



Grassroots  
Justice  
Network



# The Protection of the Chichankanab Lagoon Territory in the Yucatán Peninsula

A case study on building community power



# The Protection of the Chichankanab Lagoon Territory in the Yucatán Peninsula

## A case study on building community power

### EXECUTIVE SUMMARY

This case study focuses on the efforts of five ejidos surrounding the Chichankanab lagoon in Mexico's Yucatan Peninsula. These communities have successfully mobilized against threats to their land and resources. Stemming from a Decree that established a Natural Protected Area, they have been able to lead the fight from a reaction to a rights violation to the adoption of a preventative approach for the protection of their territory. This experience offers valuable lessons for how law and organizing can be used together to defend land and indigenous peoples' rights, especially in contexts where communities are exposed to frequent threats from governments and external actors.

*Cover Image: ProDESC*

*All photos and maps used in this publication are from Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC) and have been used with their permission.*



**Grassroots  
Justice  
Network**





# Acknowledgements

We are grateful for ProDESC’s time and dedication to this case study, and for the incredible work that they do every day to advance the rights of agrarian, indigenous, and other historically marginalized communities in Mexico.

The case study draws from an action research project implemented by ProDESC and funded by the International Development Research Centre (IDRC), which is part of the [Learning Agenda for Legal Empowerment](#), an initiative by Namati and the Grassroots Justice Network. Thank you to Canada’s International Development Research Centre and Global Affairs Canada for making this work possible.



**IDRC · CRDI**

International Development Research Centre  
Centre de recherches pour le développement international



In partnership with

**Canada**

*This work was carried out with the aid of a grant from the International Development Research Centre, Ottawa, Canada. The views expressed herein do*

*not necessarily represent those of IDRC or its Board of Governors.*

Quote as: Namati, ProDESC. “The Protection of the Chichankanab Lagoon Territory in the Yucatán Peninsula” 2024.

## ABOUT THE AUTHORS

This case study was developed by Maria Atuesta (Data Storytelling Officer at Namati) and Marta Almela Menjón (Senior Network Officer for the Grassroots Justice Network team at Namati), in partnership with former and current members of the team at ProDESC. In particular, Lautaro Costantini, Jesús Guarneros Díaz, Gabriel Gustavo Rocha Belloni, Sofía Parra, David Bravo, Daniel Pacheco Álvarez, Guillermo Torres, and Marlene Rodríguez Atriano.



## ABOUT THE GRASSROOTS JUSTICE NETWORK

The [Grassroots Justice Network](#) is a global community of over 16,000 members from 175 countries, bringing justice defenders together to connect, learn and act. We apply the legal empowerment approach to help communities know, use, and shape the law, and to achieve lasting change against injustice.

The Grassroots Justice Network is convened by [Namati](#), a not-for-profit organization dedicated to advancing social and environmental justice by building a movement of people who know, use, and shape the law.

The [Learning Agenda for Legal Empowerment](#) brings network members together to test their strategies, deepen their impact and collectively address the knowledge gaps facing our global movement for justice.

## ABOUT PROYECTO DE DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES (PRODESC)

[ProDESC](#) is a Mexican intersectional feminist human rights organization founded in 2005 by Alejandra Ancheita, a lawyer and human rights defender. Its goal is to defend and promote Economic, Social, and Cultural Rights (ESCRs) in order to contribute to their enforcement, justiciability, and claimability.





# Table of Contents

## OVERVIEW

06 Introduction

## ANALYSIS

13 A Natural Protected Area that violated communal land rights

19 Engaging new members within Dziuché

23 Building a united front across five ejido communities

28 Activating and strengthening local governance bodies

31 Shielding the territory against future threats

## RESULTS

34 Conclusion

## REFERENCE

39 References



# Introduction

**This article is about strengthening power within and across communities to protect their land rights. It portrays a strategy and the process through which agrarian and indigenous communities in the Mexican state of Quintana Roo, in the Yucatán Peninsula, were able to act as a unified front for the protection of their territory against current and future threats from the government and from private land-based investments. This experience offers valuable lessons for how law and organizing can be used together to defend land and indigenous peoples' rights, especially in contexts where communities are exposed to frequent threats from governments and external actors.**

Around the world, indigenous peoples and agrarian communities have historically suffered from land encroachment and dispossession at the hands of extractive industries (Scheidel et al 2023; Calvao et al 2003). Their right to free, prior, and informed consent has been consistently violated. They are not being able to have a say about what happens in the lands that they live on, use, and own. Instead of addressing these systemic injustices, governments continue to reproduce encroachment and dispossession by granting land-use rights to domestic and foreign investors under the guise

of “economic development”, “economic growth”, or, more recently, “green energy” and “green industries”. These land-use concessions negatively impact communities, not just by violating their land titles and their rights to use, manage, and plan for their territories, but also by exposing them to harms from environmental degradation,<sup>1</sup> livelihood-loss, loss of social and cultural identity, and displacement (Scheidel et al 2023; [LandPortal Foundation, 2023](#)).

These threats are greater and more persistent for communities who live in



naturally rich areas that have become a hotspot for foreign and domestic land investments (see Cotula and Berger 2017). In these **investment hotspots**, communities are not just subject to the threats imposed by one investor. They face multiple investment threats across many sectors. These communities do not only feel the pressure from domestic and foreign investors, but also from governments who want to promote “development” by attracting investment from private companies at the expense of communities who live on, use, and own those lands.

Studies on the impact of land investments and land concessions on local communities have emphasized the importance of land titles and legal protections of communal lands and natural resources as key factors giving communities power and a voice in land concessions (Cotula et al 2009; Lomax 2015; Diergarten 2019). However, experience has demonstrated that the law is not enough to halt governments from granting concessions and ignoring communities (Tanner and Bicchieri 2014). Even in situations where there are clearly defined land titles and progressive

environmental legal protections, investors and governments have been able to blatantly disregard the law to enclose and appropriate communally owned lands. An example of this is the current case study, as we will narrate below.

In these scenarios, **law and organizing** play an important role in enabling communities to activate rules, regulations, and local governance bodies to protect their rights and shape decision-making around environmental and land governance. Over the last decade, several organizations have produced significant research to better understand the evolving trends in land use investments, and how they have impacted communities in investment hotspots.<sup>2</sup> But the literature is just starting to explore how law and organizing can help communities secure their rights to their land and territories over the long-term (Cotula and Berger 2017).

In this case study, we offer a glimpse into how five **ejidos**<sup>3</sup> around the Chichankanab lagoon<sup>4</sup> worked with the organization Proyecto de Derechos Económicos, Sociales y Culturales,



A.C. (ProDESC) to strengthen ejido communities and their local bodies of decision-making to shield the territory and its natural resources from encroachment and continuous harassment from investors and governmental authorities. This is an example of how law and organizing can be used to protect land rights with a long-term focus, moving beyond responding to immediate threats to a proactive approach for preventing future threats.

For communities to be able to influence change and protect their rights, they need to have power. Power may come in many forms. For example, protest rallies are a clear example of community power and how it can pressure public authorities into making the right decisions, based on the community's needs. This case study shows how organizing within communities, coordinated actions across communities, and local governance bodies can all be sources of collective power. Furthermore, we show how law and organizing initiatives strengthen and activate these **three sources of power** as complementary means: instead of treating communities as “passive victims” who react against rights

violations, these initiatives support them as agents of change that take the lead in preventing future violations ([Knuckey et al. 2020](#)).

