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ENTREVISTAS PBI MEXICO

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“Water is life, let's defend its existence”

In August 2010, PBI accompanied the **Flor y Canto Centre for Indigenous Rights** (Centro de Derechos Indígenas Flor y Canto, A.C.) and the Coordination of the United Peoples for the Defence of the Water (Coordinadora de Pueblos Unidos por la Defensa del Agua) in their Civil Observation Mission “Water is life, let's defend its existence” (Misión Civil de Observación “*El agua es vida, defendamos su existencia*”). PBI subsequently interviewed Yanet Ambrosio Ambrosio, Legal Coordinator, and Cinthia Méndez Mota, Operative Team Coordinator, of Flor y Canto.

“For indigenous peoples and communities, water is sacred as together with the earth it gives us life. Water is the blood of our Mother Earth, and it is what keeps us alive.”¹

How does Flor y Canto work with the Coordination of the United Peoples for the Defence of Water?

Yanet Ambrosio Ambrosio: The *campesino* communities organised themselves in 2005, and asked the Flor y Canto Centre for Indigenous Rights for supervision in regards to the demand by the National Water Commission (Comisión Nacional de Agua, CONAGUA) that they pay for excess water. San Antonino Castillo Velasco was the first community to respond, and it proposed a consultation with other communities. In time, other communities in the region who had also received the demand for “payment for excess water” began joining in. Flor y Canto began to pay attention to the situation, to look at the demands, if there was a due date, and to see what options were available for an appeal.

Later on, the *campesinos* saw that they needed a representative to address the appropriate [government] bodies, and they began to form local committees. After a general meeting, a board of directors was named to represent 12 communities, and the movement was named the “Coordination of the United Peoples for the Defence of the Water”.

The Flor y Canto Centre for Indigenous Rights accompanies the communities in their organisational process, delivers workshops, and provides capacity building, training and legal



The Mission, photographed in the first visit to communities from San Antonino Castillo Velasco, Santiago Apóstol and San Sebastián

supervision. The Coordination's commitment is that for each monthly meeting, each local committee will deliver a report to its community so that everybody knows what has happened and the agreements that have to be taken on board. This is done in such a way that the commitments are translated into capacity-building workshops on rainwater, technologically assisted watering, tree planting, etc.

You've been doing a lot of work around women's empowerment. Can you tell us what your specific objective is? What role do women play in the Coordination?

Cinthia Méndez Mota: We have started to work on this issue with the women in this last year. We saw that it was necessary, because we live in a patriarchal society where, for a long time, fair and equitable relationships have not been possible for

¹ Words of the grandfathers and grandmothers of the Central Valley Communities of Oaxaca, '[Problemática del agua](#)' [The issue of water], Centro de Derechos Indígenas Flor y Canto, A.C., n.d.

women. In every community you see that women have not been educated, or that they haven't been allowed to be educated because of the local culture, or they can't study because of the lack of [finacial] resources. Women's inequality is absolute, and male *campesinos* see it as something completely normal: they are the ones who decide, who hold meetings, while women make the food, look after the house, or have a [small] business. But despite all of that, women are the ones who have more contact with water, they're the ones who look after the water more, and they know much more about its material and spiritual value. They can contribute a lot to the Coordination. However, at the moment we only work with one group of ten women.

Since there isn't a strong women's presence in the Coordination, we decided to work on gender equity. We are in a process of promoting women's strength and participation directly in the communities, so that in a few months the women can be integrated into the Coordination. We are giving them self-esteem workshops so they can understand that their opinions are important, and be critical of the patriarchal system. To date, we have been able to work with women from six communities, but there are still another six to go.

Our work advances very slowly, as there are many obstacles in the way: it is very difficult [to get] husbands to give their permission [for their wives to attend the workshops]; and there is also the economic issue, to be able to pay for transport. We know that it won't be easy, but the men know that the women are growing stronger, and that soon they'll be able to participate. The men know they should give the women space, and that the women will also have to earn that space.

Where did the idea for a civil observation mission come from?

Yanet: The right to water is a vital, universal right, and the scarcity and contamination of water is violating the most fundamental human rights of the people in the region. The *campesinos* are attempting to respond to this scarcity issue for themselves, and are demanding that the authorities provide a definitive solution to the problem. However, the response of government bodies is to impose fines and other punishments [on the *campesinos*], a situation which the public must be made aware of.

In the Coordination's assemblies and other spaces, which we share with the *campesinos*, we saw that we were the only people who were aware of the water issue. We saw the need to organise an event to disseminate the information, and the idea of a civil observation mission began to take shape. This would allow a range of organisations to accompany us – from local, state, national and international levels – to join forces and begin spreading the word internationally.

We are seeing violations of indigenous peoples' rights, who have always cared for natural resources, and we are aware of the serious issues of water scarcity and pollution, and that it is



PBI Volunteer in Oaxaca, accompanying the Civil Observation Mission

being privatised. Before, we had our own wells, we could water [our crops] as often as we wanted. Today, that isn't possible: if an artesian well is needed, a concession has to be applied for, and a volumetric meter must be installed.

The idea of this observation mission was to get information directly from women, men, children, and the elderly, and from the local authorities, on the impacts of having only a scarce and polluted water supply. With these results, we strengthen and underpin the legal case we have already initiated, and which will be taken to international tribunals, such as the Water Tribunal. With the civil mission, the real situation that communities are living in has been demonstrated, proving they have neither the means nor the opportunities for development that the government claims to have provided to indigenous communities. What we have seen is that all the facilities are provided for the big companies, while the *campesinos* aren't fully informed. Nor are they advised of legal changes or modifications when it is they who will suffer the consequences of those changes.

