



AMPARO ADMITTED AND PROVISIONAL SUSPENSION GRANTED FOR CENOTES TO BE RECOGNIZED AS SUBJECTS OF RIGHTS

-Populations of the community of Homún continue their legal defense of the cenotes

-This amparo also seeks to protect children's rights to a healthy environment and the rights of children to conservation of the Mayan cultural heritage.

Members of the Kanan ts'ono'ot Collective (Guardians of the cenotes), a Mayan collective from the community of Homún, formed to defend their territory, water and environment, filed an injunction before the Federal Court to demand the protection and recognition of the cenotes as subjects of law, in order to protect, with the highest standards, their right to a healthy environment, their self-determination and the protection of their cultural legacy.

This injunction was filed due to the failure of the federal, state and municipal authorities to recognize the cenotes as subjects of rights and to establish measures to stop the growing environmental and territorial affectation in the area known as the geohydrological reserve of the cenotes ring, despite the fact that the community has been requesting it for more than a year.

In response to the filing of the injunction, last Monday, March 6, the Fourth District Court in the state, upon admitting the injunction lawsuit, decided to grant a provisional suspension, while it decides whether such suspension becomes definitive. In essence, the judge of said court established as a central argument:

That the complainants "in the various petitions presented to the responsible parties, request that the cenotes that make up the "Reserva Estatal Geohidrológica del Anillo de Cenotes" be recognized as protected natural areas; They point out that the intensive and large-scale use of mega-projects such as the pork industry, monocultures associated with transgenic crops, tourism and real estate expansion, and other extractive projects have contaminated the aquifer of the Yucatan peninsula, particularly the cenotes, causing irreversible damage to the environment, thus affecting the fundamental rights of the Mayan peoples and the equilibrium of the territories they inhabit, it is evident that the omission of the responsible parties to respond to the petition can produce an ecological imbalance or damage to the environment or natural resources that is impossible to repair".



The injunction filed by the Guardians of the Cenotes, which gave rise to the above-mentioned suspension, was based on the need to interpret, from the highest standards of protection, the right to a healthy environment and taking into account the progress that has been made at the international level and in other countries.

It also seeks to determine the recognition of cenotes as subjects of rights and the members of the Mayan communities as their guardians, a situation that implies moving from a merely anthropocentric vision, where nature is at the service of human beings, to an ecocentric one, where the concept of dignity recognized to people must be extended to the various natural elements that, as in the case of cenotes, form unique ecosystems that are essential to ensure an adequate ecological balance.

It should be remembered that the importance of the Cenotes Ring lies in the fact that it supplies 42% of the water volume in the State of Yucatan and 19% of the total volume in the Yucatan Peninsula. Likewise, this area is home to more than 41 endangered wildlife species and more than fifteen endemic species that are at risk of suffering irreparable impacts due to the growing anthropic activity derived from the increase of mega-projects that have been established in the region, generating environmental, territorial, and cultural impacts. For this reason, the injunction requested, as a precautionary measure, the suspension to the effect that:

"(...) the responsible authorities, within the scope of their competencies, do not grant authorizations for large-scale infrastructure projects that may generate negative socioecological impacts on the biocultural heritage represented by the protected natural area "Reserva Geohidrológica Anillo de Cenotes" (Geohydrological Reserve of Cenotes Ring).

In this sense, it is encouraging that the Fourth District Judge has granted the suspension in the terms indicated and we consider that there are sufficient elements for such suspension to be definitive, establishing a precautionary measure that, at least in practice, would prevent the continued irrational exploitation of the territory and nature in that area of the Yucatan Peninsula, until the final resolution of the amparo proceeding.

The ultimate objective of this recognition of the Cenotes of this area as a subject of rights is to improve the natural and social conditions in the face of exploitation, contamination and other risks to which the inhabitants of the Cenotes ring and the cenotes themselves have been exposed, so that the Mayan communities can exercise their rights to the natural resources of the area.



ancestral guardianship over the cenotes and spearhead efforts for their protection and restoration.

The possible resolution in favor of recognizing the rights of the Cenotes would place Mexico at the forefront of environmental protection and would also contribute to comply with the principle of the best interest of children by taking the most effective measures to guarantee their right to a healthy environment, the conservation of their cultural heritage, as well as respect for the self-determination of indigenous peoples and communities.