

Chapter 5
Rights, Resources and the Politics of Accountability

Conflicting rights, environmental agendas, and the challenges of accountability: social mobilisation and protected natural areas in Mexico

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This chapter explores the contradictions between the agendas and accountability strategies of different social actors in two protected natural areas (PNAs) of rainforest in Southern Mexico. Different interests and perceptions over the actors' rights are at the root of these contradictions, which undermine the construction of accountable practices around conservation and sustainable development strategies in PNAs. The two case studies are both situated in south-east Mexico: the Tuxtlas Biosphere Reserve in Veracruz, and the Montes Azules Integral Biosphere Reserve in Chiapas. These cases highlight questions about how to establish formal accountability mechanisms for defining development policies for environmental resources.

Divergences over land rights and knowledge rights have resulted from historical power imbalances, institutional complexity, and the different political and economic interests of the actors involved. Conflicts over land rights centre on disputes about how land rights are guaranteed and how land is used. Conflicts over knowledge rights, on the other hand, have emerged from different views about 'traditional' or 'indigenous' knowledge, who has the right to knowledge about plants, medicine and other resources in the rainforest, and how these resources should be used. Given these conflicts over land and knowledge rights, and

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the institutional and historical complexity that underlies them, this chapter explores the difficulties in building meaningful accountability. What this chapter shows is that divergent and contradictory views of rights over resources can lead to and sustain conflict that makes building accountability extremely difficult.

The challenge of establishing accountability mechanisms in natural reserves in Mexico is sharpened by an underlying and fundamental tension: the different actors involved in the PNAs at times have radically divergent views and discourses about the nature of the resource (the environment) that should be protected and thus of the rights that follow from their competing conceptions. The most important actors involved in PNAs are federal, regional and local governments, multilateral and local NGOs, transnational corporations, universities, indigenous communities, and community-based organisations. For some of these actors, such as conservationist NGOs, natural resources should be conserved and protected because of their intrinsic value, while for others, such as transnational corporations, natural resources are considered as economic goods. Priorities for the indigenous population are access to land and territorial rights, which in some cases they were entitled to before the creation of the reserves.

Cooperation between these different actors is necessary to reach environmental, economic and social objectives, but it is not very common and has been unstable when it occurs. This can be explained in part by the lack of trust between different actors, which is an underlying factor that contributes to the difficulties in building accountability. The obstacles to accountability are compounded by the absence of spaces for participation in the way these resources are controlled and managed, where the different views of nature and

the environment could also be expressed and at least partially reconciled. This chapter will explore how diverse interests generate conflict, contributing to a lack of accountability in the way that the environment is controlled and managed. It will also explore examples of when different actors have succeeded or failed in constructing accountability, where accountability is understood as a two-way relationship in which different actors mutually claim their rights and define their obligations (Gaventa *et al.* 2002).

The main issues at stake are, on one hand, that indigenous people have traditional as well as constitutional rights to their land, and, on the other, that they have physical access and knowledge rights to the natural resources contained there. However, these rights seem to be in conflict with the conservationist agenda, advanced by both the federal government and environmentalist international NGOs (INGOs), which asserts the need to conserve remaining natural resources. The approach to creating PNAs to achieve this goal has been pursued without establishing adequate procedures for the participation of the local population, or consideration for how to protect livelihoods – yet both these requirements are essential to making rights real as part of a broader agenda of human development.² This omission is important in the light of the different understandings of the environment that lie at the heart of some of the conflicts over rights and the lack of accountability in southern Mexico. Agustin Escobar's (1999) categories of different discursive formations on resource management are useful in terms of classifying these different understandings of nature as a resource because the range of views he presents are those expressed by the key actors in these cases:

² The human development approach is the process through which people's options and their functions and capacities are increased (a long and healthy life, access and knowledge of their resources for a healthy life (UNDP 2000)).

- 1 The *globally centred* perspective is shared by most NGOs from the North, and is based on representations of threats to biodiversity. The extinction of species is a main focus. Nature is a global resource that must be protected. This perception is related to three concepts: conservation, sustainable development and benefit sharing (either through intellectual property rights or other mechanisms).³

- 2 The *sovereignty* perspective, advocated by some governments, focuses on the ability of Southern countries to negotiate the terms of treaties and biodiversity conservation strategies. Nature is a resource that individual countries should control, a principle that has been affirmed by successive environmental treaties.

- 3 The *biodemocracy* perspective focuses on democratic control of biological resources. The social movement against biodiversity prospecting, discussed in this chapter, would be an example of a social movement based on a biodemocracy perspective. Nature is seen as a resource belonging to communities who have traditionally held the land where the rainforests exist.

³ For instance, many environmental policy instruments such as carbon sequestration and the Clean Development Mechanism (CDM) are focused on reforestation in the South towards fulfilling the commitments of the Kyoto Protocol. Many of the projects derived from the CDM, however, do not take into account the structural causes of deforestation and loss of biodiversity in the South.

