



## GOVERNMENT POLICY VS. PUBLIC POLICY: AVATARS FOR THE WIND FARMS ON THE ISTHMUS OF TEHUANTEPEC

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### Abstract

The government of Mexico has encouraged the establishment of wind farms, arguing that they are a form of clean energy (partially true). The government's implementation strategy has favored transnational corporations over the original communities, who are losing control of their territories, which these companies have occupied, engendering ecological, social, political, and cultural damage. On the Isthmus of Tehuantepec, a significant portion of the original population has organized to resist and reverse this process, calling for an inclusive and participatory public policy.

**Keywords:** Isthmus of Tehuantepec; wind farms; electrical power; transnational companies; public policy.

### THE SCENE

Fly by night over the Isthmus of Tehuantepec and if you lean out the airplane window, myriad red lights dot the earth below, catching the eye of the observer. Anyone familiar with the region knows that every red light marks a wind turbine in one of the wind farms that have recently cropped in the territory of the *Binnizá* and *Ikoot* original peoples, radically altering the landscape and land use in the region.

In 1994, there was not a single wind turbine on the Isthmus. It was in that year that the Federal Electricity Commission (CFE) subcontracted the Spanish multinational Iberdrola, which began building the first experimental farm with seven wind turbines, later reduced to six after one caught fire in one of the strong gusts so characteristic of La Ventosa. Soon after came contracts from the Secretariat of Energy (Sener) with several corporations, and wind turbines began to populate the territory at breakneck speed, overwhelming some zones to the extent that they degraded the landscape, which by then had shifted from rural agriculture and livestock lands to a poor copy of the invasion of the tripods (protagonists of the 1898 Herbert George Wells novel *War of the Worlds*).

There are now 22 wind farms with generation capacity of 2,192 megawatts (MW). To that capacity must be added a little bit more from farms already under construction and contracted,<sup>2</sup> to which another 3,683 MW additional should be added, estimated to go up for auction in the second phase of the wind energy expansion on the Isthmus of Tehuantepec.<sup>3</sup>

This first wave of wind turbines has recently spread to other regions in Mexico, like Baja California, Puebla, Tamaulipas, Yucatán, and Zacatecas. The formal genesis of all of this dates back to when the Mexican government signed the 1992 Kyoto Protocol, a global pact to reduce carbon dioxide (CO<sub>2</sub>) emissions, and by extension, global warming. Some of the concrete actions involved in the agreement include generating electrical power via methods that significantly cut back on fossil fuel use. The authorities pledged as part of the protocol to generate 12,000 MW of wind power—the subject of this paper—by 2010, with a considerable growth threshold of up to 50,000 MW, in accordance with current technology (Sener, 2012, p. 80).

Recall that the possibility of harnessing wind to generate electrical power at all is relatively recent (Price, 2005). Although wind turbines do date back to the dawn of the twenty-first century, it was not until the oil price crisis of the nineteen-seventies that in Denmark—as part of the movement against nuclear power, in 1975—, teachers and students from a high school in the Tvind system in Ulfborg designed and built a wind turbine named "Tvind,"<sup>4</sup> with just 1 MW, which was then reproduced all throughout Denmark to supply electrical power to communities organized as cooperatives; the technological innovations of today's turbines began with that turbine model.<sup>5</sup> Bear in mind for the rest of this paper that in Denmark, all onshore wind farms are cooperatives or belong to local governments (Schreuer and Weismeier-Sammer, 2010). There are practically no private multinational corporation-owned farms onshore, although there are offshore farms (Jørgensen and Karnøe, 1995; Danielsen, 1995; Olesen *et al.*, 2004).

In light of the commitment made by the Mexican government, and the existence of these modern wind turbines, the government set out to conduct wind power studies throughout the entire country, like the study conducted by TrueWind Solutions and funded by the United States Agency for International Development (AID) (Elliot *et al.*, 2004), finding in La Ventosa in the region, on the Isthmus of Tehuantepec, especially strong winds of up to around 100 kilometers an hour (28 meters per second), which could even be considered too fast, at times, for the existing wind turbines, as they tend to come to a standstill at wind speeds exceeding 25 meters per second (Leithead, 2007, p. 960). So strong does the wind blow that it has even turned over trucks driving on the roads through La Ventosa.

At this juncture, the story could have followed one of many paths. The government could have opted for a concerted and participatory public policy and developed in conjunction with the population, communities, authorities, and organizations a regional program to generate wind power via consensus, making it therefore legitimized by those living in the region. If that had been the case, the wind farms would have been built in spaces and in densities with a low impact, creating a source of local jobs and economically benefitting the dwellers and rural and urban communities in the region; it could have been a model similar to the type of farms created in Denmark, with cooperative of community residents initially funded by the banks, receiving economic and technical support from the government (Diego, 2015). If Mexico had taken a similar path as this Nordic country, the communities on the Isthmus would nowadays be happy to have found another way to capitalize on the wind, besides just propelling their fishing sailboats, improving their income and quality of life. These wind farms would have strengthened their sense of territorial identity, autonomy, and governance, with programs emerging that close the economic, social, and political gaps between the population and its communities.

But to the chagrin of these communities, the government took a radically different path, pushing aside the original peoples through a top-down, centralized governmental policy, and placing all of their political clout behind the multinational corporations, to build a ton of wind farms that are depriving the indigenous communities of their territory and creating political, ecological, economic, social, and cultural problems, rewarding only a small minority of the population via land rents, which are trivial compared to the profits racked up by these companies.

