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Who owns the land owns the wind? Land and citizenship in the Isthmus of Tehuantepec, Mexico

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Abstract

Wind energy expansion across rural areas interacts with various interests at the local level, generating multiple reactions within communities. The Eólica del Sur wind farm implementation pathway in Mexico is a paragon of different positions vis-à-vis this industry after trying to install 132 wind turbines in other towns since 2006. This paper argues that there is a bias in studies of the politics of wind energy development in favour of oppositional voices, as opposed to groups that endorse wind energy expansion or that have stakes in the sector but neither support nor oppose wind projects per se. Based on fieldwork conducted over three years and semi-structured interviews with Eólica del Sur stakeholders, the paper argues that different responses to wind energy are linked to contrasting ownership claims over land in the region and competing notions of the institutions that should legitimize these claims.

KEYWORDS
citizenship, Isthmus of Tehuantepec, land, reactions on the ground, wind power

1 | INTRODUCTION

As renewable energies expand in response to the climate change crisis, debates over land access, use, and control have gained new importance. The low energy density associated with wind power in comparison with traditional fossil fuels means that wind energy infrastructure requires large areas of land to produce the same output as would otherwise be obtained from a "hole" in the ground (Huber, 2015; Huber & McCarthy, 2017; Smil, 2006; Stock &...
These new spatial dynamics, expressed as the need for land, bring to the fore debates around ownership and land control. This is the case in Mexico, where wind energy generation capacity has grown steadily from 5 GW in 1994 to 13,074 GW in 2018 (International Energy Agency [IEA], 2020), and particularly the Isthmus of Tehuantepec, where 82% of this capacity has been installed (Elliott et al., 2003; Zárate-Toledo et al., 2019). In a context in which the need to secure land for infrastructure is salient, wind energy pathways have been characterized by conflict across and within local communities. The Eólica del Sur wind farm epitomizes this process. Under different names, the same project has had different pathways in four different communities: San Mateo del Mar, San Dionisio del Mar, Juchitán, and El Espinal. In the midst of the well-documented conflict created by this project (see also Dunlap, 2017, 2018; Mejía Carrasco, 2017; Ramirez, 2019; Zárate-Toledo et al., 2019), it has interacted with different interests, identities, and aspirations.

Much of the current scholarship in Mexico focuses on those groups who oppose wind energy (see Avila-Calero, 2017; Backhouse & Lehmann, 2019; Dunlap, 2019b; Howe & Boyer, 2015; Martinez, 2020; Oceransky, 2010a; Sellwood & Valdivia, 2018). While it is necessary to understand the impacts of wind power and patterns of dispossession in the Mexican setting, it is important to analyse the range of reactions on the ground that may extend beyond resistance in its various forms (Borras & Franco, 2013; Hall et al., 2015). This paper addresses this gap by emphasizing land politics as a key element for understanding the differentiated reactions to wind power in rural settings. Based on fieldwork conducted over 3 years (2017–2019) in the Isthmus of Tehuantepec, the paper identifies three groups that play a key role in Eólica del Sur’s implementation pathway: landowners, those in opposition, and those with a neutral stance. It argues that these different standpoints rest upon contrasting interpretations of who owns the land in the region and the institutions that can legitimize these competing claims.

By asking what the different reactions to Eólica del Sur are and how they interact with land tenure, this paper underscores the analytical importance of land politics for understanding different reactions to wind energy expansion in rural settings. The paper is structured as follows. First, it explores the importance of extending analysis beyond resistance when exploring the interlinked processes of state-making and citizenship in energy transitions. Next, the paper outlines the Eólica del Sur implementation pathway. The paper then proceeds to analyse land politics in the Isthmus of Tehuantepec. A set of contradictory presidential decrees regulating land in the Isthmus has generated competing claims over the land with which wind energy expansion interacts. Fourth, the paper explores landowners’ accounts and their claims over the land in the Isthmus. It shows how wind energy expansion helps them validate their claims over land at agrarian institutions. Next, it analyses the standpoints and narratives of opposition groups to wind energy expansion. This section shows that their opposition lies in the idea that Eólica del Sur did not respect the collective nature of land in Juchitán. The paper then explores Comité Melendre’s neutral viewpoint vis-à-vis wind power. For this group, the decision to host a wind farm should be taken by a popular vote, as land matters cannot be decided exclusively by landowners nor by a people’s assembly. Finally, the paper reflects on the importance of linking reactions in support of or in opposition to wind energy to debates on agrarian change and citizenry as renewable energy expands across the Global South.

### 2 DIFFERENT CLAIMS OVER LAND RESULTING FROM WIND POWER

Resistance is never uniform: It is always messy and heterogeneous and involves a wide range of actions and behaviours at all levels of social life—from the individual to the institutional (see Kerkvliet, 1986; Moreda, 2015; O’Brien & Li, 2006; Scott, 1986). As Hollander and Einhownher (2004, p. 534) put it: “it is not surprising that there is little consensus on the definition of resistance.” Because of this lack of consensus, some scholars have questioned the extent to which resistance is a valid concept (Abu-Lughod, 1990; Brown, 1996, p. 730). However, rather than dismissing this concept, it is important to bear in mind that resistance sheds light upon peasant politics and the means through which they write their own history (Isaacman, 1990). It is important, thus, to enquire about the process whereby resistance is articulated and organized according to power configurations of time, space, and relationships (Johansson & Vinthagen, 2014, p. 431).
Since wind energy expansion depends on land control and exclusion (i.e., Howe, 2019; Huber & McCarthy, 2017; Peluso & Lund, 2011), resistance to this industry has to be analysed in light of the relationship between land and wind. Exclusion from land, as two people cannot occupy the same spot at the same time, is an inherent phenomenon associated with wind expansion and structured by various powers: regulation, force, markets, and legitimation (Hall et al., 2011; Li Murray, 2014). Resistance to wind energy, therefore, must be understood in relation to the modes of exclusion imposed upon land, which intersect with issues of justice, public good, legal frameworks, and sustainable development, among others.

