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THE SELECTIVITY OF DEVELOPMENT GOVERNANCE IN SOUTHERN MEXICO**

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**Multi-Scalar Struggles:
The Selectivity of Development Governance in Southern Mexico**

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Setting the scene: Contested large-scale projects, participation and the state

In Mexico, protests against large scale infrastructure and resource projects have increased over the last decade (Andrews et al. 2017). Hardly a month goes by without news on clashes between supporters and opponents of large-scale projects in some locality of rural Mexico, be it in the states of Oaxaca, or Guerrero and Zacatecas, where parts of the population protest against large-scale mining and hydropower projects; in Chiapas, where locals criticize the construction of new highways in the context of tourism infrastructure; or in Morelos and the state of Mexico, where conflicts center around forced urbanization projects (e.g. Hernández Navarro 2012: 89-101).¹ While state agencies time and again invoke the promise of development², social movements and human rights organizations contest these infrastructure projects because of the ecological damage they cause, their inability to distribute profits equitably to affected communities, and (occurring) repression against critics. Further, one central point of contestation is the exclusive and centralized decision-making over these projects: In many cases, state agencies pressure for their implementation, commonly in cooperation with private companies. Often, police forces and private security agencies have

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¹ See on Oaxaca: <http://cdfilorycanto.org/web/2018/10/16/ni-oro-ni-plata-la-mineria-mata/>; on Guerrero: <https://www.boell.de/de/2018/08/02/la-parota-mexiko-ein-staudamm-um-jeden-preis>; on Zacatecas: <http://www.mapder.lunasexta.org/?p=3700>, on Chiapas <https://www.sipaz.org/article-mobilizations-against-the-project-of-the-mega-highway-from-san-cristobal-palenque/?lang=en>, accessed 2018-10-31.

² We use the term development being aware of the critical debate, see page 6.

joined together to confront protestors, while social movements claim that protestors have routinely been injured, or even killed and disappeared (Educa 2018).³

In sharp contrast to these conflicts, official planning documents as well as staff of government agencies routinely employ a discourse of participation of and benefit for communities in the immediate proximity of those projects, especially in the case of Indigenous peoples. The Mexican federal government has discursively integrated Indigenous peoples into its development agenda.⁴ The government acknowledged the multicultural character of the Mexican society via constitutional changes in 1992 (Schulz 2002) and Mexican states inscribed certain Indigenous rights into their constitutions and legal regulations (Hausotter 2010). Further, since 2011, international agreements have to be incorporated into national law. In conflicts over infrastructure or resource projects, social movements and human rights organizations criticizing large-scale infrastructure projects refer to the international agreements like the ILO convention 169 (1989) and the UN Convention on Indigenous Rights (2007) on the rights of Indigenous peoples to be consulted on development projects on their territory. To a large extent, these agreements on the global scale are the result of struggles fought by Indigenous movements in Latin America since the 1970s against socioeconomic and political exclusion, and for cultural rights (Alvarez et al. 1998). In the last two decades, international organizations and financial institutions as well as private companies incorporated these regulations, albeit to different extent and qualities (Schilling-Vacaflor & Flemmer 2015).

Nonetheless, it seems, state agencies in Mexico-City still plan and implement the relevant projects on the drawing board, or, if consultations are conducted, the proceedings are diffuse and often cause even more frictions (Zaremborg et al. 2018). At first glance, Bill Cooke and Uma Kothari's (2002) claim of 'participation as the new tyranny' which only serves to making large-scale projects incontestable once they are implemented, particularly from the local scale, seems to still hold.

Regarding the Latin American debate on consultations on development projects, different recent studies confirm this tendency (e.g. Zaremborg & Torres Wong 2018; Friede & Lehmann 2016). However, the role of the state and state institutions – without framing implementation

³ The term 'forced disappearance' is accepted by international organisations and implies the responsibility of the state (www.un.org/depts/german/uebereinkommen/ar61177-uebgbgl.pdf, accessed 2016-04-21).

⁴ In this regard, the Mexican government is no exception, as other governments, inter-state and international organizations around the globe have been adopting a similar rhetoric (see e.g. on Nicaragua: Tittor 2018).

of development projects as an object of governance processes with state institutions as neutral black boxes – seem to not be fully considered in the critical consultation literature. Little is heard about different state agencies ‘on the ground’, i.e. on the local scale, their involvement in the decision-making process and relationship to other institutions e.g. on the federal scale. To put it differently: The relationship between scale and state, and related ‘politics of scale’ (Wissen 2007) between actors regarding the implementation of large-scale development projects are important for the analysis of the blurry and disputed issue of local participation in development projects.

In this contribution, we aim to tease out the uneven and diverse selectivity of the state in large development projects across different scales. We focus on participation and the role of the state in large-scale development projects, and ask: What is the role of instruments or mechanisms of participation in these projects? What does the governance process of large-scale development projects tell us about the state and democracy?

The main argument of the paper is that the governance process of development projects is highly selective and asymmetrical, but not static. Following Jessop (2008), we use the concept of ‘strategic selectivities’ of the state to account for this bias in peoples’ access to decision-making. These selectivities are uneven and diverse across different scales and depend on the relations between different social forces. To explore the unevenness of state selectivities in development planning, we opt for a perspective that considers the multi-scalar power relations in these processes. The state takes an active role in planning and implementing development and infrastructure projects, yet is only selectively present: While state agencies concentrate on planning and securing the implementation of large-scale projects, they are largely absent in supporting the agency of affected local communities.

The paper speaks to and values critical debates on the political infrastructures (i.e. Uribe 2018, Harvey & Knox 2015), new frontiers (Kelly & Peluso 2015; Peluso & Lund 2011; Rasmussen & Lund 2018), extractivism and the state (Bebbington et al. 2013), and particularly, on the role of participatory instruments in development projects and management (Cooke 2003; Cooke & Kothari 2002; Llanes Salazar, *forthcoming*; Rodríguez Garavito 2011; Schilling-Vacaflor & Flemmer 2015; Zaremborg et al. 2018). These literatures are all united in an understanding of the state not as separate from, but emerging from contradictory social relations. While these debates inform the paper, we rely on the perspective on scale, scalar struggles and politics of

scale (Smith 2008; McCarthy 2005; Swyngedouw 2001; Wissen 2007) as well as the strategic-relational approach to the state (Jessop 2008) to theoretically ground the notion of the selectivity of the state in projects of planned development. This approach understands the governance process in development projects as the result of a condensation of social forces (i.e. on mining, Radhuber & Andreucci 2017, on agro industrial development, Pichler 2015). We thus link the multi-scalarity of planning development to the differentiated selectivity of the state.

Post-development representatives have, of course, criticized the naturalization of striving for development and the effect of that naturalization – that development itself (in terms of modernization, state services, integration into monetary circuits and labour regimes) is simply assumed to be universally beneficial, while it might mean that a very particular idea of development is undemocratically imposed on all. Arturo Escobar (2008: 65) as a prominent representative understood development as a ‘spatio-cultural project’ of modernity, which necessarily involved a violent ‘conquest of territories and populations und their ecological and cultural transformation’. Violence, then, is an integral element of this Eurocentric understanding of modernity. Development discourses are routinely intertwined with colonial, often racist narratives on people in need of transformation and imaginations of spaces as empty and pristine (Rasmussen & Lund 2018). This bias in development imaginaries may mean that not only are those affected by large-scale projects excluded from participating in the decision-making process, but their own land management and political agency may remain invisible in official narratives (Christoffersen 2018). We recognize this criticism and speak of ‘development projects’ because large-scale projects are often presented as such.

We answer our research questions against the backdrop of two projects in Southern Mexico, both designated as development projects. These projects’ governance processes illustrate different strategic actors and social forces involved, state selectivities, and the varying scalar reach of contestation: rural cities in Chiapas and wind farms in Oaxaca. Rather than two separate cases for comparison, both examples stand for different planning processes by the same (heterogeneous) state, and for the same promise of development. They allow us to show the uneven and diverse, strategic selectivities of the state across different scales and projects, i.e. urban/rural-regional and different actor constellations. While in energy projects, access to the state seems more difficult, as energy is considered of national interest and thus in the

hand of central state agencies, in urban planning/housing infrastructure, one could expect a broader participatory process. Yet the future inhabitants of those planned settlements hardly participate in their planning. The two examples illustrate the varying scalar reach of protests. Mexico is an interesting case for various reasons: First, the number of conflicts related to infrastructure and extractive projects has considerably increased during the commodity super cycle of the 2000s (Andrews et al. 2017: 6). These conflicts take place in contexts in which state institutions are entangled with organized crime, and rural power relations are complicated by the paternalism and coercive power of local elites (*caciques*; e.g. Knight & Pansters 2005) and historic conflicts on land (Assies 2008; Escobar Ohmstede & Butler 2013). Second, governance and democratization literature cheered Mexico for its formal democracy after the election of an opposition president in 2000, i.e. someone who did not belong to the Party of the Institutionalized Revolution (PRI) which ruled Mexico in an authoritarian one-party-system basically since the 1920s. Since the so-called war on drugs began in 2006, these debates have shifted to the assumed fragility of the Mexican state, and show difficulties in analyzing the role and relationship of the state and organized crime beyond a success/failure dichotomy (critically: Pansters 2012).