This paper aims to reflect on the implications of the Mexican government's political will, biased against the original peoples and in favor of the multinational corporations, when it came to implementing wind farms on the Isthmus of Tehuantepec.<sup>6</sup> This situation has led to a vertical, centralized, and authoritarian governmental policy, in contravention of what a public policy designed in concert with the indigenous communities living in the region should look like, as stipulated in the International Labor Organization (ILO) Convention 169 on indigenous and tribal peoples, which the Mexican government ratified on September 5, 1990.

Methodologically, the approach used here is qualitative and inductive, with much of the work consisting of ethnographic-style field work, which involved several stays on the Isthmus, beginning in July 2012, during which time I took part in the daily lives of the people there and conducted both formal and informal interviews with leaders and residents; this direct observation helped shed light on the situation that has emerged in the wake of the building of the wind farms. Since 2015, I have been a member of the advisory group to the Assembly of the Indigenous Peoples of the Isthmus of Tehuantepec in Defense of the Land and the Territory (APIIDTT), which has afforded my unique access to information from meetings with governmental authorities, organizations from the resistance, and the judges involved. Some of the factual evidence has been drawn from local and regional journalism, so that readers can view these sources online. It is important to remember that all of the information, coming from both the interviews and the journalism sources, has been confirmed using the triangulation method with key informants.

This paper begins with "The Plot," the strategy of territorial dispossession by which the Oaxacan Isthmus of Tehuantepec was distributed via "wide coverage contracts" to multinational corporations, without the knowledge of the local population. After that, I introduce the strategy undertaken by the multinational corporations to undermine the municipal chairs and the population and install the turbines. The second section, "The Awakening" deals with the ecological, territorial, and productive impact of the first turbines, which together spurred the resistance movement among the original communities against this installation. The third section, "Unequal Economic Benefits and Contractual Flaws" speaks to the unequal distribution of the wind farm revenue across the landowners and communities and the multinational corporations; it also exposes the bias in the lease contracts in favor of the multinational corporations. The next section, "From Suspicion to Resistance" narrates how information began to circulate about the government's strategy and the multinational corporations, and the grievances<sup>7</sup> that began to mount among the dwellers, as community and regional organization began to simmer against the wind farms until they covered practically the entire bottom part of the Isthmus.

The sections "The Undercutting of Regional Legal Support for the Resistance Movement" and "Change of Scene with the Relocation of the Seventh District Judge" discuss the government's and the multinationals' strategy to enlist<sup>8</sup> lawyers, notaries, and local and regional judges to the side of the wind farms, so they would not provide legal support to the resistance movement.

The physical and symbolic violence, as well as the social criminalization of the resistance movement's leaders, are tackled in the section "Intimidation, Repression, Physical Aggression, and Social Criminalization" explains the case of one female movement leader as a vivid example of the implications of the government's strategy to weaken the resistance movement. The section "Acceptance of the Wind Farms by the Population and Several Communities" delves into the diversity of local stakeholders' responses to the wind farms, given that there are communities and residents that did indeed feel they were an option to resolve their precarious living situations, in light of the absence of viable alternatives. The final thematic section, "The Historical Paradox of the Ixtepec Community Wind Farm: Not Even When You Want It," goes through one community's efforts on the Isthmus to build their own community wind farm, against the government's attempt to derail the project, which is still ongoing and could very well be the alternative to the exclusive privatizing strategy followed up until now. Finally, the reflections speak to the relevance of the facts shared in the conceptual and theoretical debate pertaining to government and public policy.

## THE PLOT

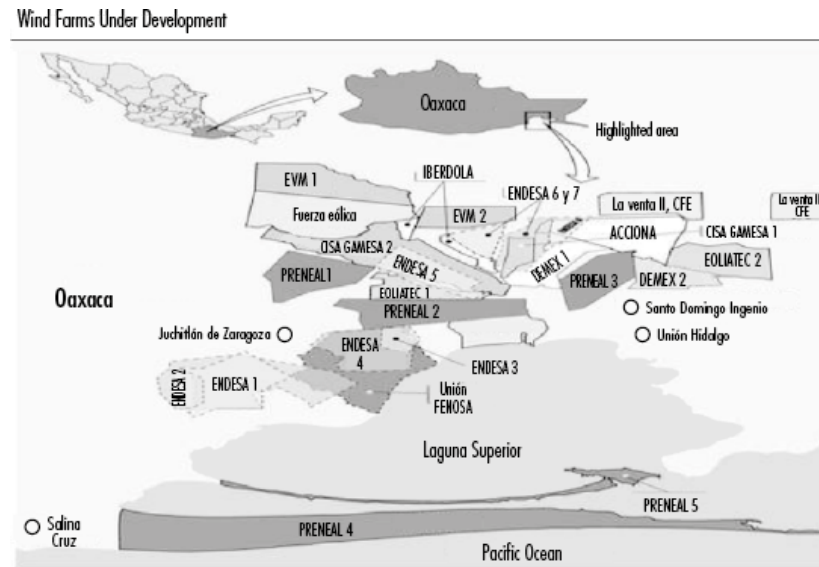
*Act one:* there has been talk of a meeting between then-President of Mexico Felipe de Jesús Calderón Hinojosa and Iñaki Urdangarín—then the son-in-law of the then-King of Spain—who has been dogged by a corruption trial in Spain since the

end of 2011. It is said that at that meeting, they reached agreements on the intent to attract Spanish electricity companies to invest in building wind farms on the Isthmus of Tehuantepec.<sup>9</sup>

*Act two:* without informing the population in the region, the government undertook a vertical, centralized, and exclusive policy, and organized four meetings in the years 2000, 2001, 2002, and 2004, to which several multinational corporations were invited, as if the Isthmus were virgin and unpopulated land, "untamed territory" (barren lands, they would have said during the Porfirian age). The corporations divvied up the Isthmus so that Sener could start the contracting to build the wind farms. Map 1 introduces how the *Binnizá* and *Ikoot* territory was divided up.