Resistance, however, is only one of a variety of reactions to be found within communities. When lease agreements for wind power are undertaken, they foster political dynamics across social groups that are differentiated along dimensions of gender, ethnicity, or class (Borras & Franco, 2013; Hall et al., 2015). Investigation of the full variety of political reactions resulting from wind energy expansion in the case of Eólica del Sur sheds light on how and why social groups oppose and support this industry and why they react the way they do to wind energy expansion. Most importantly, this framing allows us to go beyond a single focus on resistance, while enabling us to connect the multiple reactions to wider debates on land, the role of the state and claims for recognition in the Isthmus of Tehuantepec.

2.1 Reactions on the ground and ideas of citizenship

When different groups mobilize in support of or in opposition to wind energy expansion, they do it not only because they are claiming landownership rights but also because they may want to be recognized by an institution in order to obtain benefits or allocations resulting from this industry (Leach & Scoones, 2007; Lund, 2016). In this subsection, this paper analyses how variegated reactions on the ground are connected to demands and claims around landownership, citizenship, and recognition.

For Lund (2016, p. 1200), property and citizenship are mutually constitutive and represent social contracts of recognition. While property is a legitimized claim to something of value sanctioned by an authority, citizenship refers to the struggle for recognition in order to have rights or gain membership of an organized political body (Lund & Eilenberg, 2017, p. 3). When individuals or groups claim ownership of a piece of land, they are seeking to legitimize their demands by gaining recognition from an authority in terms of rights or access to resources. At the same time, when gaining recognition from other actors or institutions, groups or individuals are undertaking struggles for citizenship because they are gaining rights in a political setting (Lund & Rachman, 2016, p. 1318). Ownership and citizenship are thus mutually constitutive, and they intertwine with the recognition of forms of authority.

The recognition of rights in property and the rights to belonging and political subjectivity in regard to an institution must be reciprocal (Lund, 2016, p. 1206). In exchange for recognized property rights in land or other allocations and entitlements, individuals and social groups recognize the political power of the institution by paying tax or showing respect in different forms. Political recognition, however, not only comes from formal governments or individual institutions. It also has to do with any institutional actor that is able to provide recognition to claims exerted by political subjects in regard to rights (Lund, 2016; Lund & Eilenberg, 2017). Therefore, as Wittman (2009a, 2009b), it is crucial to analyse demands for land access as a right of citizenship. The ability of different local actors, in the case of the Isthmus of Tehuantepec, to articulate claims over land constitutes active agrarian citizenship, interlinked with ideas of various institutions that should govern land access in the region.

Since the construction of wind as a resource to be harvested implies the use of waste land, there is a process whereby resource extraction galvanizes new and competing claims to authority, legitimacy, and access (Baka, 2016; Rasmussen & Lund, 2018). This can involve the dynamic and constant replacement of property regimes because competing landownership claims often co-exist. In the Isthmus of Tehuantepec, indigenous communal land is constantly questioned in favour of a rational use of land that would come from its transition into small property. In such spaces, various relationships are established, reproduced, and contested between people and institutions, and the authority of one institution may either challenge or support that of another (Lund, 2016, p. 1206). Therefore, in
space deemed suitable for wind energy expansion, a re-articulation of ideas of ownership, citizenship, recognition, and state-making will lead to new claims over land emerging, competing against each other or ultimately fading away. This framework enables us to understand how local groups engage in complementary or contradictory material and political practices vis-à-vis wind power, resulting in differentiated positions on how and who should use and govern land in the Isthmus of Tehuantepec (Wittman, 2009b).

To summarize, wind power calls for research into not only the various reactions on the ground but also the economic, political, and discursive practices that actors use to legitimize themselves vis-à-vis competing claims over land. This necessitates critical enquiry into the processes whereby property is made, challenged, and undone by analysing the practices undertaken by actors and institutions seeking to legitimate their claims (Sikor & Lund, 2009, p. 6). As Lund (2011, p. 72) puts it: "groups of people who are entitled to seek entitlements are not set in stone. Groups can slide out of a given category while others enter it and entrench themselves." This allows us to understand why communities, social groups, and individuals mobilize and have various standpoints vis-à-vis wind energy expansion. These groups demand, from different institutions, ownership over a contradictory land system. An examination of the claims for or against the Eólica del Sur wind project enables us to interlink these variegated standpoints in regard to both land and institutions.

3 | LAND POLITICS IN THE ISTHMUS OF TEHUANTEPEC

In Mexico, social property is made up of two modalities resulting from diverse agrarian reforms over the 20th century: ejido and agrarian communities (Morett-Sánchez & Cosío-Ruiz, 2017). The former is land redistributed in the aftermath of the Mexican revolution of 1910, while the latter can be traced back to the Spanish occupation, when the government granted recognition to indigenous land for human settlement, farming, and common use.¹ In the state of Oaxaca, 76% of the land is social property—851 ejidos and 719 agrarian communities (National Agrarian Registry [RAN], 2018). The evolution of social property obeys place-based dynamics in municipalities. This section analyses the evolution of a series of overlapping presidential decrees in Juchitán that both consolidated and undermined social property in the region and from which standpoints on wind energy expansion arise (Figure 1).

The climatic conditions of the Isthmus of Tehuantepec—windy and dry from November to April and rainy season for the rest of the year—helped shape land tenure from early colonial times until the mid-20th century (Binford, 1993). Except for cattle grazing haciendas in the north of the region, local inhabitants dictated the productive rights of the land by clearing, fencing, cultivating, harvesting, and abandoning it as necessary (Binford, 1993). Once the construction of the Benito Juárez dam² started in the late 1950s, claims to land proliferated (Bailón Corres, 1987). People with capital and political networks bought or expropriated fallow land to put it back into the market. As Lees (1976) highlights, the hydropower project decided at higher levels of the government benefited wealthy landowners and undermined local inhabitants' ability to manage land claims and uses according to tradition. However, land speculation fostered a context that undermined the project's financial viability, galvanizing the government's interest in confirming the communal land in the region so that work related to the project could continue.

