



TAKEN BY LISA NOLTE, MAY 2017

Graffiti in San Francisco Xochicuautla, “Xochicuautla Resiste y Existe” (Xochicuautla Resists and Exists).

San Francisco Xochicuautla and the Implementation of Project ‘Autopista Toluca – Naucalpan’

A REPORT FROM THE CENTER FOR WORLD INDIGENOUS STUDIES

By Lisa Nolte

INTRODUCTION

In the last few decades there has been a shift within public international law towards recognition of indigenous peoples’ identity and their specific rights. While integration of indigenous peoples by giving up their identities was the common goal of most Latin-American countries since the 1940s, many of these countries have increasingly recognized their multi-ethnic and

multi-cultural identities. This shift at the state level is reflected by a global indigenous rights movement at the international level, with the *International Indian Treaty Council* (1974) and the *World Council of Indigenous People* (1975) as the first prominent non-government organizations raising indigenous questions in public. Perhaps the most influential institution is the UN Working Group on Indigenous Populations, con-



PHOTO BY LISA NOLTE

Valley of San Francisco Xochicuatla.

vening different indigenous groups from all parts of the world and organizing assemblies.

Several international treaties and instruments attempt to protect indigenous peoples' rights today, the ILO Conventions 107 and 169 (the only legally binding documents exclusively targeting the protection of the right of indigenous peoples), international human rights packages and the Committee on the Elimination of Racial Discrimination (CERD) being of particular importance. ILO Convention 107 from 1957 reflects the goals of the then-sought after assimilation of indigenous peoples and was revised to Convention 169 in 1989. With ratification from Norway and Mexico, the Convention came into force in 1991, the preamble recognizing the demand for self-determination and self-determined development, self-administration, control over institutions, and the practicing of a particular lifestyle including religion and language. The topic of land, particularly the areas traditionally inhabited and used by indigenous peoples—most of whom didn't know concepts of private property in the western sense before colonization—is addressed in a separate section. Indigenous groups mainly used the

land they inhabited without regulating access through proprietary rights. Only colonization and the expansion of white settler populations made it necessary for indigenous groups to adapt to the legal system by also demanding property rights. The ratifying states—including Mexico—are obliged to comply with the current standards in dealing with indigenous groups. Nevertheless, there are unfortunately many situations around the world where governments (at federal, state, and municipal levels) and businesses disregard and violate the rights of resident indigenous peoples. This often occurs regarding questions of land rights, as is the case in the Otomí indigenous community of San Francisco Xochicuatla, Mexico.

SAN FRANCISCO XOCHICUAUTLA AND PROJECT AUTOPISTA TOLUCA-NAUCALPAN

San Francisco Xochicuatla is an indigenous Otomí community of close to 4000 inhabitants in the municipality of Lerma in the state of Mexico, about 50 kilometres from the capital. The Otomí are an indigenous ethnic group and part of the early complex cultures of



PHOTO BY LISA NOLTE

Denuded forest due to Toluca-Naucalpan highway construction.

Mesoamerica believed to have been the original inhabitants of the central Mexican Plateau region (Altiplano) before the arrival of Nahuatl speakers by whom they were marginalized and gradually replaced. In early colonial times, Otomí speakers helped the Spanish as allies and mercenaries, which allowed them to extend into other territories. Traditionally the Otomí people worshipped the moon and have preserved shamanism practices and prehistoric beliefs until today. As with many Mesoamerican peoples, the Otomí strongly depended on maize, beans, and squash as well as the century plant (agave) which was used for fiber and alcohol production, all of which still play an important role today.

In 2007, the building of a new highway connecting the International Airport of the city of Toluca with Naucalpan and the northwest area of the Metropolitan zone of the capital was announced, with the planned highway going straight through the San Francisco Xochicuautila community's land. The contract for the construction of the highway was given to Juan Armando Hinojosa Cantús' Grupo Higa by the former Governor of the State of Mexico, Enrique Peña Nieto,

now President of Mexico, despite both being involved in a massive political scandal. The development of the new highway directly links the Toluca Airport and surrounding area with the capital, making access much quicker. This in turn is intended to intercept part of the air traffic in the capital. Furthermore, the construction of the highway is planned to be followed by the development of an exclusive residential area, which through the highway will be easily accessible.