*Act three:* with the physical space divided into shares, unbeknownst to the original peoples and their communities, the next step was to lobby the population and the municipal authorities as to the benefits of these private investments for the population and the communities. Accordingly, these corporations threw themselves into the task of sharing the benefits and advantages of these farms, concealing their negative impacts and the inequalities in the distribution of benefits. Getting this buy-in, or bribery, included funding for "velas,"<sup>10</sup> car raffles,<sup>11</sup> medical equipment donations,<sup>12</sup> sport and fishing equipment,<sup>13</sup> and even fun fairs for children with clowns.<sup>14</sup>,<sup>15</sup> The strategy could be said to be successful, at first, as these corporations did get many of the communities and their authorities on board, including: La Venta, Unión Hidalgo, Santa María del Mar, San Dionisio del Mar, and the municipal authorities of Juchitán de Zaragoza, which belonged to the COCEI and are extremely vocal and relevant in the region. They managed to get the municipal authorities in several municipalities to sign the land-use change permits, a significant achievement, as pursuant to Article 115 of the Constitutions, these authorities are the only ones empowered to authorized this change, without which the contracts awarded by Sener would not have ever gotten past the paper stage. On top of that, they managed to sign lease contracts with the community assemblies, communal asset authorities, *ejidatarios*, squatters, and illicit landowners,<sup>16</sup> and with authorities, like the municipal crowd in Juchitán, who really do not have the authority to sign this sort of contract.

Map 1. Initial Distribution of the Multinational Corporation's Wind Farms on the Isthmus of Tehuantepec



Source: Taken from Rojas, R. (2012).

## THE AWAKENING

Everything seemed to be going "full steam ahead" until some locals, their organizations, and in some cases, their traditional, agrarian, and political authorities, began to realize the magnitude of and fallout from the regional change, seeing high densities of wind turbines come up and surveillance stands that interfered with their productive activities and impeded free movement. It was then that information began to spread through the region about the potential consequences of this new installation. People began to speak of the lagoons becoming contaminated by oil leaks and poor handling of the leaks. Some of the generators failed and caught on fire, spilling over and burning nearly 300 liters of oil each and polluting the air, soil, and water, jeopardizing the security and cleanliness of this form of generating electricity; the fishermen began to find oil stains in the upper lagoon, attributable to the oil spills from the wind turbines, with fatal consequences for the aquatic life, as well as an impact in terms of reducing the fish schools and fishing volumes. On this situation, Carlos Beas, leader of the Union of Indigenous Communities of the Northern Zone of the Isthmus of Tehuantepec (UCIZONI), wrote in November 2012:

Nobody doubts that wind energy is a clean way to generate electricity, but on the Isthmus, there is something dirty going on, as it is enough to wonder where the 300 liters of oil that lubricate the rotors on the nearly 700 wind turbines [nowadays close to two thousand] currently operating in the region. It is both true and concerning that the *Binnizá* fishermen of the *Zapoteca* people in Unión Hidalgo are reporting the sudden appearance of oil stains in the Upper Lagoon.

On another note, biologists began to share with the population the high mortality rate of the birds and the bats, resulting from the movement of the wind turbine blades in a region home to significant migration of many volatile species. However, there are no reliable data in this regard.<sup>17</sup> This ecological impact would seem to be relevant, as the companies keep on the payroll wind farm caretakers among whose duties it is to collect, but not to report, and yes to hide, the cadavers of these intrepid fliers whose lives end on the blades of these metal giants.<sup>18</sup> The degree of deforestation, as well as alterations to the flows of the streams and rivers, ought also to be remembered, as any mature tree of a certain height is competing with the turbines for the wind and must therefore be cut down. The same is true of the vegetation that used to grow at what is now the foundation of the turbines, or the lands through which the power lines run.

There are extreme situations, such as the case of the Eólica el Sur wind farm, which has been halted thanks to a protective measure filed by several social organizations, whose Environmental Impact Statement was developed by a firm led by the current undersecretary of the SEMARNAT (meaning there is a conflict of interest involved), and which plans to remove 100% of the local vegetation, which is to say, a devastating impact, and yet the statement has already been approved (Córdova *et al.*, 2015).

The people living this region are also concerned about the impact that these turbines will have, built at such densities and in such proximity to their villages. They could affect their health, due to the noise and electrostatic energy produced, not to mention the bad feeling resulting from being under siege by the turbines, and the impairment done to the landscape, which was a cornerstone of authorization for these farms in Denmark, Holland, and Germany, just to mention a few examples, and which has been entirely disregarded in Mexico.

All of these problems could be eased if the wind farms were properly managed. The oil pollution could be ameliorated, if the oil used were to be recycled in treatment plans and were biodegradable. The death of birds and bats could be curbed if studies were performed and wind turbines were taken out of the migration and flight paths; that is indeed what they have done in California, in the United States. The deforestation and blockage of runoff could be reduced if priority were given to maintaining the existing biota. The electromagnetic and landscape impact could be dealt with if the building of the farms were regulated to reflect these issues, as is done in Denmark. But all of this requires a public policy with a participatory and inclusive approach toward the local population and an eye to sustainability, which does not always line up very well with a top-down vertical governmental policy and the interests of the multinational corporations in an economically under-developed country like Mexico.

