

## **Federal court in Yucatan has the decision in its hands to protect the human rights of Mayan children against the pig industry**

- This Friday, November 6, 2020, the Court on Labour and Administrative Matters in the state of Yucatan, Mexico, will decide on the suspension of an industrial farm of 49,000 pigs owned by the company Producción Alimentaria Porcícola (PAPO), producing for Kekén.
- It is essential that this Court confirms the suspension of the farm's activities guaranteeing the rights to water, health and a healthy environment for the children of Homún.
- According to Greenpeace, the pig industry in Yucatan has polluted the water of underground water and wells, deforested more than 10 thousand hectares of forest and violated the rights of the Mayan people; in addition industrial livestock can generate pandemics.

The Yucatan Peninsula is home to Mexico's most important freshwater reserve, called the "Ring of cenotes", which has been declared a RAMSAR site. Homún is a Mayan village located in the "recharge zone" of this reserve, that is, the place where water is best filtered for underground distribution. Also located within the Homún territory is the Yalahau Lagoon which is a natural protected area by the RAMSAR Convention.

At the end of 2016, the company started building a hog farm with a capacity for more than 49 thousand pigs without respecting the right to free, prior and informed consent and self-determination for the people of Homún. Therefore, the people of Homún organized and began their fight against the company Producción Alimentaria Porcícola (PAPO) which was producing for the company Grupo Porcícola Mexicano, known as Kekén. The village people were also defending their rights against the municipal, state, and federal authorities that had authorized this industrial pig farm. The Secretariat for Sustainable Development of the Government for the State of Yucatan (SDS) authorized an Environmental Impact Assessment that has been widely criticized by experts for its lack of scientific rigor, for denying the impact of the farm on the Mayan people of Homún, and for being signed by a Dentist.

In September 2018, the federal justice protected a group of children who had presented a lawsuit against the pig farm. The federal court granted them the suspension of the farm's operations, a suspension that remains in effect today. However, for more than two years, the company and the government have done everything possible to revoke this suspension in order to start the operation of this industrial pig farm.

The collusion between the company and the Yucatan government was evident in an inspection carried out on the farm by the state environmental authorities who determined, based on the testimony of two persons who have not proven their technical capacity or knowledge, *that "the plant was in a position to get up and running"*. This document enabled the company PAPO to request the Fourth Federal Court in Yucatan to revoke the suspension of its operations as the inspection determined that a wastewater treatment system had been "*concluded*" thereby preventing contamination of the aquifer mantle and the environment in general.

In order to protect the rights to a healthy environment, water, and health as well as the rights of the Mayan people, and in line with the principle of caution and prevention that governs

environmental matters, the Fourth Federal Court in Yucatan denied the company the revocation of the suspension. The company (PAPO) subsequently appealed the decision. The Court on Labour and Administrative Matters in the State of Yucatan will decide this Friday, November 6 on the matter.

The signatories, respectfully, would like to bring the attention of the Court to the following issues:

This is a case that the Mexican Supreme Court of Justice has recognized as important and transcendent, as it combines sensitive rights such as those protecting the health, environment and water of Mayan children given the massive impacts that the operation of this industrial pig farm could have on the "Geohydrological Reserve of Yucatan".

It is essential that the Court in Yucatan confirms that the children of Homún can have an effective judicial remedy to protect their human rights, so the Court must confirm the suspension of operations of this industrial pig farm.<sup>1</sup>

A recent report by Greenpeace Mexico, *The Meat That Is Consuming the Planet*, discloses the principal damages caused by this industry in the Yucatan Peninsula, including water pollution of cenotes and water wells used by surrounding Mayan communities; deforestation of more than 10,000 hectares of forest for the construction of these industrial pig farms; the absence of free, prior, and informed consent before the construction of these farms; and the lack of environmental permits, such as environmental impact assessments, in 90% of cases.<sup>2</sup>

These impacts cause us to reflect on the currently dominant agri-food model, which continues to expose Mexican society to a high degree of vulnerability. This agri-food model, exemplified by the industrial pig farms in the Yucatan Peninsula, is based on intensive livestock production, sustained through monocultures, pesticides, GMOs and the use of large amounts of antibiotics.

The practices in these industrial farms with thousands of pigs in confined spaces, lead to high concentrations of pollutants (such as ammonia, hydrogen sulfide) from their waste which not only makes these animals more susceptible to viral infections, but also enables conditions in which pathogens can evolve to more infectious and dangerous types. These ever-changing viruses have started human pandemics. Livestock often serve as an epidemiological bridge between wildlife and humans, as in the case of avian influenza and swine flu when pathogens first circulated from infected wild birds to poultry and pigs, and then were passed on to humans.<sup>3</sup>

Genetic diversity produces a protective natural resistance to diseases among animal populations. Contrary to this, the deforestation and loss of biodiversity inherent in industrial food production

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<sup>1</sup> The Court's obligations is not only based on the Mexican Constitution, but also on the multiple international treaties such as the American Convention on Human Rights, ILO Convention 169, the UN Convention on the Rights of the Child, the RAMSAR Convention and the Rio Declaration on Environment and Development, which precisely establishes in article 15 the Precautionary Principle requiring all authorities to take whatever measures are necessary to prevent environmental degradation, even in the absence of absolute scientific certainty about harm. It is important to mention, that the Mexican Supreme Court of Justice itself recognizes that "once the risk is identified, the lack of scientific or technical evidence is no reason not to take the necessary measures to safeguard the environment".

<sup>2</sup> Greenpeace, Report "The Meat That Is Consuming the Planet," p. 10. Available in: <https://bit.ly/2B57yhk>

<sup>3</sup>Jones, B.A. et al., 2013. Zoonosis emergence linked to agricultural intensification and environmental change. PNAS 110 (21). 8399-8404; <https://www.pnas.org/content/pnas/110/21/8399.full.pdf>

and other extractive projects has produced conditions that favor certain vectors and/or pathogens, or a particular host.

Therefore, it is essential to consider the pork industry in the Yucatan Peninsula as a regional problem. Thus the Court should consider the cumulative and synergistic environmental impacts caused by this industry. Taking into consideration all its social and environmental impacts, growth of the pork industry should NOT be considered a development objective for the State of Yucatan and for the country.

The Judiciary of Mexico, through the Court on Labour and Administrative Matters in the State of Yucatan, now has the opportunity to slow environmental degradation by confirming the suspension of the industrial pig farm in Homún. This will also guarantee the rights of Mayan children to a healthy environment, health, food, water and sustainable development.

It is essential that the Court in the State of Yucatan applies the highest standards of environmental and indigenous rights, to guarantee the rights of indigenous peoples, whose rights have continually been violated historically and who are more vulnerable to environmental degradation and its effects such as pandemics.