The paper is based on three sets of data: 1) documents by policy makers, companies, NGOs, and local assemblies that we used in terms of a qualitative content analysis to make claims about which positions towards large-scale projects made it into official state policies, and thus about strategic selectivities; 2) press articles of national newspapers to develop an understanding of different social positions towards these projects, and their representation; 3) interviews with experts, government officials, company representatives, NGO-staff, and local actors, to further specify support and criticism of the projects, and the politics of scale. For this paper, the material, originally gathered for two separate PhD projects, was revised and analysed according to the jointly developed analytical framework and research questions. The time frame for research encompassed the years between 2008 and 2016. Secondary literature was used to provide historical context and complement analysis.

The paper is structured as follows: In section two, we briefly depict existing debates and sketch out our analytical framework. In section three, we analyze the selectivity of the state and the scalar reach of contestation in two exemplary cases of development projects. A conclusion in section four summarizes our discussion on scalar politics and contestation.

Conceptual Debates and Analytical Framework

In this section, we want to explain our analytical focus. For this we link debates that have evolved around contested democratic participation of affected Indigenous residents struggles for participation in development projects, to work on the selectivity of the state and scalar struggles. This fruitful combination allows us to distil analytical categories to examine the empirical material.

Debates on participation of affected residents in development projects have highlighted the contradictions between a global participation discourse and the windows of opportunity that emerged for formalizing especially Indigenous rights in ILO conventions and national constitutions (Rodríguez Garavito 2011; Zarembek & Torres Wong 2018), for instance, and the actual rise in the commodification of land or land grabbing, and (violent) conflicts surrounding the appropriation of natural resources (e.g. Borras et al. 2011; Bratman 2014; Kelly & Peluso 2015; Environmental Justice Atlas 2016⁵). In the Latin American debate, topics such as the developmental state and participation in development projects resurfaced since the 2000s. Increasing resource extraction and appropriation of nature (e.g. water, oil, gas for energy production; forests or other sinks for conservation or so-called ecosystem services) were linked to rising commodity prices as well as to programs for social distributions of rents by left-wing-governments (i.e. Svampa 2013). Consequently, the tension between distributional policies and environmental degradation as well as the ignorance towards the rights of affected communities became highly disputed. Resource extraction, conservation and infrastructure projects were planned and implemented in ever more marginalized, ecologically valuable and distant regions with mostly Indigenous or Afro-American inhabitants (e.g. Echeverría Bardales 2010). In the corresponding struggles, affected Indigenous actors referred to international agreements and declarations concerning the rights of Indigenous peoples to be consulted on (ILO 169) or consent to (UN-Declaration) development projects on their territory (free, prior, and informed consultation/consent FPIC).

Nonetheless, decision-making processes on economic projects and the realization of consultations is a contentious issue (Backhouse et al. 2013; Bebbington et al. 2008; Echeverría Bardales 2010; Friede & Lehmann 2016; Fulmer 2011; Rodríguez Garavito 2011; Schilling-Vacaflor & Flemmer 2015; Schilling-Vacaflor et al. 2018): First of all, the claim of local population being consulted challenges centralized policy-making, which, in the case of Mexico,

⁵ URL: <https://ejatlas.org/>, accessed 2019-03-09.

goes beyond political structures and mechanisms of the development state (Boris 2001). The FPIC, for various reasons and with ambivalent dynamics, has become a 'dominant symbol' for Indigenous peoples in struggles on development projects (Llanes Salazar, *forthcoming*). As Schilling-Vacaflor and Flemmer (2015) show in the case of Andean countries, the implementation of consultations depends on national legalization, and can not only lead to conflict prevention or resolution, but even fuel conflict. Participation has not been effective and often curtailed due to diverging imaginaries of the future, an absence of Indigenous ownership of the processes, or depoliticizing practice of state actors (Flemmer & Schilling-Vacaflor 2015; Schilling-Vacaflor et al. 2018). In some cases, the FPIC instrument strengthens the legitimacy and symbolic power of Indigenous actors (Fulmer 2011). In many other cases, since consultations are conducted in highly conflictive settings, they are considered and applied as mere procedure. According to Rodríguez Garavito (2011: 273), as a consequence, 'procedural talks' replace 'substantive discussions' about violence against minorities, resource distribution, unequal access to land, power relations, or the relationship between the state and marginalized groups. In the current context, due to its mostly procedural character and rhetoric on local participation and empowerment, consultations are easily incorporated into neoliberal governance (ibid. 274-290; also Kaltmeier, Kastner & Tuidar 2004: 15).

This critical reflection of consultation processes as a participation mechanism is reminiscent of earlier studies on the role of participation in development projects, which pointed towards the two-faced aspects of participation, and the relation between ownership – a frequent buzzword in development debates – and indirect rule in colonialism. Bill Cooke (2003) argues that instead of actual participation and self-determination, the colonial ruled were only given a diffuse *feeling* of ownership.

Literature on the prior and informed consultation (*consultas previas, libres, e informadas*) as a form of participatory mechanism in development projects has debated the mechanisms of rights implementation, or the effects these 'participatory institutions' have had on the outcomes of negotiation of and protest against large-scale projects (Baker 2012; Schilling-Vacaflor et al. 2018; Zaremborg & Torres Wong 2018; Zaremborg et al. 2018). But these focus less on what these processes of truncated participation say about a heterogeneous, structurally selective state.

More generally, debates on extractive frontiers characterize the rupture of institutions, property relations and social relations in contexts of (new) extraction and discussed both the

destructive (i.e. violent dispossession) and the productive (i.e. territorialisation) elements of this moment (Rasmussen & Lund 2018). While state agencies are central to this approach in terms of territorialisation (through bureaucracy, the formalization of rights, or the provision of public investment), the asymmetrical access to the state and political agency are sometimes obscured by the complexity of the processes explained.

Critical infrastructure debates more clearly examine the idea that territory is 'produced' through infrastructures in regions imagined as frontiers, with a focus on the discursive and material territorialisation afforded by railways or highways. They highlight asymmetrical power relations and state legibility in their implementation (Uribe 2018; Harvey & Knox 2015; Otsuki 2011). Some voices in this infrastructure debate (Otsuki et al. 2016: 1) have recently claimed it was necessary to describe more in detail the concrete planning process 'by which the planning, implementation, management and uses of the infrastructure mobilises various, public, private, global, national and local, actors and often tacitly creates multiple and connected spaces of deliberations.' Similarly, we are interested in the planning of large-scale projects as a political process pervaded by asymmetrical power relations.

All these debates mention state institutions, bureaucracies, planning processes and participation, as well as the importance of different actors and their strategies on various levels. We propose to link these discussions and look precisely at both the state's heterogeneity and the differentiated access to the state enjoyed by residents in the context of large-scale (rural) development projects.

Drawing on critical perspectives that understand the governance process in development projects as the result of a condensation of social forces instead of neutral, serving the common good of progress (i.e. on mining, Radhuber & Andreucci 2017, on planning, Holgersen 2013, on agro industrial development, Pichler 2015) and thus put the selectivity of the state at their centre, we focus on the multi-scalar selectivities of the state in the governance of large-scale development projects. The perspective on multi-scalar relations matters because: 1) It allows us a differentiated perspective on the state's uneven role in these processes (the local included). These planning processes are multi-scalar and do not just emerge from a 'national' state. 2) It permits us to highlight the differentiated scalar reach of protest and political agency in general. 3) It considers development projects not as an instrument put forward by global governance organizations, but themselves as contested arenas on many levels. We link the multi-scalar in planning development projects to the differentiated selectivity of the state.

The notion of state selectivity goes back to historic-materialist state theories which stress that social forces with different power resources and capacities have differentiated access to the state. Power relations concerning imaginaries of development and economic policies are reflected in state structures, but the state also shapes social forces and their capabilities to influence politics (Poulantzas 2002: 173). The institutional framework is itself a result of earlier political struggles, contradictions and overlaps, and of the long-term role the state plays for a functioning economy. It is this framework that limits how far-reaching reforms can be and in which ways conflicts can be resolved. The term 'structural selectivity', used first by Claus Offe and developed by state theorist Nicos Poulantzas (2002: 165), depicts the state's fiscal dependency on economic actors. We will employ Bob Jessop's further development of the term, who speaks of 'strategic selectivities' (2008: 48-58). It implies that state selectivities are dynamic and can, to some extent, depend on conjunctural changes. Successful social forces can exclude others from access to the state's decision-making circles; and specific strategies may be easier to implement as state policies than others. Yet what may be structural restraints for some, may constitute conjunctural opportunities for others (Jessop 2008: 42). The notion refers to a complex set of institutional mechanisms and political practices that are all imbued with asymmetrical power relations, from the selective filtering of information, the systematic omissions of state agencies on some topics, to the differentiated implementation of measures to alleviate grievances. Specific ways of accessing the state such as parliamentary lobbying may be successful but imply certain prerequisites (often financial resources), while other ways of political articulation such as street protest against large-scale projects often face disorganization and isolation by state agencies (Poulantzas 2002: 171-172).