4 The *cultural autonomy* perspective is part of a critique of neoliberalism, and emphasises different cultural approaches to nature and the need for an intercultural dialogue. Many indigenous movements in Mexico and Latin America have adopted this perspective, including the Zapatistas in Chiapas. Other groups, less politically targeted, also try to conserve their modes of livelihood on the basis of a specific type of relationship with their environment. For example, one movement opposes the PNAs as top-down approaches to conservation, and advocates community-run reserves as an alternative. From this standpoint, autonomy from the government is a necessary precondition for demanding collective rights in a diverse and heterogeneous society. Nature is seen as a politically contested resource, with joint responsibilities for its conservation.

Each of these discourses about nature also connects to the co-construction of separate discourses and practices of accountability – with different approaches to who should control ‘nature’, the way the environment should be used and managed, and which rights claims should be upheld. This case shows how different views about environment and nature, as well as conflicts over specific rights to concrete resources, contribute to a context in which institutional change alone cannot bring about accountability. Instead, competing and overlapping interests must be reconciled through a politics that brings these different perspectives to the fore. This chapter will focus on how social movements and political mobilisations around specific rights claims have a key role in constructing accountability through these means.

The first section of this chapter includes some general information about the institutional and legal frameworks and public policies in PNAs, and some key characteristics of both reserves. The next section explores the conflicting interests of different actors around land rights, and the implications of these differences for accountability. The third section focuses on conflicts between the actors' perspectives of knowledge rights, and identifies some accountability gaps in the relationships between the different actors involved. Finally, this chapter will explore some of the consequences for accountability of these conflicts over rights, and some of the changes that could lead to increased accountability and better governance.

The institutional and legal framework of public policies in PNAs

In Mexico in the 1960s, when agrarian reforms led to demand for more land, the agricultural frontier moved out towards the tropical rainforests, the last refuge for landless peasants who were seen as a threat to large landowners' interests in different regions. From the 1950s to the 1970s different laws and programmes were implemented in order to colonise the rainforests, which were then transformed into grasslands: this process increased the diversity of ethnic groups living in these regions.

But from the 1980s, pressure from conservationist INGOs was mounting on the Mexican government to take steps to protect rapidly dwindling areas of rainforest. As a result, a series of PNAs were created across Mexico during the 1980s and 1990s. Many of the PNAs have been established in regions with a dense population. When reserves are created, the

first policy tools used are the establishment of conservation and management zones (nucleus and buffer zones) and the definition of governance plans for the reserves.⁴ The nucleus zone must be free of productive activities, while in the buffer zone local communities can engage in ecotourism or other environmentally sustainable activities. When reserves are created, land rights can be suspended on the basis of public interest. Reserve decrees have been criticised for being imposed without the participation of the communities affected by their creation, for not respecting promises of indemnities, and for the constraints the reserves place on local people's livelihoods, which is a factor that inhibits effective accountability relationships between the different actors involved. At a workshop on PNAs in Chiapas in February 2005, one participant explained:

Our right to be consulted and to be part of the decision-making process in regions declared biosphere reserves is denied to us. We reject pressures made in different ways for relocation and disguised as peaceful – as they do not guarantee a future with dignity for us.

The essence of the actual conflicts between different actors' interests and agendas around PNAs cannot be understood without reference to the Plan Puebla Panama (PPP). The PPP, a mega-project for the economic integration of south-eastern Mexico and six Central American countries, is intended to promote investment, infrastructure and socio-economic and human development. As reactions to the PPP show, the creation of PNAs is seen by

⁴ Environmental policies in Mexico are the responsibility of the Ministry of Environment and Natural Resources (SEMARNAT) and among its policies is the System for Protected Natural Areas (SINAP), managed by the National Commission for PNAs (CONANP), which is responsible for the environmental protection of 7 per cent of the national territory. Regional Development Programmes (PRODERS), Global Environment Facility (GEF) and European Commission (EC) funds, among others, are the main financing sources for PNAs.

some as part of a politically contested process of gaining control of natural resources. The Mesoamerican isthmus, situated in the south-eastern part of Mexico, including Chiapas and Veracruz, is of immense strategic value as natural resources (oil, biodiversity and water) are plentiful. With generally high levels of poverty in the area, cheap labour is also abundant.

Over the past five years, in regional and international meetings held in Mexico and Central America, several social movements have wholly rejected the PPP. For example, the political leadership of the Zapatistas considers the PPP to be part of a geopolitical strategy designed to control natural resources and exploit the local labour force, to the detriment of the culture, territorial control and rights of the indigenous people (Resistencia Ciudadana al Plan Puebla Panamá 2002). This chapter will explore in greater detail two cases of PNAs where control of natural resources is being disputed: the Montes Azules Reserve in Chiapas and the Tuxtla Biosphere Reserve in Veracruz.