This preventative approach is especially relevant in investment hotspots where threats, both one-time and recurring, come from a multiplicity of actors and sectors. It is also relevant in how we choose to face our climate crisis. As stewards of many forests and natural resources, indigenous and agrarian communities have disproportionately suffered the brunt of environmental destruction (Maru, 2023). As countries prepare towards a so-called “green transition”, indigenous and agrarian communities continue to suffer from environmental harms from green industries which often reproduce exploitative dynamics of traditional extractivist industries.<sup>5</sup> At the same time, these indigenous and agrarian communities have an important role to play for carbon sequestration and the protection of natural resources ([Fitzgerald and Gershuny 2020](#); [Veit, 2021](#)). A way out of the climate crisis that does not include the voices of these communities and power





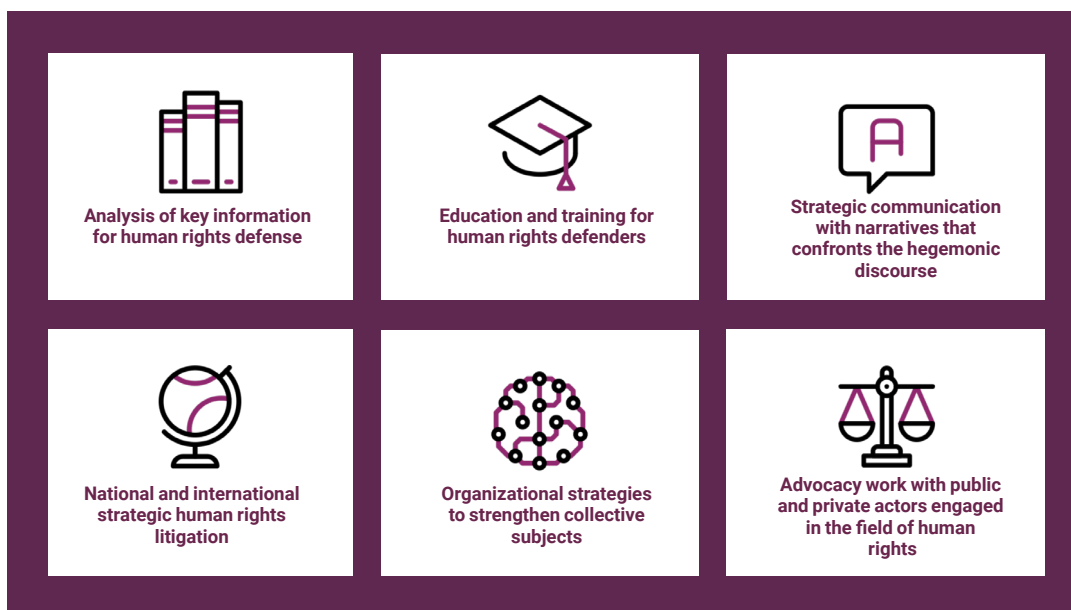
to define how land and natural resources are used and cared for is not only reproducing environmental harm and injustice, but it is also disregarding the valuable and necessary knowledge of people who have lived on—and cared for—the land for generations.

## ABOUT PRODESC AND THEIR COMPREHENSIVE DEFENSE METHOD

ProDESC is a Mexican-based intersectional feminist human rights organization. ProDESC works to defend economic, social, and cultural rights of collectives and communities around land and territory rights, labor rights, and the right to defend human rights. To do so, they apply what they call their **comprehensive defense method**, which is based on a combination of strategic litigation, information analysis, advocacy in decision-making, strategic communication across multiple levels (from community and local levels to national and international levels), community organizing, training and capacity-building, as well as corporate research and corporate accountability.

ProDESC has a wealth of experience using this method to support collectives and communities to successfully stand together against the implementation of projects that violate their territorial sovereignty, pollute the environment, and negatively impact their quality of life (See [ProDESC 2023a Annual Report](#)). An example of this is the emblematic case of Unión Hidalgo, where the agrarian and indigenous community in the Mexican state of Oaxaca organized and fought against the construction and implementation of what would have been the largest wind park in Latin America, Gunaa Sicarú, which was to be located in their territory without their consent and without any consideration about the impacts the wind farm would have on the community ([ProDESC 2021b](#)).<sup>6</sup>

In Unión Hidalgo, ProDESC's comprehensive defense method proved to be successful not only using national and transnational litigation and advocacy strategies to shape decision-making, but also using a robust organizational approach to support community involvement and direct leadership moving the case forward ([Terre](#)



Solidaire, ECCHR & ProDESC 2023; ProDESC 2022). Building on the lessons learned and positive results, ProDESC has replicated its practice in other communities like the ones featured here. The Chichankanab case described in this case study is particularly relevant because it shows how the comprehensive defense method can be leveraged as a preventative approach that protects communities against future violations.

In contrast to a reactive approach, a preventative approach is harder to implement because of the opacity and lack of transparency with regards to government plans or ongoing negotiations between public and private

actors who seek to implement projects that will involve the unlawful use and appropriation of community lands—making it harder for communities to anticipate a response. A preventative approach is also harder to implement because organizing around urgent threats and immediate violations takes precedence over potential future violations. However, organizing against current threats does not mean that communities will necessarily miss the opportunity to adopt a preventative approach for the protection of their territory. The opacity of government plans does not mean either that communities cannot take measures and appeal to existing legal frameworks to



shield their territory against a variety of threats to come. We show here how communities surrounding the Chichankanab lagoon have used their local governance bodies to overcome these challenges and adopt a preventative approach.

## KEY CONCEPTS, STRUCTURE, AND METHODOLOGY

This case study offers a roadmap of how efforts to organize against a current and tangible threat evolved into a preventative approach where communities surrounding Chichankanab were able to activate the ejidos' local governance bodies to formally reject the implementation of any current or future project that threatens their territory, natural resources, and ways of life.

In Mexico, local governance bodies were established by the Agrarian Law, which recognizes communal land rights. According to this law, an ejido is composed of settlement (zona urbana ejidal) and rural areas owned by officially-recognized ejido members who have the right to make every major decision

concerning the land of the ejido through their local governance body called the Asamblea General (which, from this point on, will be referred to as the ejido's assembly for the sake of simplicity). The ejido's assembly is thus the official body that represents all ejido residents with ejido rights. It is the space where all decisions concerning internal rules of the ejido are made and any potential contracts with external actors over the use of the land are discussed and approved or rejected. Among the ejido bodies, every ejido has:

- **a commissary:** composed of three members and three alternate members, which is in charge of convening the assembly and executing the agreed decisions; and
- **a vigilance council:** composed of three members and three alternate members, which ensures that the commissary acts according to the mandates of the assembly.

The roadmap that we offer here starts with the following section where we summarize how it all started with a Decree that exposed ejido residents



to new threats and violations. The next section discusses how members of the largest ejido in the region, Dziuché, identified the existence of the Decree, and how they worked with ProDESC to lead the fight against it. The following three sections detail the meaningful actions that were taken to strengthen and activate the three sources of community power that we mention above:

- organizing within a community (Dziuché),
- coordinated action across multiple communities (five ejidos surrounding the lagoon), and
- strong local governance bodies (assemblies, commissaries, and vigilance councils).

In the last section, we argue that these actions were crucial to lead the five ejido communities to adopt a preventative approach by using their assemblies to vote

to protect their land, territory, and natural resources from any current or future projects with tangible negative effect on the ejidos and its inhabitants.

To reconstruct this case, we interviewed members of ProDESC's organizing and transnational justice teams who were actively involved supporting communities during this entire process and supplemented these accounts with information from news media and official documentation. The ProDESC teams worked hand in hand with community members across the Chichankanab lagoon, listening to the challenges they faced and strategizing together. Their insights are valuable to reconstruct, from the point of view of grassroots justice organizations, how communities can take steps to transform a reaction against a rights violation into fruitful preventative and collective action.







# A Natural Protected Area that violated communal land rights

The Yucatán Peninsula is a region in the South of the Gulf of Mexico that comprises three states: Quintana Roo, Yucatán, and Campeche. It is known for its natural richness and diversity. For example, the Yucatán Peninsula has 54% of Mexico's mangroves, the largest continuous extension of tropical rainforest in the country, and a variety of unique ecosystems including cenotes, petenes, and a large flooded cavern system.<sup>7</sup> Over the last decades, the region has become the country's largest tourist destination, especially the state of Quintana Roo, attracting visitors from around the world to its beaches, cities, and archaeological sites.

As the country's top tourist destination, the region receives a lot of attention from the government, as well as domestic and external investors who seek economic benefit from the location of hotels, resorts,

restaurants, tourist attractions, and other tourism-related businesses. One problem with these activities is that they exclude local communities from accessing economic benefits from the archaeological and natural richness of the region (see for example [ProDESC 2023b](#)).