## **UNEQUAL ECONOMIC BENEFITS AND CONTRACTUAL FLAWS**

On top of the problems summarized above, the residents involved began to become aware of the tremendous inequality in the distribute of income generated by the sale of this electrical power, because even those who had come out best in the negotiations had been offered land rent payments equivalent to 1.5% of the gross income from the sale of this energy, while the owner corporations of the farms ended up with 98.5%.<sup>19</sup> In sharp contrast, Gemma Mackenzie (2012) reported that in the United Kingdom, the company Resolved Renewables offered a share of gross revenue of 15% to landowners who entered into 20-year lease contracts to install wind turbines.

After reading the fine print of their land lease contracts, most of the clauses seemed to favor the lessee, who came to control access to the premises, rather than to the usufructuary, owner, or holder of the lands. On these matters, it is salient to bear in mind that these companies have lease contracts in Spain, the United Kingdom, and the United States, too, where the clauses are different than those they have used on the Isthmus of Tehuantepec, in Mexico, including the following discrepancies: the option for the lessor to rescind the contract; control over access to the farm for the lessor; control over the readings on the power meters produced by the lessor; increasing the rent for inflation. Of course, none of the above made it into the contracts on the Isthmus.

Moreover, the lease contracts on the Isthmus were signed considering only information furnished by the companies, with no legal advising, and in Spanish, even though much of the population's mother tongue was either *Binnazá* or *Ikoot*, and they struggle to understand Spanish.

Alongside that inequity, when it came to profit-sharing, the CFE felt the need to raise the fees on the power bills for countless households on the Isthmus, sparking a resistance movement against the rate hikes. The resistance began to overlap with protests against the form, magnitude, and potential consequences of the wind farm installation. As a corollary to that, people began to say: "they are generating power on our lands, and they are raising our prices, we are not even getting the price benefit from the wind power companies" (López, 2017).

## **FROM SUSPICION TO RESISTANCE**

The seeds of suspicion and doubt about the avatar of the wind farms were first sown in the community of La Venta. The signers of the lease contracts did not even get a copy of the agreements they signed from the representative of the "Maderas y Granos" company, and when they asked for copies, they were denied them. Among other things, when memory fails, they could not even remember the meaning and transcendence of the clauses they had signed. This situation led to unrest among the signers—who organized into Grupo Solidario La Venta—and went knocking on doors to garner the support of various assembly members to ask for copies of the contract through the Federal Access to Information Institute (IFAI). After reviewing the documents obtained through this method, they realized that the implications of each and every clause were biased in favor of the company. This awareness led the *ejidatarios* who had

not yet signed the lease contracts to refuse to do so, in response to which the company had to change the layout of the La Venta II wind farm (Flores, 2015, p. 83).

The situation in La Venta spread to other communities, like Unión Hidalgo and Juchitán de Zaragoza, which were in the process of leasing out their lands to build other wind farms. The original peoples' discontent with the biased information they had received to support the wind farms from the representatives, lack of understanding of Spanish, and moreover a Spanish written in legalese in the contracts, not to mention the companies' strategies in the communities to leave a good impression by funding "velas," raffles, urban and medical equipment, and other enticements, all built up an adverse sentiment among many of the inhabitants, as they felt duped.

In response, many began to organize across the region into what would come to be called the People of the Isthmus in Defense of the Land (FPIDT), which took it upon itself to inform those living in the communities where Sener had granted "concessions"<sup>20</sup> without their knowledge of what was going on, or in places where they were already in the process of leasing out their lands, such as the cases of: La Ventosa, Santa María Xadani, Unión Hidalgo, San Dionisio del Mar, San Mateo del Mar, Nilttepec, Santo Domingo Ingenio, Tierra Blanca, and even La Venta.

Organizing the resistance against the building of the wind farms by the multinational companies entailed weaving a network from the local to the regional; by 2009, several local organizations comprised a larger regional organization, the Assembly of the Indigenous Peoples of the Isthmus of Tehuantepec in Defense of the Land and the Territory (APIIDTT), made up initially of the general assembly of the *Binnazá* people of Álvaro Obregón, the assembly of community members and the resistance movement in Santa María Xadania, the community assembly and resistance committee from Unión Hidalgo, the *Ikoots* people assembly from San Dionisio del Mar, and the community member assembly from San Mateo del Mar.

In coordination with the APIIDTT, the municipality of Juchitán de Zaragoza created the Juchiteco People's Assembly (APPJ) in 2007 to try to save part of the territory and the sacred lands from being invaded by various wind farms. The organization will work in coordination with the APIIDTT and other local organizations.

The government's policy of opening up the entire territory on the Isthmus to private investment became even more serious when it was chosen as one of the first Special Economic Zones (SEZ).<sup>21</sup> It got even worse when the CFE opened up the second Wind Expansion Phase on the Isthmus, mentioned earlier, launching the bidding for wind farms worth an additional 3,683 MW, which implied tripling the already-existing electricity-generation capacity, not to mention concessions for various open-pit mines in the Ixtepec region, Zanatepec, San Miguel Chimalapas, and Tapanatepec; the railway expansion linking Coatzacoalcos and Salina Cruz to create an interoceanic container cargo transportation corridor, and the building of gas and oil pipelines, like the 200-kilometer pipeline running between Salina Cruz and Jáltipan (Veracruz). The list keeps growing. The issue is how to deal with this avalanche of efforts to build wind, mining, and other sorts of projects.

In September 2016, the social and community organizations of the *Binnazá* (zapotecos), *Ikoots* (mareños), *Ajuuk* (mixes), *Slijuala Xanuc* (chontales), and *Tzoque* (zoques) peoples combined to form a social network that they named the Articulation of the Original Peoples of the Oaxacan Isthmus in Defense of the Territory (APOYO).<sup>22</sup>

## **THE UNDERCUTTING OF REGIONAL LEGAL SUPPORT FOR THE RESISTANCE MOVEMENT**

The legal resistance waged by the regional communities and organizations on the Isthmus opposed to how the wind parks began to take over their territory has run up against lawyers and notaries in the region who have been co-opted by the wind power companies, which have become their top employers, especially when it comes to drafting the lease contracts or any other matter pertaining to legal issues related to the wind farm implementation.

