with marches and civic programs that have managed to incorporate different sectors, such as authorities, teachers, school administrators and others.

We believe that the defense of territory starts with the people living there, who are occupying a space which is part of their life. Over time, we have learnt that accompanying women who experience any type of violence, be it physical

property damages or attacks on their belief systems can be considered as defense of the territory. Which is extended if we consider the geography that they inhabit and the links with their environment, the so-called bicultural anthropology, which acquires a special importance when dealing with rural farming and migrant communities in Amuzgos, in Costa Chica, Oaxaca. We propose that the defense of the territory can take place when all communities are aware of our right to have land and from that, that man and women have the right to form a family and start to see themselves as a home on a plot of land that can be used to grow food and feed themselves. 'Having' land means working that land.

To live peacefully with "alternatives to development" as well as "development alternatives" the base must be consulted, the community and the land must be considered and we must conclude that it is not just about improving life conditions as






*View of San Pedro Amuzgos in Oaxaca @Código-DH*

a means of progress, or just living with less resources: we need to progress toward the utopia of living without harming other people or exploiting nature. Currently, at a community level, wellbeing is criticized when linked to the wrongly named “development”, defining growth and consumption as progress. When measuring consumption or wealth levels, wellbeing or purchasing power are not the only parameters to consider. There are people that reject and question development by defending green and agriculture-friendly alternative projects.

Each community has its own complexities when dealing with resistance, based on their needs and what they deem to be violations of their human rights. In San Pedro Amuzgos, Santa María Ipalpa and San Juan Cacahuatpec, there are some common demands from the communities; for example, regarding exploitation of river soil, terraforming, expropriation of communal lands and cases of violence against women.

In the community of San Pedro Amuzgos and other parts of the country, human rights advocates have been defamed in the media and criminalized by public prosecutors’ offices or other government agencies with specific political interests. We consider this criminalization of the defense of human rights as a response from the government that justifies or uses offenses against human rights and call them a “necessary evil” to enforce the law without questioning their internal operational structure, methodology and procedures. Our current goal is to amplify spaces for the defense of human rights in the coastal region of Oaxaca, building citizen networks that strengthen the defense of the territory by both women and men. We want to bring social movements together, to face the effects on communities together, sharing common experiences and feelings.



According to the Mexican Center for Environmental Rights (Centro Mexicano de Derecho Ambiental, A.C., CEMDA), women environmental defenders are one of the most vulnerable groups of HRDs, due to the complexity in which socio-environmental conflicts develop and the multiplicity of actors involved. The Inter-American Commission on Human Rights has affirmed that States in the region have failed to “adopt and implement effective measures to recognize and protect those who defend and promote the right to territory, a clean environment and to other rights associated with access to land”<sup>96</sup>.

While the Mexican Government has acquired a series of commitments regarding norms, and signed international treaties, activists still face high levels of risk, and existing protection mechanisms are insufficient to tackle this issue. The most recent report from the Civil Society Space (Espacio\_OSC) shows that “the lack of an integral policy results in one-off actions by the Mexican Government, which generate counterproductive contradictions to the holistic security needs of human rights defenders and journalists, since part of the government intends to protect them while others create conditions detrimental to their security”<sup>97</sup>. In this section we share the voices of Mexican civil society organizations who accompany resistance processes in diverse regions of the country, with the goal of sharing their vision on the current complex context, which links business and human rights to the challenges of protecting HRDs in Mexico.

<sup>96</sup> *IACHR issues call for OAS States to Protect Defenders of the Land and Environment* IACHR June 2017

<sup>97</sup> *The Espacio\_OSC was created in 2008 to respond to the need to create a Protection Mechanism for HRDs and journalists in Mexico. For additional information, see Integral Protection for Human Rights Defenders, the Debt of the Mexican State, Espacio\_OSC, April 2017*





# **PROTECTION,** human rights and economic interests

*The Sierra Tarahumara of Chihuahua @PBI-Mexico*

# Risk and specific protection needs of EHRDs

Interview conducted by PBI with Alberto Solís Castro, Executive Director of Services and Consultation for Peace (Servicios y Asesoría para la Paz -- SERAPAZ)<sup>98</sup>, an organization dedicated to positively transforming conflicts and fostering peace. They help indigenous

and campesino movements that are defending their territory, environment and natural resources from large scale economic projects. SERAPAZ is member of the Espacio\_OSC, which is accompanied by PBI.