IMPACTS ON THE COMMUNITY AND ENVIRONMENT

Although the highway directly connects the community with the city (where many of the residents work), making access much quicker and easier, it will be a private highway—mean usage will cost money. So far, all discussions about making access for the involved communities free have failed, making the one positive outcome untenable. Regarding the toll of the highway, one community member complains cynically: “We need to pay for them to cause us harm.”¹

¹ “Tenemos que pagar para que nos causan daño.”

On an ecological level, the construction of the highway, being a megaproject, destroys over 600,000 square meters of ecologically protected and culturally sacred land. It cuts off the sacred route of the Otomí pilgrimages to *Necelaugua* and *Cerro de Campana*, sacred places of the Otomí within a forested area. According to the Otomí of the Alto Lerma's cosmogony, life began at the Cerro de la Campana. Besides this direct severe restriction, the development of the highway and thus deeper connection to Mexico City and its outskirts, has an immense impact on the resident's traditional way of life. Next to the cultural and religious impact, the destruction of the natural environment for the construction of the highway as well as its use has a tremendous effect on the local ecosystem. Parts of the planned construction site are within the *Gran bosque de Agua* (Great Water Forest). Named by Greenpeace as one of the world's most astonishing forests, it is home to two of the most important rivers in the country—the Lerma and Balsas Rivers—and two percent of the world's biodiversity, regulating climate and air quality in the region and providing food.

It is estimated that more than 3,000 species of plants, 195 species of birds, and 350 species of mammals, reptiles, and amphibians inhabit the forest, 10 percent of those being exclusive to Mexico. Three out of ten species of mammals and one out of ten species of birds in Mexico are found in the forest and studies by the *Universidad Metropolitana* classify around 80 percent of the forest's surface as of high and very high hydrological importance. The National Commission for the Knowledge and Use of Biodiversity (CONABIO) stated 296 species of flora and fauna in the area are subject to special protection or are in acute danger of extinction, such as, for example the coyote, eagle, and dozens of wetland species. Furthermore, the forest produces three-quarters of the water consumed in Mexico City, as well as all of Cuernavaca's and parts of Toluca's consumed water. Because of the immense impact on those who live within the area, as well as those

who live in surrounding areas, part of it was declared a priority terrestrial region for conservation in Mexico by CONABIO. Nevertheless, the urban extension of the Federal District has advanced on the forest to a rate of almost one hectare daily in the last 60 years.

The ongoing infrastructural developments including the construction of roads and highways are favouring the formation of urban settlements in the region, as is the case in San Francisco Xochicuautla. The planned development of a residential area within the ecological reserve can only be seen as a further threat towards the environment as well as the lifestyle of the community.

LEGAL FRAMEWORK AND RIGHTS VIOLATIONS

Ever since the announcement of the project, community members of San Francisco Xochicuautla have been fighting for their rights to prevent the highway from being built through their community and sanctuary land against their will. Even the very first topographic works, when thousands of trees were cut, leaving a broad nine-kilometre-long gap in the tree line in November 2007, were illegal as the community's population had not been asked permission beforehand. At the community's first general assembly regarding the highway project on February 25, 2008, it was found that the community delegates had previously been advised by letter about the project but had not informed the community. The project was opposed by the entire community in this assembly of *usos y costumbres* (customs and habits) as well as four following ones and it was agreed that no individual community member would start negotiating the community's land. In view of this broad opposition, government and construction business justified their selection of the so-called *padrón de comuneros* (commoners register), a group of 442 community members (out of 4,000 inhabitants) who from now on were the only ones deciding the fate of the land, by stating that decisions could not possibly be made by such a large number of people. The outside se-

lection of certain community members to decide upon the course of communal lands—described by state and municipal governments as a ‘consultative process’—as such is against Article 100 of the *Ley Agraria (Agrarian Law)*, which says that the community determines the organization and use of its lands and its division in distinct portions according to different purposes.²

Nevertheless, the remaining community members were excluded from all further assemblies and had no possibility to partake in shaping the political process determining the fate of their land. Facing impossibility to participate, they opposed the process by engaging in protests and petitions. In the meantime, assemblies were held with only the selected community members present.