The way the state ensemble is structured moulds the possibilities of social and political forces to articulate their interests and implement them. To focus the dynamics in this means concentrating on how accesses can be opened and closed, how the influence in or control of state agencies changes. In the context of development projects in Mexico, this priority-setting by the state could refer to the legal guarantee and preference of private property against collective titles or state institutions privileging a particular knowledge production on development and progress. Complementary categories enable us to analyse state selectivities in more detail. Jessop (2008: 48-58, 129) has expanded his notion of strategic selectivities by including discursive selectivities that ultimately shape government discourses.

Social and political forces are structured intersectionally, thus a perspective on intersecting inequalities or intersectionality (see Winker & Degele 2009) is instrumental in understanding differentiated and unequal access to the state (Jessop 2008: 49). Recognizing that asymmetries of the balance of social forces due to the intersection of different categories, allows us to analyse with more precision how varied access to different state agencies impacts political struggles, and what these may mean for participation in the governance of large-scale development projects in Mexico. Indigenous and Afro-Mexican activists have criticized, for example, that racialized class hierarchies have tended to structure the access to state decision-making on the federal as well as state level, which has not only resulted in the disorganization of Indigenous political organizations, but in violent and deadly politics towards social groups imagined to hinder development (Mora 2017).

The selective process results in the shifting 'weight' of some institutions against others within the state ensemble (Jessop 2008: 129). This includes the reference on institutional scales, as the development of regulations and law enforcement has, to some extent, been transferred towards international organizations and supranational levels, where multi- tri- or bilateral agreements such as TRIPS or BITs guarantee private property or investment returns and result in adaptations of national law (Hirsch 2005: 158-159). This reduces the possibility to contest projects, for example in parliament, but is not entirely new in Latin America, where the dependency on capital investments has continuously limited the margin of manoeuvre for economic policies. This kind of dependency is thus a matter of scalar politics: Scalar politics are not predetermined, but the result of human agency (Smith 2008). According to Neil Smith, Erik Swyngedouw and other scholars of Critical Geography, societies are spatially organized according to vertical scales, but human action is even in a globalized world place based (Swyngedouw 2001: 4-5; Wissen 2007: 235-238). This means that,

[t]he construction of scale is not simply a spatial solidification or materialization of contested social forces and processes [...] Scale is an active progenitor of specific social processes. In a literal as much as metaphorical way, scale both contains social activity, and at the same time provides an already partitioned geography within which social activity takes place.' (Smith 1992: 66).

Institutional scalar configurations are not fixed 'levels', but 'the outcome of socio-spatial processes that regulate and organise social power relations.' (Swyngedouw 2001: 5) To put it differently: Scale is an arena of conflict and social frictions, and, since the 1990s, literature on

scale has analysed institutional shifts resulting in scalar fixes (Macleod & Goodwin 1999; for an overview, Jones et al. 2017) such as de- and recentralization or the relegation of regulatory power to supranational organizations and contract, and multi-scalar struggles of different actors (e.g. McCarthy 2005; Hein 2016; Kurtz 2003; Jenss 2018). During these contested processes of 'reshuffling' and reshaping e.g. a certain mode of political regulation (rescaling), unequal actors relate intentionally or not to specific scales to reshape power geometries in their interests, they do 'politics of scale' (Wissen 2007: 230). In this political process of rescaling, power asymmetries can be disarranged to the advantage of some and detriment of others (ibid; Swyngedouw 2004).

Looking at the governance of development projects from a scale-sensitive perspective may mean looking beyond local struggles for and against a particular project. Institutional mechanisms of access and exclusion may vary depending on institutional levels, diverse pressures and overlaps of political action. Furthermore, some actors achieve more, others less scalar reach. Choosing a scale of political action may be the privilege of some social forces and exclude others (Smith 2008: 232). Intersectional asymmetries in state selectivities resulted in a tendency Smith (1992: 60, 66) describes as 'jumping scales', meaning actors are successful in rescaling, broadening their coalitions or narratives legitimizing their interests towards different scales. As after the 1980s, a window of opportunity opened to formalize collective rights in international norms for groups perceived as Indigenous, political organizations have seen themselves pushed into discourses stressing 'Indigenous identities' to be able to position themselves and their political demands in this more global arena (see Albiez-Wieck 2015; Büschges & Pfaff-Czarnecka 2007). The state's strategic selectivities may be uneven and diverse across various scales, and we understand the governance of development projects as a multi-scalar process, which depending on context can both illustrate the heterogeneity of scalar relations within the state, or the convergence of interests across various scales of action. While the national state remains a decisive scale of political action in large-scale development projects, other scales may be invoked to pressure for a particular outcome in struggles around such projects. This contribution thus does not primarily focus on scalar fixes of the state, but rather on power asymmetries, contestations, and selectivities of the state on different institutional scales, while recognizing that relations between these layers are not simply hierarchical and strategic actors on one of these levels may have a broader scalar reach,

while others act upon a single scale. For us, these considerations result in the following questions and preliminary categories:

- Strategic actors in the governance process: Who is powerful in decision-making on which institutional levels?
- Presence and omission: Which areas show state presence and which state omissions become apparent in which form, i.e. which state agencies such as municipalities or central planning agencies are present in the process of planning and contesting large-scale projects?
- Differentiated selectivities and scalar reach: Which state selectivities emerge on which institutional level, i.e. which interests become institutionalized in planning documents, and which agencies might act more favourably towards contestation?
- Scalar struggles, scalar strategies: Which actors refer to which scales to utter their position and try to get their demands through? Which actors have broader scalar reach? On which levels are these decisions contested and by whom?

We explore these analytical categories to empirical data in two examples, wind farms in region of the Isthmus of Tehuantepec in the state of Oaxaca, and rural cities in the state of Chiapas, and have to emphasize that the categories overlap and may be altered depending on the empirical material.

Empirical cases: Wind farms in Oaxaca and Rural Cities in Chiapas

Windfarms in the Isthmus of Tehuantepec, Oaxaca

In the last years, Latin American countries like Brazil, Chile, and Mexico have become a target for investment in renewable energies. In Mexico, multiple federal governments have launched ambitious plans to increase the share of renewables in the national energy matrix, framed as win-win-solutions for climate protection, energy security, and development: Between 2012 and 2017, the installed production capacity to generate renewable energy grew to eleven times the amount of 2012.⁶ In 2015, the installed capacity for electricity production from wind was 8,745 MW in 32 wind farms. 23 of these farms with an installed capacity of 2,308.6 MW

⁶ See <https://www.forbes.com/sites/mergermarket/2017/07/14/wind-investors-blow-into-latin-america/#91770a6dd62f>, accessed 2018-04-05.

and a gross electricity generation of 7,824.4 GWh (SENER 2016: 48-49) are situated between urban settlements and dispersed villages in the lowlands of the Isthmus of Tehuantepec. This semi-rural region on the Pacific shore in the state of Oaxaca possesses one of the best wind qualities and highest density of on-shore wind turbines worldwide, thus being a stimulus of wind energy development in Mexico (Borja Díaz et al. 2005: 41-48; Cancino-Solórzano et al. 2011; NREL 2004).

Meanwhile, local residents protest against the construction of more than 1,000 turbines, which generate electricity from renewable resources for big industrial end consumers (e.g. Wal Mart Mexico, Heineken, Peñoles) in other parts of the country. Local organizations and assemblies question the economic benefits and criticize the ecological impacts of the wind energy projects. With support from (trans-)national NGOs, they denounce central planning of state agencies and speak against the defiance of participation rights for peasants and Indigenous communities (Avila 2017; Baker 2012; Castillo Jara 2011; Diego Quintana 2018; Friede & Lehmann 2016; Grunstein Dickter 2016; Jiménez Maya 2011; Oceransky 2009). While critics in and outside the Isthmus are intimidated and harassed by security agencies and police forces, who often have linkages to organized crime, disputes between and within communities can develop into physical violence (CodigoDH 2014; Dunlap 2017). The conflict surrounding wind energy in the Isthmus thus has a scalar dimension. A perspective on scale and state selectivities is important to understand its dynamics and scalar reach of unequal actor's strategies and demands.