Communities in opposition [to large scale economic projects] are especially at risk, as they face massive investment projects in which government and elite members of the private sector have economic interests. Some of them also live in regions with high levels of crime and face private companies, organized criminal groups and corrupt government officials. Not all internal issues in the communities are the same, some rural groups are more vulnerable than, for example, cities because urban spaces have a certain level of anonymity to protect movement members. For instance, the Nayeris, an indigenous community that we accompany who are currently rejecting the construction of a dam in Nayarit<sup>99</sup>; they are geographically isolated and it is difficult to reach those communities. There are several limitations to establishing new security measures which specifically respond to the needs of the community members: there is no cellular signal, satellite phones sometimes don't work, sometimes there is no power. So, if they need to leave their community, it can be very difficult and time-consuming to reach them.

We also need to recognize that the government uses large scale economic projects to disrupt processes in the social structure of communities. For example, when a project is presented as an opportunity for community development and distribution of profits, those who have been coopted become

the main opponents of social movements aimed to protect that land and territory, and they are the ones who pose the greatest risk of direct violence towards the population.

When implementing security measures in communities, there are different conditions to consider [than in urban areas]. Sometimes the proposed measures don't work in said community, or are very complicated to implement. Furthermore, risk analyses are sometimes performed at the community level and therefore may omit some risk factors of specific members of the community. Risk analysis need to be carried out correctly and identify the right protection measures for each given situation. There are some cases where people say 'there is risk, so we are going to deploy the police'; when the police are often directly associated with the risk situation faced by the community. There are also intercultural elements to consider: indigenous groups have a different conceptualization of collective identity, and a different conceptualization of what is allowed or forbidden. In Mexico, people tend to think that this can be unified, as if all indigenous groups were the same. Classifying all groups in the same category, "indigenous", is wrong because that concept does not exist, and it can only be used when comparing these communities to western civilizations.

<sup>98</sup> For additional information, see <http://serapaz.org.mx/>

<sup>99</sup> *La hidroeléctrica Las Cruces amenaza al pueblo Nayeri / Cora Chiltepines* November 2013





*Members of Serapaz and Atenco @SERAPAZ*

None of these aspects are considered when implementing large scale economic projects, nor when thinking about the protection of community defenders, which is what should be done. The capacity could be developed to take into account different cultural contexts, different impacts in terms of gender, accessibility, social conditions in the region, level of marginalization of communities, the background of the project and what factors are generating risk, the legal conditions around the conflict, etc. We also have to see if there have been elements of previous violence, if it is a community that has already lived situations of repression or murder, the social fabric, political conditions in the region, the level of criminal or organized crime activity, the levels of impunity that exist locally.

We believe that it is very difficult to separate the issue of

security of the defenders from what is generating the risk. If risk is not addressed from its root cause -- i.e. large scale economic projects that are being imposed -- it is complicated [to provide security]. When trying to address the causes of the conflict and enter into dialogue, interlocution, reviewing anomalies that may have risen in the enforcement process, governments should consider this and even remove this type of projects to avoid generating a greater damage. The most important measures that can be implemented for security are political measures: the recognition of the actors, the presence of government officials to ensure that human rights will be respected. These political measures have a much greater effect than a security fence or a camera in a community. And if there is no political will on a local level because they are involved with the project, then other levels of government should intervene.

# “If the socio-environmental conflicts is not resolved, they (HRDs) will always be at risk”<sup>100</sup>

PBI interview with Alejandra Hernandez Leyva, from CEMDA, an organization that aims at strengthening, consolidating, harmonizing, implementing and effectively enforcing the current legal-environmental system; and Karen Hudlet who was, until October 2017,

a researcher and representative for Mexico, Central America and the Caribbean for the Business & Human Rights Resource Centre, an international organization dedicated to discovering positive and negative impacts of companies regarding human rights.