Biosphere reserves in tropical rainforests: from agricultural frontier to biodiversity's last boundary

The Montes Azules Biosphere Reserve, Chiapas

Three decades ago, the Mexican government, motivated by international environmental concern for conservation, created the Montes Azules Integral Biosphere Reserve (Montes Azules Reserve) covering 331,200 hectares in the Lacandona rainforest in Chiapas. The reserve is located in the Usumacinta basin, which contains 30 per cent of the country's

water resources and has the greatest levels of biodiversity in North America. But since the creation of the Montes Azules Reserve, the situation in Chiapas has changed dramatically with the emergence of a well-organised and militarised social movement, which is challenging the government's policies on the PNA.

Eleven years ago, in January 1994, on the same date that the NAFTA (North American Free Trade Agreement) came into force, the Ejército Zapatista para Liberación Nacional (Zapatistas) emerged as an armed movement in Chiapas, denouncing the situation of indigenous populations in Mexico and demanding changes at national level. Social mobilisation has been instrumental in pushing for changes in state-level legislation, and has also led to the creation of autonomous municipalities and *juntas de buen gobierno* (Good Governance Councils) as part of this process.

Since 1994, the government's response to the Zapatista movement has varied from a strictly military response to political negotiations, although these were suspended several years ago. The government has vacillated, sometimes accepting that the demands are just but at other times accusing the Zapatistas of manipulation by external interests. It has both dismissed the Zapatistas as a purely localised movement, and allowed Zapatista political leaders to present their position at the National Congress Tribune in 2001. Changes at national and state government level in 2001 have now slightly modified this perspective (Cortez 2004). Despite the highly variable relationship between the Zapatistas and the Mexican government, the Zapatistas have come to play a central role in the politics of accountability around the Montes Azules reserve.

Tuxtlas Biosphere Reserve

Situated on the Gulf of Mexico coast in Veracruz, the Tuxtlas Biosphere Reserve was created in 1998 and covers 155,220 hectares (see Chapter 5). Within the boundaries of the reserve are over 121 poor rural communities, with a total population of 350,000 (including three medium-sized towns). Indigenous groups, including Nahuas and Popolucas, have lived in this area since pre-hispanic times. As in Chiapas, public policies promoting resettlement and cattle ranching have accounted for the destruction in about 50 years of more than 85 per cent of the original forest (Lazos and Paré 2000). Many previous initiatives to create a PNA in the region (1937, 1979, 1980) had no impact at all as they were only formal declarations without any specific policies for implementation. The reserve created in 1998 is intended to promote the sustainable management and conservation of the Tuxtlas region. With water shortages affecting lowland urban areas with their petrochemical industries, and flash flooding taking lives in the mountainous watershed, a general consensus had been reached that something needed to be done.

There are serious environmental concerns behind the creation of both of these reserves. But the process of establishing the reserves has generated conflict between competing sets of rights – and thrown into relief the radically different views of the main actors involved regarding nature as a resource. The lack of opportunities for participation by these different groups in the management of the reserves also contributes to the lack of accountability and the high levels of mistrust. These factors together have contributed to an extremely complex situation, one in which it is very difficult to establish lines of accountability. The next section will explore more closely the creation of the reserves as a source of conflict over land rights, and the strategies of poorer groups to claim their rights in response.

Competing claims and land rights

Montes Azules

The complex land tenure pattern in the Lacandona rainforest is the result of two processes. On one hand, for many decades the government's agrarian ministry has granted different groups endowments to the same lands, creating conflicts between them. On the other, many indigenous families have settled within the reserve area without governmental approval and claimed land for themselves according to traditional land tenure practices. These processes have contributed to competing claims to land rights. In some cases, formal land rights granted by the government are in direct contradiction with each other, and in other cases formal land rights clash with informal claims by indigenous people who are actually living on the land.

Without taking into account the reasons for emigration of indigenous people into the reserve, many government officials (including the director of the Instituto Nacional de Ecología) and NGOs such as the World Wildlife Fund (WWF) and Conservation International have accused the recently settled population in the Biosphere Reserve of being responsible for environmental destruction caused by slash-and-burn agriculture and the shift to cattle ranching. In April 2000, WWF and a group of ecologists, concerned about achieving sustainable development in the reserve, called upon the Mexican government to stop the destruction of rainforest by indigenous people. The government and some conservation NGOs demanded their eviction, by force if necessary. In response, the federal government began to implement a plan to relocate the population to new settlements in

locations outside the reserve, in order to relieve environmental pressure on the rainforest. While the conservationist NGOs and certain elements of the government advocate the forced resettlement of indigenous people living in the reserve area, indigenous groups are claiming the right to the land within the reserve.

An official from the Agrarian Ministry pointed out in an interview that the range of actors in Montes Azules makes it the most complicated reserve in Chiapas – with the most pressing environmental problems. Transnational companies (Grupo Pulsar), the World Bank (GEF in the Tuxtlas), international NGOs (Conservation International in Chiapas), the United States Agency for International Development (USAID), national or regional NGOs and academic institutions are all important actors.⁵ The federal and local governments and indigenous groups settled around and in the reserves are also central actors. A land rights and environmental sustainability round table was created in 1988 as part of an inter-institutional agreement between the federal and the state governments to reach workable solutions to the competing land rights and environmental problems.⁶

But the interests, positionality, and negotiation capacity of the different actors involved are not equal. Some indigenous groups have been able to negotiate the conditions for their resettlement and protect their land rights. Others, particularly those who have only recently settled in the reserve, have very little capacity to negotiate.