For example, the lawyer who initially spearheaded the case to file the protective injunction against Mareña Renovables, in the end did not show up to the hearing, so the case was lost and another lawyer had to file all over again (the first lawyer started to work for the company from that point on). Another case is Notary No. 7, charged with developing the lease contracts for several of the wind farms.<sup>23</sup>

Accordingly, the resistance movement has lost out on the legal support it needs in the region in order to "contradict"<sup>24</sup> the wind power corporations, as well as the governmental authorities backing them, as they have no way to get a notary to sign their documents, and they have had to resort to seeking legal support from national civil society organizations, like the Mexican Environmental Law Center, A.C. (CEMDA), the Center for Analysis and Research, A.C. (Fundar), and the Economic, Social, and Cultural Rights Project (PRODESC), as well as several litigators from outside of the region who are on the side of revindicatory struggles for human and citizen rights. It is thanks to this network of legal support that any protective injunctions against the deterritorialization have been filed at all, and the locals have people to defend them in the suits brought against them, as they have been criminalized by the State, accused of stealing electrical power and seizing public roads, among other actions.

## **CHANGE OF SCENE WITH THE RELOCATION OF THE SEVENTH DISTRICT JUDGE**

The protective injunction filed by the community of San Dionisio del Mar, mentioned before, against the company Mareña Renovables, which sought to build a 496-MW wind farm in the Santa Teresa area, finally arrived before the judge of the

Salina Cruz Seventh District, who, in spite of pressure from the company and the state and federal governments, agreed to hear the valid arguments filed by the complainants, 1,165 members of the *Binnizá* people, and granted the injunction on December 11, 2015, ordering the definitive suspension of the wind farm (Díaz, 2015).

That same project, with the same number of wind turbines and generation capacity, and the same loan number from the Inter-American Development Bank, was later transferred to the Juchitán de Zaragoza municipality, re-baptized as *Eólica del Sur*. The company, and the local, state, and federal governments felt that this change would make the farm more viable, but they still had to deal with the resistance from a significant portion of the population and three strong regional organizations: the APIIDTT, the APPJ, and the UCIZONI. After an unfortunate experience with the consultation process carried out by the Secretariat of the Interior (Segob) and Sener and the municipal authorities, which should have adhered to the principles stipulated by the ILO in Convention 169, and in which the implementation of the wind farm was approved in an assembly of sorts (CEMDA, 2016),<sup>25</sup> the organizations chose to file for another protective injunction, this time against the new attempt. The injunction was finally granted by the same judge on December 11, 2015, putting the implementation of *Eólica del Sur* on hold.

The success garnered in regional legal settings seems to have hit upon a strategy to deal with this dispossession (APIIDTT, 2013). Nevertheless, the government did not take long before tilting the legal playing field in favor of the wind farms, transferring judge Isaías Corona Coronado from the Isthmus of Tehuantepec to the state of Tamaulipas in February 2016. With that move, the judge was replaced by Carlos Alberto Osogobio Barón, a judge without any experience in dispute cases filed by original peoples and who, looting at the facts, and with a willingness to support the multinational companies, even without collecting any of the evidence that tends to be submitted in these sorts of cases, ruled the cases filed by the 1,165 members of the *Ikojt* and *Binnizá* people as inadmissible, even though they had been considered admissible for the previous judge to grant the order (APIIDTT, 2016).<sup>26</sup>

Given the situation, the Judiciary Council saw the need to transfer Judge Osogobio to another region—the Seventh District Court had by then had three different judges in the course of just one year. In both essence and reality, the Mexican legal system does not enjoy autonomy. Judges are transferred, relocated, and assigned pursuant to the interests or criteria of people from outside the region. This practice has been challenged by the Foundation for Due Process, located in Washington, D.C., but in Mexico the practice—even though it is poorly viewed internationally—is a legal norm with doubtful legal legitimacy, but it is useful to the Executive Branch, as it permits it to remove from a region a judge who is not in favor of its own interests, as was the case with Judge Isaías Corona Coronado.

#### **INTIMIDATION, REPRESSION, PHYSICAL AGGRESSION, THREATS, AND SOCIAL CRIMINALIZATION**

Given the organized resistance undertaken by the *Binnizá* and *Ikojt* communities and their regional organizations—against the loss of their territory due to the building of wind farms—the different levels of government have resorted to socially criminalizing anyone who tries to direct the regional social movement. It is salient to illustrate this social criminalization by way of one of the most publicized cases.

One of the most visible members of the struggle has been Lucila Bettina Cruz Velázquez from the APIIDTT, who, despite having been granted "cautionary measures issued by the Defense for Human Rights Office of the State of Oaxaca since November 14, 2011, for having been assaulted by the state police," on February 22, 2012, while taking part in a protest in Santa María Xadani against the arrest of Filiberto Vicente Aquino "Fili," accused of "electrical power theft," was arrested by alleged members of the National Attorney General's Office (PGR), who failed to identify themselves or present a warrant in response to an explicit request from the attorney present, and failed to share the reason for the arrest or her location, all of which is entirely illegal and violates her citizen rights as guaranteed by the law and the Mexican constitution.

The arrest had to do with her participation in the resistance by the inhabitants of Unión Hidalgo, some of whom had already signed lease contracts for their lands with DEMEX and were demanding they be revoked. Bettina was arrested just days before the second meeting scheduled with DEMEX. The official reason for her arrest was for her "alleged responsibility in the commission of crimes against the consumption and national wealth and illegal deprivation of freedom."