Furthermore, roughly 40,000 pesos were repeatedly offered to community members opposing the project, to give their vote in favour of the project. The money infiltration has resulted in a separation of the community, a major gap between those willing to take the money and those remaining opposed engaging in resistance. Only in one of those assemblies did 109 out of the 371 members of the *padrón* present a vote in favour of the project with the rest abstaining from their vote. According to both Article 26³ and Article 27 of the *Ley Agraria* this procedure makes the outcome illegal.

This is because several factors mentioned in sections VII to XIV of Article 23 of the *Ley Agraria* apply in

this particular case, which therefore means that in order for the vote to be considered legal, a majority of the members would have needed to be present according to Article 26 or two thirds according to article 27.

The former states that half of the members plus one need to be present to make a vote legal if it is an assembly concerning matters mentioned in sections II to XIV of Article 23 of the *Ley Agraria*⁴. The latter confirms that resolutions of assemblies are only valid if voted for by the majority of the present members, and in certain cases a majority of two thirds is required.⁵

Based on this legal position the community achieved the issuing of a definite and irrevocable court injunction, nullifying both the outcome of the assembly as well as the assemblies itself, held to achieve permission for the project. Despite the injunction, construction began, and protected by the ‘security forces of the state of Mexico’ workers started cutting down more trees. In response to the unheeded verdict, President Enrique Peña Nieto issued a decree of expropriation on July 9, 2015. However, according to article 1 of the *Ley de Expropiación*, the act of expropriation

4 VII. Señalamiento y delimitación de las áreas necesarias para el asentamiento humano, fundo legal y parcelas con destino específico, así como la localización y relocalización del área de urbanización;

VIII. Reconocimiento del parcelamiento económico o de hecho y regularización de tenencia de posesionarios;

IX. Autorización a los ejidatarios para que adopten el dominio pleno sobre sus parcelas y la aportación de las tierras de uso común a una sociedad, en los términos del artículo 75 de esta ley;

X. Delimitación, asignación y destino de las tierras de uso común así como su régimen de explotación;

XI. División del ejido o su fusión con otros ejidos;

XII. Terminación del régimen ejidal cuando, previo dictamen de la Procuraduría Agraria solicitado por el núcleo de población, se determine que ya no existen las condiciones para su permanencia;

XIII. Conversión del régimen ejidal al régimen comunal;

XIV. Instauración, modificación y cancelación del régimen de explotación colectiva

5 “Las resoluciones de la asamblea se tomarán válidamente por mayoría de votos de los ejidatarios presentes y serán obligatorias para los ausentes y disidentes. (...) Cuando se trate alguno de los asuntos señalados en las fracciones VII a XIV (se trata de varios) del artículo 23 de esta ley, se requerirá el voto aprobatorio de dos terceras partes de los asistentes a la asamblea.”

2 “La comunidad determinará el uso de sus tierras, su división en distintas porciones según distintas finalidades y la organización para el aprovechamiento de sus bienes.(...)”.

3 “Para la instalación válida de la asamblea, cuando ésta se reúna por virtud de primera convocatoria, deberán estar presentes cuando menos la mitad más uno de los ejidatarios, salvo que en ella se traten los asuntos señalados en las fracciones VII a XIV del artículo 23, en cuyo caso deberán estar presentes cuando menos tres cuartas partes de los ejidatarios.

Cuando se reúna por virtud de segunda o ulterior convocatoria, la asamblea se celebrará válidamente cualquiera que sea el número de ejidatarios que concurran, salvo en el caso de la asamblea que conozca de los asuntos señalados en las fracciones VII a XIV del artículo 23, la que quedará instalada únicamente cuando se reúna la mitad más uno de los ejidatarios.”

can only be applied in the context of public interest or rather cases regarding public use.⁶ Undeniably, the construction of a private highway, whose use would have to be paid for as well as the construction of an exclusive residential area can hardly be classified as ‘of public use or interest’. Nevertheless, despite various rights violations construction is ongoing and the time for completion of the highway is short.