⁵ UNAM in both reserves, Ecosur in Chiapas and a state University in Veracruz, in addition to foreign Universities.

⁶ Interview with Martha Cecilia Díaz Gordillo, February 2005

The fundamental dispute between environmental conservationists and indigenous groups claiming land rights within the reserve has not been resolved. The underlying causes for this tension have been oversimplified by the polarised debate. According to the special officer from the Agrarian Reform Ministry in Chiapas:

the causes of emigration to the rainforest must be considered in order to be able to define the most adequate responses.... [This perspective] created some internal dissent because the environmental sector was interested only in the irregular settlements, while we proposed to look at what is happening in the buffer zone in order to find out if we are creating conditions to allow people to have alternative livelihoods.... Many of the existing settlements in the Montes Azules reserve were generated by the land reform and the governmental policies.... This means that the deforestation process in Montes Azules was related not only to the illegal occupations of the reserve but to other issues.⁷

[C head] Demands and responses

The different groups established in the reserve have responded in different ways to this pressure from government and conservationist NGOs to relocate. Some have been willing to negotiate with the government and accept resettlement, while others have negotiated the recognition of their right to remain in the nucleus zone of the reserve. Other communities

⁷ *Ibid.*

(especially those linked to the Zapatistas) have refused to negotiate with the government or give up their rights to the land within the reserve.

In contrast with the government's 'globally centred' perspective of the environment and nature, the principal demand of the Zapatista movement is the implementation of the San Andres Agreements signed by the Mexican government in 1994, accepting not only the recognition of indigenous people's rights and culture but also their territorial autonomy. One of the main factors in the breakdown of dialogue between the federal government and the Zapatistas is their different concepts of cultural and land rights. While the Congress Commission created to negotiate with the Zapatistas agreed on the central issues of cultural rights, the law approved in 2003 by the Congress dismissed this consensus and did not recognise the collective right to land. This difference drove the Zapatistas to suspend negotiations and to resist all government-led neoliberal reforms in general. In the light of this general opposition, the Zapatistas consequently reject government-led environmental and development policies, including the attempts by the government to resettle people within the reserve area.

Although some of the Zapatista demands are related to land rights in the reserve, these land rights are linked to wider issues such as their cultural, social and political rights, self-determination, protection of their natural resources, and autonomy for the indigenous people within the national political agenda. For the Zapatistas, the Reserve is further evidence of the interests of global capital controlling natural resources, biodiversity and traditional knowledge. By having their land rights denied, the reserve settlers are also

deprived of their rights to education, health and other services, which are tied to having land rights.

Tuxtlas

The same federal government that gave us rights to the land was taking it away from us ten years later.
(Peasant from a village in the Tuxtlas reserve)

In Tuxtlas, the creation of nucleus zones within protected natural areas has led to a range of effects on indigenous people's land rights: the expropriation of village land in its entirety,⁸ the expropriation of a portion of village land, and the restriction of rights to communally held forests. In all, some 800 families have had their land rights affected by the creation of protected natural areas.

Although this land expropriation by the state has a legal basis (conservation in the public's interest), it directly clashes with the land rights granted by the state less than thirty years previously (see Paré and Robles, this volume). In the 1970s and 1980s, indigenous people in Tuxtlas received formal titles to their land after twenty years of struggle and attempts at land reform. In some cases, they received the formal rights to their land *after* the reserve decree, which then expropriated the same land for conservation.

⁸ *Ejido* is a form of social property in which land, previously held by big landowners or the nation, is given in usufruct to peasants who, until the 1992 Reforms to the Constitution and Agrarian Law, could not sell it (only hand it on as an inheritance). An *ejidatario* is the person entitled to this type of property.

In the process of land expropriation to create the PNA, the main grievance raised by the indigenous communities was the low price the government offered as compensation (US\$200 per hectare, or less than a quarter of the land's commercial value). Losing land rights also meant giving up the rights to subsidies, which amount to half of the income of rural families in the region (Velázquez and Ramírez 2005; Leonard 2005). Communities rejected government reallocation offers as they meant emigrating from the region to locations without basic services such as roads, education and health facilities. Three of the villages filed injunctions against the government as a result of the land expropriations. But attempts to hold the state accountable for their actions in creating the reserve and perpetuating a situation of contradictory land rights have been impeded by the government's refusal to engage with communities:

The government assumed that if they consulted people about the creation of the reserve, nobody would accept it. But there was no explanation, not even one attempt to create awareness or to negotiate. The same federal government that had given us the land was taking it away from us ten years later. For the majority of *ejidatarios* it was a betrayal. (Peasant from an expropriated community in Tuxtlas)

Conflicts between indigenous communities' rights to land and environmental conservation have been exacerbated by the top-down creation of protected natural areas. The lack of spaces for citizen participation in the creation and management of the reserve has contributed to increasing mistrust between the main actors involved and the politicisation of rights claims to land. Because of the reserve decree, there is an increased sense at the

community level that the federal government has the responsibility to manage the reserve and resolve conflicts over land rights, but at the same time the communities themselves have increasingly fewer opportunities to contribute to the solutions to these problems. The strained relationships between key actors, and the apparently intractable conflict between rights, has important implications for accountability.