The judge ordered her release on bail (she was released two days after her arrest). But being released on bail entails the ordeal of the criminalized, as she has to periodically show up to check in with her bail officer and sign the documents proving it at the state capital, which is six hours away from Juchitán de Zaragoza, where she lives.

Bettina's situation became even more complicated in October 2012, when she began to receive death threats, forcing her and her family to leave the state of Oaxaca for some time, which certainly made it difficult for her to do the "ritual" of showing up before the court (Díaz, 2012). It is useful to cite a memo from the APIIDTT, which sketches out an idea of the climate of violence in the region related to the resistance from the communities and organizations toward the building of wind farms:

We issue an urgent call, as these death threats against the defender Bettina Cruz are happening in a framework of rising aggression in the region against people who defend human rights, such as the attempted murder of the defender Isaúl Celaya, or the brutal aggression against Moisés Juárez Muriel, who was ambushed by two men and beaten with stones until he was disfigured.

The latest incident happened on October 10, when the Caravan for Solidarity with the Ikojts People Resistance, on its way to deliver food to the San Dionisio del Mar community members protesting against the building of a mega wind farm, consisting of 13 vehicles transporting some 150 indigenous representatives belonging to social organizations and

international observers, were assaulted by at least 80 individuals wielding stones, sticks, gasoline jugs, machetes, and even guns, violently preventing the caravan from passing through.

In December 2014, nearly three years later, Bettina Cruz was finally absolved of the accusations. The long journey involved her taking multiple trips to Oaxaca to meet the legal requirement of showing up in person before the court.

This anecdote of what happened to this activist is just one example of the criminalization, intimidation, death threats, and physical violence brought on the nearly 50 citizens who have committed the "crime" of being against the model and implications of building wind farms on the Isthmus of Tehuantepec (Flores, 2016).

#### **ACCEPTANCE OF THE WIND FARMS BY SOME OF THE POPULATION AND SEVERAL OF THE COMMUNITIES**

Given this paper's argument (a critical stance toward the building of wind farms by multinational corporations), it is also important to point out that not everyone, and not all of the communities, are against them. Some communities, like Santo Domingo Zanatepec, Santa María del Mar, San Francisco Ixhuatán, San Francisco del Mar, and San Francisco Viejo, see in these farms the potential to improve their income and rise out of poverty, despite the negative impacts they may bring. Speaking with members of the latter two communities, they relate that they would prefer to build their own wind farms, but under the current circumstances, they do not believe it would be possible. Similar reflections have been shared by some of the older residents whose children have moved away, so they no longer have anyone to work the earth, and they see in the wind farms the chance to earn money on their land, which will give them a "secure income" until they pass away. It bears emphasizing here that the resistance is not against wind power in and of itself, but rather against the way in which and the strategy with which the wind power projects are being implemented in the region, which in reality are depriving the dwellers and original communities of their territory.

#### **THE HISTORICAL PARADOX OF THE IXTEPEC COMMUNITY WIND FARM: NOT EVEN WHEN YOU WANT IT**

Despite this adverse scenario, in the eyes of San Francisco del Mar and San Francisco Ixhuatán, there are indeed communities that want to build their own wind farms, as is the case of Ixtepec, a *Binnizá* community on the Isthmus of Tehuantepec, has since 2008 wanted to build a community wind farm on its lands, having seen them being built in La Venta, Unión Hidalgo, Juchitán. From the start, they showed interest in having their own community wind farm, like those that have been built in Denmark and referenced earlier in this paper. In 2009, the agrarian authorities of Ixtepec commenced talks to partner with the British company Yansa, which works on these types of joint ventures.<sup>27</sup> To do so, they followed the bureaucratic labyrinth of "serpents and ladders" to comply with the procedures to be able to participate in the tender opened up by the CFE to distribute the volume of MW across the wind farms. The ordeal with the Ixtepec authorities is to a certain extent paradoxical, as when they showed up for the bidding event, they were brought to a room, where they were kept locked up while the bidding started in another.<sup>28</sup> This incident makes it clear that the governmental policy came firmly down on the side of granting wind farms to private enterprises and not to communities, as is the case of Ixtepec.

In June 2011, the Ixtepec community—via its community-owned assets commission—advised by Fundación Yansa, filed two protective injunctions against the CFE, one for having prevented them from participating in the wind farm tender, and the other due to irregularities in the negotiation and building of a power substation in Ixtepec lands. Both injunctions have yet to be resolved five years later.

It is important to note that although the Ixtepec proposal for a community wind farm does indeed entail income from the sale of electrical power to the community members, also planned to distribute the benefits to the rest of the population through social projects, education and health services, and more.<sup>29</sup>

Recently, in May 2015, the CFE appeared again at a community assembly to find out whether the community would allow a private wind farm to be built, to which the attendees stated that this is indeed what they want, a wind farm, but a community wind farm, not a private one. The following excerpt from the minutes of the general assembly of Ixtepec community members (September 23, 2012), approved by unanimous vote, clarifies their position:

The Ixtepec community assembly makes it clear to the CFE that we will not allow any further wind farm to be connected to the Ixtepec Potencia substation. Nor shall we accept any further activity or proposal from the CFE on our lands, until the City of Ixtepec and the communities on the Isthmus are allowed to effectively exercise our inalienable right to the use and enjoyment of our territories, recover control over our lands and winds, and we are given the conditions and contracts necessary to build community wind farms, like the farm planned for the City of Ixtepec (excerpt from the Declaration on the Multinational Mega-Farm, the community wind project, and the CFE, approved by unanimous vote of the general assembly of Ixtepec community members, September 23, 2012).<sup>30</sup>

The Ixtepec community's struggle to gain approval for a community wind farm and their refusal to agree to let any multinational corporation build any private wind farm has not only been ignored by the CFE, but in fact, the governmental institution has acted as though this request does not even exist, going so far as to include precisely one of the polygons on which the Ixtepec community has been asking to build their own community wind farm in the Second Phase of the Wind Expansion to tender to multinational corporations, making patently clear the CFE's and the government's stance

toward the attempt to build a community wind farm, and to a certain degree, making the situation even more tense in the community.