With many new developments and projects under way, Mayan and agrarian communities who live and cultivate land in this region are constantly exposed to new threats of losing their rights over their land. A clear example of this is the Decree of the [National Protected Area of the Chichankanab lagoon system](#) in Quintana Roo. In 2009, the state government approached local communities around the Chichankanab lagoon, claiming that a Natural Protected Area around the lagoon would be beneficial to them. Local ejidos categorically denied interest in the state government's proposal.



However, in March 2011, the state government chose to disregard the communities' decision and established by decree the Natural Protected Area (Area Natural Protegida, ANP for its Spanish acronym) of the Chichankanab lagoon system, covering land from five ejidos in the region: Dziuché, Bulukax, Kantemó, La Presumida, and Santa Gertrudis. The ANP would have covered 11,609 hectares, taken directly from the aforementioned ejidos.

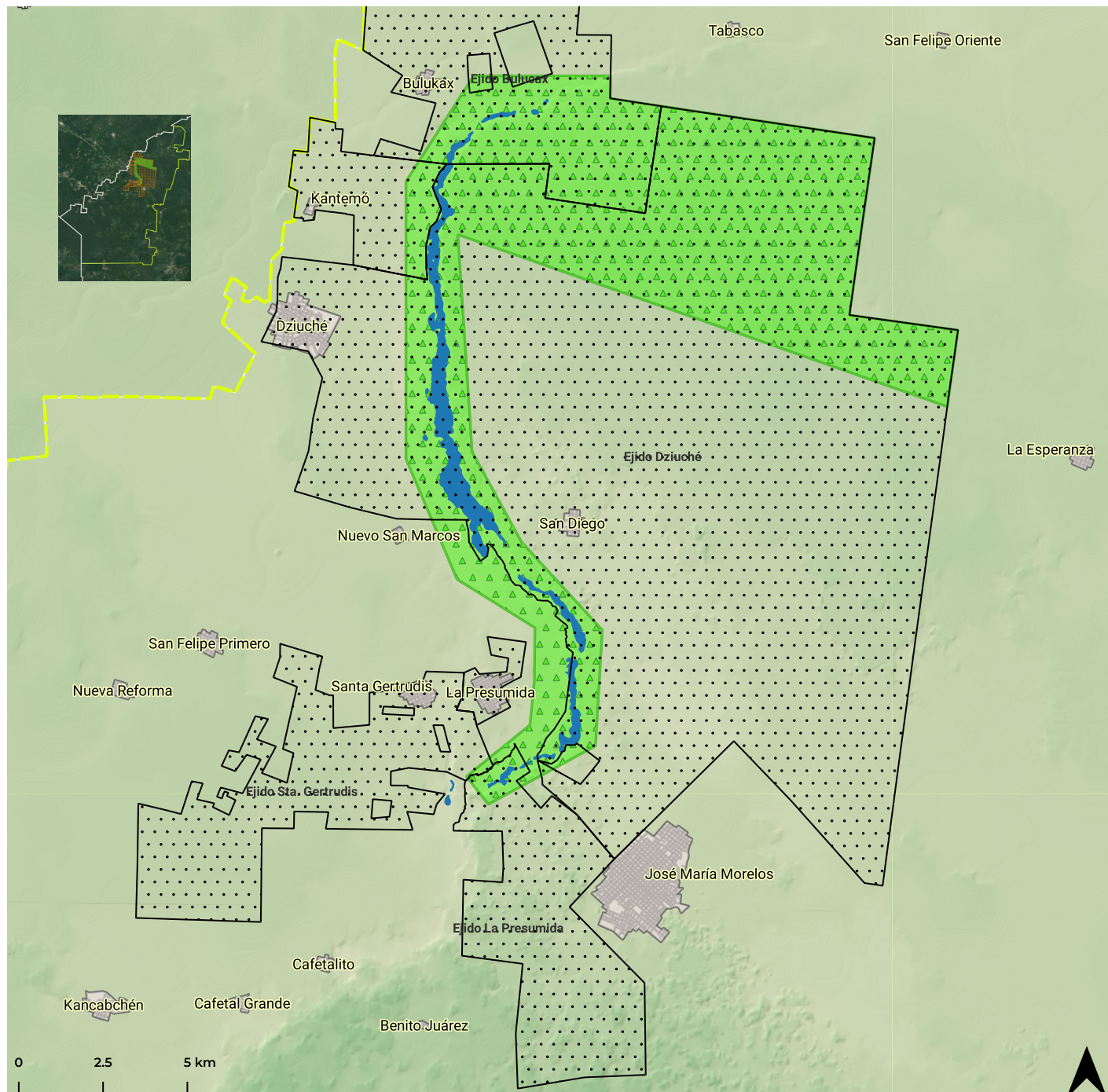
To understand the problem with the Decree, it is important to distinguish a commitment to conservation from the question of who controls the land. In this case, the state government disregarded that the five ejidos had officially recognized land rights by the Federal government. Moreover, none of the five ejidos' assemblies approved such a motion, which should have been paramount for the Decree's approval according to Mexican Agrarian Law.<sup>8</sup> The Decree also failed to consider that local communities are both agrarian and Mayan. Therefore, establishing the ANP would have required a proper free, prior, and informed consultation process. The state's decision directly affected the rights of 6,700

people, distributed in the five ejidos around Chichankanab.







Another problem with the Decree was that it established that the management of the ANP could be performed by a third party (a conservation NGO), completely disregarding the right of ejido members to decide how the land ought to be used and managed, and by whom,<sup>9</sup> as well as the important work that the ejidos have been doing for decades in the protection of their own environment. Besides dismissing the land-use rights of ejido members, public and private actors were already moving a project for the ANP forward, without considering the input of the ejido communities on how the foreseen uses of the lagoon could negatively impact their livelihoods, their social identity, their cultural relationship to the territory, including the lagoon and its ecosystem. With the excuse of protecting nature, the Decree not only violated basic rights of ejido members, but it also exposed them to new threats to their territory from tourism.<sup>10</sup>

For the ejidos surrounding the Chichankanab lagoon, the problem with the 2011

### Ejididos affected by the "Chichankanab Lagoon System" state reserve



#### Legend

-  Municipal limits
-  Urban areas
-  Urban layout
-  Bodies of water
-  Ejidos affected by ANP
-  State reserve

Agrarian area	Affected area (%)	Affected area (ha)	ANP %
Ejido Bulucax	46.90	1860.17	16.02
Ejido Dziuiché	30.30	8403.55	72.38
Ejido Sta. Gertrudis	0.5	16.34	0.14
Ejido Kantemoc	21.60	264.53	2.28
Ejido la Presumida	4.30	145.58	1.25



resolution was only evidenced years later, in 2017, when Dziuché—the largest ejido in the lagoon system—members began to see new visitors in motor boats in the lagoon. This is how a member of the legal team of ProDESC, who accompanied the community during the entire process of fighting against the Decree, narrates how the Dziuché community realized the threats:

**They [Dziuché community] woke up one day (and this is how they tell the story) to realize that there were motor boats in the lagoon with many strangers. Motor boats are not allowed there because of the species that live there. You can find species that are endemic to the region, and also the mangrove (...) So, when they [Dziuché community] saw all this, these strangers, they asked themselves: What is happening? Who are they? They realized that they were all public officers from Quintana Roo and businessmen too. So, they began to ask: But why are they here? Well, they were practically developing the [tourism] project and the community identified the relation to the Decree.**

*Former legal team member, ProDESC*

After this encounter, representatives from Dziuché began to investigate what could explain the arrival of these actors. This is when they came across the Decree. In response, they started to gather public documentation to understand the implications of the Decree and how it came to be, realizing that it was violating their right to determine what happens to their land.

With this knowledge, Dziuché's commissary and vigilance council collected the available documentation and began to look for support to uphold their rights. They tried to contact different organizations and lawyers to help them out with the case, including the Consejo Civil Mexicano para la Silvicultura Sostenible (CCMSS), a regional organization with whom Dziuché had been implementing a sustainable forestry project. CCMSS and members of Dziuché met with ProDESC's legal team at a regional public event. There, Dziuché's commissary reached out to ProDESC and handed the available documentation. After reviewing it, ProDESC's legal team identified that there had been a clear violation of the Agrarian Law, and accepted the offer to work together on the case.



