

Alba Cruz Ramos:

**“The communities will lose their source of food and work”**

Opposition to the wind-power project in San Dionisio del Mar

Alba Cruz Ramos is a lawyer who works with the Oaxaca-based Gobixha Committee for the Comprehensive Defence of Human Rights (Comité de Defensa Integral de Derechos Humanos Gobixha, A.C.; Codigo-DH). Among the emblematic cases in Codigo-DH's load are the acts of aggression against the community defenders residing in San Dionisio del Mar, in the region of the Isthmus of Tehuantepec, where some 50% of the community's inhabitants speak the indigenous language Ikojts (Huave)<sup>1</sup>. Since the beginning of 2011 they have undertaken a fight in defence of their land and territory, after learning of the impacts of the wind-farm project managed by the company Mareña Renovables in Barra de Santa Teresa.



<sup>1</sup> Codigo-DH (Dec. 2012), *La situación de los Derechos Humanos en Oaxaca: Grandes pendientes*, p.70. In Spanish only, available from <http://www.codigodh.org/2012/12/10/conoce-el-informe-la-situacion-de-los-derechos-humanos-en-oaxaca-grandes-pendientes/>.

**Can you give us a brief summary of the dispute around the wind-farm project?**

*The conflict is rooted in the establishment of a wind-farm “mega-project”, which does not have the real consent of the community members who are the legitimate concession holders in Barra de Santa Teresa (the location planned for the turbines). The company has not complied with various regulations, especially those related to the consultation of communities affected by the project.*

**What is your opinion on the use of clean energy sources, like wind power, for the development of this type of project? Such projects have lower environmental impact and attract private investment to Oaxaca State.**

*Generating clean energy is an option, but it shouldn't impact on other rights, nor change the lives of communities. The main problem is that no thought is being given to the consequences that the wind farm could bring on the community.*

*In regard to developing Oaxaca, the cost of the contracts the company has paid for the installation of the wind turbines is minimal compared to established norms, and it is insufficient to cover the needs of 11 communities. The wind-farm company will not generate too many jobs, only around 30 temporary positions, and it will thus benefit very few families among the community. Therefore, there will be no development which benefits the entire community.*

*As for the energy produced, this does not bring any benefits to the community as it is channelled to other locations, where large business consortia – the true beneficiaries of the development in this kind of project – prefer to generate their own power, and thus avoid paying the rates set by the Federal Electricity Commission (Comisión Federal de Electricidad, CFE). It is said that the wind-farm park in San Dionisio del Mar is the largest in Latin America, and this means the investment of significant resources and earnings for the companies themselves.*

*The guiding principle which would allow private companies to invest in the communities' territories should be based on dialogue and clear information on how the project will impact the zone established within the project, and this project should include earnings and mutual benefits for all parties.*

**How will the local population be affected?**

*The main problem resides in the planned construction of the five mooring ports within the Laguna [Superior Lagoon, where the region's Binniza (Zapotec) and Ikojt people fish for their livelihoods]. This will mean the expulsion of the marine species in the waterway. These species are a staple food of all the communities around the Lagoon, their way of life, their work, the primary economic driver of the area. The communities will lose their source of food and work if the wind farm is installed there.*

**Which private entities and financial institutions are participating in the wind-farm project in San Dionisio del Mar?**

*Mareñas Renovables is a company which has been formed by many other companies, all foreign owned. The project has a credit from the Inter-American Development Bank (IADB), which has just recently accepted a complaint, pending resolution, on Mareña Renovables' refusal to negotiate [with the indigenous communities].*

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**What policy has Mareña Renovables followed to establish the wind-farm project in Barra de Santa Teresa?**

*One has been to “co-opt” people, by handing money to certain leaders, or making sure that company representatives are people known in the area – generally politicians – who pressure the community in some manner so it will act as they say. This has caused division in the community, and confrontations between locals, siblings and families, which the concept of “development” simply cannot justify.*

*The other policy which concerns us is that Mareña Renovables have hired people to harass and threaten those who defend their lands and their rights. There have been threatening phone calls from the company, saying that they [the community] should let this go ahead. The company has also chosen a media campaign in which respected voices, which help form public opinion, support the company so it won't leave, and criminalise those who they accuse of being against development.*