Following this interest, on 21 November 1962, the President approved the expropriation of 47,000 ha in the region. The decree ordered the Department of Agrarian Affairs to determine which lands belonged to indigenous communities and to have them titled and incorporated into the agrarian setting as ejidos. This decree aimed to solve land speculation through two elements. First, ejidos, communal land, areas of habitation, and small tenure acquired prior to 1955, when knowledge about the hydropower project was disseminated, were exempted from expropriation

¹This refers to the Repúblicas de indios system, in which indigenous corporate entities, thanks to medieval Spanish jurisprudence, were able to hold communally owned land and systems of government based on a triple segregation from society in general: territorial, legal, and economic (see Chassen-López, 2004).

²This hydropower project aimed to regulate flooding from the Dog River and to provide irrigation for approximately 50,000 ha in the Juchitán Agrarian Nucleus.
FIGURE 1 Isthmus of Tehuantepec.
Source: University of Pennsylvania
reforms, have generated contestations that hover between a move towards private property and respect for collective land institutions that regulate transactions within social property units. In Juchitán, no attempt was made to integrate the peasantry into institutionalised credit, cash crops and official control through a transition from communal land to the ejido system. This decree thus aroused opposition among commoners who were wary of the ejidal system (Coronado Malagón, 2018; Michel, 2009). An ejido would mean that farmers from elsewhere in Mexico could claim land in the Isthmus. Similarly, the decree also sparked opposition among landowner committees in defence of private property. These organizations demanded that institutions rescind the 1964 decree. In this context, Gustavo Díaz Ordaz, presidential candidate for the Institutional Revolutionary Party (PRI), visited the Isthmus and promised to resolve the land dispute by respecting the landowners’ interests. Once he had won the elections, and after surveys of the rights over the land, in 1966, the Agrarian Consultative Body decided to limit the 1964 resolution to only 43,000 ha and to exclude from it 25,000 ha owned by 3800 individuals (Villagómez et al., 1998).

Another presidential decree in 1966 confirmed this decision, when Díaz Ordaz expedited 3887 property titles (Binford, 1993). There were, nevertheless, two main issues with this decree. First, there were issues with the wording of the titles. Titles referred to a non-existent status in the Agrarian Law: small ownership land of communal origin (Michel, 2009). Titles guaranteed rights of possession but not ownership rights (Binford, 1993). Furthermore, the inscription of the titles required by law was never published in the Diario Oficial de la Federación (DOF) nor as a presidential decree, making it null. As Villagómez et al. (1998) put it: “exactly what types of ownership apply to what portions of the region’s land, remains obscure. Even government agencies report conflicting data on landholding patterns.” The 1966 decree was, thus, more the product of presidential politics and alliances among local elites and presidential groups than a coherent land regularization strategy in the Isthmus of Tehuantepec.

The overlapping presidential decrees sanctioned mutually contradictory and ambiguous definitions of land tenure that generated competing land claims among interest groups. Each interest group determined its political role and delegitimized groups championing different interpretations, by claiming to be the only legitimate interpretation of the presidential decrees. While both big and small landowners claimed the right to engage in land transactions through the titles issued in 1966, the commoners supported the 1964 collectivization of land with no formal transition to the ejido system (Binford, 1993). The contest between the groups prevented the election of representatives for the commoners’ assembly since 1978, owing to legal challenges presented by landowners, compounded with the forced disappearance of Víctor Hinojosa, the last agrarian promoter in Juchitán (see López Bárcenas, 2021).

Land politics in the Isthmus are a paragon of the agrarian lag in rural settings. This term describes the official limbo of files like Juchitán, whereby resolutions or decrees are not published and issues in boundaries between social properties remain unsolved (Alonso Serna & Flores, 2016; Torres-Mazuera, 2020). The agrarian lag is compounded by effects from the 1992 agrarian reform that sought to give certainty to social property by enabling commoners and ejidatarios to switch to a different land tenure regime. While the latter can privatize their land through the Programme of Certification of Ejidal Rights and Land Titling (PROCEDE), the former can transition into the ejido system. While this reform has not led to widespread privatization of social property in the country (Torres-Mazuera & Appendini, 2020), it has had two consequences for the Isthmus of Tehuantepec. On one hand, it has weakened the collective land institutions that regulate transactions within social property units. In Juchitán, no attempt was made to elect authorities after the agrarian reform. On the other hand, it has led to a different set of actors that legalize and legitimize land transactions, such as public notaries. The diverse presidential decrees, along with the agrarian reforms, have generated contestations that hover between a move towards private property and respect for collectively owned land, and that wind energy has brought back to the fore, as this paper shows.
4 | THE EÓLICA DEL SUR IMPLEMENTATION PATHWAY

Eólica del Sur is the largest wind farm project in Latin America, consisting of 132 turbines, with a generation capacity of 396 MW. Its implementation pathway can be divided into three phases starting in 2004, when contracts were first negotiated, to 2019, when the project was inaugurated: these phases are Preneal, Mareña Renovable, and Eólica del Sur. Each of these phases presents a unique configuration of the following key variables: land negotiations, ethnicities, conflict, and energy reform (see Table 1). For the purposes of this paper, this analysis will only focus on the third phase: Eólica del Sur. To this end, 34 semi-structured interviews were conducted over three years (2017–2019): 19 interviews with opposers, 13 with landowners or landowner committee representatives, and two with members of the organizations representing those with a “neutral” stance. The interviews delved into land tenure regimes, the project’s implementation pathway in the municipalities of Juchitán and El Espinal, and the stakeholders’ standpoint vis-à-vis wind energy expansion in the region. Participants were selected through the snowball sampling technique and are committee representatives or spokespersons for key organizations. The interviews were conducted in the context of post-relief efforts resulting from the 2017 September earthquakes that shook southern Mexico. In this sense, while the wind farm construction phase was not affected, local people’s accounts and standpoints were modified by the disaster.

The Eólica del Sur phase began when the wind consortium announced that the project would be relocated to two municipalities in the north of the Isthmus: Juchitán and El Espinal (Adams, 2014). The landownership context in the two municipalities (see Table 1) allowed Eólica del Sur to approach landowners directly. The two municipalities have also been affected by two productive trends in the region: a slow shift from arable land to cattle grazing and a slow trend to abandon arable farming altogether (see Torres Contreras, 2021). These two productive trends have interacted with wind energy expansion and the different reactions on the ground, as we shall see.