Given the fact that Dziuché is an ejido, the defense of agrarian rights (in the Agrarian Law) was a powerful mechanism to build a case in favor of the community.<sup>11</sup> The law establishes that the ejido's assembly reserves the right to "approve contracts or agreements involving use or benefit from the ejido's communal lands by third parties" (Article 23 of the Agrarian Law).<sup>12</sup> Although the Agrarian Law has not always been used to the benefit of ejidos in Mexico,<sup>13</sup> in this case there was a clear opportunity to use it.

In this context, the next logical step was to initiate an amparo

lawsuit for the violation of basic property rights of the ejido by a governmental authority—amparo lawsuits in Mexico are meant to provide a guarantee of protection of basic rights when a government authority is responsible for the violation of those rights. To do so, ProDESC worked together with authorities of Dziuché's ejido assembly to strengthen their understanding of Agrarian Law and outline the specific steps that needed to be taken to initiate the lawsuit.<sup>14</sup> ProDESC drafted the lawsuit and then it was signed by Dziuché's ejido's Commissary. In order to collect the needed signatures, it was important that





the community's representatives understood not only the amparo, but also what to expect regarding possible outcomes and times.

This was not an easy process, as there are multiple barriers and obstacles which hinder access to justice for historically marginalized groups. For example, access to public records was unlawfully denied by public authorities, even though Dziuché representatives were the plaintiffs in the case. To address challenges like this one, ProDESC's legal team was in constant communication with them over the phone and traveled frequently to the community to meet with the ejido's assembly. ProDESC provided advice on how to interact with authorities and how to ask for official documentation. Within the community, ejido members started a mouth-to-mouth campaign with other members of the assembly in order to rally them in the defense of their land, territory, and natural resources.

On February 13th of 2019, only one year after Dziuché filed

the amparo lawsuit, the judge granted the amparo to the ejido, overruling the Decree.

**The ejido Dziuche, located in the municipality of José María Morelos, succeeded in having the state decree of the Natural Protected Area (ANP) called 'Sistema Lagunar Chichankanab' declared 'null and void' by a District court, on its own land.**

*(El Universal 2019)*

This win would not have been possible without active engagement of Dziuché's vigilance council and commissary, who identified the presence of new actors in the area, investigated possible causes and found the 2011 Decree, gathered documentation and looked for technical support from ProDESC, engaged members of the communities around the lagoon, and then persisted throughout the entire process of using the law and navigating the institutional system to fight against the Decree.



# Engaging new members within Dziuché

Winning the Dziuché lawsuit against the Decree was an important goal achieved relatively quickly—it took about one year after the filing of the amparo lawsuit. However, there was a real concern among representatives from Dziuché about implementation of the amparo, also considering that this would be the first step towards several attempts to dispossess them of their land, territory, and natural resources. Organizing within the community was of the essence.

Initially, winning the lawsuit lifted the spirits of the Dziuché community, as a sign that

positive change was possible. It encouraged more residents to join and support collective efforts in protecting their rights to their land. However, even though the judge revoked the ANP conceding the amparo to Dziuché, the ejido had to fight for over two years to achieve the actual implementation of the revocation.<sup>15</sup> Often, these delays within the system and obstacles with implementation are used to demobilize and discourage communities from pursuing legal action and persisting with their defense processes. To avoid this from happening, it takes powerful organizing work to keep community members engaged and activated, despite roadblocks and hurdles. In Dziuché, the representatives leading the case not only persisted in spite of the challenges faced during implementation, but they were also able to spread the fight for the protection of the territory to other individuals within their community.





**If we had not done organizing work with the community—being there and informing everyone about what was happening, why they had to be present, and what were the steps they needed to follow—they would have abandoned the process (...) if collectives are not empowered, these legal procedures take a long time, the processes of defending the territory are long and we will end up with overworked communities. If we do not create empowerment, we will have processes that take 5 years and most people will abandon the case, there will be no continuity, and we will not be able to achieve our goal which is to generate change through collective power.**

*Former legal team member, ProDESC*

To activate others within the community and keep them engaged, representatives of Dziuché worked closely with ProDESC to develop a comprehensive communications strategy to inform community members about what was happening with the amparo lawsuit, grow the base of supporters, and more broadly create a collective narrative about the territory as a common space

that was at risk and needed to be protected by all.

It is important to clarify here that not all residents of ejidos have ejido rights. Only the people who are registered in the Ejidatarios Census (or Padrón de Ejidatarios) have ejido rights and are able to participate and vote in the ejido's assembly. These people, known as ejidatarios or ejidatarias, are normally household heads of long-established families in the ejido. New residents do not immediately gain ejido rights and the Agrarian Law establishes the procedure for which a new resident can become an ejidatario/a. In the context of a patriarchal society, women generally are not considered heads of household and are thus not registered as members with ejido rights.<sup>16</sup> Youth are also normally excluded from these lists.

Facing these challenges of representation, ejido authorities and organized human rights defenders took on the task of reaching community members with no ejido rights, to ensure a more diverse and representative base of supporters. For example, to engage more women in Dziuché



and around the lagoon, ProDESC proactively reached out to the UAIM—the Spanish acronym for Agrarian and Industrial Units for Women. The UAIM are recognized by the Mexican Agrarian Law as a mechanism to include women in the economic development of the ejidos, whether they are ejidatarias or not. Members of ProDESC organized talks with women within the UAIMs to engage them in the defense of the land, territory, and natural resources against the Natural Protected Area.



Another key approach of this wide advocacy and communications strategy was to bring information about what was happening directly to the homes of community members through a door-knocking strategy called *visiteos*. According to Gabriel Gustavo Rocha, Coordinator of Organizing Processes at

ProDESC, this is easier said than done. The *visiteos* required deep commitment and perseverance by ejido representatives, as it involved going door to door in a constant and sustained effort, as well as active listening and understanding of individual perspectives. The team running these visits distributed flyers in Spanish and Mayan informing community members about what was going on. *Visiteos* were also an opportunity to learn more about the needs and views of community members to inform the fight more broadly by engaging a variety of perspectives across all people residing in the ejido.

Ejido representatives and ProDESC also hung posters in public spaces, distributed messages via Facebook and WhatsApp groups, and created radio spots in Spanish and Mayan. They used their knowledge to appeal to the general needs and concerns of community members, and to call for active engagement. For instance, the distributed messages sought to connect common everyday needs and matters of concern such as access and/or usage of water to the defense of the Chichankanab lagoon. Here is an example of how



they did this for a radio spot:

**Our lake is at risk, Chichankanab belongs to us. The lagoon, its waters feed the animals. You use the lake for your crops. It feeds our natural wells and cenotes. No company or project can take what is ours. The lake belongs to us. Engage and protect the Chichankanab lagoon. Inform yourself. The future is yours. The lake belongs to us. I am territory, I am the Chichankanab lagoon.**

*Radio Spot*

Thanks to the efforts of Dziuché representatives and ProDESC's organizing team communicating messages and visiting people at their homes, the movement for

the protection of the territory of the Chichankanab lagoon has persisted. Residents in Dziuché understand what is happening and are ready to take further action if needed. Moreover, this movement has expanded, not only reaching individuals within Dziuché, but also reaching individuals across other ejido communities that are impacted by the Decree. United collective action across all the five ejidos surrounding the Chichankanab lagoon is paramount for the successful implementation of a movement for the protection of the territory, as a decision by one ejido to authorize a project will affect all of the other ejidos.





# Building a united front across five ejido communities

During their fight against the Decree, representatives from Dziuché personally met with representatives of the communities of four neighboring ejidos (Bulukax, Kantemó, La Presumida and Santa Gertrudis) to warn them about the Decree, and to let them know that they were also suffering from the dispossession of their land, territory, and natural resources. Seeing what Dziuché achieved,

the representatives of the other ejidos contacted ProDESC to work together in initiating amparo lawsuits for their respective lands.