Ciudades Rurales in Chiapas

In 2010, a first 410 families reluctantly relocated to the newly built Rural Sustainable City Nuevo San Juan de Grijalva (RSCs in the following). Before, they had been sheltered in provisional camps, after severe flooding inundated their former community. Rural Sustainable Cities are a large-scale urbanization and housing infrastructure project from 2010 onwards in rural Chiapas in Southern Mexico, geared towards constructing max. 1,500 inhabitants' settlements. The RSC programme proposed villagers should relocate to bigger settlements to mitigate poverty and environmental risks. The project is based on state agencies' perception that tiny villages scattered around the hills of Chiapas are problematic. Across institutional scales and political conjunctures, Mexican state agents have framed the 'dispersed', 'far-away' living of (Indigenous) peasants as a threat and as the fundamental cause for poverty. This

concern goes back to the 1994 *Zapatista* uprising, which was prepared in similar villages, unnoticed by the state. The EZLN occupied several towns for a period of 12 days, proposing autonomy. In global imageries, the *Zapatista* uprising still defines Chiapas more than 20 years later. The uprising's sheer relevance for Chiapan social relations makes a number of authors suspect that the RSC programme is ultimately a disciplining project (Wilson 2011; Wilson 2014; Zunino et al. 2011). Several transnational and Mexico-based firms (Grupo Carso through Telmex, Citigroup through Banamex, Grupo Salinas through Iusacell, and Unefon) were heavily involved in the planning of RSCs through their philanthropic foundations and contracts they received from Chiapas state. The seemingly local conflict around RSCs thus clearly affects other scales and has impacts far beyond the local sphere.

Strategic actors in the governance process

The implementation of wind energy projects is a story of scalar strategies, with mainly federal state agencies and transnational energy companies pursuing the implement of wind farms in the Isthmus in a top-down-process. Although Mexican and Isthmus-based researchers had pointed to the good wind quality in the late 1980s and the Federal Commission on Electricity (CFE) had installed six turbines in 1994, wind energy development in the Isthmus was stimulated by the 'interest of the private sector' (Interview SENER), notably European energy companies active in the wind energy sector, in the middle and late 1990s (Borja Díaz et al. 2005). After changes in the Law on Public Services for Electricity (LSPEE 1975) in 1992 by President Carlos Salinas, private actors could enter the up to 2013 highly nationalized energy sector – a powerful source of distribution and element of the Mexican identity (Linkohr 2006; Wolf 2007) – in order to modernize production and reduce state spending through the attraction of private investment (Borja Díaz et al. 2005: 44). From that time onwards, transnational wind companies entered the national market to produce electricity as independent energy producer (IEP) and – a somehow misleading term – self-supplier (*autoabasto*). An IEP sells energy to the CFE, which holds the monopoly on transmission lines; a self-supplier does not directly produce energy for him-self, but instead has bilateral contracts with private corporations for some years (SENER & GIZ 2009; Kreiner 2012: 13). In the self-supply-model – the dominant form for energy production in the Isthmus of Tehuantepec at least up to 2015, with mostly large companies like the transnational Walt Mart Mexico or Femsac-Coca Cola or the Mexican mining company Peñoles, as end consumers –

investors or developers have to participate in a tender process and are obligated to make financial contributions to the construction of substations and transmission lines, a fact that developers have complained about regarding unclear circumstances of grid development and feed-in rates (field note Mexico D.F.). Competing interests and duties between the state agencies CFE and the Energy Regulatory Commission (CRE) have caused the delay of some projects (Borja Díaz et al. 2005: 48-51). The Law on the Use of Renewable Energies and the Financing of the Energy Transition (LAERFTE), promoted by former president and green economy advocate Felipe Calderón⁷ in 2008, laid an additional basis for the liberalization of the energy sector (Wolf 2007: 23-24), although several questions regarding the regulation of grid and rates remained open (GIZ 2015: 21; SENER & GTZ 2009; PODER 2011: 7). A detailed regulation for wind turbine construction on the local level, was not mentioned in the policy papers on wind energy development in Mexico up to 2015, thus neglecting the local (Interview SENER; Huésca Pérez et al. 2016).

From the middle of the 1990s onwards, the local scale was target of private corporations and real estate agents to lease land slots. In the case of La Venta, the first place where land was leased out and wind farms were built, the intention of renting the land was unclear to landholders and inhabitants (Nahmad et al. 2014: 147; Oceransky 2009), who noticed rumours about a 'new and mysterious project' somehow linked to other transregional plans for development and infrastructure, like the Plan-Puebla-Panamá (PPP), now Proyecto Mesoamerica (Interview La Venta). In the early 2000s, different groups in the town of La Venta struggled for or against the changes of land used of the *ejido*, a collective land title stemming from the Mexican Revolution. Changes in land use – from agricultural to industrial – had to be approved by two thirds of the landholders (de Ita 2006: 151-164). Although forbidden by agricultural law, the Oaxacan state government interfered to the advantage of a pro-wind-farm candidate, thus enhancing the already existing conflict in La Venta (field note La Venta). From 2000 onwards, in the coastal town of Huatulco, private corporations, state officials, and landowners have been discussing wind quality and the 'allocation of land prior to the tender process' (PODER 2011: 33). Many of these corporations had linkages to politicians, especially

⁷ Calderón was keynote speaker in 2011 at the Clinton Global Initiative for climate protection and renewable energies, and fervently argued in favor of business possibilities in the Green Solutions Forum, a parallel event of the COP 16. See <https://www.clintonfoundation.org/clinton-global-initiative/meetings/annual-meetings/2011>, and http://www.greensolutionscop16.com/pdfs/boletin2GS_en_05dic.pdf, accessed 2016-03-25.

in the networks of the Spanish People's Party (PP) and the Mexican neoliberal-conservative-right-wing Party of National Action (PAN, in government from 2000-2012) or within the networks of the former one-party-regime, the Party of the Institutionalized Revolution (PRI) (Gerber 2013; Howe & Boyer 2015). Staff of local administration of communities in the area where the first wind parks were established (i.e. in La Venta, La Ventosa, La Mata, Santo Domingo Ingénio) claim, though, that they had neither been informed by state or federal agencies on the implementation of wind farms, on the technology and impacts, nor supported in negotiation with staff of wind energy developers and investors, e.g. on benefits for the local community (Nahmad et al. 2014: 152).

Turning to the Rural Sustainable Cities (RSCs), a multi-scalar network of actors converged in the project's governance process in its initial phase from 2008-2009: Both the federal and the Chiapan state governments initiated the programme. A range of Mexican corporations such as telecommunications giant Telmex, cell phone provider iusacell, the pharmaceutical chain Farmacia del Ahorro, corporations' 'social' foundations such as Fundación bbv-Bancomer, the dean of the University of Chiapas, and UN-resident coordinator Magdy Martínez Solimán took part.⁸ The UN Development Programme and the Economic Commission for Latin America and the Caribbean assumed evaluation and monitoring functions (Ruiz López 2017; Agenda Chiapas-UN 2009). The federal level Social Development Department (SEDESOL) and the National Fund for Catastrophes appear among the supporters.

The transregional scale clearly influenced the project, even if the Executive Commission of the Mesoamerican Project, an international North-and-Central American infrastructure plan, was not involved in the RSC planning process as such. Yet the RSC programme's set-up does refer to the Mesoamerican Project's regional planning guidelines, the Mesoamerican Policy on Territorial Ordering and Regional Action which aims to 'define priority regions... for the new generation of regional structuring projects (which will structure in the future) and regional compensation projects (which attend to historical backlogs)' (Comisión Ejecutiva del Proyecto Mesoamérica 2009).

⁸ A number of firms and their philanthropic foundations participated, reportedly Telmex, unefon, iusacell, Fundación bbv-Bancomer, Fundación Banamex, Fundación Adobe, Fundación Kaluz, Unidos por ello, Instituto Carso de Salud, Sistema crit, Farmacia del Ahorro).

In terms of the state ensemble, both the financing instrument Fideicomiso Ciudades Rurales and the implementation entity Instituto de Población y Ciudades Rurales depended directly on the executive, right from their establishment in 2009. This may partly be explained by the lack of more general planning instances, which the state had mostly abolished during structural adjustment programmes of the 1980s.

These interests from within and outside the state with a remarkably favourable access to political decision-making arenas on a regional level, quickly and almost unmediated, condensed in the law of rural cities and the creation of the Instituto de Población y Ciudades Rurales in February 2009. This institute at the state level was endowed with the implementation of RSCs as a Public Policy of Regional Development, even if the planning process as such was particularly promoted by the state's executive under governor Sabines, who made the programme the core of its initiative to anchor the UN Millennium Development Goals in the Chiapan constitution.

Strategic economic actors and forces not only enjoyed privileged access to various state levels, they were instrumental in getting the project from the planning process to its implementation. The support the project enjoyed from Mexican economic elites is illustrated by Ricardo Salinas' statement, one of the most prominent beneficiaries of Mexican privatization and re-regulation in the 1990s and Chairman of Grupo Salinas, a telecommunications, retail and financial services imperium, on what he terms as a general negative effect of dispersed living: 'Nuevo San de Grijalba is not an urban project, it is a human project, with sustainable goals in economic as well as ecological terms. It is a concrete bet against the dispersion that generates so much marginalization' (cited in Fundación Azteca & Michigan Ross School of Business & Grupo Salinas 2010: 2).