Between the announcement of the new wind farm location and the beginning of the construction phase, the Mexican government approved an energy reform in 2013 requiring a Social Impact Assessment for energy projects and an FPIC procedure in indigenous areas (Dunlap, 2017; Huesca-Pérez et al., 2018; International Labour Organization [ILO], 1989). Accordingly, consultation processes began in 2013 in El Espinal and 2014 in Juchitán, with disparate pathways (Advisory Group, 2015; Municipal Presidency of El Espinal, 2017). In El Espinal, the enterprise agreed to pay 15 million pesos (USD 939,8504) to the municipality to obtain the land use permit (López, 2018), while in Juchitán, they agreed to pay 65 million pesos (USD 4,072,682) to the same end and agreed to provide the town with three wind turbines, a sports facility, and a cultural centre. This difference led to tensions within and across landowner committees, as this paper shows.

Eólica del Sur is a new name for a conglomerate of enterprises that have installed the biggest wind farm in Latin America, comprising 132 wind turbines and a generation capacity of 396 MW. First, in 2003 the agrarian authorities of San Mateo del Mar were approached by a Spanish enterprise called Preneal. Later, in 2009, the project was then sold to Mareña Renovable (see Dunlap, 2018; Mejía Carrasco, 2017; Sellwood & Valdivia, 2018).

*Exchange rate from MXN into USD according to 2014–2017 average closing price.

**Variable** | **Phase** | **Preneal** | **Mareña Renovable** | **Eólica del Sur**
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**Land negotiation** | Bienes comunales* Commisariat | Bienes comunales Commisariat | Landowners | 
**Ethnicities** | Ikootz | Ikootz and Zapotecs | Zapotecs | 
**Conflict perspectives** | Direct conflict | Direct and institutional conflict | Mostly within institutional boundaries | 
**Energy reform** | Before | Before | After | 

*aLand under the common good scheme is land that was given to indigenous populations after the Mexican Revolution of 1910. This landownership scheme often recognizes individual rights to land. However, all members are considered to have the right to make decisions equally in regard to commonly held land (Friede, 2016).
A caveat is required before delving into the empirical section. Although this paper analyses reactions to Eólica del Sur, the divisions are merely used for analytical purposes, as on the ground standpoints are closer than they would appear to be. This is symptomatic of the dynamics behind the largest wind farm in Latin America. Certain opposition groups would support wind power expansion if community-owned initiatives such as Yansa were to expand in the region (see Oceransky, 2010b). For other opposers, however, wind energy at every possible scale represents division, death, and dispossession. On the other hand, support for this project does not mean full agreement with practices undertaken by the wind industry. As one of the large landowners in Juchitán stated, the inconsistencies in lease payments across wind farms in the region emphasize the need for further regulation (see Torres Contreras, 2021). There are thus commonalities between groups that might seem to be at different poles of the opposition/support continuum.

5 | LANDHOLDERS: LAND IS OURS AND WE DECIDE WHAT HAPPENS TO IT

This section explores the composition of landowner committees in Juchitán and El Espinal, and their differences in regard to political affiliation and municipal space in the region in the context of the Eólica del Sur implementation pathway. It also analyses how wind energy expansion offers them the opportunity to ascertain a valid claim over land while promoting modernity, a technological shift in the region, and new business ventures. It first depicts the negotiation process in the two municipalities, and following that, it analyses landowners’ standpoints vis-à-vis wind expansion in the region.

Contracts between Mareña Renovable and landholders in the two municipalities were signed in 2004. The purpose of these negotiations was to reserve land and to assess the viability of a wind project around 2020. Owing to challenges faced by Mareña Renovable in the south of the Isthmus, the project was relocated to these two municipalities under the name of Eólica del Sur (see Dunlap, 2018; Mejía Carrasco, 2017; Ramirez, 2017; Rueda, 2011). The negotiation process, however, proved to be difficult and resulted in asymmetric outcomes in the two towns. This section argues that these differences can be analysed in two spaces: municipalities and landowner committees. Landowners’ experiences are far from being homogenous, and analysis of these is significant in relation to wind power pathways.

In Juchitán, the negotiation process with Eólica del Sur sought to increase the land under leasing agreement because the area negotiated in 2004 could not host a wind project on its own. Esteban, a landowner representative with 30 ha of land in the project, recounted how the original intention of the committee was to rescind the contracts because the enterprise had not paid them for 2 years. At that moment, they received a call from one of Eólica del Sur’s main investors, saying that he would honour the contract with the landowners on one condition: They increase the area reserved for the project. Since the original 30 landowners with contracts only represented 20% of the land needed for the project, a negotiation process with new landowners was begun. Esteban recounted how landowners convinced people themselves. As he put it: “Between five individuals we managed to convince over 100 people to join the project through one landowner committee.”

In El Espinal, on the other hand, land reserved by Mareña Renovable was supposed to host an entire wind farm. Similarly to Juchitán, Eólica del Sur contacted landowners stating that they would respect their contracts. However, there were two issues resulting from this process. On one hand, Eólica del Sur did not declare that they had also negotiated with Juchitán landowners. This created tensions between the two municipalities during the FPIC procedure. On the other hand, landowners did not agree with the same landowner committee leading negotiations for the new project. From that moment, divisions between committees affected the Eólica del Sur implementation pathway in El Espinal, as until February 2019, five committees had been formed. The integration of these committees was due

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5Research participant 21, 2017.
to the fact that it was easier for the enterprise to negotiate with five committees than with one or two, undermining the communication and coordination between them. More recently, a sixth committee with eight landowners was founded to withdraw their leased land from the project, owing to social and environmental impacts from wind infrastructure. The committee undertook legal action against Eólica del Sur at the Inter-American Development Bank (IADB) because the 15 million pesos paid for the land use authorization did not offset the negative environmental effects of wind power industry.