[C head] Demands and responses

For nearly five years the state government, responsible for the *ejido* land indemnities, was reluctant to enter into dialogue with the communities and resolve the conflicts over land rights. Two state elections (2000 and 2005) and the arrival of a host of new government officials has meant the suspension of previous agreements that had been reached between federal and state authorities concerning the reserve. The situation created by land expropriation and the fear of relocation rapidly became politicised as affected people turned to opposition political parties for solutions. In a vicious circle, state government repeatedly suspended negotiations because of this politicisation. Finally, after losing the injunction case in the courts, five years later, the communities accepted the low compensation price. In an attempt to defuse the situation, the state government construed the indemnities paid as a reward for communities' efforts at conservation rather than as compensation for expropriated land. But the conflict caused by the repeated delays in negotiations and the dispute over indemnities also undermined the ability of the federal authorities in charge of the reserve to promote sustainable development projects.

Other peasants and ranchers, on the contrary, would prefer the purchase by the state of the part of their land within the nucleus zone, as they cannot use this land productively.

Although tree logging was illegal before the creation of the reserve, people saw the reserve as a threat to their land rights because they would lose formal rights to land they traditionally held. Some communities reacted to government attempts to ignore their previous land rights by threatening to burn the forests. Five years later a Payment for Environmental Services programme was launched, so that some communities would receive a small benefit (US\$30 per hectare) for not cutting down the forest. The communities consider this an unsatisfactory offer and political rumours are spreading that the programme is a veiled attempt to privatise communal land. In contradiction with agrarian laws, and as one more example of lack of coordination between institutions even after the reserve decree, the Agrarian Reform Ministry gave individual titles to plots in the areas of the forest that had been communally owned. This contradictory policy strengthened a sense of individual rights to the forests within the nucleus zone which have now been cancelled as part of the reserve structure. This mistake deepened frustrations within indigenous communities and contributed to a sense of grievance over individual land rights. However, once again, the contradictions between the policies of different government agencies fuelled conflicts over the management of the reserve.

The increasing politicisation of government bureaucracies also serves to exacerbate disputes over land rights in Tuxtlas as mistrust between government officials at the state level is exacerbated by the differing political affiliations at various levels of government. In both cases, government slowness in resolving land problems linked to the creation of reserves has affected the lives of indigenous people living in communities within the reserves. In some expropriated communities, these issues have led to internal divisions within communities. While some rally around mobilisations or declarations against the

reserve and in favour of its cancellation (Tuxtlas), others have invested indemnity payments to buy plots and turn to the reserve for investment funds. As we discuss below, a range of community-based strategies have emerged to address the lack of accountability and resolve the conflicts over land rights.

Knowledge rights and scientific and academic biotechnology research: hidden agendas?

The previous section has examined how conflicts over land rights have emerged around PNAs. Another important set of conflicts over rights has also developed as part of the trend towards conserving environmental resources: knowledge rights. Conflicts over knowledge rights in PNAs reflect radically different views of the environment: while government officials and conservationist NGOs see the environment as a resource to be conserved, some indigenous groups see the environment as part of their cultural heritage. Different (conflicting) rights are expressed here: the right of transnational pharmaceutical companies to invest in medicines backed by national laws protecting the rights of capital, the right of academic institutions to conduct research on the environment and use that knowledge, and the right of the local population to control how environmental resources are used, especially when the 'protection' of these resources does not result in any benefit for the communities themselves.

Natural resources are of strategic importance as a growing interest in genetics has changed the meaning of biodiversity for the international corporations, especially the pharmaceutical and biotechnological industries. The value of biodiversity is socially determined and elusive, as it depends on local as well as on scientific knowledge and does not require

capital-intensive extractions of materials, as is the case with other natural resources (see Chapter 10). As Baviskar points out, ‘the process of decision making around resource-related issues often accords great weight to expertise, privileging technocratic knowledge’ (Baviskar 2003: 5053). As in many other ‘biodiversity hotspots’, scientific research in the PNAs is now an issue of growing importance.

