



TRIBUNAL
INTERNACIONAL
DE LOS DERECHOS
DE LA NATURALEZA

8^{VO} TRIBUNAL LOCAL DE LOS DERECHOS DE LA NATURALEZA

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Press Release

Tribunal calls for immediate suspension of the Mayan Train megaproject, constituting crimes of ecocide and ethnocide

The International Tribunal for the Rights of Nature held its eighth local hearing in the Yucatan Peninsula, Mexico from March 9 to 12, 2023, for the misnamed Mayan Train, a rail transportation megaproject that puts Mayan ecosystems and communities in grave danger of destruction, which, as several testimonies have expressed, is not only a Train, nor is it properly Mayan, since several Mayan communities do not consider it as such, and since it is a project that connects with many others, development poles, mega pig farms, among others, exacerbating its social, cultural, environmental and gender impacts, and whose Master Plan has never been presented by the authorities.

The Tribunal visited *in situ* the communities of Pisté, El Señor-Xmaben, Tihosuco where delegates from various regions¹ participated, and heard testimonies from Mayan indigenous communities, social collectives, and environmental groups, as well as the 23² testimonies presented before this Tribunal. The hearing was held on Saturday, March 11th at the School of Ecological Agriculture in Valladolid, Yucatán, where the Tribunal heard representatives of indigenous communities and citizen groups, as well as expert reports from academics and researchers on forestry and agriculture, aquatic and terrestrial ecosystems, on biodiversity and ecological sustainability, on collective rights and the rights of nature, political ecology and environmental engineering, in relation to damages to nature, ecological risks and the impact on the culture and inalienable rights - cultural, territorial and existential - of the communities. These testimonies have provided evidence, as well as convincing and irrefutable proof, which establish a causal link between

¹ Communities heard during the tour: Pisté and Buctzotz - Yucatán; Señor, Xmaben, Ramonal, Yax-Ley, Felipe Carrillo Puerto, Chunhuhub, Tihosuco, Candelaria, Dziuché, José María Morelos - Quintana Roo.

² 23 testimonies representing the voices of the Communities of Pisté, Tizimin, Sanahcat, Ticul, Izamal, Valladolid, Cantamayec - Yucatán; Communities of Tihosuco, Bacalar, Nuevo Jerusalem - Quintana Roo; Communities of Don Samuel Escárcega, Community of Ich Ek, Hopelchen, Isla Arena, Xpujil, Calakmul, Xcalot Akal, Xkix, Chencoh, Suc-Tuc, Komchen - Campeche; Communities of Salto del Agua, Palenque - Chiapas. Assembly of Defenders of the Múuch Xiinbal Territory; Regional and Popular Indigenous Council of Xpujil - Calakmul; Indigenous Council of José María Morelos U Yo'ol Lu'um; Mayan Community Center U Kúuchil K and Ch'i'ibalo'on of Felipe Carrillo Puerto.



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the accusation of the Prosecutor of the Earth and the testimonial, documentary and in situ verification³ of the damages caused to nature and the violation of the rights of the communities.

According to the acts, it is verified that no representative of the State attended this hearing, having been legitimately invited through a letter delivered to the Embassy of Mexico in Ecuador, seat of the Tribunal, as well as through email and in person on March 7th, inviting the Government of Mexico, the National Human Rights Commission, FONATUR, SEMARNAT, INPI, SEDATU and CONANP.

Based on the provisions of the Universal Declaration of the Rights of Nature, ILO Convention 169, the United Nations and OAS Declaration on the Rights of Indigenous Peoples, the Convention on Biodiversity, the Escazú Agreement, the 2030 Agenda SDG; and the jurisprudence issued by the Inter-American System and the Universal System of Human Rights, as well as the legislation of the United States of Mexico; this Ethical Tribunal, in the name of the Rights of Mother Nature, of Humanity and of the generations to come, resolves:

1. To recognize in an irrefutable manner the violation of the Rights of Nature, as well as the individual and collective Human Rights and the biocultural rights of the Maya People, who ancestrally have been and continue to be protectors and guardians of their territory, the cenotes, the jungle, and the non-human sentient beings that inhabit said territory, all of which constitute crimes of ecocide and ethnocide. The Tribunal holds the Mexican State responsible for the violation of these fundamental rights.
2. To urge the authorities of the Mexican State to immediately suspend the Mayan Train megaproject with all its components, as well as the demilitarization of the indigenous territories. We make an urgent call to the State and the intervention of international, regional and national human rights organizations to stop the dispossession of ejido lands, as well as to put an end to the persecution, threats, harassment and intimidation of the defenders of nature, of which the Tribunal was a direct witness, guaranteeing the right to free expression and defense of biocultural heritage.
3. Comprehensive reparation of the ecological and social damages caused by the execution of the Maya Train megaproject and its collateral facilities.

³ The Tribunal had the opportunity to physically verify, on Sunday, March 12, the irremediable destruction caused by the construction of the Mayan Train in Section 5, guided into the caverns by citizen groups such as Selvame del Tren, SOS Cenotes, Cenotes Urbanos, which will affect more than 100 caverns and cenotes located directly under the route of the Mayan Train, and that more than 9 million trees have already been deforested.



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4. An independent, inter- and trans-disciplinary and intercultural audit be initiated, with the full and effective participation of the affected populations.

5. We urge the Executive and Legislative to carry out constitutional reforms at the Federal level, such as those already carried out by some states (Mexico City, Colima, Oaxaca, and Guerrero), for the recognition of the rights of Nature as a subject of Rights. Likewise, we recommend the revision of the law that establishes the social ownership of land, so that it is replaced by a law that contemplates the socio-ecological function of the territory in its indissoluble relationship with the sustainable cultural practices of the peoples and communities that ancestrally inhabit them.

The Tribunal will notify the judgment in writing in a timely manner, with all the necessary formalities, which will be translated into the Mayan language.

This International Tribunal on the Rights of Nature was presided over by Maristella Svampa from Argentina, and was also formed by Fray Raul Vera from Mexico, Yaku Perez from Ecuador, Chicano/Zapoteca. The Land Prosecutor was Jorge Fernandez, the plaintiff Giovanna Gasparello along with 22 testimonies from indigenous communities, citizen collectives and experts. The Secretary of the Tribunal was Natalia Greene and the convening organizations were the Global Alliance for the Rights of Nature, the Assembly of Defenders of the Maya Territory, Múuch' Xiinbal and the Mexican Civil Council for Sustainable Forestry (CCMSS).

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