5.1 | Land is ours! Finding a common thread amongst landholders

This subsection shows that for landowners, wind power represents an opportunity to bring agrarian certainty through land titling in the region. As one landowner in Juchitán stated, “nowadays, we have more certainty in terms of land titling. Between 95 to 97 per cent of the landowners within the wind energy project now have a land title and people can finally stop saying that Juchitán is an ejido or communal land.” Landowners in El Espinal also recounted that Eólica del Sur helped with the titling paperwork, to the extent that approximately 80% of them have certainty over their land. They can now sell, lease, and inherit land without any major concerns. Land titling has enabled a new agrarian citizenry, highlighting profit and a technological shift in the region resulting from wind expansion.

Since landholders have taken the necessary steps to certify their ownership over the land they lease at the National Agrarian Registry (RAN), they consider land as an asset from which they can obtain profits in the long term. When Esteban convinced the other landowners to buy into Eólica del Sur’s contract, he would tell them that the land value would skyrocket after they agreed to lease their land. He would also make reference to various benefits that would come from signing the contract. As he put it:

In rainy seasons, roads are inaccessible. We can go to our land but only with a horse, with a cart or on foot. If you walk, however, you must take care of your animals, milk your cows and come back to town with gallons of milk. What does wind energy imply? Yes, there will be a transformation, but there will be a road that will be suitable for use all year round.

In spite of the negative environmental externalities resulting from wind power, land value would increase exponentially. Esteban would say to the other landowners: “once the wind project is finished, your land will increase in value. Today – I would tell them – a hectare of land is worth only 50,000 pesos – USD 3,133 – but tomorrow you should be able to sell it for twice or thrice its value.” This new profit is expressed not only in terms of the possibility of a new range of productive infrastructure taking advantage of new roads but also in terms of business ventures landowners could explore, such as tourism.

Land titling and profit-making opportunities represent a rupture with the climatological hardship of the region, where economic shocks and crises associated with agricultural practices were the norm. As landowners underscored, the Benito Juárez dam irrigation channels have benefited producers of commercial crops with large holdings of land (Villagómez et al., 1998), making water scarcity a widespread issue for small landowners:

Before the wind energy rush, there were a bunch of idle parcels [of land]. The cause of such low productivity was not that farmers did not want to work the land, but that there was a general lack of public resources for agriculture. There are people with land, but they cannot take advantage of it because they do not have the means to do so.

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1Research participant 3, 2019.
2Research participant 12, 2017.
3Research participant 21, 2017.
4Research participant 21, 2017.
5Research participant 49, 2017.
Wind energy represents an opportunity to dynamize the region, as it brings money circulation and infrastructure. One El Espinal landowner mentioned: “Wind is an inexhaustible resource, and we are looking forward to exploiting it. This is why we support these wind energy projects in the region.”

The certainty over land gained through wind energy expansion enables proprietors to avoid impasses resulting from competing land claims that could undermine their profits. Landowners consider that the 1964 decree invaded their land, after declaring that there was no private property within the “Juchitán Agrarian Nucleus.” As a landowner representative recounted, “My parents decided to present a legal resource against the government’s decision, and when I was 18 years old, I started defending the people’s interest in the 68,000 hectares of land that the government invaded. People in Juchitán never wanted to be ruled under a bienes comunales scheme.”

This standpoint on ownership is crucial in regard to the FPIC procedure held in 2013 and 2014. Since negative wind power impacts are centred on their land, landholders believe they should be the only ones to decide whether a wind farm should go ahead. In their opinion, an FPIC procedure according to international standards is an imposition. As they put it:

Why do we have to know and to comply with everything related to the prior consultation process if we are the landowners? Why do you have to ask Juan or Pedro if they want a wind project in Juchitán? This land was not a gift. My father bought this terrain. In consequence, it is not fair that the government and the international organisations are trying to decide over our own property.

Their viewpoint on the FPIC procedure also sheds light on how landowners relate to institutions. By emphasizing their land titling, they do not consider themselves ejidatarios nor comuneros. As landholders, they have the ultimate rights over their land:

We are neither ejidatarios nor comuneros. We have our property titles [...] In Juchitan, there is a municipal authority in charge of issuing the land titling. When we receive the land title, we take it to the Public Notary so that it can be processed in the Public Property Registry and the RAN. Each landowner, in this sense, respects other landholders’ properties because we have the titling, and we know where the limits of our terrain are.

For landowners, therefore, wind power expansion validates their claim over their land, as more than 90% of landowners within the Eólica del Sur wind farm have obtained land titles recently. This new certainty over land enables them to escape the harsh climatological conditions of the region by enabling productivity and alternative business ventures. It also enables a particular stance vis-à-vis the FPIC procedure, whereby they believe they should ultimately decide whether the wind farm can go ahead. Landowners, hence, claim a new idea of citizenry in the region that undermines collective ownership.

5.2 | Moving to secure land titles: Towards an agrarian citizenry in Juchitán

Bearing in mind the competing land claims in the region, wind expansion plays a key role for landowners by establishing a valid claim over land. For landowners, the attempt to conduct an FPIC procedure is an imposition from both the government and international organizations. By claiming and gaining ownership, not only are they rejecting indigenous forms of communal ownership, they are also delegitimizing some of the authority of the Mexican state and the international organizations behind the FPIC procedure. They also reject the authority of the 1964...
presidential decree and recognize only the 1966 presidential decree that allows certain forms of small ownership in the region. Wind energy plays a significant role in this process by facilitating the issuance and registration of land titles.

To obtain secure land titles through the creation of legal rental contracts moves land from an uncertain form of property to one that is secure. Wind energy thus consolidates forms of access and exclusion to land through a legalization process that turns comuneros or people around the property into invaders or trespassers (Peluso & Lund, 2011). The land title and the contract not only allow landholders to benefit from rents, it also creates a property-ownership citizen in the region that does not identify with communal or indigenous communities. These agents create a new dynamic in the area whereby they aspire to combine wind energy and agriculture with other business ventures, such as tourism, in order to become visible to the state as bearers of modernity and a technological shift in the region (see also Copena & Simón, 2018; Franquesa, 2018). This standpoint vis-à-vis land certainty and wind power competes with a different interpretation in the region that supports collective landowners, which this paper will now explore.