**Alejandra:** To defend land, territory and environmental rights means to help both individuals and groups personally and professionally realize activities to protect and promote human rights related to the environment, water, air, land, flora and fauna. Therefore, this group of defenders is very broad, since it refers to communities and civil society organizations, groups and movements, and even people who exercise their advocacy work to defend such cases. This defense involves risk with differentiated impacts because in many cases it effects the interests of business and transnational companies. It also has to do with a disbalance of power between HRDs and the economic and political power that companies or stakeholders may have to impose large scale economic projects.

project -- if there is a company or several companies involved -- there are never-ending stakeholders who have a specific interest in it being carried out: not only companies, but also investors such as development, foreign and national banks. HRDs not only face the government -- which often acts in collaboration with the business interests -- but also the companies themselves, which believe that they are not responsible for the abuses or for what happens to these people. In this field, we are concerned that companies frequently say that advocates are radicals, that they are against development or that they are against the mining industry and, therefore, are affecting the community because they will not create jobs'. Companies should change their public discourse because it encourages certain types of attacks, which later occur against these defenders in their community.

**Karen:** When a person or a group of people oppose any

<sup>100</sup> For additional information, see <http://www.cemda.org.mx/> and <https://business-humanrights.org/>



## Business, human rights and protection mechanisms

**Alejandra:** In 2012, the Federal Protection Mechanism was created for HRDs and journalists. It was created by a demand from civil society and was also positioned by several recommendations from United Nations special procedures. The general demand has been that the Mexican Government adopt a comprehensive policy, not only the mechanism. The fundamental criticism is that, if the underlying problem causing the socio-environmental conflict is not resolved, communities, individuals, and indigenous leaders will always be at risk. There is a demand that the government implement preventive measures so that it does not have to focus all its efforts on reactive measures, when there is a conflict and a highly risky situation of violence. For example, a public statement by the Mexican Government recognizing specific defenders before the authorities, which can be a preventive measure that civil society has repeatedly pushed for, but with little success. It has also been recommended that the Mexican government should suspend the implementation of development and infrastructure projects when there is evidence of attacks against environmental and human rights defenders.

**Karen:** Mexico is one of the countries with the most attacks on environmental defenders who oppose business activities<sup>101</sup>. This is important because it gives us an idea of the need and importance of implementing the Mechanism, as well as other security measures. In general, what we see when we document cases is that, when a project is launched, there is a stage where information is missing, where campesino and indigenous communities do not know what is going on, they begin to see the machinery, but they have no idea of what kind of project it is. This is one of the first violated rights, access to information. There are protests and the conflict escalates, which often results in serious attacks towards people who are opposed to these projects. It is important that the government

regulates and conveys clear messages about the behavior expectations from the companies that operate in this territory, or of the companies that have headquarters in Mexico, but carry out activities in other countries. This should be done through laws, public policies or positive and negative incentives. It is essential that companies are properly sanctioned when they commit any abuse of human rights, because it is very difficult to bring a company to trial, and when it is accomplished, the sanction is normally harmless. During their respective official visits to Mexico, the UN Business & Human Rights Working Group as well as the Special Rapporteur on the situation of HRDs both mentioned something that has been on the public agenda, which is that companies need to take action; the first step is certainly making a public pronouncement condemning this type of attacks<sup>102</sup>.

**The Focal Group on Business and Human Rights in Mexico is a group of civil society organizations that seek to ensure respect, promotion and protection of human rights by the government and national and transnational corporations, through the adoption of the UN Guiding Principles on Business and Human Rights. This group is made up of the Business and Human Rights Resource Centre; the Mexican Center of Environmental Law (CEMDA), the Gobixha Committee for the Integral Defense of Human Rights (Código-DH); Economic, Social and Cultural Rights Project (ProDESC) and the Project on Organizing, Development, Education and Research (PODER); and is accompanied by Services and Consultation for Peace (SERAPAZ), the Interamerican Association for Environmental Defense (AIDA) and PBI Mexico. The organizations which constitute the Focal Group have been recognized for their work accompanying communities in resistance to or affected by diverse projects throughout Mexico<sup>103</sup>.**

<sup>101</sup> In a [database](#) maintained by the Business & Human Rights Resource Centre which documents at least 400 cases on a global level, Mexico is 5th on the list of countries with most attacks.

<sup>102</sup> In his [report](#) to the UN General Assembly, the Special Rapporteur on the situation of HRDs commented that “governments and businesses could avoid many of the attacks on defenders if they did more to recognize their legitimacy and right to freedom of expression and dissent, and guaranteed the meaningful participation of all interested civil society parties in decisions related to businesses that affect them (A/HRC/34/52).