Salinas participated in the planning and implementation of RSCs through his Foundation Azteca and received the exclusive contract to provide mobile phone services through Unefon y Iusacell brands, both part of a joint venture between Grupo Salinas and Grupo Televisa between 2011 and 2014.⁹ That support reflects in the donations by other private sector representatives, who provided above 50% of the investments (561 million pesos), against 505 million by the Chiapas government (Ruiz López 2017: 126, Gobierno del estado de Chiapas 2008; Crónica 2011).

⁹ See <https://www.univision.com/noticias/empresas/mexicana-televisa-acuerda-comprar-50-de-iusacell?layoutType=flex>, accessed 2011-04-11.

In a new political conjuncture from 2015 onwards, renewed interests in territorial ordering and population management resulted in reinstating the Institute for Population and RSC IPCR as the State Council for Population (COESPO) in July 2015. Institutions expressed a strategy of decentralizing population management from the federal level towards the IPCR; this was supposed to revive rural cities through a scalar fix. The promotion of agro-industrial ‘modernization’ and of a ‘population distribution adequate for the development needs of state regions’ continued through state regulation and planning (IPCR 2015: 3). The Chiapan Coello government (2012-2018) produced elaborate cartography on land use recommendations for Chiapas in its Territorial Planning Plan POETCH (Gobierno de Chiapas 2012). Governor Manuel Coello led a renewed discourse to cluster rural population in Chiapas, in alliance with the national Secretary for Agricultural, Territorial and Urban Development, Rosario Robles. In 2016, the secretary presented advances of its ‘redensification’ programme to ‘saturate urban vacant lots, densifying them [...] and facilitating the access to infrastructure services and facilities’ (SEDATU 2014). The Chiapan state’s PROSPERA programme within the scope of a general *territorios productivos* policy again aims at productivity and spatial modernization, invoking promises of development and citizen participation (Rimisp 2015). The overall priority, however, is still preparing the terrain for investment. Institutional selectivity at the state level thus has not changed dramatically: agro-industrial interests enjoy a privileged access to this arena of struggle.

Presence and omission

In the process surrounding the implementation of wind farms of the so-called wind corridor in the Isthmus under the first tender process, the local level had been largely absent. Local administration, especially in the small communities was not given information nor support to enter into negotiation wind company representatives on e.g. regulation for distances to houses, or to accompany land holders in their negotiations on land lease (Nahmad et al. 2014: 152). Local administration was the target group for deciding on and putting into practices the different CSR projects of the private corporation (e.g. a community centre in La Venta).

The role of the Oaxacan state government to the most part was to attract investment for wind energy development. In the early 2000s, the PRI-led state government forwarded the idea of the Isthmus as part of a great transregional infrastructure and economic project (PPP) and interfered into the election process for a new agricultural administration for the benefit of the

pro-wind-candidate (field note La Venta), although agricultural administration is considered independent from other state agency interference according to agrarian law (Appendini 2001). Nonetheless, state administration is often claiming against federal agencies, that the decisions regarding energy production (where and how) are taken in Mexico-City, while the state is left with 'local' conflicts. In the state government of Gabino Cué (2010-2016), different ministries had different positions regarding wind energy conflict in the Isthmus. Especially the Ministry of Tourism and Economic Development (STyDE) of Oaxaca has had a lot of interest in attracting investment and constructing wind farms under the promise of development.¹⁰ However, the Secretary of Indigenous Affairs (SAI) criticized the disregard of Indigenous rights. Although both ministries – as well as the state ministry of the interior – were present in the consultation process in the local Isthmenian town of Juchitán – the SAI did not interfere notably in favour of Indigenous critics on wind energy development.

In planning documents like the Environmental Impact Assessments (EIAs), wind companies have to get their wind projects approved by the Federal Ministry of Environment (SEMARNAT) on possible impact on the local level. These EIAs have to be discussed with the local population. In many villages, people claim that this has not happened. As mentioned above, regulation for the local level seems to have not been considered. Whereas wind developers claim to turn down turbine activities on the time of bird migration according to the EIAs, regulation on sound emission and distance to housing was not enforced by a state agency on all three levels of government. Further, payments for land slot differ highly (Huesca-Pérez et al. 2016: 959), which gives residents the impression that payments are set by the companies arbitrarily and 'that the companies offer as little as possible for the land, and that those amounts have no relation with the value of the wind resource that they receive in exchange.' (Oceransky 2009: 211). Moreover, no state agency considered the fact that the wind farms licenses were issued in the area of an irrigation system which had been constructed in the 1960s (Binford 1993). This area is of higher agricultural value than the region with no irrigation system (Oceransky 2009: 206-212).

One major point of conflict is the question whether or not did wind farm developers had to and did respect the rights of Indigenous peoples to be consulted on so-called development

10 Secretaría de Turismo y Desarrollo Económico, 2015-01-27, <http://www.oaxaca.gob.mx/se-respetara-decision-de-consulta-de-parque-eolico-en-juchitan-proyecto-se-queda-en-oaxaca-styde/>, accessed 2017-04-10.

projects on their territories according to the ILO 169¹¹ which Mexico had signed. Up to 2014, critics mainly blamed the private companies for this right not having been respected, whereas wind developers either claimed to have conducted a consultation, or, e.g. after being confronted with the critique, admitted that they had not been obliged by the state so they would not have done it. The case of EDF is especially interesting: representatives in Mexico City claimed that all locals affected had been consulted. Local staff admitted in an interview that they supposedly had consulted affected population in the case of the wind farms, for which they had received money from IFIs, which requires the respect for Indigenous rights. The other two wind farms had been built with private bank money, and no actors (bank management or state institutions) had pushed for consultation.¹² During a consultation process on the contested wind farm of Mareña Renovables (MR) in Juchitán in 2015, the CEO of the company Eólica del Sur (ES), the successor of MR, had emphasized that this would be 'the first consultation ever held' (*consulta*, contribution) in Mexico, and the SENER stated in an interview that in the case of ES, this would have been the 'first consultations held in the Isthmus on wind energy development'. Further, it emphasized that together with the intrinsic social and political context of the Isthmus as an area with high Indigenous presence, historical conflicts, and oppositional parties already in the times of the authoritarian one-party rule of the PRI (see Campbell et al. 1993) this would make the situation a 'laboratory' for consultation processes (Interview SENER).

In 2012, a conflict around 132 projected turbines of the transnational consortium Mareña Renovables became serious. Protestors blocked the access to the projected area for weeks. Whereas the investing MR and the IDB, which funded parts of the project, criticized state agencies for not pushing the project through, opponents of the project who feared impact on sea life and flora, and denounced corruption and harassment in the run-up of the planning process as well as the ignoring of consulting the Indigenous *Ikoots* of the region (Gerber 2013)¹³. In December 2012, a municipal judge put a halt to the construction of projected 132 turbines. The judicial explanation contained that the Indigenous *Ikoots* had not been consulted

11 See https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169, accessed 2019-03-16.

12 Edgar Cordova Morales, L'Observateur: Révolte et morts suspectes autour des champs d'éoliennes mexicains. <http://tempsreel.nouvelobs.com/monde/20141002.OBS1002/revolte-et-morts-suspectes-autour-des-champs-d-eoliennes-mexicains.html>, accessed 2017-06-04.

13 See also: Colectivo Colibri: Somos Vientos – La resistencia en el Istmo contra el proyecto eólico de Mareña Renovables. <https://somosvientodocumental.wordpress.com>, accessed 2017-04-14.

in a free, prior and informed consultation as foreseen in the ILO-convention 169 before the onset of the operations. Following this decision, Mareña Renovables cancelled the project for the proposed area. For an alternative land plot, state agencies conducted a consultation process between October 2014 and July 2015, presumably according to the ILO-convention 169, but which did not meet the standards of being free, prior, informed, culturally adequate, and with good intention. As in 2019, the consultation is still highly contested. Many attribute the initiative to the then newly elected mayor, Saul Vicente, who had been a member of the UN Permanent Forum for Indigenous Rights in Geneva. In general, local administration as well as the federal ministries of Energy, of State, of External Relations and the state ministries of Tourism and Economic Development, of State, and of Indigenous Affairs conducted supposedly as neutral moderator the consultation process. In the first documents which defined the frame of the consultation, the whole Indigenous Zapotec community of Juchitán was addressed and invited to participate in the consultation. The *Procotolo de consulta* explicitly lists local religious and neighborhood assemblies, and those possessing either individual or collective land tenure claims (SENER et al. 2014). This was in itself a hotly debated issue, since in Juchitán, there exists an unresolved conflict on land use: in the 1950s and 1960s, plans of an irrigation systems fueled land speculation and an increasing conflict between those who claimed to have private land titles (or used land privately) and those who saw themselves as an agrarian community¹⁴ with collective land rights. Contradicting presidential decrees in the 1960s did not resolve the problem, nor the election of the pro agrarian community opposition movement as local administration in the 1980s. In the context of multiple land claims and unresolved land disputes, state agencies with competing and contradictory practices on the issue of water licenses and *de facto* land titles (Binford 1993; Warmann 1993; Zarate Toledo 2010) did postpone to solve the problem, and concessions for wind farms were issued. During the consultation, most of the state actors mentioned as organizers of the consultation process (*comité tecnico*) above did not participate regularly, e.g. in the scheduled discussion on ecological impacts the opposition had called for more information in a previous session (field note Juchitán). The *consulta* ended with a unanimous ‘Yes’ in favor of the project (only