STRUCTURAL DIFFICULTIES

In order to understand the situation in San Francisco Xochicuautila and identify difficulties and obstacles—and opportunities—it is necessary to see the ongoing developments against the background of the underlying political and legal structures that the case is imbedded in, which determine the involved actors’ conduct.

LEGAL PLURALISM IN INDIGENOUS COMMUNITIES

As in many Latin American countries, there are different indigenous and European forms of organization coexisting in Mexico. After independence from Spain, the Mexican state developed on the basis of the concept of a national culture that systematically excluded indigenous people. Thus, in many cases, they could exist relatively autonomously within the national state. However, the distribution of resources and the further development of territories have increasingly been the subject of tensions and inconsistencies and lead to numerous protests all over the country. These include the gap between the idea of a plural economic system and the reality of an extremely centralized government and state-controlled economy, as well as the contradiction between the discourse on the protection of nature and the factual expansion of extractive projects into protected areas and indigenous territories, which is the

6 “La presente ley es de interés público y tiene por objeto establecer las causas de utilidad pública y regular los procedimientos, modalidades y ejecución de las expropiaciones. Se consideran causas de utilidad pública. (...)”

source of the conflict in San Francisco Xochicuautila. Thus, the distribution and use of natural resources and the impact of the expansion of extractive industries, and the government’s general development strategy based on the exploitation of natural resources are at the centre of political and civil society conflicts and debates. Furthermore, the developments at an international level protecting indigenous rights through a series of documents has created a contrast between the model of the pluralistic national state on one hand and the indigenous right of self-determination on the other. Consequently, San Francisco Xochicuautila’s legal position is the result of the interplay between these international developments as well as the national and federal tendencies and their structural changes, which frame the scope for action of the municipality, its political leaders, and its individual factions.

In this regard, legal pluralism—meaning the coexistence of different forms or categories of legal systems within a social context or a political organization—plays an important role in comprehending the complex legislation of indigenous communities. Often referring to state law existing next to recognized or unrecognized customary law, in indigenous communities it also includes international conventions, religious norms, intra-organizational internal policies as well as local laws, such as *usos y costumbres*. These indigenous customs and habits are based on traditions memorized and transmitted from the ancestors, without the need for a writing system. As in the case of San Francisco Xochicuautila, the community’s authorities are elected by the general assembly of the community, who has a say in all questions regarding the population and so directly determines the course of the community.⁷

7 San Francisco Xochicuautila is divided into four geographical sections. Every three years each section elects two people. The resulting sum of eight is presented in the general assembly and elected as first, second, and third delegate, president of COPASI (the Council of Citizen Participation), secretary, and treasurer, the remaining two supporting the former six. Furthermore, each section chooses twelve people as commandants, a kind of local police existing next to the municipal police residing in a different community.



PHOTO BY LISA NOLTE

Nopal Feast

MEXICAN CONTEXT

Mexico's economy and population are the second largest in Latin America. As an important regional and global player with considerable economic success and a member of important international forums such as the G20 and the OECD (Organization for Economic Cooperation and Development), the country still faces major social and environmental difficulties. Although Mexico has signed the main international human rights conventions, the country so far fails at implementing them consistently. By signing the Agenda 2030 on Sustainable Development with its 17 development objectives, Mexico committed to promoting a peaceful society relative to sustainable development, providing access to justice for all people and building effective, accountable, and inclusive institutions at all levels

(Objective 16 of the Agenda 2030). To achieve this goal, the involvement of civil society with all its subgroups, a key player in sustainable development, is of great importance.

Since 1917, Mexico has been a presidential federal republic with the president being the head of the federal government as well as the highest representative of the state. The president is elected directly by the people for a single, six-year term, the so-called *sexenio*. The president owns the right of initiative in legislative proceedings and a veto penalty for legislative initiatives from the Congress, accrediting him with a particularly high degree of authority. In addition, the president is superintendent of the Mexican military and appoints its highest ranks, a number of high state officials as well as the Attorney General.