<sup>103</sup> For additional information on the Focal Group, see the concept note [Grupo Focal sobre Empresas y Derechos Humanos](#), 2016



*Wind turbines in the Zapotec community of Union Hidalgo, Isthmus of Tehuantepec @GretaRico-ProDESC*



# The right to consultation and free, prior and informed consent

Alejandra Ancheita is a lawyer, founder and Executive Director of the Economic, Social and Cultural Rights Project (ProDESC), an organization that defends human rights, specifically the right to land, territory and natural resources of agrarian communities, indigenous peoples, and labor rights. Dedicated to legal defense

and also the strengthening of organizational processes, the organization also creates visibility for the gender difference with respect to human rights violations committed against men and women in indigenous and agricultural communities and among workers<sup>104</sup>.

In October 2016 we interviewed ProDESC to learn their point of view on the challenges of prior consultation and free, prior and informed consent in the current human rights context in Mexico, and particularly its effects on the security situation of individuals and community defenders. ProDESC was part of

the Observation Mission of the Consultation on Wind Power in Juchitán, Oaxaca<sup>105</sup>. Due to irregularities identified within the consultation process, three injunctions were filed, of which one was dismissed and the other two were eventually rejected<sup>106</sup>.

<sup>104</sup> For additional information, see <http://www.prodesc.org.mx/>

<sup>105</sup> *Reportes de la Misión Civil de Observación sobre el proceso de consulta indígena en Juchitán* ProDESC 2014

<sup>106</sup> For additional information on the case, see *Solicitan a la Suprema Corte atraer caso en contra de Eólica del Sur en Juchitan Oaxaca* FUNDAR, Tepeyac HRC, CEMDA, September 2017

## Context

One of the main elements that moved the North American Free Trade Agreement (NAFTA) forward, and which was identified as contributing to the deterioration of economic, social and cultural rights were reforms carried out prior to the execution of NAFTA. In 1992, the constitutional reform to article 27 was issued, and the characteristics of inalienable, imprescriptible and unlimited, which opened the possibility for communal land to be leased, sold, or subjected to other commercial acts. Subsequently, in 1993, the foreign investment law was created to prepare the right conditions for signing of NAFTA.

In addition to easing regulations on the exploitation of lands, the Treaty establishes the possibility of greater flexibility on labor rights, creating economic insecurity in the lives of millions of workers in both urban and rural settings. This is only one example of the potential implications trade agreements and international economic conventions can have, resulting in a tendency to privatize what used to be collective rights. Then, with the energetic reform that had been developing for several years, and which began in 2013 with the reforms to article 26, 27 and 28 of the Constitution; and later, in 2014 with the so called 'Energy Package' reform, the possibility of exploration and exploitation practically without the permission of the owners as a prior condition for initiating a project, to the detriment of what was established in the international standard for the right to consultation defined clearly in the Convention 169 of the ILO.

## The violation on the cultural rights of indigenous peoples

The right to consultation and free, prior and informed consent is a fundamental right of indigenous peoples. Unfortunately, in Mexico there are still deficiencies -- a deficiency of the Mexican government in its duty to carry out its obligation to protect, guarantee and promote human rights. The

consultations that are taking place even after the energy reform do not necessarily occur in compliance with minimum international standards.

ProDESC in collaboration with other civil society organizations, such as PODER and Código-DH, closely monitor the different stages of consultation, and identified a series of violations of the maximum standards in terms of consultation and free, prior and informed consent. Most of the consultations that have been carried out are not meeting the condition of being prior, and occur once work has already begun on the exploration or exploitation of natural resources located in the land and the territory, in many cases of indigenous peoples. On many occasions, information on the project is given outside the context of consultation and without regard to the requirement of being previous to initiation of the project, and is not even provided in the language of the local people. This involves a very specific violation, mainly because one of the points that indigenous communities have raised is that, although in many of these villages the inhabitants are bilingual, the language in which they make their transactions and reach agreements is their native language, not necessarily the Spanish language. If work is not done previously by the different Governmental institutions to ensure that permission is not given under conditions of coercion, that all the information is given in the language of the communities, and that information is given prior to project commencement -- that is, before issuance of any concession or permit, as well as to the companies coming to do any work either exploration or exploitation to such land or to that territory -- it will mean the constant violation of the right to a free, prior and informed consultation.