**From a legal perspective, has there been any legislative or rights-based violation in Mareña Renovables' behaviour?**

*The first right which has been violated is the right to prior, informed consultation. The community members of San Dionisio del Mar were never informed [of the contract], and it was revealed to them years after it had been signed. They were only told, in a manipulative way, that they would see benefits. To date, the fact the district judge has granted the community members a provisional suspension of the act subject to complaint – the establishment of the wind farm – is because there are things which have not been fulfilled and have been violated from the beginning, like the rights to information and consultation. International treaties have also been broken, such as [ILO] Convention 169, and on a national level, the second article of the constitution, which speaks of indigenous peoples. There are also environmental laws promulgated by the Ministry of Environment and Natural Resources (Secretaría de Medio Ambiente y Recursos Naturales, SEMARNAT) which have been violated.*

**What has been the relationship and involvement of government bodies?**

*The Oaxacan Government as a whole has had unfavourable participation for its own citizens, and has prioritise the matter of investment. Government representatives themselves have fomented the criminalisation of the wind farm's opponents, disqualifying and harassing them. Omissions are being committed by allowing crimes to be committed against the residents of San Dionisio del Mar, or acts which undermine legal orders. It has also been implicated in the growing violence in the area because of police activities. One example is the case of the community of Álvaro Obregón, where residents have been harassed by the police. These incidents, rather than creating a situation of peace and tranquillity, have caused much greater violence. We can also affirm that the police have acted as support and protection to Mareña Renovables' workers. We witnessed how company staff accompanied by police entered Barra de Santa Teresa. There was no need for that to happen. The residents weren't even present, but the state police are offering constant accompaniment to all the entry points near Barra de Santa Teresa.*

**What strategy has Código-DH, together with other organisations, followed in this case?**

*We have tried to coordinate among the various organisations. Each of us deals with different issues: environmental, agricultural, civil and legal matters. Código-DH acts for and accompanies the community defenders who have been threatened in San Dionisio del Mar and Álvaro Obregón.*

*At the moment, we have presented three claims, now supposedly under investigation, and we have made complaints to the Human Rights Ombudsman of the People of Oaxaca (Defensoría de los Derechos*

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*Humanos del Pueblo de Oaxaca) both in which we have denounced inappropriate acts by the police against the indigenous community of Álvaro Obregón.*

*The matter of the appeal is being addressed by other colleagues, who keep us informed so we can coordinate our joint actions. For example, with ProDESC [Proyecto de Derechos Económicos, Sociales y Culturales; Project for Economic, Social and Cultural Rights] we coordinate on issues related to a round table on cautionary measures, which includes people from the Assembly of Indigenous Peoples of the Isthmus of Tehuantepec in Defence of Land and Territory (Asamblea de Pueblos Indígenas del Istmo de Tehuantepec en Defensa de la Tierra y el Territorio), residents of the communities of Unión Hidalgo, San Dionisio del Mar and Álvaro Obregón.*



#### **What is the risk assessment for those defending human and indigenous rights in this conflict?**

*The risk continues to be high while the company does not achieve its objective, and while there continues to be uncertainty as to what will happen. There have been physical attacks, and that means that the tension is increasing. One of the situations which have been reported is that of gasoline being thrown over Isaúl Celaya and companions from San Dionisio, followed by an attempt to set them on fire. This could happen again at any time. Another act of harassment suffered by the community defenders are the phone calls with direct death threats. In these phone calls, the defenders are told that if they don't get out of the conflict they'll be killed. This is the case, for example, for Bettina Cruz and Mariano López, one of the defenders we represent. They have had to leave their communities to stay alive.*

**What do the human rights defenders and organisations need now in order to feel safe?**

*They need several things. One is that the courts resolve, as soon as possible, the cases opened because of the conflict, in order to stave off future acts of physical aggression. It is also necessary to strengthen the organisation and to keep the community united, to confront potential aggressors. It is important that information flows between people and communities so they can know what is really happening, and limit the flow of rumours. As for the Oaxacan authorities, they should seek forms of resolving the conflict through dialogue.*

*In regard to international organisations and institutions, San Dionisio del Mar needs their struggle to be known and accompanied. Based on the urgent actions which have been published, and the solidarity which has been offered, the case has become more visible. It would also be useful to have the support of external experts in certain areas, who could consider and evaluate the issues related to the impact of wind-farm development on the area.*

**What is your analysis of the future of the conflict?**

*The funds granted by the IADB can be used for a specified time, which is about to expire. If that were the case, the company would no longer have the financial support to develop the project. This means that we're in a tense situation right now, because the Mexican Government doesn't want to lose the investments. The Oaxacan Government says it would be a negative precedent if the investment was not finalised. The declarations are a veiled threat around the intention to impose the wind-farm project in the area by any means, which could lead to a situation of greater violence. I'm afraid because I know that the community will fight back in that situation. They have nothing to defend themselves with, only their word and their dignity as people, and those could cost them their lives.*