Building on its experience working with Dziuché, ProDESC used the same organizing approaches within each ejido<sup>18</sup> but also innovated with new tools and approaches to support community engagement across all five ejidos. Specifically, to support





ongoing amparo lawsuits filed by the four ejidos who followed the example set by Dziuché, ProDESC reviewed the available official documentation and created maps overlapping the ejidos' lands with the land that had been compromised by the ANP. As soon as ProDESC shared these maps with community members, they acquired a life of their own. David Bravo, Facilitator of Organizing Processes at ProDESC, said that a cartographic dialogue emerged, where ejido members began to ask for new maps to bring to community meetings to help everyone understand the extent of the challenges they were facing and to eventually build a common vision of the defense of their territory.

The maps, of course, were an important pedagogical tool to help everyone understand where the land that had been compromised was. But even more than that, they became a resource for the communities to see their territory and grasp the extent of the threat that had been imposed by the ANP. Lautaro Costantini, Coordinator of Institutional Development at ProDESC, attests of the significance of this approach:

**After the maps were shown [during an assembly meeting], an urgent need to do something emerged from assembly participants. After the assembly finished, at least a dozen people reached out directly to the ProDESC team in order to look at the maps more closely and to ask detailed questions about the impacted areas in their ejido. A common view against so-called “ecotourism” also emerged looking at the maps: assembly participants repeated that they wanted to be able to access their lagoon, to graze their livestock and to work their land, and not be forced to work as valets in these hotels built with foreign investment.**

*Lautaro Costantini, Coordinator of Institutional Development, ProDESC*

The maps were crucial to make sense of the territory itself: to see the land and what that land meant to the community, how they used it (e.g., cultivation, extraction of natural resources, moving around, enjoying nature, etc.), what sort of natural resources were there, what would they be missing/losing if that land was occupied or managed by



others, and even discuss future expectations for the territory more generally.

In that sense, the maps became a tool to create a collective vision of the territory as a common space that was at risk, and as a common space that could have alternative futures, depending on how the fight against the Decree unfolded. As community members across all five ejidos became aware of the significance of the territory, they became more engaged with the entire process for its protection. Even members of the Assembly who were at first reluctant of ProDESC's work quickly reversed their impressions once the maps had been shown and the possible negative consequences mentioned. This new relation to the territory as a space that was at risk represented an important stepping stone to take the individual fight against the Decree to a collective fight. It generated a movement for the protection of the entire territory surrounding the Chichankanab lagoon, uniting all five ejido communities in the region.

Besides maps and cartographic dialogues, achieving new campaign wins against existing threats was important to keep

community members across all five ejidos engaged and build a common vision of the territory. One example is the fight against the construction of the Bachoco mega poultry farm.

Bachoco began construction in 2022 in the community of Peto without consulting the ejidos. Even though it was planned to be built outside the ejidos' territory, it would have been constructed just six kilometers away from the Chichankanab lagoon and only 800 meters away from water currents leading directly to the lagoon. Due to the geological characteristics of the ground and the water table, the contamination generated by this farm would inevitably impact Chichankanab. Communities discussed the potential impacts in their ejido assemblies, and they actively participated in filing an amparo against its construction. The mega poultry farm was located in the state of Yucatán and, foreseeing that the Judicial Branch in Yucatán would determine that the ejidos in Quintana Roo had no legitimate interest on the case, a Mayan environmental advocate living within the community of Peto also presented and won an amparo lawsuit against the poultry farm in November 16th,



2023, on the following grounds: “surrounding communities that would be impacted by the filtering of wastewaters had not been consulted” (ProDESC 2023c).

According to Gabriel Rocha, besides being a threat, the construction of the mega poultry farm became an opportunity for building a movement for the protection of the territory. It was difficult to convince people across ejidos to join the fight for the protection of the territory, given that the goal of this effort is somewhat abstract. But the farm was something concrete that was happening, it was slowly materializing in space, and the company was already recruiting workers in the area. This fight

became an opportunity to keep an active communications strategy and convene new meetings to keep the communities engaged. Moreover, the fight against Bachoco also evidenced the connections that existed across all ejidos, showing their shared conditions of vulnerability, even when projects were not directly located in their lands.

The temporary suspension of the construction of the poultry farm represented a significant win for the movement more generally. This win again lifted the spirits of ejido members as a sign that change in favor of ejido rights is possible and worth fighting for. It also boosted efforts to encourage ejidos to act







collectively, addressing matters that concerned them all.

Despite the ground covered with this win, one of the amparos that was filed was dismissed in 2024 by a judge due to lack of “legal standing” of the plaintiff in the case.<sup>19</sup> The evolution of events evidences how communities need to be ready to face many obstacles and setbacks as they fight for the protection of the territory. In any case, the ejidos of Chichankanab have persisted and continue to work together in the litigation process against Bachoco. Regardless of the ultimate decision, this case has already played a significant role bringing the different communities around the lagoon to work together.

To be clear, connections across the five ejidos of the Chichankanab lagoon are not rare. Communication and collective action happen organically fueled by political alliances and kin ties across ejido authorities. This explains why ejido authorities around the lagoon were very well informed of what was happening in Dziuché and were also quick to join the fight against the Decree after the legal win with the amparo

lawsuit. But beyond these long-established relations, common threats like the Bachoco poultry farm were also useful to evidence how actions taking place outside the ejidos’ lands had an impact over the entire territory. Thus, they became a resource not only to engage community members in the fight against the Decree, but also to strengthen connections and communication across all ejidos to spark an entire movement for the protection of the territory more generally.

Today, ProDESC is working with ejido authorities to formalize these cross-cutting connections for the protection of the territory in the form of a Unión de Ejidos (Ejidos’ Union) of the Chichankanab lagoon. In order to do this, each ejido will have to hold a general assembly to ratify the creation of this Union and define and approve its internal regulations. This is a key step towards formalizing a unified front against the implementation of the Decree, but more importantly to formalize a united front for the protection of the land, resources, and ways of life around the Chichankanab lagoon in the long term.



# Activating and strengthening local governance bodies

As we mentioned above, under the Agrarian Law, ejido members have the right to define what they allow and do not allow to happen in their lands through their assembly— if they vote against the implementation of a given project within the bounds of their territory, that project cannot take place by law. This means that the assembly is a key governance body where decision-making is enforced by law, allowing the ejido members to react to emerging threats, as well as act for the protection of the territory in the long term.

However, there are many challenges to making these bodies effective governance and decision-making spaces that can shield the territory from current and future threats. For example, divisions within ejido authorities can transform the assemblies into lethargic organizations where decision-making is constantly

thwarted by the imposition of antagonist views. Cooptation of ejido authorities can become a real obstacle for assemblies to be able to fully represent the interests of ejido members.<sup>20</sup> Another factor to consider is that most ejido members are elderly people and, with their passing, overall participation in assemblies is reduced. In addition, women and young people<sup>21</sup> are often excluded from ejido rights (as noted above), which restricts representation. Beyond these limitations, assembly meetings may simply not take place properly, according to the requirements by the law, to allow members to enforce decisions made during these meetings.

Even though most ejidos' assemblies had an organized vigilance council and an active commissary when ProDESC began to work with them, ProDESC identified that its



members, especially those who had been recently elected for an administrative position, were not completely aware of the law and how they needed to run decision-making processes. Accordingly, ProDESC worked closely with them, explaining how they should call for an assembly meeting, reminding them to share the meeting agenda with participants beforehand, and making sure that someone was taking notes to keep an official record of the decisions that were made. To prevent cooptation and abuse of authority from commissaries, ProDESC worked closely with the ejidos' vigilance councils, reviewing roles and

responsibilities established in the Agrarian Law.<sup>22</sup>

To support participation, ProDESC worked closely with Dziuché's assembly to review and filter the Ejidatarios Census, in order to find out members who have passed away and pass land rights to their descendants. By working with ejido authorities to update this census, ProDESC is helping the ejido increase participation in general assemblies, encouraging the inclusion of women in the census. Out of the total new succession procedures initiated in Dziuché, more than 50% are intended to increase the participation of women.