6 | OPPOSING WIND POWER EXPANSION: IF A WIND TURBINE COMES, MILLIONS WILL FOLLOW

Opposition to Eólica del Sur wind farm converges around the Articulation of Indigenous Peoples in the Isthmus of Tehuantepec in Defence of the Territory (the APOYO network). This network articulates actions in defence of the territory with two elements in mind. First, it is a space where diverse organizations unify their demands around extractive threats in the region. Second, the APOYO network is a direct response to the never-ending changes in the enterprises coming to the Isthmus, as this network operates according to the needs and conflicts of the region. This section argues that differences and tensions within the APOYO network are to be found vis-à-vis the FPIC procedure and the future of wind power in the region.

Seven APOYO organizations have played a key role in the network’s actions against Eólica del Sur: the Assembly of Indigenous People of the Isthmus of Tehuantepec in Defence of Land and Territory (APIITDTT), the Popular Assembly of the People of Juchitán (APPJ), Tepeyac Human Rights Centre, the Assembly of San Dionsio del Mar, the Assembly of San Mateo del Mar, Álvaro Obregón Communitarian Cabildo, and Yansa Mexico. Most of these organizations’ work is connected to place-based agrarian and social demands. While these organizations found common ground in Eólica del Sur, there are nevertheless tensions and contradictions within the network.

There are two main disagreements within the network. First, whether the network should be opposing the FPIC procedure itself or the fact that land was leased before community consent was obtained is subject to debate. While for APIITDTT and Yansa Mexico, the main grievance is that the FPIC procedure was illegal; for the APPJ, the strategy consisted of making the consultation procedure a highly bureaucratic process for the government and the enterprise. One APPJ member proposed that indigenous communities set the conditions, place, and timeline for the FPIC procedure. As they put it:

We propose, as APPJ, two main things. First, indigenous communities must be consulted on how they want the consultation procedure to take place [...] Secondly, we do not want the procedure to be over in less than one year. We propose that the minimum time the prior consultation should last is six years.

18Research participant 5, 2017.
19APIITDTT, the Communitarian Cabildo of Alvaro Obregon and the APPJ’s struggles can be traced back to the agrarian demands advanced by the Coalition of Workers, Peasants and Students of the Isthmus (COCEI) and the teacher’s trade union movement led by the Popular Assembly of the Peoples of Oaxaca (APPO) in 2006. Tepeyac Human Rights Centre and the Assembly of San Mateo del Mar have positioned themselves in relation to a series of inconsistencies resulting from a presidential decree that granted San Mateo del Mar 7492 ha of land but did not undertake a census of landowners. San Dionisio del Mar Assembly demands, on the other hand, can be related to conflict with the northern parts of the Isthmus that resulted in a forced relocation of the village in the Mexican revolution of 1910. Finally, Yansa’s struggles relate to the installation of the community-owned wind farm in Latin America (see Bailón Corres and Zermeño 1987; Campbell, 1993; Hesketh, 2017; Oceransky, 2010b; Rubin, 1993; Toledo, 2010; Zanotelli & Tallè, 2019).
Of course, there will be impasses along the way, but we will have to go forward according to our needs and not because of the energy transition’s sense of urgency.  

For APIITDTT and Yansa Mexico, in contrast, strategies around the consultation procedure should be focused on the actions that precede and follow this procedure. If authorities do not provide a neutral ground for deliberation by making sure there are no land deals prior to the procedure, then the consultation process cannot achieve its purpose  

Second, the role that wind energy should play in the future of the region is also a source of disagreement. The Tepeyac Human Rights Centre stated that rather than opposing wind energy itself, they disagree with the inequalities brought by wind energy expansion. As they put it:  

We are not against wind energy; we are not against producing green energy. Rather we are against the way in which these projects provoke pollution, dispossession, and division in communities. These projects destroy indigenous peoples’ identity. What we propose is that each community should decide what they want. If we promote a free consultation procedure, if we propose autonomy, then each community must decide.  

For other groups, the mere possibility of a wind turbine is something that people should not tolerate. An APPJ member underscored the following when asked about the future of wind power in Juchitán: “for us, a single wind turbine represents invasion, persecution and death. A wind turbine represents something wrong. As of now, we do not see it as something that could benefit local communities.”  

Now that the differences and tensions within the APOYO network have been depicted, the paper will analyse the network’s convergence around the idea that wind expansion in the Isthmus has not respected the collective nature of land.

6.1 Land is collective and should be governed accordingly

There is a common thread in the APOYO network: The Eólica del Sur wind farm has not respected the collective nature of land and, consequently, the identity of indigenous communities in the Isthmus. This thread can be observed through three main elements: the lack of consultation of collective land authorities, the illegality of the FPIC procedure, and the structural inequalities resulting from wind power.

First, Eólica del Sur failed to acknowledge that land is held under the bienes comunes regime. Instead of approaching and negotiating with landholders directly, the enterprise should have approached the bienes comunes commissariat. For the APPJ, wind power in the region is illegal because the commissariat has not approved this project. As they underscored: “Juchitán has 68,000 hectares under collective ownership, as was recognised in 1964. However, this was never fully recognised by the government.” One of the pressing issues before wind power expands further in the region, therefore, is to provide agrarian certainty for multiple stakeholders. As they stressed: “The RAN must explain the prevalent landownership regime in Juchitán and El Espinal. We had the presidential decree of 1964 stating that land is collective. However, they denied that decree on several occasions.” The commissariat as agrarian authority would not only affect the Eólica del Sur implementation pathway, but all the other wind farms in operation and in the planning phase within the Juchitán Agrarian Nucleus.
Second, the network converges on the idea that the FPIC procedure was illegal. This is because land leasing agreements were signed 10 years before community consent was given to the project. The APPJ stated that: “both the federal government and the local government authorised the enterprise to start negotiating and signing contracts. However, according to ILO Convention 169, the fact of reserving land is illegal because communities’ consent is not prior anymore.”27 Similarly, for the APIITDTT, the procedure was culturally inappropriate. This is because one of the sessions took place 3 days before the rituals for the Day of the Dead, when people are preparing their altars.28 This is in line with findings that stress that, by the time the FPIC procedure started in Juchitán, Eólica del Sur had already signed contracts with landowners, had financial loans, and was under pressure to begin the operational phase (Friede & Lehmann, 2016). Therefore, the consultation was a tool to pacify opposition and legitimize the wind farm (Dunlap, 2017).