## Defenders at risk

One of the trends that ProDESC has identified through our accompaniment to cases of the defense of the land and territory has effectively been the criminalization of community human rights defenders, who are basically the owners of the land and territory. They begin a process of resistance and the





*Meeting of communities in resistance to large scale economic projects in the State of Oaxaca @PBI-Mexico*

different levels of government build what they call 'common offences', and start to criminalize them. This has resulted in the demobilization of communities which are organized and also creates an atmosphere of fear and anxiety among those who would maintain a process of resistance and defense of their land and territory.

Community defenders often work in very isolated locations, which means of course that the risks increase when processes of criminalization occur and also increases the difficulty when we want to facilitate protection processes with those human rights defenders in the community. They almost always experience surveillance by unidentified subjects, are followed when they travel, there are threats (death threats) usually by phone, or that are communicated from person to person. And already at pivotal moments in their defense and resistance process there have even been physical and very head-on clashes by opposition groups or

unidentified persons who attack the physical integrity of the human rights defenders.

Other situations that we have observed include arbitrary detention, we have identified specifically that human rights defenders from the community are detained by the police without a warrant, and, in many cases, aren't presented to the public prosecutor, but instead they drive them around in circles without informing them of what is happening, they threaten them and then eventually release them. This limits the opportunity of the defender to file a complaint that such detention occurred, since there is no formality in detention process the police simply deny that this occurred. There are recurrent patterns of arbitrary arrests. We observe a clear difference in the implications of threat and criminalization against community defenders versus more traditional defenders from urban areas with easy access to the media or to the Federal Protection Mechanism for HRDs and Journalists run by the Mexican government.





**Accompanying the defense  
of the land, territory and environment**





Since its arrival to Mexico in the year 2000, PBI has accompanied individuals, organizations and communities who defend the land, territory and environment, and that face serious risks due to their work. PBI has noted with concern the deterioration of the security situation for organizations and communities working on these issues, and the almost absolute impunity with which attacks against them are dealt with<sup>107</sup>.

<sup>107</sup> In his end of mission statement following an official visit to Mexico in January 2017, the Special Rapporteur on the Situation of HRDs emphasized the almost total (approximately 98%) impunity with which land, territory and environmental defenders are criminalized.



# PBI in Mexico

PBI accompaniment aims to increase the protection of land, territory and environmental defenders through the application of various tools: the observation of peaceful demonstrations in opposition to large scale economic projects and consultations; physical accompaniment of members of threatened communities and organizations; drawing attention to the situation of these defenders and the importance of their protection before national authorities and the international community<sup>108</sup>; capacity development in security and protection; and by creating and transferring support networks. PBI also organizes international speaking tours for land, territory and environmental defenders so that they can speak publicly about their cases, the risks they face and their protection needs with key actors from the international community. We have also organized visits to the field of these same actors to get to know first-hand the situation.

Among recent initiatives, in 2016 and 2017, PBI, along with other Mexican and international civil society organizations, organized national and regional conferences which brought together land and territory defenders from different states and countries in order to share information on the risks they face as well as their successful resistance strategies<sup>109</sup>. PBI also co-facilitates the Training of Trainers (ToT) group on security and protection that since 2014 has sought to provide workshops on the facilitation of security and protection workshops, with the aim of strengthening local capacities and multiplying the training spaces available to defenders in Mexico. In 2018, we

will be launching a pilot “training trainers” platform, so that information and resources on security and protection created by diverse organizations can reach more people in more places. PBI has also provided accompaniment to the Focal Group on Business and Human Rights in Mexico, which from 2014-2017 sought to incorporate civil society’s perspective in the creation of a National Plan of Action (NAP) on Business and Human Rights. Although the Focal Group distanced itself from the process to create the NAP in the summer of 2017 due to the lack of incorporation of its diagnosis and recommendations in the Plan, it continues to receive PBI accompaniment in its work to monitor the creation and implementation of public policies and accountability in the field of business and human rights in the country<sup>110</sup>.