In addition to the presence of national organisations, what is the significance of an international presence – both in the observation mission and in general?

Cinthia: There are many international agreements in favour of indigenous people that Mexico has signed. The government has not taken them into consideration, alleging that the Mexican Constitution is above such norms. That is, they continue to violate the rights of indigenous peoples. But despite this government discourse, the reality is that international norms have greater weight. For this reason, the government is annoyed by any international presence, because the internationals have come to observe [and then] to disseminate

information. It's an alternative form of pressure that, ultimately, tells [the government] something, and which can support the legal work we are currently doing with the Coordination.

The *campesinos* have taken their case to all the appropriate [Mexican government] bodies, first at a state level, then at a federal level; if they don't get a response, they will seek help from international bodies. The hope is that they will be listened to abroad – where laws or agreements are issued that will help Mexico improve *campesinos'* conditions. One hope now is the Latin American Water Tribunal: this isn't only a Oaxacan problem, but an international one. The hope is that it can issue a law that will also push the Mexican government to change its internal laws.

Where does the legal case stand in regard to modifying the prohibition?

Yanet: We have submitted an appeal to revise [the prohibition], and now we're waiting on a ruling by CONAGUA. Obviously, we already know whose favour it will be in, and that we'll be denied

what we're asking for. But since the law establishes set proceedings, an appeal must first be attempted. With the ruling on this appeal, other avenues can then be tried – not through CONAGUA, but through other authorities in whom we have greater trust.

What has changed in the months since the Civil Observation Mission?

Yanet: Firstly, in terms of reactions to the observation mission, information was disseminated widely and the communities have more information on the issue and the alternative [solution] they are implementing. Thanks to this, we have joined together with other organisations to take the issue to the Inter-American Commission on Human Rights. We are well aware that the authorities know about the observation mission, but despite our showing them the issues and the alternatives, they still maintain their posture of "this is the law and it must be applied". Perhaps there were no marked changes after the observation mission, but we can say that the communities feel stronger and they hope to receive a positive decision in the coming year.

The **Flor y Canto Centre for Indigenous Rights** (Centro de Derechos Indígenas Flor y Canto, A.C.) was legally constituted in October 1995, and is the fruit of numerous gatherings of indigenous people in Oaxaca. Its mission is to promote and defend the exercise of the collective rights of indigenous and mestizo communities in the Central Valleys of Oaxaca, promoting their organisation, education, information provision and legal defence with regard to their territory and natural resources. Flor y Canto also works to devise actions that will lead to the communities' full legal and social recognition in Oaxaca.

Since 2005, Flor y Canto's work has focused on the defence and care of natural resources in communities in the districts of **Ocotlán** and **Zimatlán** in Oaxaca's Central Valley Region. They currently work supervising and accompanying 12 communities involved in the Coordination of the United Peoples for the Defence of the Water (*Coordinadora de pueblos unidos por la defensa del Agua*) whose objective is to defend the right to water – through capacity building, legal supervision, and network building – to guarantee the conditions required for a dignified life.

The *campesinos* affected are demanding the immediate modification of the *veda* decree of 1967, because they have never been notified formally of its existence. This decree - published in the *Diario Oficial de la Federación* [Official Gazette of the Federation] on 25 September 1967 – established a limit to the use of subsoil water in the districts of Etlá, Centro, Tlacolula, Zimatlán and Ocotlán (Oaxaca) for an indefinite period. In the 1980s, the Secretariat of Hydraulic Resources (Secretaría de Recursos Hidráulicos) began requiring documentation of water wells and imposed concession titles upon the inhabitants of these communities, thus putting in practise the 1967 decree.

However, the *campesinos* affected say that they were never told of the imposition of these restraints nor of the possibility that they might be charged for the water used exceeding the limits defined. In fact, they affirm that staff from the Secretariat told them that the registration and the concessions would provide them with more legal security and would lead to the implementation of social and environmental programmes, although these were never carried out.

In 2005, the inhabitants of these communities received letters, signed by the National Water Commission (Comisión Nacional de Agua), demanding that they pay for the excess water which they had been using (above the limits established in the decree of '67 and put in practise in the concessions of the '80s). The fees requested ranged from \$200 pesos to \$24,000 pesos. Flor y Canto argue that the concessions were never necessary and the process carried out was not transparent.

Now Flor y Canto – through the Civil Observation Mission – has proven and documented human rights violations as well as serious water scarcity issues; pollution in rivers, creeks, shaft wells and farm lands; and overuse of water by transnational companies. These problems, according to Flor y Canto's demands, violate the economic, social, cultural and environmental rights of *campesino* and indigenous communities in the districts of Ocotlán and Zimatlán.

For further information on the Civil Observation Mission, see: '[Misión Civil de Observación 2010 en defensa del agua](#)' [Civil Observation Mission 2010, in defence of water], Cencos, 16/08/2010; '[Derecho al agua en comunidades indígenas en Oaxaca](#)' [Right to water in indigenous communities in Oaxaca], cidhmorelos, 28/10/2010.

For further information on water issues in Oaxaca, see: * '[Permitirán a municipios usar parte del agua reservada a CFE](#)' [Municipalities will be permitted to use some water reserved for the CFE, Federal Electricity Commission], *La Jornada*, 22/10/2010.