¹⁴ An agrarian community (*comunidad agraria*) is a collective land title for residents with Indigenous roots according to Mexican Agrarian Law, with origins in colonial times. After land reform policies in the wake of the Mexican Revolution (1910-1920), most Indigenous peasant communities obtained *ejido* land titles. Some remained as *comunidad agraria*, most of these agrarian communities are in the state of Oaxaca (see Appendini 2001; Assies 2008: 44-48).

two out of nearly a thousand being present in the final session voted for ‘No’, the overall population of Juchitán is more than 95.000). The opposition boycotted this last session because during the process, the standards of the *consulta* according to the ILO 169 – free, prior, and informed, with good will, culturally adequate – were not met. The state actors who had been in charge of the consultation process were in the past ‘pro-wind’ and thus by no means impartial. Moreover, the corridor of decision-making was largely predefined: lease contracts were negotiated years ago by the Mareña Renovables predecessor Preneal, concessions and bank loans were issued, and the turbines were stored in a warehouse in neighboring Salina Cruz. During the consultation, requests on information, e.g. on the socio-economic impact, by community members were not satisfactorily answered neither by company staff nor by state officials (Gerber 2015). Sessions were announced above all via internet in a region with a wide digital gap and many elderly people who hardly finished primary school. Due to these facts, and the harassment of opposition activists, some activists of the opposition movement posed an *amparo*, i.e. a halt to the project, until the cause for the *amparo* is resolved. It was first dismissed and framed by judicial-political struggles (Diego Quintana 2018) and then dealt with by the Supreme Court until autumn 2018.¹⁵ Meanwhile to the *amparo*-process, and in contradiction to law, the wind farm is under construction and the company Eólica del Sur, the successor of Mareña Renovables, payed fees on land use changes to the municipality, funds for social benefits and finished the construction of its disputed wind farms, thus creating facts on the ground.¹⁶

Between 2015 and 2018, the conflict revolved around new concessions for wind farms, like in San Blás Atempa, where the Secretary of Defense wants to set up a new wind park. The town of Unión Hidalgo, where 80 percent of the houses are profoundly damaged after heavy earthquakes in September 2017, the Ministry of Energy began to conduct a free, prior and informed consultation on the new wind farm Gunaá Sicarú (115 turbines) of the EDF daughter Eólica de Oaxaca, irrespective of the devastating consequences of the earthquake. The consultation process was recently halted by strong protest of local organizations together with

¹⁵ See <http://www.prodesc.org.mx/index.php/es/2014-04-21-22-19-14/2014-04-21-23-13-29/672-comunicado-suprema-corte-de-justicia-de-la-nacion-atrae-amparos-interpuestos-por-comunidad-zapoteca-de-juchitan-sobre-consulta-indigena-de-proyecto-eolico>, accessed 2018-05-05.

¹⁶ See <http://www.prodesc.org.mx/index.php/es/2014-04-21-22-19-14/2014-04-21-23-13-29/672-comunicado-suprema-corte-de-justicia-de-la-nacion-atrae-amparos-interpuestos-por-comunidad-zapoteca-de-juchitan-sobre-consulta-indigena-de-proyecto-eolico>, accessed 2018-05-05.

Mexico-City based human rights organization and a notification of the National Commission on Human Rights¹⁷, a federal agency.

Similarly, in the RSCs in Chiapas, central and state level policies and documents around RSCs in its initial moment seemed to condense an interest for 'efficiently' using land, and were present to satisfy the need for large-scale property for agro-industrial investments, rather than an interest for urbanization (Gobierno de Chiapas 2006; Presidencia de la República 2013). We argue that central state institutions and the regional institutional level were present where the Rural Cities policy meant that land highly valued for investment or public-private partnerships was left by inhabitants, but continued to be absent in terms of services provision, social policies and localized economic policy. Eliminating 'dispersed living' thus meant being able to scale up land use change through a centralized state policy, usually a laborious affair involving buy-outs parcel-by-parcel and convincing owners to give up one by one. At the foundation ceremony of a planned RSC in Copainalá in Soconusco in 2011, the governor Juan Sabines Guerrero expressed ideas for 'innovative' agricultural production, 'I suggest it be something like jatropha or pine nut, ...go plant jatropha, its price will go up, it's necessary to keep investing there' (Crónica 2011). The RSC planned in Copainalá, with 900 housing units and inhabitants from 24 communities of the region, indirectly responded to the needs of palm oil cultivation and green capital investments, and preventively relocated inhabitants that would be affected by a planned dam project in the region (Zuñino et al. 2011: 157). Neighbouring (planned) RSC Acapetahua was set as a centre for palm oil cultivation (ca. 7,600 Hectares). For this sector, the Chiapas government continually formulates benchmarks of the number of hectares to be reached by a certain date, constantly expanding oil palm areas. Federal and state levels expressed considerable interest in the first biodiesel processing plant in Puerto Chiapas Industrial Park in 2010. The formal agreement between the Colombian and the Chiapan government (Proyecto Mesoamérica 2010) on a transnational public private partnership biodiesel research centre shows the reconfiguration of scales under the Mesoamerican Project.

Rural Cities were a project strongly supported by the central state's executive, both in its height from 2009, and in its demise, and reviving phase after 2015. While increasing non-

¹⁷ See <http://www.nvnoticias.com/nota/90289/eolicas-con-viento-en-contra-rechazo-en-union-hidalgo-oaxaca>, accessed 2018-05-05.

acceptance of these cities let the national level's presence subside, both Mexico's president, Felipe Calderón, and Chiapas' governor, Juan Sabines, were present in the inauguration of the second RSC, Santiago El Pinar, on the 29th of March, 2011 (Presidencia FCH, 2011). In contrast to that, in both state and presidential discourses around RSCs, the local scale is the object rather than an agent of change (and thus hardly present). Rural dwellers themselves can contribute little to this modernization of the rural sector.

New urbanites partly supported the central state's presence in terms of education for their children (CIEPAC 2010). This seemed to be the only element where they felt the state's promise was kept. There was, however, no possibility for them to include local knowledge into curricula in terms of community participation in curricula planning (see Rivas 2010). Unfavourable state selectivities for Indigenous segments of Mexican society become visible when curricula are taught in Spanish, where the majority of the RSCs population speaks only Tzotzil, as is the case in Santiago El Pinar.

Differentiated selectivities and scalar reach

In the Isthmus, we can characterize differentiated selectivities and scalar reaches which concern the distribution of information, the naming and reference to different actors and scales in planning documents, the importance and acknowledgment of different forms of land tenure, and the narrative of and knowledge on development and progress.

First, we can observe 'concessions of uncertainty' (Bebbington et al. 2014) on the local scale, as no state agency or wind company distributed either comprehensive information on prospected projects, or in a form that took into account levels of illiteracy or bilingualism of (older) residents, especially women, the digital gap between younger/older, rural/urban population, as well as different forms of knowledge on wind, land use, agriculture, and fishery. Even in 2014 and 2015, when the wind corridor was well underway and concessions on large land plots had been issues, people e.g. in the *Ikoots* village of San Francisco del Mar would not have any information on the construction of the prospected Iberdrola wind farm on their territory (field note San Francisco del Mar).

Further, as mentioned above, the EIAs were not thoroughly discussed taking into account the residents' unease. Although with the intention to describe the impact of the wind projects on the local scale, the EIAs are written in a concise way, have a prognostic character, and refer only the respective wind farm. Hence, the context of wind development in the region,

historical land conflicts, as well as the fact that the respective wind farm would be constructed in the vicinity to another wind farm, is not taken into account. The same applies to the statements and contributions made by the company ES during the consultation process.

As one of the main documents of reference, the NREL wind atlas has set the frame for discussions on the necessity to exploit the wind resource of the Isthmus region and reflects the dominant narrative surrounding wind energy development in the Isthmus: Wind has been a burden for Isthmians, and an obstacle to agriculture, but due to modern technologies and wind companies, locals get jobs, land holders rent payments, and communities benefit from CSR, so local development and progress is on the way (field notes; Friede & Lehmann 2016). The dominant narrative reflects the idea of a trickle-down effect of neoclassical economic theory, which in other regions and cases of Mexico has proven wrong in the last 30 years of neoliberal restructuring (de Ita 2019). Further, local development is connected to climate protection in the narratives of state officials, companies, and IFIs, resonating the discourse on the Green Economy and ecological modernization (Fisher & Freudenburg 2019, Avila 2018). Studies have shown that green narratives tend to legitimate contested policies and marginalize or silence critique on problematic impacts of green development projects (see e.g. Fairhead et al. 2012; Backhouse 2016; Ghertner 2011). Apart from the critique on the implementation of the wind corridor, these dominant narratives exclude knowledge and experience on the failure of past development projects, of the state's responsibility for environmental degradation due to the nearby oil refinery of the state company PEMEX or of green revolution agriculture of the Mexican development state in the 1960s and 70s, as well as for failed agricultural policies since neoliberal reforms in the 1990s which led to the exodus of hundreds of Mexican peasants to Mexican urban centres or US-American regions each year (Assies 2008: 41-49; de Ita 2019).

