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## ARTICLES

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## Anthropological expertise and social commitment: the disruption of the gas pipeline in the Yoeme-Yaqui indigenous region (2018)<sup>1</sup>

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**ABSTRACT:** This article outlines some of the socio-cultural consequences that threatened the Yaqui peoples with the introduction of a gas pipeline since 2014. Since the first contacts with the conquistadors and the end of the 19th century, the Yaqui people, located in the south of the current state of Sonora, Mexico, have historically demonstrated their fighting spirit in defense of their territory. Through field experience and several years of ethnographic immersion, the author analyzes the cultural and political conditions produced by this megaproject. In the face of the neoliberalism of the time, possible violations of sacred spaces are described, while the conflicts created within the group over the course of a decade are narrated. In the litigation, the Yaqui Indians confronted the lawyers of the company in charge of the project, who collaborated with some actors of the state and federal government.

**KEYWORDS:** Cultural rights; Indigenous population; Ethnic conflict; Neoliberalism; Mexico.

### Peritaje antropológico y compromiso social: la interrupción del gasoducto en la región indígena yoeme-yaqui (2018)

**RESUMEN:** Este artículo expone algunas de las consecuencias socioculturales que amenazaban a los pueblos yaquis con la introducción de un gasoducto en el 2014. Desde los primeros contactos con los conquistadores, y a finales del siglo XIX, el pueblo yaqui, enclavado en el sur del actual estado de Sonora, México, ha demostrado históricamente su espíritu de lucha por la defensa de su territorio. A través de la experiencia de campo y un trabajo de inmersión etnográfica de varios años, se analizan las condiciones culturales y políticas que produjo este megaproyecto. Frente al neoliberalismo de la época, se describen las posibles violaciones a los espacios sagrados, al tiempo que se narran los conflictos creados en el interior del grupo a lo largo de una década. En el transcurso del litigio, los indios yaquis se enfrentaron a los abogados de la empresa encargada del proyecto, quienes colaboraron con ciertos actores estatales y federales.

**PALABRAS CLAVE:** Derechos culturales; población indígena; conflicto étnico; neoliberalismo; México.

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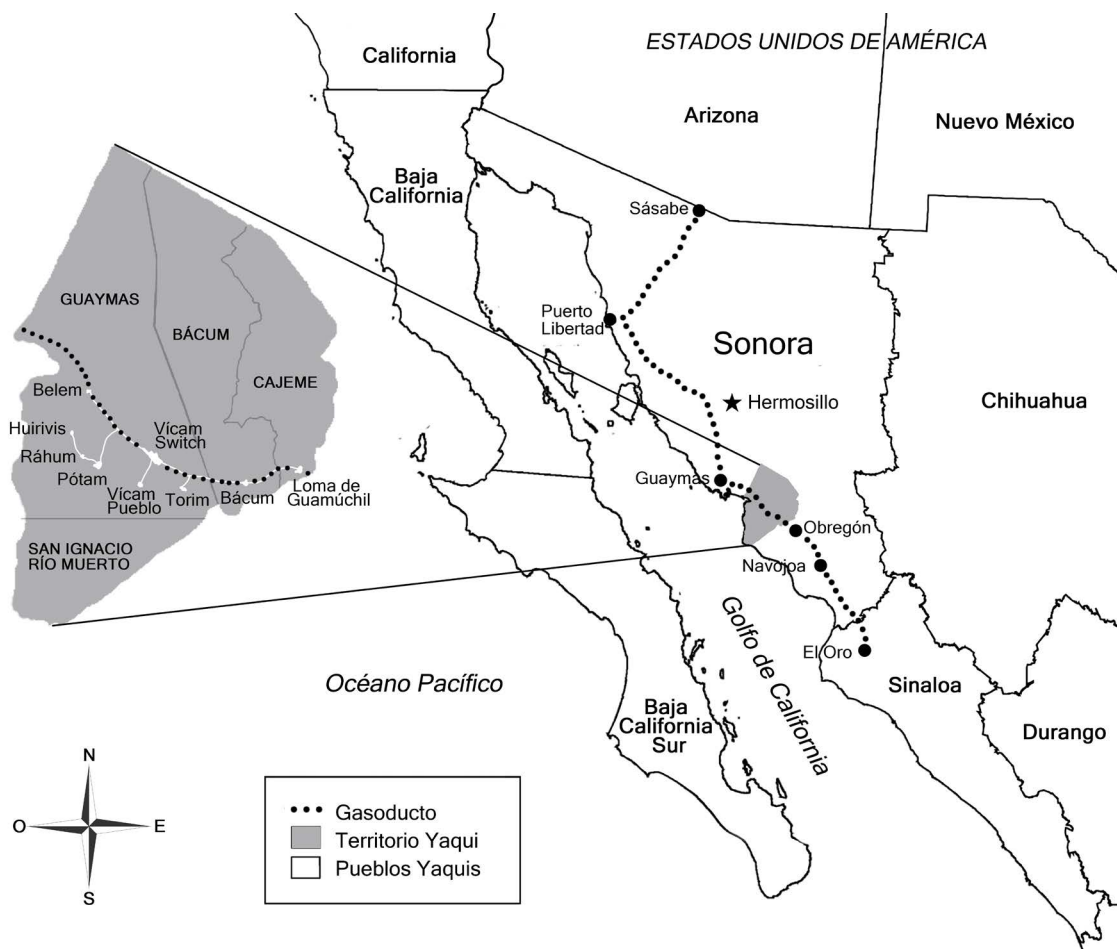
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<sup>1</sup>The author translated the title, abstract and keywords to the Spanish language.