Appealing to informal structures of decision making, ejido authorities and ProDESC noted that even though any major decision concerning the ejido happens in the assembly, individuals with no ejido rights are also influential. They shape public discourse and can have influence over ejido members through their everyday connections with them. Thus, it was important to keep the entire community engaged in the debates and discussions that were taking place about the Decree and the fight for the protection of the territory more generally. To do this, in Dziuché, ProDESC and ejido's representatives organized informal meetings with residents without ejido's rights. The ejido has an urban area with five neighborhoods where most of the population lives, and in each one

of them a meeting was held to share basic information about the Decree and the importance of the defense of the land, territory, and natural resources. The other four ejidos are substantially smaller in population, and most of the inhabitants have ejido's rights; therefore the general assembly was the natural place to have these conversations rendering informal meetings unnecessary.

After all this work, the ejidos' assemblies came to play a crucial role, as strong local governance and decision-making bodies, giving the power to ejido communities to take the fight against the Decree one step further from a reactionary to a preventative approach for the protection of their territory.





# Shielding the territory against future threats

In order to preemptively protect the land, territory and natural resources of the communities surrounding the Chichankanab lagoon, communities need to establish what activities are authorized and prohibited in their lands. For this, ejidos need to call for a special assembly, called Asamblea de Formalidades Especiales (AFE).<sup>23</sup>

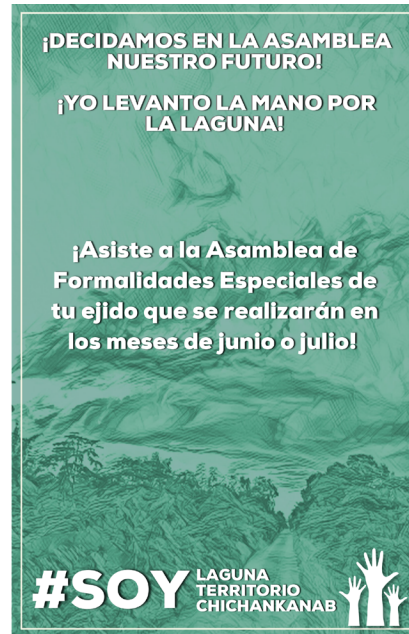
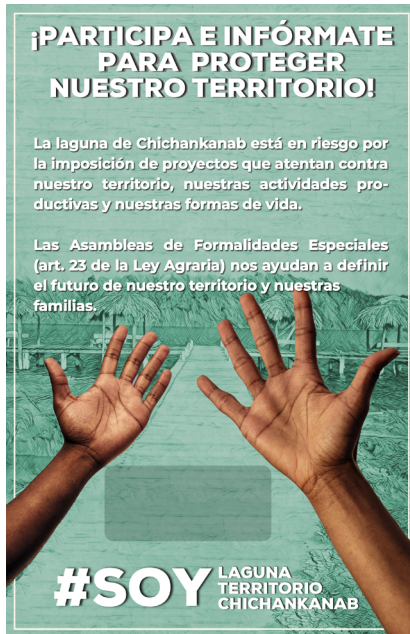
Considering that the work with the community of Dziuché was more cemented, ProDESC proposed that it be the first community to hold an AFE to protect their land, territory, and natural resources, and prohibit activities that negatively affect the land, territory, and the water supplies of the community. These include electricity, solar and wind power projects, oil industry, mining, tourism and ecotourism, real estate, agro-industry and monoculture. In late November 2022, Dzicuhé called for an AFE.<sup>24</sup> ProDESC and the ejido's representatives worked hand in hand to present the importance

of this ban, and the positive consequences it would bring. The community vote passed unanimously in favor of the rejection of such projects.

Following Dziuché, the other four ejidos surrounding the Chichankanab lagoon took the same approach, reaching the same decision under their respective assemblies in early 2023. This is a cornerstone for the protection of lands and natural resources of these communities, as the decision to shield the territory against these activities is legally binding. From now on, investors and/or government actors will need to prove that their projects will comply with the communities' decisions related to the use of their land, territory, and natural resources.

This is not to say that the job is done regarding the implementation of a preventative approach for the protection of the territory. There are challenges that all five ejidos face to make





this decision official, as the assembly minutes and agreements are pending formal recognition, by way of being inscribed into the National Agrarian Registry. In fact, the potential impact of this preventative strategy can be demonstrated by the obstacles and delays that the inscription of the minutes from all five assemblies is undergoing, as a strategy to discourage and demobilize communities. Today, community representatives and ProDESC are resorting to legal strategies to ensure the registration of the minutes and agreements.

Despite these challenges, the five ejidos have already proved how communities can transform a reaction against a rights violation

into a movement for the protection of a territory. Five years after representatives from Dziuché discovered the ANP Decree, the five ejidos surrounding the Chichankanab lagoon are acting as a unified front to prevent harm and future threats to their territory. For example, in 2003 Venancio Aban Mejía, member of La Presumida's commissary shared to the press:

**From the end of 2022 and during this year, the ejidos assemblies have decided that they will not allow entry of any project that will strip us off our land, lagoon, or our rights, excluding us from the management and benefits from the exploitation of our resources.**

*(Plano Informativo 2023)*





Similarly, Ubaldo Ku y Chi, member of Dziuché's commissary, acknowledged:

**Our ejidos have been systematically ignored by public administrations that come and go. They only approach us to offer a public work in exchange for us giving what is ours, our land, or our lagoon, so that they can give them to other third parties to enrich themselves. They are doing this now through tourism.**

*(Plano Informativo 2023)*

With strong and well-functioning assemblies, the ejidos of Chichankanab were able to act as a unified front, using the power of

the law invested in the assemblies to reach an unprecedented decision to shield the territory against potential new threats. This cornerstone is, nevertheless, the fruit of a long-term process which started with identifying and reacting to immediate threats, understanding the extent of those threats, and understanding the power of an organized and engaged community—and communities—that was able to understand what was happening and what that meant for the future of their territory, their land, natural resources, and ways of life. This is what it took for them to realize that, beyond reactionary measures, a preventative approach was possible and desirable.



# Conclusion

Agrarian and indigenous communities in the Yucatán Peninsula face many challenges. Even though they have officially recognized land titles, like many other communities who live today in naturally rich areas and investment hotspots, they face constant threats to their territories, lands, natural resources, and ways of life. In investment hotspots, threats are pervasive and diverse (in this case, from poultry farms to natural protected areas to ecotourism). However, they share the same motive, dispossessing individuals and communities of their land rights for the economic benefit of a few. Added to the problem of dispossession are the impacts of environmental destruction and climate change often generated by the same industries. In aggregate, this context of urgency forces individuals and communities to constantly react to immediate threats. It is precisely in these types of contexts that preventative approaches which combine the power of the law with the power of people can have transformative impacts in the long run. Though

they may be more difficult to implement, as communities have their hands full responding to immediate threats, they allow communities to take on a more strategic and long-term approach for the defense of their territory..

The experience of the five ejidos across the Chichankanab lagoon offers an example of how communities and those who accompany them can work together in a context of urgency, not only to react to current threats, but also to prevent future ones. It shows how communities can activate three complementary sources of power by activating local governance bodies, organizing within communities, and coordinating action across communities to leverage their role as agents of change to fight against future violations. We have seen how the activation of these sources of power can be crucial for the development of a successful preventative approach.

We acknowledge that they do not necessarily represent the experience of every community



facing similar challenges. This case is, after all, just one in a world of different possibilities, and contexts. Regardless, it has some lessons to offer as to how communities can activate these sources of power and successfully use them to implement a preventative approach.

A key lesson from this case is that **preventative and reactive approaches can be complementary**. In fact, preventative approaches can draw from efforts to build and strengthen community power resulting from responding to urgent and immediate threats. We saw how the reaction against the Decree and other projects, like the construction of the Bachoco poultry farm, led ejido members to adopt a bold organizing approach within and across communities. This was paramount for getting all five ejidos to act as a unified front and reach the unprecedented decision, in their respective assemblies, to shield the territory against projects negatively impacting their rights to live on, use, and own their lands.