Through PBI’s participation in the European protection mechanism ProtectDefenders.eu, we have also been able to create space for land, territory and environment defenders to speak directly with international organizations and authorities. In 2017 Isela González, Director of the ASMAC, was able to participate in an international speaking tour during which she spoke of the serious human rights situation in the Sierra Tarahumara of Chihuahua before the UN Human Rights Council and Special Procedures. In November 2016, Cristina Auerbach and Esmeralda Saldaña, from the OFPC, participated in the United Nations Forum on Business and Human Rights and met with representatives of the international community in six European countries regarding their work and the effects of

<sup>108</sup> [Human Rights Council concludes its interactive dialogue on transnational corporations and human rights, and on migrants](#) UNHCHR, 9 June 2017

<sup>109</sup> [Encuentro Latinoamericano "Estrategias de protección para la defensa del territorio"](#) PBI Mexico, July 2017

<sup>110</sup> For additional information on this process, see [Abordar los Derechos Humanos en todos los espacios y entornos: Grupo de trabajo sobre empresas y #DDHH](#) and [México: Avances hacia un Programa de Empresas y Derechos Humanos](#)



PBI's work to protect land, territory and environmental defenders is carried out through a combination of actions which includes field presence, advocacy, awareness raising and capacity development - through which we hope to continually contribute to the creation and maintenance of spaces for action for HRDs who are daily on the front lines of the defense of human rights, and whose work - exercised by communities, groups, organizations, networks or through legal defense -- contribute to the construction of a world where respect for human rights and peaceful solutions to conflicts are a reality for everyone.

*Graphic memory of the regional meeting of defenders of the land, territory and natural resources @CarolinaMota*



# Recommendations

Through the voices of human rights defenders, this publication presents a panorama of the different concerns regarding the right to defend land, territory and the environment and the risk situation faced by the people, community and organizations due to their work. For PBI, the issues that HRDs work on require the attention of the Mexican government and the international community, since complying with the established norms will foster a more democratic and just society.

The same troubling message about the increase in violence and risk faced by land, territory and environment defenders, especially those who oppose large scale economic projects, is shared by communities and through multilateral channels. International organizations have warned governments on a global scale about this situation<sup>112</sup> and have called on them to implement emergency security measures to protect defenders. After visiting Mexico and examining the current situation, several international mechanisms, such as the IACHR<sup>113</sup>, as well as several UN Special Procedures and Working Groups<sup>114</sup> have pointed out the urgent risks and threats that defenders face, emphasizing the need to recognize their legitimate work, include them in dialogues concerning legislative and public policy processes that are relevant to their communities, and the urgent need to implement effective consultation processes.

In this dire scenario, defenders and communities have been forced to rethink and develop innovative security and protection strategies, created by and from the grassroots. While these proposals are focused on tackling specific needs and should be supported, it is the Mexican government which is ultimately responsible for protecting human rights and guaranteeing safe conditions for their defense, including addressing criminalization through the effective implementation of recommendations from international organisms and human rights instruments which it has ratified.

Based on the analysis of these cases and our experience of accompaniment to economic, social, cultural and environment rights defenders in Chihuahua, Coahuila, Guerrero and Oaxaca, PBI would like to make the following recommendations to the Mexican government, Foreign States and European Union.

<sup>112</sup> Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights Resolution adopted by the Human Rights Council on 24 March 2016 (A/HRC/RES/31/32)

<sup>113</sup> Situation of Human Rights in Mexico, IACHR 2015

<sup>114</sup> Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Mexico, April 2017 (A/HRC/35/32/Add.2)



# 1. Recommendations for Mexico

## 1.1. Generally

- Sign and confirm the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- That the Mexican government take measures to prevent attacks against human rights defenders and addresses the issue of impunity in cases of violence against human rights defenders in the following ways:
  1. By launching a national awareness campaign recognizing the importance of human rights defenders and their work on the federal, state and municipal level.
  2. By implementing Public Prosecutor's Offices or specialized law-enforcement agencies to respond to offenses committed against activists, and putting into effect a specific protocol for investigating attacks against HRDs.
- Dismiss or sanction public servants that undermine or discredit human rights defenders or the work they carry out.
- Review laws and policies that restrict freedom of association or expression at the state and federal level

## 1.2. Regarding federal protection mechanisms for HRDs and journalists

- Strengthen the Governmental Protection Mechanisms by ensuring adequate funding and the provision of sufficient material and human resources to meet their objectives and function properly.
- Periodically assess the security measures granted to land, territory and environment defenders to monitor their efficiency and efficacy in rural and remote regions, and violence-affected areas, as well as collective measures assigned to organizations and communities.
- Adopt specific security measures for human rights advocates that face specific risk due to their gender or ethnicity.
- Adopt specific security measures for community defenders, especially those working in rural and remote regions.
- Disaggregate information on the beneficiaries of the governmental protection mechanism by type of activity in order to better analyze the provided protection and identify which vulnerable groups should be paid more attention to.