## Introduction

For more than a decade the Yaqui peoples were involved in a legal conflict which they were forced into, that caused division within the tribe between those who were in favor and against the introduction of the gas pipeline that would cross their territory from north to south. The original route of the gas pipeline began in *Guaymas*, north of Sonora and ended in *El Oro*, north of Sinaloa with a length of 205 miles, from which almost a third part extended throughout Yaqui communities who refused to be dispossessed from their territory (see [map 1](#)).

**Map 1:** Northeast Mexico, Yaqui region, *Guaymas-El Oro* gas pipeline.



**Source:** Made by Lic. Eduardo Rodriguez Reyes.

The mega-project which was cancelled due to expert reports against it and injunctions from the Yaqui peoples, was led by the transnational corporation *Gas de Agua Prieta*, that with modern infrastructure introduced hundreds of miles of gas pipelines into Yaqui territory. Even though some Yaqui communities were opposed to this. This situation caused violence attempts and division within the Yaqui peoples. During several years of the XXI century's second decade there was a period of uncertainty

and persecution in several communities. Private interest motivated this whole ordeal during the current federal administration, the same interest that took part in the attempt to dispossess the Yaqui of their territory. However, at the end of *Lopez Obrador's* term and as part of the Plan for Justice for the Yaqui peoples, some hectares were restored to the original territory.

The main goal of this article is to analyze the legal and cultural plans which prevented the mega project in the Yaqui region, located in the Northeast of Sonora, Mexico, where the federal government intended to build a gas pipeline at the beginning of the 2000. This work continued until 2018 when it was shown to be unfeasible. This project would cross the territory of the Yaqui people from south to north, openly violating the autonomy of the *Yoeme* Yaqui<sup>2</sup> region. In this document we analyze the cultural phenomenon which prevented this mega project from being carried out, as well as the main arguments against it.

With the goal of elaborating and analyzing the main arguments against the gas pipeline in *Guaymas-El Oro*, extensive ethnographic work was carried out over the course of several years. In this investigation a qualitative methodology was used through interviews and the deep research of archives and legal sources from the early 20th century. Likewise, a corpus was constructed on the historical, cultural and legal truth of the Yaqui peoples, which has no self-determination but does have political autonomy. Other main sources of information were informal conversations and legal support with the main subjects involved in the conflict, which was compiled and analyzed based on the defense of their territory, taking into consideration their intangible heritage values and, therefore, of a symbolic and historical nature. Typological information such as flora and fauna was used from previous research, which was not explicitly included in this article due to its length (Gonzalez and Gonzalez, 2016).