Within the context of the PPP, another reason to reject some projects that claim to be sustainable is that behind a discourse of protection lie real economical interests, which may be neither visible:

We denounce the eviction and relocation policy and the imposition of PNAs, because it is in the interests of big transnational corporations such as Monsanto, Bayer, Aventis, Coca Cola, Nestlé, among others, interested in the appropriation of biological resources, of forests and water, all of which are of strategic value for our Nation.⁹

For some actors, many actions linked with environmental protection that are promoted, organised or controlled by international organisations like the GEF, or leading INGOs like Conservation International or WWF, have important connections with transnational companies. These alliances are scientifically and technologically supported by academic groups, leading to conflation of the interests of transnational corporations with academic or scientific research initiatives. For some organisations working in PNAs, the principal interest of transnational corporations (chemical, pharmaceutical and biotechnological) and

⁹ Second Encounter on PNAs, Chiapas, February 2005.

conservation NGOs is to identify biological material and patent it, so that it can be commodified. In the view of some of the indigenous social organisations, INGOs only offer incentives for rainforest conservation as a cover for bioprospecting ('biopiracy'), because the INGOs have prior agreements with companies to provide them with information gleaned through 'conservation'.

A general criticism by community groups is that actors engaged in bioprospecting do not consider indigenous people's rights, nor do they establish explicit lines of accountability and transparency with respect to these activities. The legal pressures and negative campaigning against people settled in the reserve on environmental grounds served the interests of other actors that can enter the reserve without similar restrictions. For example, CONANP norms are very loose regarding the intervention of researchers in PNAs. Official authorisation from SEMARNAT is required to collect samples in protected areas (Article 88), but the results of research are not available to the public without the researcher's agreement (Article 85 of this law).¹⁰

An important discussion on bioprospecting has been on going in Chiapas. As a result of public action by local and national civil society organisations, bioprospecting initiatives have been seriously questioned. In 1999, the ICBG-Maya project headed by the International Cooperative Biodiversity Group was revoked. This initiative, coordinated by the US National Institutes of Health, with participation from the University of Georgia and the Mexican academic institute Ecosur, was designed to do research on local knowledge of

¹⁰ Rules of the General Law of Ecological Equilibrium and Environmental Protection concerning PNAs.

the medicinal properties of plants. Protest by the Indigenous Medical Organisations of the Chiapas State (COMPITCH) resulted in the suspension of the project. The position of some community-based organisations was set out in the San Gregorio, Biosfera de Montes Azules Declaration (2000):

Indigenous people are not enemies of biodiversity, our culture is not destructive, as some ecologists have declared. Their critiques are welcome, but we also invite them to look for solutions to the problems of ecological destruction, marginality and poverty. Moreover, we call for the stewardship and the sustainable use and conservation of natural resources. And we denounce the genetic management of our environmental heritage by transnational and national enterprises through intellectual property rights. We call for trials, through the court system, on the patenting issue.

As recently as March 2005 this organisation, along with others, denounced a public consultation announced to discuss a biodiversity law proposed by the Chiapas state government. They argued that it was intended to legitimise bioprospecting by transnational corporations and to cement their control over biodiversity in Chiapas. In this perspective, the resettlement policy has been presented as part of a governmental counter-insurgency plan against the Zapatistas. Like conflicts over land rights, PNAs have become sites for disputes over knowledge rights. The interests of transnational corporations, conservationist NGOs, and academic researchers have become intertwined, and communities living in the reserve area are challenging this agenda. For those who see hidden agendas in the actions of scientific institutions and conservation NGOs, any proposal from these institutions is

labelled as interventionist, and a violation of indigenous rights. Conflicts over knowledge rights contribute to lack of trust and antagonistic relationships between poor, rural indigenous groups and the government. The next section will explore how these various conflicts over rights impede attempts by community-based and civil society organisations to build mechanisms for accountability.

Challenges for building accountability: the politics of rights and resources

The foregoing sections have explored how the creation of PNAs has fuelled conflicts over rights within the context of disputes over the meaning and therefore the appropriate use of the environment as a resource. The institutional politics driving the different actors involved undermines the possibility of establishing accountability mechanisms. This section will review some of the interests that various civil society and community-based organisations have in terms of building accountability, and the obstacles that have emerged.

In both reserves, there is an array of organisations that have been active for years around land rights reform and other political demands, and have developed important expertise in agro-ecology, health and education. Before government programmes began to address these issues, community-based organisations had taken the lead in promoting environmentally sustainable practices, although the impact of these efforts was reduced by contradictory public policies and institutional infighting, as described earlier.¹¹ These groups have been pursuing a range of strategies in order to resolve the conflicts over rights in the reserves, and increase accountability in the way that the environment is managed.

¹¹ Some agencies were involved in conservation and others in promoting extensive cattle ranching in the reserves.

But these organisations do not represent a single position. Community-based organisations' perspectives are expressed in diverse agendas and practices, through different alliances, and from the local to the global level. These agendas include the recognition of cultural and political rights, as well as the implementation of specific development programmes. Some of these organisations are now receiving funds from government or from international NGOs (for initiatives such as CO₂ capture, and in Payment for Environmental Services initiatives) to strengthen sustainable production either for local use or for the global market. These organisations have had an important role in attempts to contribute to increased accountability around the management of the environment as a natural resource.