Finally, another point to highlight is that for opposition members, wind energy is not different at all to the previous extractive projects in the Isthmus. These projects, as the APIITDTT underscores, were imposed upon local communities, causing unemployment, inequality, and displacement (see Glick, 1953; Villagómez et al., 1998). This pattern started with the Benito Juárez dam: “land for the project was acquired through a set of deceitful acts causing displacement and benefitting large landholders, as the irrigation system happened to be built on large landholdings.”29 The Dovalí refinery, built in the 1970s, reproduced this pattern. As Rueda (2011) documents, the oil refinery led to agrarian conflict by expropriating collective land that was claimed by the municipality of San Mateo del Mar. While the refinery construction phase employed local labour, there were negative impacts in the region, owing to the creation of the city of Salina Cruz, and beyond, as oil pipelines crossed the Isthmus.30 This is why, for the Tepeyac Human Rights Centre, wind energy is reproducing inequality and dispossession within and across communities: “these projects culturally destroy the host communities by denying their indigenous identity.”31 The problem with previous projects is that they generated conflict within and across communities.

For opposers, therefore, wind expansion has not considered the collective nature of land and, in consequence, has brought inequality and conflict across communities. Not only did the enterprise not follow the collective institutions governing land, they also reproduced patterns of dispossession associated with other extractive projects in the Isthmus.

6.2 | Governing land according to indigenous institutions: Towards a collective citizenship

Following the 1964 presidential decree, opposition groups claimed that the land was governed collectively, without a formal transition to an ejido system. This meant that the comuneros assembly should be the maximum local authority deciding on land concessions to third entities. Therefore, the contracts signed with individual landholders are illegal. By emphasizing the need to revive the comuneros assembly, made of approximately 8000 individuals, opposition members seek to question the authority of the institutions that have legitimized wind energy expansion in both Juchitán and El Espinal.

Collective ownership, however, goes beyond land itself. As an APIITDTT member highlighted: “the collective nature of land is not only about land. It is something that constitutes what we ultimately are. It is our identity, our way of being, our cultural space, our ritual and our beliefs.”32 Similarly, for another opposer, the collective nature of land allows for the articulation of collective practices: “land is something that goes beyond the place you live in. It is about seeing that the territory, for us, as indigenous peoples is about how everything is connected and not about the

27Research participant 8, 2017.
30There are 248 km of pipelines, going from Salina Cruz to the city of Minaltitan in the Gulf of Mexico (see Laguna et al., 2002).
31Research participant 2, 2017.
32Research participant 4, 2018.
differences.” In this context, an APPJ member explained that the territory is something sacred for local populations: “for us, it is important to conserve and to defend the territory close to a place known as Yuguya, that a wind company invaded. This place hosts seven scared places for us.” These comments highlight how the collective nature of land is an element that is able to connect the cultural and symbolic elements associated with indigeneity (Esteva, 2009).

Collective landownership and its implications for the social, cultural, and political life of communities have galvanized a collective citizenry in the region. Their motives are based around not only the prevalence of collective practices like tequio but also indigenous forms of governance within and across local communities. Álvaro Obregón’s experience with communitarian institutions is a paragon of this citizenship idea. The town, after conflict associated with the wind energy rush, is slowly seeking to implement a self-governance process known as Usos y Costumbres, based on a consensus decision-making processes at the general assembly—also known as the cabildo—which is led by a council of elders (see Dunlap, 2018, 2019a). The official recognition and revitalization of the commoners’ assembly as the maximum agrarian authority in Juchitán will bring new dynamics to wind energy development through three elements. First, it means that the assembly is the ultimate authority in terms of land ownership in Juchitán. To put it another way, the land use permit granted to the enterprises has to be agreed by the assembly according to the Agrarian Law. Second, the assembly oversees existing land use change authorizations, meaning that its members can decide to revoke or nullify contracts according to the regulations. Finally, the assembly would seek to clarify the status of those tracts of land enclosed by landowners when other authorities have decided over land matters (Valdivieso Parada, 2019). In consequence, the articulation of a collective land authority rejects not only the representative institutions extant in Mexico but also the municipal government, by consolidating a new authority in the local space.

The dismissal of the local government does not, however, imply a complete rejection of the authority of the state among opposition members. Rather, it implies recognizing the authority of this political entity as a guarantor of the rights of indigenous people. In effect, by articulating the FPIC procedure as one of the main arguments for their strategy, opposition members recognize the state as an entity whose duty it is to guarantee a neutral space where deliberation between the communities can take place. Therefore, in order to build upon self-governance models, opposition members rely upon the authority of the state as a guarantor of rights.

To sum up, this section has explored opposition members’ viewpoints vis-à-vis wind energy development in the Isthmus. It has argued that opposition to wind energy is based on the idea that land in the region is collective and should be governed through the comuneros assembly. Wind energy expansion has not respected this institution and should be considered illegal. This standpoint enables an idea of collective citizenship on a territorial basis, expressed in a dismissal of the authority of the local government, but based on the recognition of the state as a guarantor of indigenous rights. The paper will now explore the standpoint of those individuals who neither supported nor opposed the Eólica del Sur wind farm.

7 | NEITHER FOR NOR AGAINST: THOSE WHO ARE IN THE MIDDLE

Those who neither support nor oppose wind power development consider that while wind energy has fostered a context of social unrest in the town because of high levels of contestation, it has also promoted benefits and opportunities for local communities. The decision on the wind farm should thus not depend exclusively on landowners nor on opposers. Rather, it should be the general population, through popular vote, deciding on the future of wind power in the region.

Comité Melendre, an active NGO and political organization in Juchitán, championed this standpoint. Despite having only ten official members at the time of the FPIC procedure, this organization gained attention because they proposed a popular vote to decide whether the wind farm should be built. Their rationale involved two key elements.