### 1.3. Regarding the implementation of economic projects

- Promptly guarantee compliance with free, prior, informed and culturally relevant consultation and consent for indigenous and campesino communities, through effective and timely consultation mechanisms for projects and tenders. Guarantee that the laws which regulate natural resources exploitation include effective consultation mechanisms.
- Recognize and protect consultations and decision made by traditional and autonomous communities through customary practices recognized under the Mexican legal framework.
- Guarantee the participation of affected communities and indigenous populations and ensure their engagement in the planning of national and local development policies or other measure that may significantly affect their lifestyle. These mechanisms aim at protecting their collective rights to autonomy, internal development and territory, as well as preventing social and environmental conflicts.<sup>115</sup>

### 1.4. Regarding policies on business and human rights:

- Guarantee that the National Action Plan on Business and Human Rights (NAP) is implemented with full transparency; that it fully complies with international standards and that all stakeholders are engaged, especially indigenous and campesino communities who could be affected by the implementation of economic projects.

## Recommendations for States:

- Publicly recognize the importance of the work of HRDs by issuing public statements, granting awards, inviting HRDs to participate in discussions with other relevant stakeholders in Mexico, highlighting and monitoring specific cases, paying regular visits to defenders in rural and remote communities that are affected by economic projects, and implementing other preventive measures.
- Ensure coherence between different policies and plans, especially those related to investment and commercial activity, based on the different guidelines for human rights defenders<sup>116</sup> and other policies on the security and protection of HRDs.
- Demand that companies with headquarters in their countries carry out human rights impact analysis in the early stages of development projects and to widely disclose that information. Assessments should be exhaustive, transparent, independent and include the participation of affected communities and human rights defenders.
- Support and observe consultation processes that should be carried out pursuant to the strictest

<sup>115</sup> Véase: [Informe sobre la situación de las personas defensoras de los derechos humanos ambientales en México, 2016. CEMDA](#)

<sup>116</sup> Como las directrices de Canadá, Suiza y la Unión Europea.



international standards, guaranteeing that they be carried out in equitable and secure conditions. Support those consultation processes proposed by indigenous and campesino communities.

- Promote legislation that establishes the obligation toward businesses to monitor subsidiaries and subcontractors.
- Constructively and proactively engage in debates and support United Nations initiatives to create a legally binding international instrument for transnational and national businesses on issues of human rights.
- Ensure that international investments and the funding of development activities – using domestic development banks and international credit agencies specialized in exported goods, as well as decisions made by bilateral or multilateral development financing institutions – comply with international human rights standards and ensure adequate security conditions for those persons, organizations and communities that defend human rights, in the design and implementation of such projects.

## **Recommendations for the European Union:**

- More frequently implement the measures outlined as part of the EU Guidelines on the protection of human rights defenders. In particular, carry out actions to combat the criminalization of HRDs, such bringing their cases to the attention of Mexican authorities and express concern regarding legislative proposals that would restrict the right to social protest; organize dialogue spaces regarding the issue of criminalization between diplomatic missions and HRDs; publicly condemn acts of criminalization; observe trials and accompany defenders at key moments.
- Monitor the impact of European companies and implement urgent security measures in regions and communities where there are indications that human rights abuses and violations may have occurred or where HRDs have been attacked.
- Constructively and proactively engage in debates and support United Nations initiatives to create a legally binding international instrument for transnational and national businesses on issues of human rights.

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Peace Brigades International (PBI) is a non governmental organization with 30 years of experience in international accompaniment and has been present in Mexico since 1999. PBI's goal is to protect the political space for people and organizations that promote human rights in a non-violent manner, and who suffer repression for their legitimate work.

PBI only works at the request of local organizations and does not replace efforts by Mexican human rights defenders to promote respect for human rights. Rather, it merely seeks to support their initiatives by standing next to them.

PBI regularly visits conflict areas, distributes information, and dialogues with civil and military authorities, as well as with human rights organizations and other civil society actors in Mexico. To promote international attention to the Mexican situation, and to help create the necessary conditions for human rights defenders to continue with their work, PBI also maintains a dialogue with the international community and international organizations such as the United Nations, disseminates information, and generates support from abroad in order to ensure the safety of Mexican defenders.

More information about PBI's work in Mexico can be found at: [www.pbi-mexico.org](http://www.pbi-mexico.org)