

CASE STUDY: THE LEGAL DEFENSE OF COMMUNITIES THAT OPPOSE THE CONSTRUCTION OF THE “PAROTA” DAM

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The hydroelectric dam project known as “La Parota” is an infrastructure project managed by the Federal Electricity Commission (CFE in Spanish), designed to generate electricity by damming the Papagayo river in the state of Guerrero. The construction of the dam would stop the river’s natural flow into the sea by building a concrete wall between two hills. If the dam were built, it would flood entire villages, leaving approximately 25,000 people without their land, homes or livelihoods.

In addition to the social impact, which in itself is very serious, the megaproject would irreversibly damage the wildlife and ecosystem in the region, leaving 17,000 hectares of lowland and medium deciduous jungle areas under water. One of the main legal problems with this project is the CFE’s failure to consult with the affected communities and provide them with information prior to being granted the necessary permits from the respective authorities. Both federal and state transparency laws have been repeatedly used to obtain evidence of the damage that this project would cause and to document the lack of consultation and necessary public information access in the decision-making process.

Obligated Subject	Public Information Obtained	Goals
Semarnat ¹	Assessment and Authorization of Environmental Impact	To understand the project, the social and environmental costs, and the illegalities of its authorization.
Semarnat	The lack of authorization for a change in the use of forest land.	To prove that the CFE cleared and leveled forest land, community property, without permission from Semarnat—an act that constitutes an environmental crime.
Sedena ²	Permit to use explosives.	To prove that construction is imminent and that work is being carried out which puts the lives of those living in the surrounding communities in danger. This would support an injunction.

¹ The Ministry of the Environment and Natural Resources.

² The Ministry of Defense.

(Continuation)

Obligated Subject	Public Information Obtained	Goals
CFE	The “non-existence” of the socioeconomic studies needed to inform decisions about the relocation of the affected communities.	To prove that both the CFE and SEMARNAT authorized the project without prior consultation with, or permission from, the communities that would lose their land.
CFE	Plans for social infrastructure projects in the communities that would be flooded.	To prove the “buying off” of affected people and the public investment in land that is projected to be flooded by the dam.
CFE	Compensation records from other dams in Mexico.	To prove to international institutions that the OFE's guidelines for compensation are consistently unfair.
National Water Commission	Concessionary Deed for the use and exploitation of the Papagayo's riverbed and federal land.	To prove that the project has been authorized by the respective authorities without the necessary consultations and therefore, is in violation of community members' legal right to a hearing.