

FEDERAL JUDGE SUSPENDS CONSTRUCTION OF THE LA PAROTA HYDROELECTRIC PROJECT

For immediate release
Mexico DF. August 28, 2007

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On August 14th, a federal judge in Acapulco, in the state of Guerrero, ordered the temporary suspension of all work related to the La Parota Hydroelectric Project, in response to an *accion de amparo* (similar to an injunction) filed by small-scale farmers in the Community of Common Goods of Cacahuatpec. The farmers are represented by the Mexican Center for Environmental Law (CEMDA). The judge granted the suspension to prevent irreversible damage to the farmers' constitutional rights to a healthy environment, a fair trial, and adequate judicial protection.

The judge also accepted the *amparo* on the grounds that these rights could be violated by the environmental impact assessment authorization granted by SEMARNAT, and the water concession for the Papagayo River granted to the Federal Electricity Commission (CFE) by the National Water Commission to construct the hydroelectric project. Once completed, this dam will tower more than 700 feet high and have a capacity of 30 megawatts. It will flood approximately 41,000 acres of land, affecting more than 25,000 small farmers.

"The suspension of La Parota is an important precedent in Mexico, because it places protection of the environment ahead of a very large infrastructure project, and enables the public interest to be protected," asserted Xavier Martínez Esponda, a CEMDA lawyer. "Constructing the dam would cause grave and irreversible damage to the low and medium deciduous forests, impacting hundreds of threatened and endangered plant and animal species. It would also affect the quality and quantity of water in the Papagayo River, in addition to impacting the communities in the region," he noted.

In the *amparo*, the farmers allege that both the General Law of Ecological Equilibrium and Environmental Protection (LGEEPA) and the National Water Law (LAN) are unconstitutional because they do not allow the affected communities to participate in the procedures to grant the authorizations. This, in turn, violates their individual constitutional rights which grant that no one can be deprived of their life, liberty, property, possessions or rights without a fair trial. In this case, the authorities granted the environmental impact authorization and water concession without notifying the communities, despite the fact that these decisions would affect their lands and their right to water.

"The goal of the injunction is to permanently suspend the unconstitutional construction of the dam. If the dam is constructed, the farmers would lose their lands, be displaced from their town, and additional irreversible social and environmental harm would take place. Therefore, this legal action attempts to prevent, as occurs in many cases, the development of a large-scale infrastructure project without adequate compensation and indemnization," explains Astrid Puentes Riaño, Legal Director of AIDA. Past projects implemented by CFE have not included fair compensation, and when they were granted, did so long after the damages occurred.

This injunction brought suit against eight government authorities, including the President of the Republic, the Federal Congress, the National Water Commission, the Secretary of the Environment and Natural Resources, and the Federal Electricity Commission. The decisions of each of these authorities are directly involved in the illegalities and violations of rights alleged in this legal action.