Both in the Montes Azules and the Tuxtla reserves, some civil society organisations from academic, NGO or political backgrounds are more concerned with environmental issues and local development than with joining the national and international movements against neoliberal policies. With funds available from different government agencies, they carry out projects and initiatives to involve local people in the process of defining their own agendas and development plans. Others, more concerned with global issues and networks, provide information on wider environmental issues such as biopiracy, attempts to promote genetically modified organisms and megaprojects such as the PPP; these groups are involved in mobilisation to build community representation in wider forums.¹²

¹² Neither in Chiapas nor in Veracruz were there processes of consultation for the declaration of the reserve, although according to the government's legal framework such a process is obligatory.

Yet another group of community-based organisations prefer to avoid collaboration with government programmes as they see them as incompatible with their own political positions, and do not want to risk government co-option of their constituency. In turn, some sectors of government see autonomous organisational processes as a threat. The government responds by cutting the flow of resources to the organisations involved, diverting funds to government-controlled organisations that receive the funds for which independent organisations had been lobbying.

There is considerable diversity in the types of community-based and civil society organisation involved in addressing the conflicts over rights and lack of accountability that have been highlighted by the creation of the PNAs. But they have had only mixed success in achieving these goals. Some community-based organisations are directly engaged in resolving these conflicts over rights. In Tuxtlas, in order to pressure the government to deliver the payment of indemnities, some of the indigenous groups in the affected communities changed strategies. They abandoned attempts at local mobilisation, filed a second injunction for the cancellation of the reserve, and joined a wider national movement against PNAs, mostly defined in opposition to the PPP megaproject. While the disputes over land rights remain unresolved, indigenous people occupy their land ‘illegally’.

In Chiapas there have been lengthy negotiations over the complex landholding problems. The high levels of distrust in the whole process have been used by other social actors, such as environmental NGOs, to scale up the resistance to the PPP megaproject agenda. Possible government evictions of people from their land are denounced as a government strategy to privilege transnational corporations’ bioprospecting interests. Because of constant protests

against the possible eviction of people from the Montes Azules Reserve, some federal officials demanded that the Agrarian Reform and Environmental ministries change their policies in order to protect the indigenous peoples' rights established in the ILO 169 Agreement. So far the state government has refused to comply. The lack of agreement between different parts of the government contributes to the gap in accountability around the management of the environment, and while there is no agreement over land rights, conservation projects have been put on hold.

Meanwhile, the Zapatistas have declared an impasse. In October 2004, the Zapatista political leadership defined its position in a public statement:

Due to the offensive of paramilitary groups ... dozens of indigenous families had to move from their land and from small villages in the Montes Azules Biosphere. During this time they have been in a terrible situation, far from their original land, but displaced Zapatistas have been careful to obey our laws that require the protection of forests. However, the federal government, hand in hand with multinationals, intends to take control of the richness of Lacandonan rainforest. They have threatened once again to remove with violence all the settlements in the area, including the Zapatistas. Los *compañeros* and *compañeras* of different threatened communities have decided to resist, for as long as the government does not sign and respect the "San Andres Agreement".

(Report from the Clandestine Indigenous Revolutionary Committee –
Commander General of the Ejército Zapatista de Liberación Nacional (EZLN),
Sub-comandante insurgente Marcos)¹³

The cases of the Montes Azules and Tuxtlas reserves show how extremely complex institutional relationships and the overlapping interests of different actors can lead to increasing conflicts over rights. The question is what kind of accountability relationships can be established to avoid this type of clientelist approach to sustainable management of the environment. In the current situation of conflict, it is not possible to develop viable environmental and economical alternatives and build trust between community organisations and the government.

Conclusions

This chapter has shown how relationships between the different actors and interests in the PNAs can undermine the construction of common agendas for conservation and development, and mechanisms for accountability. At the heart of this situation are different perspectives on rights and the nature of environment as a resource. The lack of spaces for participation in the institutions that manage the environment, especially within the PNAs, is also an important factor that restricts the potential for increased accountability.

PNAs are not always and everywhere a source of conflict and uncertainty. In many circumstances they represent an opportunity for local development and a better livelihood

¹³ Disseminated on 13 October 2004 by the Mexican newspaper *La Jornada*.

for poor communities. The integration of the local population into the sustainable management of the environment cannot be widely guaranteed at present, in large part because of the lack of recognition of their land and knowledge rights, and the lack of spaces for participation in the decision making that affects these rights. A participatory scheme should integrate local people's concerns and experiences with natural resource management and protection, while respecting their land rights through fair compensation and consensual relocation when unavoidable.

When decisions concerning PNAs are left in the hands of experts, progress towards a sustainable development model is minimal and the building of consensus around conservation very slow. On the other hand, when, as a result of social action, spaces for negotiation are opened and an intercultural dialogue is facilitated, the resolution of conflicts becomes possible, and problems can be solved (as in the case of the round table on land rights and environmental sustainability in Montes Azules). From the cultural autonomy standpoint, a condition for intercultural dialogue, and therefore for accountability, is that actors recognise each other as equals, and acknowledge each other's cultural, social and political rights.