The country has been suffering for decades from the inability to undertake reforms. After the end of the 70-year rule of the *Partido Revolucionario Institucional* (PRI) in 2000, the people's expectations were again disappointed by the following governments of the party *Partido Acción Nacional* (PAN), leaving the PRI, with Enrique Peña Nieto as president, to return to power in 2012. Mexico continues to face the challenges of an imperfect democratic development with major deficiencies in the rule of law and legal certainty, and an interpenetration of the state, politics, and organized crime resulting in widespread corruption in politics, administration, and the judiciary. Scandals involving high-ranking politicians—including the president—are the order of the day. Among other things, this leads to many crimes not being prosecuted. In the corruption index of the non-governmental organization *Transparency International*, Mexico has steadily deteriorated in recent years. According to *Reporters without Borders*⁸, Mexico ranks 147th out of 180 analyzed countries in 2017 regarding press freedom. In fact, aside from Afghanistan, Syria, and Iran, Mexico was considered one of the most dangerous countries

⁸ See: <https://rsf.org/en/ranking#>

in the world for journalists in 2016. Media representatives being murdered or abducted or simply disappearing is not a rarity in the country. Many of them report on drug trafficking, corruption, and the merging of politics and organized crime. As the famous case of Carmen Aristegui—sentenced to prison after having revealed the involvement of President Peña Nieto in a major corruption scandal—shows free expression hardly applies to Mexico's media world. Seeing that most perpetrators go unpunished, many media representatives avoid delicate topics and self-censorship is considered common.

MEXICAN INDIGENOUS LAW

The *Indígena* law in Mexico continues to be internationally controversial. In 2002, the complaint of 320 communities against a debatable reform of the *Indígena* law—implemented shortly before—was dismissed by the Mexican Supreme Court. The act addressing rights and culture of the 11 million indigenous Mexicans aimed to improve their social situation and changed various articles of the Mexican Constitution. Despite being based on a 1996 agreement between the government and Zapatista rebels in the southern state of Chiapas, the original draft was modified by the Mexican Senate.

The most reactionary forces of the former government party (PRI) and the then-government party (PAN) surprisingly quickly found an agreement, limiting the rights of self-determination of indigenous peoples and so destroying the basic intentions of the COCOPA (Commission of Concordia and Pacification) Initiative (also known as the San Andrés Accords).

Though the states with a majority of the indigenous population opposed it, when an agreement to pass the act by the majority of the 31 states' parliaments was foreseeable, it was ratified by the Standing Committee of the House of Representatives instead of the congress-plenum, without waiting for the final vote count. With the procedure thus completed, the whole

act is contrary to Article 135 of the Constitution⁹:

“This Constitution may be added or amended. For additions or reforms to become part of it, it is required that the Congress of the Union, by the vote of two-thirds of the individuals present, agree to reforms or additions, and that these are approved by the majority of the legislatures of the States and of Mexico City. The Congress of the Union or the Standing Commission, in their case, shall compute the votes of the Legislatures and the declaration of having been approved the additions or reforms.”

Considering that the 62 indigenous ethnic groups were not included in the legislative process, it is additionally incompatible with the ILO Convention 169. The bitter blow against the democratic, parliamentary practices was broadly criticized. Luis Soberanes, then Chairman of the National Human Rights Commission and the former principal of the *Universidad Nacional Autónoma de México*, spoke out for the revision of the act, calling it “a most degrading counter-reform against the constitution.”

In view of this, the protection of existing rights regarding autonomy, communal property, and the use of resources within the territory and their defence are of major significance. Both Article 14 of ILO 169 and Article 27 of the Mexican Constitution guarantee these rights. ILO 169, Article 14 states: The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by

⁹ ‘La presente Constitución puede ser adicionada o reformada. Para que las adiciones o reformas lleguen a ser parte de la misma, se requiere que el Congreso de la Unión, por el voto de las dos terceras partes de los individuos presentes, acuerden las reformas o adiciones, y que éstas sean aprobadas por la mayoría de las legislaturas de los Estados y de la Ciudad de México. El Congreso de la Unión o la Comisión Permanente en su caso, harán el cómputo de los votos de las Legislaturas y la declaración de haber sido aprobadas las adiciones o reformas’



PHOTO BY LISA NOLTE

San Francisco Xochicuautla Fiesta

them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.” This last sentence may be seen as a strong reference to the legal principle ‘Prior in tempore potior in jure’, protecting the rights of the first people inhabiting a certain area. The Mexican Constitution, Article 27¹⁰ furthermore states: “The juridical personality of the cooperative and communal population cores is recognized and their property of the land is protected, both for human settlement and for productive activities. The law will protect the integrity of the lands of indigenous