**It is key to maintain sustained**

**community engagement over time, especially after a legal win.** A legal win against a current violation—like the granting of the amparo to Dziuché—can lead to greater mobilization by lifting the spirits of community members showing that positive change is possible. But hurdles with implementation after a win can also discourage communities from taking any further action. In fact, hurdles with implementation are often used by powerful actors to discourage community members from using the law and available mechanisms to defend their rights. For these reasons, “implementation and accountability after a win are as important as the win itself” (Foster and Louie 2010). Community leaders and their allies need to be prepared to take the necessary actions to keep communities engaged and persist in a long fight for the protection of their rights. In this case study, this meant maintaining an active organizing strategy and tirelessly working with local governance bodies.

**In order for local governance bodies to play a role as powerful spaces to take forward a preventative approach, they need to offer**

**legitimate representation and mechanisms of accountability to all community members.**

In this case, this meant strengthening the ejido's assembly and ensuring that they complied with the requirements established in the Agrarian Law, to guarantee that their decisions were made official and respected; even when these decisions are supposed to be legally binding, public and private actors can try to dismiss them. To effectively organize their members to take collective action in response to external threats, as much as possible, these bodies should have appropriate mechanisms of accountability to residents, there should be updated basic information about who has a right to vote in these spaces, and there should be a clear practice for knowledge transfer during power transitions.

**Internal divisions and hierarchies within communities can undermine efforts to strengthen collective bodies.**

To stay truthful to the diversity of community needs and views, communications strategies can be used to learn who the community members are and appeal to that knowledge to guide

the entire community organizing process. Looking for ways to include historically marginalized groups is also important. This knowledge about who the community members are is also important when looking for ways to achieve more inclusivity and better representation of local governance bodies that will positively impact the legitimacy of the decisions that they make. In this particular case, this meant looking for ways to inform residents with no ejido rights about what was happening and why their voice was important. It also meant for ProDESC to take time to understand community dynamics and perceptions, and work together with ejido members to encourage inclusion of women and young people in the Ejidatarios Census.

**Building a collective vision of the territory can foster unity of purpose within and across communities.**

As we saw with the case of Bachoco, maps and ongoing campaigns against actions that expose communities to environmental harm can create a new understanding of the territory as a shared space across communities that need to act together in order to successfully



lead the defense against current and future violations. As we mentioned above, it was very important for ejido communities to realize, for example, that a decision by one ejido to allow a project in their land, or even an approval of a project outside the lands of the five ejidos, would create a ripple effect impacting all five of them. Maps and campaigns were fundamental to create this vision of a shared ecosystem that needed to be protected by all five communities.

Another reason why a collective vision of the territory is important for communities is because it **can counter dominant narratives that agrarian and indigenous communities are anti-development**. Often, communities who defend their land rights are subject to narratives of defamation that unfairly place them as actors against “progress and development”, or even against “the protection of the environment” (in this case, against the creation of a Natural Protected Area). In an ever-changing context in which public and private actors are developing more nuanced and subtle strategies to dispossess

communities from their lands, acting as a united front through a collective vision for the territory is a key element to counteract such hegemonic narratives.

Overall, building a collective vision of the territory is a key step to reach a preventative approach that is truly based on the understandings of the territory and natural resources of indigenous and agrarian communities who live on, use, and own those lands. This long-term vision draws from their relationship with the territory (including productive activities) and their cosmovision. It is about the existence of these communities and the future generations, and it is fundamental to support communities as they respond to emerging threats, and as they decide what they want to say “yes”, “no”, or even “yes, but” to.

Today, despite all that has been achieved by the ejidos of Chichankanab, the preventative measures that were taken in the assemblies still have a long way to go to become actionable tools in the protection of their territory. The biggest challenge





that the ejidos are facing lies with national authorities who have refused to recognize the agreements reached by the five ejidos in their community assemblies. Now more than ever, the ejidos need to stand together using the law and organizing in their communities to demand

that national authorities abide by the rules and respect their rights. The fight for the protection of the territory is certainly not over in the Chichankanab lagoon, but there are huge steps that have already been taken that make this experience a case to celebrate and inspire others.



# References

Ancheita, Alejandra. "Building Spaces of Hope: Working for Indigenous Peoples' Rights in Mexico." In *The Revolution Will Not Be Litigated*. United States: OR Books, 2023.

Cotula, Lorenzo, and Thierry Berger. "Trends in Global Land Use Investment: Implications for Legal Empowerment." IIED, 2017. <https://www.iied.org/12606iied>.

Cotula, Lorenzo, Sonja Vermeulen, Rebeca Leonard, and James Keeley. "Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa." IIED, 2009. <https://www.iied.org/12561iied>.

Diergarten, Yorck. "Indigenous or Out of Scope? Large-Scale Land Acquisitions in Developing Countries, International Human Rights Law and the Current Deficiencies in Land Rights Protection." *Human Rights Law Review* 19, no. 1 (2019): 37–52. <https://doi.org/10.1093/hrlr/ngy044>.

DPLf, and Oxfam. "Implementación de La Consulta y Consentimiento Previo, Libre e Informado: Experiencias Comparadas En América Latina y Discusiones Sobre Una Ley de Consulta En México | DPLF," 2018. <https://www.dplf.org/es/resources/implementacion-de-la-consulta-y-consentimiento-previo-libre-e-informado-experiencias>.

Fitzgerald, Erin, and Gregg Gershuny. "Stewards of the Land." *Stanford Social Innovation Review* (blog), 2020. [https://ssir.org/books/excerpts/entry/stewards\\_of\\_the\\_land](https://ssir.org/books/excerpts/entry/stewards_of_the_land).

INMUJERES. "Desigualdad En Cifras," 2020. [http://cedoc.inmujeres.gob.mx/documentos\\_download/BA6N05.pdf](http://cedoc.inmujeres.gob.mx/documentos_download/BA6N05.pdf).

Kazemi, Leila, and Tehtena Mebratu-Tsegaye. "Free, Prior and Informed Consent: Getting Political to Improve Impact." *PlusPolitics*, 2020. <https://doi.org/10.7916/d8-ktgh-0b52>.

Knight, Rachel, Judy Adoko, Teresa Auma, Alda Salomao, Silas Siakor, and Issufo Tankar. "Protecting Community Lands and Resources: Evidence from Liberia, Mozambique and Uganda." IDLO, 2012. <https://namati.org/publications/protecting-community-lands-and-resources-evidence-from-liberia->

[mozambique-and-uganda/](#).

Knuckey, Sarah, Benjamin Hoffman, Jeremy Perelman, Gulika Reddy, Alejandra Ancheita, and Meetali Jain. "Power in Human Rights Advocate and Rightsholder Relationships: Critiques, Reforms, and Challenges." *Harv. Hum. Rts. J.* 33 (January 1, 2020): 1.

Land Portal Foundation. "Land & Investments." Land Portal (blog), 2023. <https://landportal.org/issues/land-and-investments>.

Lomax, Tom. "Asserting Community Land Rights Using RSPO Complaint Procedures in Indonesia and Liberia." *IIED*, 2015. <https://www.iied.org/12584iied>.

Maru, Vivek. "A Pathway to Climate and Environmental Justice." *American Journal of Law and Equality*, no. 3 (2023): 103–49.

Morett-Sánchez, J. Carlos, and Celsa Cosío-Ruiz. "Panorama de los ejidos y comunidades agrarias en México." *Agricultura, sociedad y desarrollo* 14, no. 1 (March 2017): 125–52.

ProDESC. "Informe Anual de actividades 2023," 2024. <https://prodesc.org.mx/informe-anual-de-actividades-2023-prodesc/>.

ProDESC. "Informe Anual de Actividades 2023." ProDESC, 2023a. <https://prodesc.org.mx/informe-anual-de-actividades-2023-prodesc/>.

ProDESC. "Comunidades Mayas aledañas a Chichén Itzá se amparan contra actos de discriminación y omisiones por parte del INAH." ProDESC (blog), 2023b. <https://prodesc.org.mx/comunidades-mayas-aledanas-a-chichen-itza-se-amparan-contra-actos-de-discriminacion-y-omisiones-por-parte-del-inah/>.

ProDESC. "Juzgado Federal ordena suspender construcción de granja avícola de Bachoco en Peto, Yucatán," 2023c. <https://prodesc.org.mx/juzgado-federal-ordena-suspender-construccion-de-granja-avicola-de-bachoco-en-peto-yucatan/>.