## FINAL REFLECTIONS

If I were to summarize the information presented throughout this paper in just a few words, I would write that from the very state of this wind odyssey (June 2017), stretching into the present, political actors from across all levels of the government have shown their hand to be in favor of building wind farms with multinational corporations, pushing aside the original peoples who are the users of the territory, designing strategies, programs, and policies, and enacting laws that induce, pressure, and force them to cede their territorial rights, mainly through land leases, in order to build these wind farms, obtaining only meager economic benefits, and subjecting them to ecological, productive, economic, political, social, cultural, and religious harm.

The faces of these governmental institutions have from the very start divided up the Isthmus among multinational corporations at meetings held in Huatulco, in the belief that the Isthmus is an untamed territory, and the original peoples live on it as dispensable, not profitable, land, and that it even is a barrier to modernization. The leaders and organizations that have stood in opposition to this "manifest destiny" thrust upon them from above by the federal government, have been subjected to social criminalization, fabricated crimes, arrest and jail time, intimidation, death threats, and even death.

The wind farms on the Isthmus of Tehuantepec are no isolated case. The vertical and centralized governmental policy favoring private capitalist actors and detrimental to national citizens has been the tonic, exacerbated by the advent of the neoliberal model at the end of 1982. In line with this privatizing strategy, in which multinational corporations have garnered an overwhelming share, the government has given in concession or usufruct these lands to corporations for open-pit mining, the building of hydropower dams, hydrocarbon extraction via fracking, the laying of oil and gas pipelines, the rise of tourist and housing developments, airports and roads, forest plantations, agriculture and livestock production, and the list goes on.

But the dispossession has been remarkably similar: high-level meetings between the government and the multinational corporations invited to participate in one of the sectors mentioned above; the establishment of a strategy to enlist different political actors relevant to the case; the implementation of a strategy to assemble local and regional actors relevant to this strategy, to from there showcase the advantages of the project to a population that will inevitably be involved; deploying for this purpose a wide range of "enticements" (urban infrastructure projects, medical equipment, funding for parties, distribution of groceries, etc.), hoping that in doing so the population will acquiesce to the proposed plan.

If there is resistance, the initial strategy may be to try to buy off the leaders, and if this is not possible, they may resort to intimidation, physical and/or symbolic violence,<sup>31</sup> and social criminalization; what is important is that the project in question can be carried out. This model is not exclusive to Mexico. In fact, it can be found all around Latin America and the world.

The social, ecological, territorial, and political costs, among others, incurred by the installation of wind farms on the Isthmus of Tehuantepec (as a case study of one of what could be many others), spawned by a vertical, centralized, and authoritarian governmental policy that excludes the population involved and comes down on the side of multinational corporate interests, beckons a reconsideration of the path toward a decentralized and inclusive, and why not, devolutionary, public policy<sup>32</sup> that prevents assaults on the locals and foments proposals like the Ixtepec wind farm proposal, which devolves or carves out a role for civil society, its organizations, and governmental institutions, in order to build a nation from the local,<sup>33</sup> the diverse, from the shores of that social motley which is Mexico. But that, it seems, will have to wait.

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<sup>2</sup> National Electric System Development Program (Prodesen) 2016-2013,

<sup>3</sup> Statement made by Pedro Joaquín Coldwell, Secretary of Energy (Sener), Noticias NSS Oaxaca, September 27, 2015.

<sup>4</sup> The name comes from the teaching model committed to solving the problems of economically underdeveloped countries, followed by the Ulfborg School, in Denmark, where teachers and students concerned that Denmark's power policy could shift toward nuclear energy set out to design this turbine based on the country's past experiences in the twenty-first century (Diego, 2015).

<sup>5</sup> The design was fundamentally adopted by Vestas and Siemens, pioneers in manufacturing the 2.5-MW turbines now installed in the vast majority of wind farms across the globe.

<sup>6</sup> See Vélez, O. (2012a, 2012b).

<sup>7</sup> This concept of "grievance" is developed by Moore, B. (1989) to refer to a feeling among social actors, once they become aware, that something is happening that ought not to be happening, which could lead to a social movement, as was the case on the Isthmus of Tehuantepec.

<sup>8</sup> To M. Serres (1987), this "enlistment" refers to the practices and strategies by which people try to influence others to make them adopt their own discourse and interests.

<sup>9</sup> On this point, see the journalism article by Godoy, P. (2013).

<sup>10</sup> In 2006, PRENEAL (which would later become Mareña Renovable) funded a "vela" in San Dionisio del Mar. Velas are festivities that date back to the time of the Spanish Conquest, related to the indigenous cosmovision, and repurposed for the Catholic religion. At present, these parties both include and transcend the religious. They tend to last several days and entail, among other activities, a nighttime gala ball in a lavishly-decorated space. Information provided by Rosa Marina Flores Cruz, APIIDTT member.

<sup>11</sup> In Unión Hidalgo, in September 2011, the company DEMEX, a subsidiary of Renovalia Energy, to celebrate the signing of the lease contracts, covered all the expenses for a "vela." As part of the festivities, the company "raffled" off a Nissan truck to the community members who signed the contracts.