10 “Se reconoce la personalidad jurídica de los núcleos de población ejidales y comunales y se protege su propiedad sobre la tierra, tanto para el asentamiento humano como para actividades productivas. La ley protegerá la integridad de las tierras de los grupos indígenas. La ley, considerando el respeto y fortalecimiento de la vida comunitaria de los ejidos y comunidades, protegerá la tierra para el asentamiento humano y regulará el aprovechamiento de tierras, bosques y aguas de uso común y la provisión de acciones de fomento necesarias para elevar el nivel de vida de sus pobladores.”

groups. The law, while respecting and strengthening the community life of cooperatives and communities, will protect land for human settlements and regulate the use of lands, forests, and waters of common use and the provision of necessary development measures to raise the standard of life of its inhabitants.” However, the formal recognition of indigenous rights alone does not provide adequate protection if they are not effectively implemented.

OPPORTUNITIES

With the CWIS-initiated *Joint Statement of Constitutional and Customary Indigenous Governments* (2014), submitted to the United Nations Permanent Forum on Indigenous Issues 13th Session’s Agenda Item 3: *Principles of Good Governance Consistent with the UN Declaration on the Rights of Indigenous Peoples: Articles 3-6 and 46*, signed by indigenous nations from all over the world, hopes of community members resisting the project were high. Seeking support, community members sent a proposal aimed at strengthening

the intergovernmental cooperation to other signatory nations of the statement. This letter is to be seen as an invitation to jointly identify concrete steps in the process of seeking the establishment of mechanisms for a democratic dialogue and negotiations between the nations' governments and state's governments. In order to achieve the implementation of the recommendations mentioned, they suggested agreeing upon an intergovernmental coalition. To the disappointment of the involved members the addressed nations did not show interest in strengthened cooperation, most not even replying to the request. Despite this blow many community members recognize the importance of outside involvement in the case and its impact on the possible outcome, one member stating, "We need diffusion, solidarity, and accompaniment, so that sight of the problem is not lost." Another one feared: "The day that the world forgets about Xochicuatla, is the day that the government will do what it wants with the rights of the community and its natural resources."

In light of this, publication of reports of the case becomes a key factor for raising consciousness. The limitation and restriction of press freedom in Mexico severely hinders free information flows and particularly information concerning critique towards the government. Especially against this background, support and cooperation between indigenous nations struggling from similar situations nationally and internationally become key factors in establishing of concrete and binding mechanisms for democratic dialogue between state's governments and indigenous nation's governments. Although the legal framework regarding the recognition of indigenous rights exists, it lacks implementation as well as observance. In this regard, further cooperation with other nations is needed to establish concrete processes, mechanisms, and instruments in order to implement recommendations contained in the Joint Statement and other declarations. Additionally, indigenous nations' positions will

be strengthened in their various struggles to enforce their interests as in the case of San Francisco Xochicuatla.

CONCLUSION

The expansion of political involvement of indigenous peoples has led to a shift in international public law towards the recognition of their own identities and the need for self-determination and self-administration, with a focus on economic independency in the last decades. But despite numerous international regulations, treaties, and regulations aimed at protecting indigenous peoples and their specific rights, there is a lack of binding and effective implementation. The formal recognition of indigenous rights alone does not provide adequate protection, if these are not effectively implemented. In this regard, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) does not include concrete methods to implement the stated recommendations. Additionally, there is a lack of instruments controlling and binding state governments to comply with other agreed-upon regulations. This is reflected on the state level as well, where declarations and rights internationally agreed upon fail to be implemented and respected via clear phrasings in the states' constitutions. The realization of indigenous self-determination and self-administration often requires structural policy changes. In order to comply with indigenous rights, particular geopolitical conditions need to be met and concessions need to be made, that are from state governments' perspectives in many cases undesirable restrictions, as is the case in San Francisco Xochicuatla, whose situation is the result of complex underlying political and legal structures.