A further central document of reference is the protocol of consultation issued by the SENER which sets the frame for the consultation process between November 2014 and July 2015 on a then prospected wind farm of the company ES outside of Juchitán. The protocol – and contributions of state officials accordingly – explicitly invites the whole Indigenous Zapotec community, addressing different social groups in Juchitán (SENER et al. 2014). The rhetoric surrounding the consultation process seems to reflect the critique on exclusive decision making processes in the run-up to the existing projects and the public character is stressed. This policy-turn is due to social struggles up to 2014, which mobilized different actors on

different scales to push for the implementation of Indigenous rights. Concerning state actors, the SENER included in a contested energy reform of the PRI-government of Enrique Peña Nieto, that local communities would have to be consulted on energy projects on their territories, in the end emphasizing legislation which should have existed before. As a consequence, the SENER framed the consultation in the Isthmus as first example, as laboratory, due to the social context and lack of regulation put in practice (see above). Nonetheless, most state actors, besides e.g. the Oaxacan SAI, seemed to be still in favor of the wind farms, wishing to debate on the 'how', and not the 'if'. As an exception could be mentioned the then administration of Juchitán, headed by the mayor Saul Vicente Vázquez, who had been part of the UN-Permanent Forum of the Rights of Indigenous Peoples. On the one hand it seemed that he needed the opposition against the windfarms to raise questions and critique Vicente Vazquez could not mention himself (Friede & Lehmann 2016). On the other hand, he emphasized to stand by the timetable written down in the protocol against the political pressure of land holders and PRI-affiliates who urged to speed up the consultation process, and reminded the public of the difficult and violent historical struggle of the land tenure in Juchitán. In 2015 and 2016, Saul Vicente was part of a coalition of local administration, which questions local economic benefits of wind energy development for local communities (La Jornada 2016).

The history of land conflicts points to another selectivity, namely the role and status of collective and private property. In the cases of the *ejido* of La Venta, the result of the contested decision making process of the *ejido*-administration fostered the interpretation of the *ejido* as semi-private land tenure regime. In the cases of the agrarian communities in San Dionisio and San Mateo del Mar, the decision of the district administration to fake member lists for the sake of giving out collective land titles to wind developers, reflects the conflict and weak position of collective land titles. In the region of Union Hidalgo and Juchitán, the policy of companies to make contracts with individuals supported those who claimed their private land titles or the facto private land use as legitimate (field note La Venta, Juchitán, Unión Hidalgo, San Dionisio and San Mateo del Mar; see also Cruz Rueda 2011).

In the RSCs process in Chiapas, strategic selectivities of local administrations opened and closed according to party allegiance. Ruiz López (2017: 136) describes how people who were relocated to a RSC were not able to influence the process as a whole, yet it did depend on

community representatives' adherence to PRI and PRD parties if someone received a house in Santiago El Pinar; party loyalty was exchanged for a public service. The state law, however, established that the settlements belonged to a housing distribution scheme preferably to women, and prohibited selling for 25 years (Congreso del estado de Chiapas 2008).

Instead of building on the villages' *asambleas comunitarias* as an existing democratic vehicle, RSC project staff created three institutions supposed to serve as participatory institutions (the housing committee, the public services committee, the neighbourhood assembly) (IPCR 2010). These institutions did not become new corridors of access to the local state, but served as informational events, and even reinforced existing power relations, conditioning the provision of services and infrastructures on the acceptance of homogenized housing and consent to relocation (see Ruiz López 2017: 126).

The above-mentioned mix of public and strategic private actors not only had a privileged function in the governance of the planning process, devising, evaluating and assessing a 'public' settlement and land use programme, but in fact acquired tasks of governance itself. These entities, much rather than the semi-voluntary settlers themselves, constituted the project's advisory board, the *Consejo Consultivo Ciudadano*, which functioned between 2008 and 2013. Its list of members reads like a who's-who of the Mexican top ten private sector philanthropic foundations. Enrique Barragán, president of Azteca Foundation, served as its president; Telmex Foundation and BBVA-Bancomer Foundation are prominent on the list.¹⁸

Lingering behind the RSC urbanization project, was a promise of citizenship, and thus, of participation. Now, indeed, a mayor was elected in Nuevo Juan de Grijalba, yet we argue that the project of urbanization via RSCs has not only not provided better access to the state, i.e. through more favourable institutional selectivities. Additionally, it closed down possibilities of more autonomous political organizing, because pre-existing, potentially Zapatista-friendly communities were dissolved. This does not mean that dispersed communities were necessarily democratic in an ideal sense before. Neither did they enjoy access to any state scale. Yet, despite the promise of development, citizenship and with it, citizen participation, the RSC regional policy condenses anti-Zapatista interests in a scalar fix against local scale decisions based on general community assemblies. These points seem to be positioned against political participation itself. Zapatiasta sympathizer communities and *caracoles* had an essential impact in introducing democratic alternatives in Chiapas (and with very broad scalar

¹⁸ See <http://www.ciudadesrurales.chiapas.gob.mx/consejo-consultivo>, accessed 2017-30-04.

reach, with global repercussions). Some of the neighbouring villages to RSCs are indeed known as Zapatista support bases (*bases de apoyo zapatistas*), hinting at particularly unfavourable state selectivities. The scalar reach and success of autonomous movements partly explains the cycles of attempted clustering of inhabitants in housing projects without a clear economic and social programme. The urbanization has, if anything, contributed to the disorganization of these communities' more autonomous processes and can be (structurally) linked to the more direct violence perpetrated against other communities. So, while democratic municipal administration is lacking in the sense of submitting more fundamental decisions to a democratic process, RSC inhabitants still face institutional selectivities conditioned on intertwined aspects of discrimination, entangling class and race.

Scalar struggles, scalar strategies

The conflict in the Isthmus surrounding wind energy is a story of scalar struggles. Against the decision-making process mainly on the national scale and by federal state agencies and transnational companies and with bank loans from multilateral banks like the World Bank and Inter-American Development Bank all based in Mexico-City, activists of the opposition movements against the wind farms pursued a scale jumping strategy, using international agreements, notably the ILO 169, the transnational narrative on Indigenous rights, as well as the power of some parts of the Mexican judiciary.

Against the decision-making process mainly on the national scale and by federal state agencies and transnational companies, local critics have been protesting in the Isthmus, with barricades and the blockade of infrastructure and roads notably around the 2000s (around the community of La Venta) and in the years between 2010 and 2014. Some activists travelled to Mexico-City to criticize the way how the wind farm by the consortia Mareña Renovables, financed with money from the Inter-American Development Bank had been planned. Moreover, and central to the struggles of the opposition movement in the Isthmus, they have been claiming their right to be consulted according to international agreements, notably the ILO-Convention 169. In this regard, they put 'politics of scale' (Wissen 2007) center-stage. This reference to the ILO 169 not only enables coalitions with national human rights organizations, and with other movements in Mexico, e.g. against mining or large dams.

The first functionary to halt a wind energy project with reference to consultation rights was a district judiciary. In the case of the *amparo* of the opposition, the legal halt on the decision of

the consultation process, district judiciary was also the first addressee. After disputes around the engagement and responsibilities of judges (Diego Quintana 2018), the judicial dispute on the legitimacy of the consultation was debated in the Supreme Court.

Concurrently to the consultation in Juchitán, parts of the opposition against the wind farms addressed the Independent Consultation and Investigation Mechanism (ICIM) of the Inter-American Development Bank to scrutinize if the bank had violated its own standards of respecting Indigenous rights by funding the Mareña project. Although the ICIM report agreed with the oppositions concern¹⁹, it had no consequences on IDB funding policies for the corresponding wind energy project up to the time of writing this paper.

Local administration between 2013 and 2016 especially started to challenge fee/tax distribution to the detriment of the local level as well as the lack of benefit for local communities. After the parliament of Oaxaca declared of not approving a proposal on community income in February 2015, the mayors declared to undertake a protest march to Oaxaca de Juárez, the state capital.

Another aspect deserves analysis here: In the climax of confrontations, many critics were arrested, violent confrontations left people injured, and at least two people were killed as direct result of the wind farm conflict (Codigo DH 2014). Between 2012 and 2014, protagonists of the oppositions movement left the region to Mexico City and Europe, because they had received death threats and did not feel safe in the Isthmus any more. Although this situation has not (at least until 2018) changed, these activists went back. During their time abroad they built further networks in the international human rights scene and thus gained support for their position (field note Juchitán).

