Despite the normative framework promoting consultation and participation of communities in the implementation of extractive megaprojects, violent conflicts have increased in Mexico since the introduction of the 2013-14 legal reforms of mineral, hydrocarbon and alternative energy projects.

In finding answers to this paradox, the questions that drive this research are: What strategies have been used by the different actors to manage the above mentioned conflicts? How have the different sub-national contexts of government capacity impacted on the strategies followed? What have been the main obstacles and opportunities for implementing participatory institutions? How have informal and illegal practices intersect in these processes? What have been the main results in the economic, environmental protection and rights (human, political, social) spheres?

Over a period of three years (Feb 2017 - Mar 2020), our project proposes to carry out an analytical systematisation of these conflicts in Mexico (across its 32 states) and collect new in-depth qualitative data. The main outcome of the project will offer a typology of different governance frameworks in which participatory institutions will be analysed with regards to their local contexts defined by the acceptance or rejection of the extractive project by the community, the levels of conflict and violence found in the locality, and the degree of (non-)monetary benefits achieved by the communities.

Over the first year, the research carried out the first phase of a newspaper review, a review of the legal framework promoting the development of extractive projects, and 40 interviews to explore the role played by different actors involved in extractivism. The initial findings are summarised in turn.

The newspaper review aims to identify the scale and size of extractivism in Mexico though the projects developed (or to be developed) and the level of conflict that has been reported for each case from 2010 to 2017. The sources consulted to build the database have been obtained from government datasets: mining (Ministry of Economy, Mexican Geological System), hydrocarbons (Ministry of Energy), hydroelectric (National Water Commission) and windfarms (Ministry of Environment and Natural Resources). Based on the infrastructure project names, provided by these datasets, a word-search was carried out using Google News and TagCrowd. The database indicates that there is large universe of conflicts in infrastructure projects: 216 in mining, 12 hydroelectric; 64 hydrocarbon and 45 wind farms.

The types of conflicts that have been identified in mining projects are related to environmental issues, changes in land use, pecuniary or monetary issues, corruption,
labour rights and insecurity/organised crime. We found that only 70 mining projects report conflict. But given that one mining project can have many types of conflict, our findings show a total of 216 conflicts. The top-five states where these conflicts are found are: Zacatecas, Sonora, Durango, Michoacan and Guerrero.

In the hydrocarbon industry we obtained a database of 201 oil fields (which include oil wells and refineries or other infrastructure) and 44 gas pipelines, from which we found that conflict existed in 31 fields and 33 gas pipelines. Most conflicts related with hydrocarbon fields are concentrated in the Mexican Gulf (in the states of Veracruz, Tabasco and Campeche). In contrast, conflicts related to gas pipelines are more geographically dispersed throughout the country.

The legal review explored the national legal frameworks related to extractivism. We found that extractivism gravitates across five legal dimensions: human rights, environmental protection, agrarian law, political rights and private ownership rights. In this analysis, a lack of coordination and disorderly implementation of the legal framework by state actors has been found; whilst agrarian law has been of greater value than human and political rights law for local indigenous communities to participate and challenge private firms acquiring land and building extractive infrastructures. This finding is unique to Mexico, because after the 1910 Revolution, land was distributed to peasant and indigenous communities to own collectively. Communal ownership has levelled the ground for some communities to negotiate and challenge the interests of private capital and government plans that favour extractivism.

Between April and October 2017, exploratory interviews were conducted to national NGOs, federal government officers, private consultants, academics and community members. An initial scan of the data show that two very powerful discourses are in tension behind extractivist projects: the promotion and development of extractive industries as an engine of national economic development (especially for the south-eastern region) and the rejection of extractive projects by indigenous and peasant populations who claim protection of their territories as a result of their self-determination and self-governance.

By using a repertoire of actions, the latter communities have been able to stop extractive projects, at least temporarily. They combine protest, socio-legal action that addresses agrarian law and customary law, and increasingly independent environmental and impact assessments to defend the physical and social values of their territories. Prior consulting promoted by the International Labour Organization-169 Convention, and acknowledged by domestic law, has not been a useful legal resource to stop these projects.

Secondary data reveal that consultation and participation are ill-defined in law and practice, whilst co-optation of community leaders and government officers, repression, disappearances and assassinations take place. Our research has found that some consultancies and private firms promoting extractive projects recognise the importance of the 169 Convention and the respect for indigenous rights, however, they tend to disagree with the indigenous right of self-determination that allows communities to reject a megaproject when established in their territories.
As a result of the legal reforms, new federal agencies have been created to monitor the environmental and social impact of extractive projects, but they show lack of coordination and capacity to respond to the responsibilities addressed by law. In particular, the weakening role that municipal governments play is astonishing as politicians and officers end up favouring the promoters’ interests over those of their communities. Finally, some national/local NGOs promoting environmental and human rights are present in helping communities to resist projects, whereas others are aiming to provide communities with technical tools and expertise to help them become more equal partners in negotiations with firms and government. The grey areas that this diversity of actors play between the two discourses mentioned above provide rich information that we plan to unpick to understand the practices that lead to conflict and the extent to which participatory mechanisms are used to reach (or not) temporary outcomes.

For more detailed information on the project visit: https://conversingwithgoli.wixsite.com/misitio