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34 Research participant 8, 2017.
35 Tequio refers to obligatory work for members of the community.
First, a singular interpretation of who owns the land in the Juchitán Agrarian Nucleus. For them, the original owner in the region can be traced back to colonial times through the Repúblicas de Indios see note a in Table 1). As a spokesperson put it:

Under this scheme the territory is not the exclusive property of a group of comuneros registered in the agrarian reform. Rather, it is the inalienable property of all the members of the community as well as all their descendants. Their occupation does not really matter. They can be hunters, peasants or they can devote themselves to other kinds of labour. However, the territory belongs to all the people living in Juchitán, regardless of what they do for a living.36

Their standpoint is, hence, closer to the opposers' narrative, because they consider land a collective resource. However, it also differs in that their view of who can decide what will happen to the land of Juchitán does not rely on a particular institution. Rather, the process has to be traced back to the original owner: the indigenous community of Juchitán. Therefore, they proposed a referendum on the Eólica del Sur wind farm. On the other hand, Comité Melendre highlighted the impossibility of deciding on the wind farm in the FPIC procedure with a show of hands. For them, in effect, the procedure was neither free nor consensual, and the outcome is not binding, as only 1.5% of the population attended the procedure. As they put it, it is as if in a community of 1000 individuals only 15 people had taken a decision and the rest have to accept the outcome because they could not attend the multiple sessions (Comité Melendre, 2015). As they highlighted:

We live in a city with 100,000 inhabitants. We are sui generis indigenous peoples because we are urbanised, and we have a good number of years of school per capita. Therefore, it was not viable to undertake a consultation according to ILO convention 169. I think there is a prejudice in this framework, as it considers that indigenous peoples are from small rural communities with the indigenous assembly as the only form of organisation. This is not the case in Juchitán because it is impossible to hold an assembly with more than 100,000 people.37

This quote underscores a fundamental contradiction: deciding with a show of hands a matter pertaining to 70,000 people living in the urban space of Juchitán. In this context, the territory as something that belongs to the extended community and the acceptance of representative democracy have proven to be key elements in Comité Melendre's unique proposal. This has brought tensions and contradictions with other groups in the region. For landowners, Comité Melendre's standpoint involves thousands of people deciding what will happen to their land. For opposition groups, on the other hand, this standpoint fails to recognize that land leasing agreements were undertaken before a potential vote.38

To summarize, the idea of citizenship held by Comité Melendre is based on the idea that Juchitán is an indigenous community in a contemporary setting. While they agree on the idea that land in Juchitán should be governed collectively, they differ on the political institutions that ought to govern the region. This is because they consider that it is impossible that a single indigenous assembly can deliberate with over 100,000 individuals at the same time. Hence, they not only reject the legitimacy of indigenous forms of organization, they also emphasize the recognition of the state and its decision-making processes through the tools of representative democracy.

8 | WHO OWNS THE LAND OWNS THE WIND? FINAL REMARKS

This paper has addressed a bias in the literature by highlighting how competing land ownership claims enable us to understand different patterns of opposition to and support for wind energy in rural settings. The paper sheds
light on groups that have seldom been explored by the literature, such as landowners and those with a "neutral" stance vis-à-vis wind energy expansion. It has argued that the different reactions on the ground to wind energy, beyond resistance, depend on the various standpoints that groups have in relation to landownership in the Isthmus of Tehuantepec. These different claims over land are associated with land institutions resulting from the 1962, 1964, and 1966 presidential decrees, as well as a new influx of actors resulting from the 1992 agrarian reform, such as the RAN and public notaries. This paper thus highlights the importance of considering the implications of forms of non-agricultural development and questions of land control when analysing wind energy expansion in rural areas across the Global South.

By identifying three groups with different standpoints associated with wind energy expansion (see Table 2), the paper has unpacked a variety of standpoints and ideas of citizenship. This analytical account enables us to shed light on how different groups engage in complementary or contradictory material and political practices concerning wind energy, leading to varying interpretations of how to govern and use land in the region. Landowners consider land as a productive asset from which uses beyond agricultural production enable them to make surplus profit, in engaging in land deals. In a context of competing claims, they have taken the necessary steps to register their ownership at the RAN through public notaries. Wind energy expansion helps them obtain certainty over land by claiming a new idea of agrarian citizenry. For opposition groups, on the other hand, land in the region should be governed by a comuneros assembly. Collective ownership fosters indigenous governance through appropriate cultural and social institutions in the Isthmus. This group claims an indigenous idea of citizenship that rejects the local authority while not dismissing completely the authority of the state, as their viewpoint in relation to the procedure shows. Finally, for those groups with a neutral standpoint, land must be understood as an inherent contradiction in contemporary Juchitán: the duality between modern urban centres and indigeneity. For them, collective assemblies that are not able to accommodate over 100,000 people should not govern land use and access. Their idea of citizenship, in consequence, lies at the intersection between the recognition of a certain authority behind indigenous institutions and of certain representative tools pertaining to the state. To sum up, the competing claims governing landownership in the Isthmus, enhanced by contradictory presidential decrees, have fostered a political arena in which a variety of claims connected to citizenship, recognition and state-making have been articulated and championed by groups with different standpoints vis-à-vis wind power expansion.

This paper has underlined the importance of considering issues of agrarian change, land use and control when analysing wind energy expansion in rural settings. It contributes to the current literature on energy transitions by addressing a bias in favour of groups that oppose such projects and that is comparatively silent about...
other reactions and groups. To this end, it emphasizes the need to situate reactions for or against wind energy in place-based land politics. To deepen our understanding of the interlinkage between agrarian questions and energy transitions, it is important to appraise how projects interact with social groups that are differentiated and have different ideas on how to govern land in the region. While in the case of Eólica del Sur this relationship is marked by a set of presidential decrees that have galvanized competing land claims championed by different groups, in other spaces, land politics and reactions to these projects will obey place-based dynamics. As green energy investment expands across the globe in response to the climate crisis, the interlinkages between land and wind prove to be useful in understanding different standpoints on this industry and linking them with issues of agrarian change, energy, and broader debates around citizenship and authority.

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