Despite adverse selectivities on several institutional levels in Chiapas, local protest did influence the governance process of RSCs. Local social organizations with larger audiences have voiced their distress about adverse institutional selectivities of the Chiapan state administration, resulting in the lack of access to decision-making agencies. The *zapatista* Abejas communities, with considerable scalar reach to the global Zapatista support community, declared in a globally distributed document, referring to the Chiapan government:

¹⁹ See http://indianlaw.org/sites/default/files/ME-MICI002-2012__COMPLIANCE_REVIEW_REPORT_FOR_MARE%C3%91A_RENOVABLES_WIND_ENERGY_PROJECT__ENGLISH_WEB__.pdf, accessed 2018-01-12.

'If they really want our benefit, the first thing they have to do is respect us [...] Do they think that he [Juan Sabines] consulted us at any point to see if we agreed? Well he didn't even inform us officially. He hasn't asked if we want to leave our houses and land for them to give us others which they decided on' (Abejas 2010).

Local criticism did acquire some scale-jumping qualities towards the global, when in 2011, UN special rapporteur on the right to food, De Schutter, informed the UN High Commissioner for Human Rights in Geneva that despite good investments, the state had failed to provide a sustainable base for inhabitants' livelihoods, and the first two RSCs needed a thorough evaluation before scaling the project up to more localities (Proceso 2012).

Yet, street demonstrations and openly voiced criticism had less impact on the project's implementation through the state-level Institute for Rural Cities and Population (IPCR) than strategies subverting the development project: The regionally influential Pueblo Creyente movement, influenced by liberation theology, highlighted how the RSC programme radically transformed livelihood practices in 2011 during a march in the town of San Cristóbal de las Casas, which again received global attention (Pueblo Creyente 2011). Inhabitants of RSCs such as Nuevo Juan de Grijalva defy state spatial ordering while *at the same time* claiming public services from Chiapas state, which they know themselves entitled to. They do this, for example, by criticizing malfunctioning services, i.e. lack of electricity or water provision for the local health centre, by re-appropriating space and turning unused playgrounds into grazing grounds for goats, and by simultaneously stating that they prefer working their old plots of land a few hours' journey away, and reside in the RSC only part-time (CIEPAC 2010). The inhabitants heavily criticize the programme for not planning the economic projects in a participatory way ('they did this a little badly... in some families all family members are working in a project, in others not even the sons have been passed into one of the projects', CIEPAC 2010).

What had Chiapas state temporarily abandon the project was that people simply moved back to their old villages or away from the new urbanization centre. In any case, local administrations were left with half empty settlements. The clustering and density element of the RSCs programme is failing. Four of the originally planned RSCs have not been realized and disappeared from the website of the Institute for Population and RSC. Struggles between the different scales of state institutions contribute to this subversion strategy: Members of the community council administer the municipal debt of mostly abandoned RSC Santiago del Pinar

while inhabitants left the planned city only months after moving in in 2012, because the Federal Electricity Commission (CFE) cut the supply (Proceso 2012; IDESMAC 2013). The RSC of Copainalá never went far beyond its foundation ceremony. Intermittent inhabitants (Ruiz López 2017: 135) have established their own patterns of temporary or partial living in the RSC, constantly going back and forth between old hamlet and new settlement. This subverting, evading and circumventing the actual development imaginary shows how selective state strategies do set the corridors for possible action; they enable and prioritize projects, people and behaviours, but do not fully control the political outcomes (see Pichler 2015: 21).

With the renewed interest in RSCs after 2015, a new convergence of scales is apparent, more clearly geared towards social policy: RSC Jaltenango de la Paz was awarded a 'healthy community' certificate in 2015, in the scope of the World Health Organization's Mexico programme Healthy Homes, Strong Families, which, interestingly enough, was contingent upon civil registration processes. 625 *constancias de posesión* (occupancy certificates) were handed out to recognize the community, albeit possession differs from property ownership (SDP Noticias 2016).

While planned RSCs disappeared from the website of the Institute for Population and Rural Cities IPCR, governor Manuel Coello impersonated the renewed discursive engagement to cluster rural population in Chiapas, in alliance with the national Secretary for Agricultural, Territorial and Urban Development, Rosario Robles. In 2016, the secretary presented advances of its 'redensification' programme to 'saturate urban vacant lots, densifying them [...] and facilitating the access to infrastructure services and facilities' (SEDATU 2014: n.p.). Again, this programme feeds on World Bank documents such as the 'reshaping of economic geography' (2009), arguing for density as an indicator of progress. Mexican foundations such as Fundación Azteca have been part of the renewed impulse towards planned economic activity in RSCs such as Nuevo Juan del Grijalva.²⁰ In 2018, however, the UN Global Compact deleted the IPCR from its website and 'expelled (it) due to failure to communicate progress'.²¹ That global level seems to support the project no longer, changing scalar relations.

State officials of different scales linked the concentration of a formerly dispersed rural society to promises of development and citizenship in their recurring appearances at RSC opening

²⁰ IPCR Twitter (2017-08-31): 'Reunión con el empresario Enrique Bert', <https://twitter.com/IPoblacionCR>.

²¹ See <https://www.unglobalcompact.org/what-is-gc/participants/63781-Instituto-de-Poblacion-y-Ciudades-Rurales> accessed 2018-10-05.

ceremonies, hinting at the inhabitants' integration into the political community. However, state selectivities continued to be unfavourable to the villagers-turned-urbanites at various scales. Their struggles have hardly condensed into a change of regional state policy, laws, or administrative set-up.

Conclusion

The governance of development projects contradicts the discourse on participation, but first and foremost, the governance *process* – more than its *effects* – exposes the limited spaces for democratic participation in a context where greater questions always seem to be settled and relegated to arenas out of reach for political contestation. Participation, as an integral part of 'development', thus itself becomes an exclusionary process. Together with the violent *effects* of large-scale development projects which have been widely described (i.e. Andreucci & Radhuber 2017; Deonandan & Dougherty, 2016), such as displacements, large-scale land acquisitions and social conflict, these processes expose very particular state-society relations based on the highly asymmetrical integration of claims by strategic actors and social forces into state policies and projects.

In terms of the strategic-relational approach towards the state, the two examples of Mexican planning processes show that generally, the integration into the world market (in historically contingent phases, through specific forms of regulation, provided by a dynamic ensemble of norms, guidelines and institutions (Brand 2010: 107) conditions some of the specific selectivities and thus the access to state institutions. We were able not only to identify scalar fixes of problems the state faces in terms of the need to attract investment (i.e. the resettlement idea of the RSC programme to eliminate dispersion and thus make land available for investment), but hope to show how state selectivity is diverse across scales (city-region, state, federal level).

By analysing the two cases, we observe a different role of the state scale: In the case of windfarms, the national, local and transnational scale (e.g. narratives on human rights) are far more important, whereas in Chiapas, the role of the Chiapan state scale is bigger. Actors on the local level in the Isthmus could politicize content to some extent, but the green narrative on climate protection and development made their complaints hardly visible. In Chiapas, local actors do not dispose of specific networks, but the case of rural cities gained attention due to *Zapatista* politics and narratives on exploitation and marginalization of Indigenous

communities by neoliberal projects. In Chiapas, the UN had an ambivalent role. Activists, companies, but even the state pursued scale-jumping strategies. Companies and state actors address each other on the national scale, but widely neglect the local scale as an arena of political negotiation, it is one where state officials appear to present the positive impacts their projects will have. Some local scale institutions have contested that in the case of Oaxaca, when local administration began to question impacts by the wind farms from 2015 onwards. With the turn of tides in 2018 and a new president being sworn into office, the debate on participation and citizen involvement in the planning of large-scale development and infrastructure projects has picked up speed again. One interesting change was that president-elect Andrés Manuel López Obrador held a referendum on whether to carry on building the large, and highly contested Mexico City airport, and the airport was rejected.

Consultation processes have been more seriously introduced in Mexico. In our examples, the consultation process in Juchitán was certainly a success for the opposition movement against wind farm implementation. It opened a space for debates and influenced current initiatives for Indigenous consultation in Mexico (Zarembek et al. 2018). Still, we can observe that state actors, especially from the Oaxacan state and national level, did not participate as visible actors, but set the framework for the supposedly free, prior, and informed consultation, thus strengthening the procedural dimension of consultation, and not the conflicts and structural contradictions (inequalities, power relations) that are behind contest. In Chiapas, the IPCR has openly discussed economic prospects with inhabitants of Nuevo Juan de Grijalva, in 2017, suggesting a change of strategy at the regional level.²² These dynamic changes, however, do not suggest a radical transformation of the state's more structural, administrative elements, just as yet. While the implementation of particular projects is highly contested, planning corridors seem to be rather fixed and not subject to changing state selectivities. The terrain of debate the state provides is given, the debate is about 'how'-to-do, rather than a general questioning of large-scale projects. This resonates with critical studies on consultation processes.

In line with this asymmetrical integration of claims and despite selective democratization processes in Mexico (e.g. Pansters 2012), consultation processes in large-scale development projects have largely served as background music to legitimize what state agencies had previously approved.

²² See <https://twitter.com/IPoblacionCR>, accessed 2017-08-31.

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