Besides the obvious rights violations—which until today fail to be officially recognized—the community's struggle is also impacted by various at least partly-relating factors. First, the community's unity was affected greatly by the division caused by the selection of the

recognized community members and the exclusion of the remaining population, the offers of money, and corrupt methods alike, resulting in even deeper gaps. In that sense, the community is no longer a unity with a common goal but split by different interest groups.

Second, despite the various international and national organizations involved in observing the political process and offering support, the implementation of the rights protecting the course of the community's land failed. After a decade of cooperating with various organizations and individuals and actively trying to engage other parties to gain support, achieved success is minimal. Despite the violation of international as well as national rights, the project has by no means been dismissed. In view of this, many community members have lost faith in the supporting organizations. As one community member stated: "What they [the organizations] say is not worth much if they don't do it. There is a big gap between what is said and what is done." Another member mentions resignedly: "They [the organizations] come, stay for a while, and talk to us and then they leave and forget about Xochicuatla. Hopefully, through increased cooperation between nations, publication of illegal cases will be facilitated, putting rights violations in the centre of international debates. That in turn will make the obvious discrepancies between international indigenous law conventions and national implementation public and lead to international and national actors jointly addressing this need for change, as well as implementation of the already-existing legal framework to protect indigenous rights globally. ■

ABOUT THE AUTHOR



Lisa Nolte was born in Cologne, Germany. She holds a Bachelor's degree in Sociology and Applied Human Geography from the University of Trier and is in the final stage of completing her Master's degree in Societies, Globalization and Development at the University of Bonn. During her studies, she has travelled extensively and gained work experience at the Goethe centre in Panama, the Friedrich-Ebert-Stiftung in Lusaka, Zambia, and at the Luxembourg Institute of Socio-Economic Research. This report was written as part of Lisa's internship with the Center for World Indigenous Studies, where she conducted research on the indigenous community of San Francisco Xochicuatla.

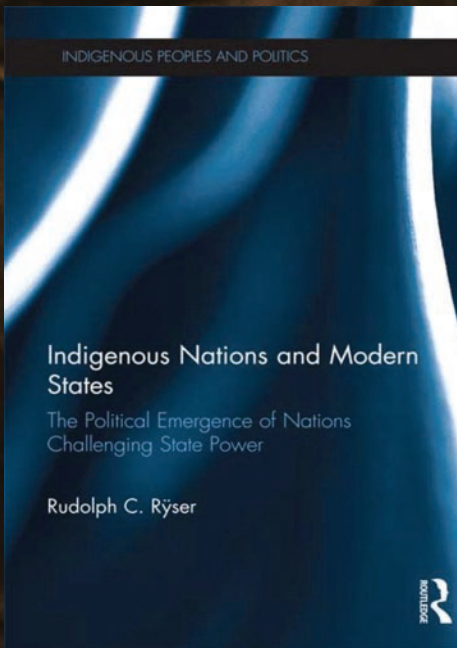
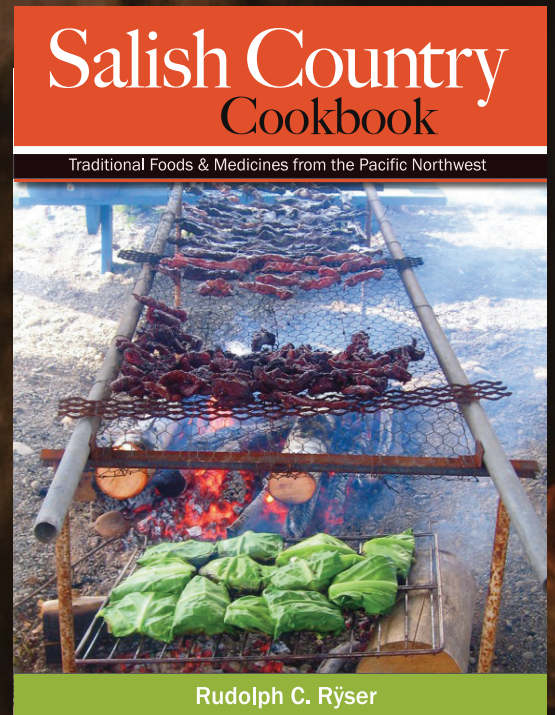
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