ProDESC. "Victoria Legal para Comuneros de Unión Hidalgo Fija Precedente oara la Defensa de la Tierra de Parques Eólicos." ProDESC (blog), September 2022. <https://prodesc.org.mx/victoria-legal-para-comuneros-union-hidalgo-fija-precedente-para-defensa-tierra-contra-abusos-parques-eolicos/>.

ProDESC. "Private Utility, Public Disposal -." ProDESC, 2021a. <https://prodesc.org.mx/private-utility-public-disposal->

[org.mx/en/executive-summary-of-the-regional-report-private-utility-public-disposal/](https://www.org.mx/en/executive-summary-of-the-regional-report-private-utility-public-disposal/).

ProDESC. Wind Resistance, 2021b. <https://www.youtube.com/watch?v=c9sLVlKxpr0>.

Scheidel, Arnim, Álvaro Fernández-Llamazares, Anju Helen Bara, Daniela Del Bene, Dominique M. David-Chavez, Eleonora Fanari, Ibrahim Garba, et al. "Global Impacts of Extractive and Industrial Development Projects on Indigenous Peoples' Lifeways, Lands, and Rights." *Science Advances* 9, no. 23 (June 7, 2023): eade9557. <https://doi.org/10.1126/sciadv.ade9557>.

Sociedad Científica Mexicana de Ecología. "Biodiversidad de la Península de Yucatán: Estado del arte y retos ecológicos contemporáneos," October 16, 2020. <https://scme.mx/anio-2020-numero-iii-biodiversidad-de-la-peninsula-de-yucatan-estado-del-arte-y-retos-ecologicos-contemporaneos/>.

Tanner, Christopher, and Marianna Bicchieri. "When the Law Is Not Enough. Paralegals and Natural Resources Governance in Mozambique. FAO Legislative Study 110 | Policy Support and Governance | Food and Agriculture Organization of the United Nations." FAO, 2014. <https://www.fao.org/policy-support/tools-and-publications/resources-details/en/c/445258/>.

Terre Solidaire, ECCHR, and ProDESC. "De los derechos a la realidad: Garantizar una aplicación de la Ley Francesa del Deber de Vigilancia centrada en las personas," 2023. <https://prodesc.org.mx/de-los-derechos-a-la-realidad-garantizar-una-aplicacion-de-la-ley-francesa-del-deber-de-vigilancia-centrada-en-las-personas/>.

Veit, Peter. "4 Ways Indigenous and Community Lands Help Fight Climate Change," March 25, 2021.

# Endnotes

1. Even with the move towards “green energy,” the mining of materials that are necessary for green technologies like lithium, cobalt, or copper has harmed the environment, negatively impacting agrarian and indigenous communities who live nearby those mines (Maru 2023).
2. ProDESC 2021a has identified how governments have used the concept of public purpose to justify privatization and expropriation of land in indigenous and peasant territories for the benefit of extractive and infrastructure projects. See also: Cotula & Berger (2017), Lomax (2015), Tanner and Bicchieri (2014), Knight et al (2012), Cotula et al (2009).
3. In Mexico, ejidos are officially recognized social and collectively-owned lands for productive purposes. In its modern form, ejidos are attributed to the Mexican Revolution (1910) and subsequent constitutional land and agrarian reforms that gave agrarian and indigenous communities control over lands that had been violently taken from them. Today, ejidos have been weakened by 1990s neoliberal reforms that allowed their fragmentation and privatization. Nevertheless, today more than half of the national territory comprises ejidos’ land with about 32,000 ejidos and more than 5.6 million people residing in these lands (Moret-Sanchez and Cosio-Ruiz, 2017).
4. The second-largest body of water within the Yucatán Peninsula.
5. An example of this is the case of Unión Hidalgo, an indigenous Zapotec community in the state of Oaxaca, which was supported by ProDESC to defend their land and territory against the construction of a wind park (Ancheita 2023).
6. This case achieved an important legal resolution in 2022, when the national government rescinded the contracts it had signed with Électricité de France (the corporation responsible for the project Gunaa Sicarú), rendering the wind park unfeasible.
7. Sociedad Científica Mexicana de Ecología (2020).
8. Through the excuse of ecotourism and “the protection of nature” the Decree extricated communities from their right to decide and plan what happened in their lands.
9. Amigos de Sian Ka’an, a controversial NGO focused on ecotourism development in the southeast of Mexico, was selected to run the ANP. This organization





did not reach out to the community, and the ejidos were not included in the plans that were being put forward for the lagoon. To know more: <https://mayapolitikon.com/ejido-dziuche/>

10. This case is an example of how public and private actors are using more nuanced strategies to dispossess communities from their lands and natural resources. While they could have used a different approach, such as an eminent domain, the use of a “Natural Protected Area” enabled and strengthened an hegemonic narrative by which public and private actors are the “true defenders” of the environment. The communities who oppose such actions are then automatically situated in an antagonistic position as people who are “against development” or who hinder the protection of the environment. To be clear, Natural Protected Areas can be a useful mechanism to protect the environment, as long as they are set up respecting and acknowledging the rights of the communities who live on, use, and own those lands.
11. Because Dziuché is both an agrarian and indigenous community—of Mayan origin—a well-known mechanism that they could have used to fight against the location of industries or commercial projects in their territories without their consent, was their right to Free, Prior and Informed Consent (FPIC). However, the experience in different countries of Latin America has shown that FPIC often works as a “box-ticking” activity without real participation from communities, and where decision-making ultimately remains in the hands of the state (Kezemi & Mebratu-Tsegaye 2020). In Mexico, evidence shows that the absence of a clear national legal framework on FPIC has led to an institutional void and many violations to FPIC processes including: lack of access to information to consulted peoples and communities, state authorities favoring private companies and discriminating against indigenous authorities, and public authorities ignoring non-compliance of the state’s own rulings (DPLf & Oxfam 2018).
12. In its original language: *Concierne a la asamblea ejidal la “Aprobación de los contratos y convenios que tengan por objeto el uso o disfrute por terceros de las tierras de uso común” (Artículo 23 de la Ley Agraria).*
13. In some instances, the law has been used as a tool to fragment ejidos and expropriate ejido members from their land.
14. The Amparo Law states that there is a time constraint (7 years according to Article 17) to file a lawsuit regarding infringements to property rights. When Dziuché approached ProDESC about the Natural Protected Area, only a few days remained until this seven-year-term expired. With this in mind, ProDESC worked quickly to present the “amparo” in due time.
15. Public authorities had a different interpretation of the judge’s sentence, and it was only until the revocation was officially published in Quintana Roo’s “Diario Oficial” in September 2020 that the ejido was able to claim back its rights to the land.

16. According to the Registro Agrario Nacional only 3 out of 10 ejido members are women (INMUJERES, 2020).
17. The above text was translated by the authors from Spanish to English.
18. These ejidos also adopted a comprehensive communications and organizing strategy to inform their community about what was happening in the lagoon.
19. It is important to note that there is another “amparo” filed by the 5 communities around the Chichankanab Lagoon Area which is currently under review by the judges.
20. It is important to stress that decisions taken by the assemblies impact all residents of the ejido, including those with no land rights.
21. Young people tend to migrate away from ejidos looking for better economic prospects.
22. Noting that general assemblies can create specific committees for certain activities, Dziuché created the Committee for the Defense of the Chichankanab Lagoon, currently run by Alberto Burgos, who has been one of the leading voices in the defense of the territory and has played a key role uniting the different ejidos of the lagoon.
23. On a first call, this type of assembly requires the presence of 75% of all members, due to the importance of the topics discussed. A second call for this type of Assembly requires the presence of 50%.
24. There was a first call on October 30th, but it did not meet the minimum attendance required. It gathered 316 of 475 members, for a total of 66%.



# Grassroots Justice Network

BUILDING POWER TOGETHER

We are building a world where the communities most impacted by injustice can defend their rights and take part in making decisions that affect them. Our commitment to helping people know, use, and shape the law – a process known as legal empowerment – unites us.

**The Grassroots Justice Network is convened by Namati**

Follow us on    @grassrootsJN