The conflicts generated by the creation of both reserves have to do with lack of consultation and participation in reserve management. To reach the PNA objectives, it would be necessary to guarantee the participation of the different interest groups from the beginning, to involve them in a permanent way in activities and budget planning. Many factors, such as political interests at the local and regional level and internal contradictions or tensions between community-based organisations, make it difficult to construct participatory spaces

in a short time. In both cases, the legally mandated regional reserve management councils either have not been formed, or, when formed, have been under the operational control of government agencies.

The cases in this chapter show that when institutional mechanisms and policies are insufficient to resolve disputes over rights and establish accountability, it is difficult to reach consensus between different actors to build common agendas around conservation and sustainable development. The lack of strong institutional coordination is also a source of social unrest and contributes to the loss of confidence in and lack of support for government conservation programmes. However, building greater accountability is not just an administrative issue that can be solved by changing rules or establishing certain guidelines. It is fundamentally a question related to power, and the struggle between different political interests.

Relationships characterised by the absence of coresponsibility, the lack of adequate institutions with the capacity to fulfil their functions, and the active presence of distrust, mean that accountability is limited on multiple levels. However, it would be naive to reduce the problem of accountability to questions of designing and establishing the correct procedures and participatory spaces. What we are facing is the existence of different visions regarding the nature of the environment in general and indigenous rights in particular. This explains why policies aimed at environmental sustainability, such as PNAs or Payment for Environmental Services programmes, are seen by some as part of the Plan Puebla Panama, and rejected for this reason.

The key implication for accountability from the cases examined in this chapter is that the competing and conflicting rights around resources, derived from radically different understandings of nature and subsequent discourses of accountability, are essentially irreconcilable through institutional change. It is in the politics and political mobilisation around rights claims that these differences about nature can be engaged. The steps taken to promote more accountable relationships demonstrate a certain capacity of the state to respond to people's demands. This shift has been possible because of the high degree of mobilisation by different community-based and civil society actors. But even acknowledging these advances, a culture of accountability is not deeply embedded, as shown by the refusal of the government to give information about megaprojects such as the PPP, which has provoked confrontation with community-based organisations.

The recent social movements focused on changing intercultural relations in Mexico, especially the Zapatistas and the indigenous movements, represent a political and cultural challenge to building accountability – and demonstrate the conflictual nature of cultural politics. An alternative autonomous position requires a new kind of dialogue between different cultural perspectives, one that obliges the different actors involved to state explicitly their social, economical, cultural and political interests, and assume coresponsibility for natural resources protection and social development. Accountability could then become not only a one-way relationship between indigenous groups and the government, but a two-way relationship involving respect for rights and responsibilities for all the actors involved.

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ACRONYMS

ARIC. Asociación Regional de Interés Colectivo (Colective Interest Regional Association)

CBO; Community based organizations

CBM; Corredor Biológico Mesoamericano (Mesoamerican Biological Corridor)

CNDI; Comisión Nacional para el Desarrollo de los Pueblos Indios (National Comisión for the Indigenous People Development)

COMPITCH; Indigenous Medical Organizations of Chiapas State

CONABIO, Comisión Nacional para el Conocimiento y la Conservación de la Biodiversidad (National Commission for Biodiversity Knowledge and Conservation)

CONANP; Comisión Nacional de Areas Naturales Protegidas (National Commission of the Natural Protected Areas)

CSO; Civil Society Organizations

CTA , Consejo Técnico Asesor (Scientific Technical Council)

EC, European Community

ESP, Environmental Services Payment

EZLN; Ejercito Zapatista de Liberación Nacional

GEF/IEM/MIE; Global Environmental Facility/ Integrated Ecosystems management.
Manejo Integrado de ecosistemas

IC; International Conservation

LGEEPA, Ley General del equilibrio ecológico y la protección del medio ambiente
(General Law of Ecological equilibrium and environmental protection).

MNC; Multi national companies.

NRM; Natural Resources Management

PNA; Protected natural areas

PIDSS; Programa Integral para el desarrollo sustentable de la selva (Integral Program for the rainforest sustainable development)

PRD; Partido de la revolución Democrática

PRODESIS; Programa para el desarrollo Sustentable Integral de la Selva (Program for the rainforest Integral sustainable development)

PNUD/UNDP; Programa de Naciones Unidas para el Desarrollo. United Nations Development Program.

PPP; Plan Puebla Panamá

PRI; Partido Revolucionario Institucional.

SEDESOL; Secretaría de Desarrollo Social (Social development Ministry).

SEMARNAT ; Secretaría de Medio Ambiente y Recursos Naturales (Ministry of Environment and Natural Resources)

SINAP; Sistema Nacional de Areas Protegidas (Natural Protected Areas Nacional System)

UNAM; Universidad Nacional Autónoma de México

WWF; World Wildlife Fund