<sup>12</sup> One of the "enticements" offered by Eólica del Sur to wear down the APPJ's resistance against the building of this farm was to construct a hospital in Juchitán. This situation divided the APPJ, as many members continued to oppose the farm.

<sup>13</sup> In San Dionisio del Mar, the company Mareña Renovables promised the young people in the two jobs if the wind farm came to be, and also gifted them sporting equipment. A group of fishermen was offered fishing boats with outter engines and fishing implements.

<sup>14</sup> In Juchitán de Zaragoza, as part of the efforts to promote the Eólica del Sur farm, the company held events with clowns for the children,

before The Consultation (Diego, 2016).

<sup>15</sup> These strategies to convince people were conceptualized some time ago as "gifts" by M. Mauss (1923-1924, 1967), leading to what M. Sahlins (1963) came to conceptualize as "negative reciprocity," given that the benefit at the end of the strategy is incommensurably greater than the "enticements" or "gifts" given. C. Lomnitz defined it as "a type of exchange in which coercion is used to launch a relationship of domination that is later squared up through the "gift" as though it were based on positive reciprocity, except for the fact that the goods flow asymmetrically from the servant to the overseer" (2005, p. 334).

<sup>16</sup> Lands illegally registered as private property with public notaries, but which are actually located inside of community-owned or ejido lands.

<sup>17</sup> One click is enough for a sample; according to the World Bank's declassified "Greening the Wind" report, from June 2011, at one of the first wind farms installed, La Venta II, with 98 turbines, every year, over six thousand bats and 3,200 birds collide with the turbine blades and die.

<sup>18</sup> Field observation made by the author.

<sup>19</sup> R. Garduño (2013) deals with inequality in the income distribution; he speaks of companies offering 4% in Europe, with references on the Canary Islands of between 3 and 6%

<sup>20</sup> The locals refer to the contractual allocations of the contours of the wind farms as "concessions," even though they are not really concessions.

<sup>21</sup> The Federal Special Economic Zones Act was enacted by the federal executive on June 1, 2016, at the same time as which the first three zones were announced: the Isthmus of Tehuantepec Corridor, the Lázaro Cárdenas Port, and Chiapas Port.

<sup>22</sup> Made up of the Community Assembly of the Santa María Xadani Subdivision, the Community Assembly of the Unión Hidalgo Subdivision, the Assembly of the Indigenous Peoples of the Isthmus in Defense of the Land and the Territory (APIIT), the General Assembly of the People of Álvaro Obregón, the General Assembly of the People of San Dionisio del Mar, the Juchiteco People's Assembly (APPJ), the Community Town Hall of Álvaro Obregón, the Tepeyac Center for Human Rights of the Isthmus of Tehuantepec, A.C., COCEI-Member of the National People's Power Movement (MNPP), the Télayú Community Radio Collective, the Women in Community Collective (Oaxaca), the Unión Hidalgo Resistance Committee, the Ixtepecan Committee in Defense of Life and the Territory, the Laollaga Committee for the Defense of Natural Resources, the Community Members of Ixtepec in Defense of the Land and the community, the Zapoteca Indigenous Citizen Council of San Blas Atempa, the Salina Cruz United Colonies Coordinating Body, the Zanatepec Ecological Group, the Civil Resistance Movement Against High Rates in Álvaro Obregón, the Civil Resistance Movement Against High Rates in San Francisco del Mar, the Civil Resistance Movement Against High Rates in Tapanatepec, the Civil Resistance Movement Against High Rates in Xadani, the Civil Resistance Movement Against High Rates in Zanatepec, the Oaxaca Residents (Costa Chontal Baja), the José Martí de San Francisco Ixhuatán Community High School, Pro-Ixt A.C., Totopo Community Radio, Stidxa Guidxi de Xadani Radio, the Chiapa de Castro Indigenous Subdivision (Voces de la tierra, mar y viento, 2016, p. 20).

<sup>23</sup> Personal communication from Marcelino Nolasco.

<sup>24</sup> That is what the indigenous communities said during the Porfirian age in the state of Morelos when they went to trial to defend their lands from the hacienda owners. See Warman, A. (1976).

<sup>25</sup> The Eólica del Sur consultation process is detailed in R. Diego (2016).

<sup>26</sup> Civil society organizations and experts in the right to consultation filed *amicus curiae* (technical and legal opinion) with the Seventh District judge of Salina Cruz, Oaxaca, pertaining to the Injunction (454/2015), filed by members of the Binnizá people against the Eólica del Sur project, asserting that the consultation process failed to meet all of the legal requirements including not having been previously informed, and therefore the permits should be voided.

<sup>27</sup> Called "community interest companies" limited by guarantee. For more on the project, see Mitra (2012).

<sup>28</sup> Personal memo by Marcelino Nolasco, who was present at the incident.

<sup>29</sup> Interview with Juan Domínguez, Ixtepec community member.

<sup>30</sup> Cited by A. Zárate (2015).

<sup>31</sup> P. Bourdieu and J.C. Passeron (2001) hold that symbolic violence exists when an actor executes indirect, non-physical violence, against another actor, who may not realize or may even be unaware of it, but who is in turn complicit in his or her own domination.

<sup>32</sup> The concept of devolution, an English term (Trench, 2004, 2005) posits a return of powers to local institutions, communities, and authorities, even if they never exercised them in the first place, as they have historically been usurped by higher-level governmental bodies. The concept goes beyond decentralization, and is rooted in questions of autonomy.

<sup>33</sup> On this point, see R. Diego (2014).



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