Documentation was fundamental for this investigation. Several legal documents were provided by *Instituto Nacional de Antropología e Historia* (INAH) and analyzed for this study. Several colleagues contributed to this work with their extensive knowledge of the subject and by being involved, at the time, in legal and cultural research on natural resources in the Yaqui Region (Moctezuma, 2013; Moctezuma *et al.* 2015; Moctezuma *et al.*, 2013; Lerma 2009 y 2015). This research falls within the field of legal anthropology.

Since the late 19th and early 20th centuries, pioneering legal anthropologists were primarily interested in analyzing the regulatory systems of non-European societies. In the context of evolutionism, these professionals believed that by analyzing the laws of these peoples, they could obtain information about the legal systems of Western

<sup>2</sup>*Yoeme* designates true men, those who respect the tradition.

countries. Based on this premise, their research was aimed at elucidating the parental, religious, political, and cultural laws and norms that determined the morals of different societies around the world. In the words of Palerm (1987):

The first great modern ethnologists were mostly jurists: Bachofen, Maine, McLennan, Morgan. Without them, it is impossible to understand both the resurgence of ethnology and the favorite topics of nineteenth-century ethnologists and twentieth-century social anthropology (family, kinship, inheritance, society, etc.)” (p. 162).

These pioneering legal anthropologists, among whom we can easily include Friedrich Engels (2013) with his work *The Origin of the Family, Private Property, and the State*, felt the need to investigate social and cultural issues in general through the internal, implicit, and explicit laws that govern the life of traditional societies. Legal anthropology took a particular course in which various anthropologists were involved throughout the 20th century and the beginning of the 21st century.<sup>3</sup>

### Background

As already mentioned, the Yaqui peoples became involved in a conflict to decide whether the gas pipeline was viable and convenient for the community, knowing that the original project proposal did not mention any significant economic benefits for the community. In 2014, consultations began to make an “informed” decision on the construction of the gas pipeline that would cross their ancestral territory (Assembly Minutes, 2014). As the *Yoemes* define it, the Yaqui “tribe” currently lives in southern Sonora in the municipalities of *Cajeme*, *Guaymas*, *Bácum*, and *Empalme*.<sup>4</sup>

This indigenous community has persisted in its settlements and culture since their first contact with advanced Spanish communities in the late 16th century (Padilla, 2009; Fabila, 2012). In cultural terms, the *Yaquis* or *Yoemes*, as they call themselves, are part of a regional ethnic conglomerate that includes other indigenous peoples such as the *Mayos* or *Yoremes*, the *Seri* or *Comcáac*, the *Guarijíos* or *Macurawe*, the *Pápagos* or *Tohono O’odham*, and the *Pima* or *O’oba*, as well as the now extinct *Nevomes*, *Eudeves*, and *Ópatas*, who, among other peoples, saw their culture disappear during the years of conquest and colonization of what we now call the state of *Sonora* (Moctezuma, 2013; López *et al.*, 2013; Olmos, 2011).

The persistence and resilience of the Yaqui tribe has been made possible by various phenomena specific to their culture and social organization, among which we can mention their identity, their linguistic strength, their military and religious organization, their popular government representatives, as well as their strategies for fighting

<sup>3</sup> For further information, see the works of Esteban Krotz, *Legal Anthropology: Sociocultural Perspectives in the Study of Law* (2002); and Fernando Silva, *Introduction to Legal Anthropology* (2000).

<sup>4</sup> The use of the word tribe has no pejorative meaning, but rather a historical connotation used by the Yaquis themselves.

against the onslaught of the outside world and the Mexican state in particular, which, during the 19th century and continuing throughout the 20th century, implemented multiple policies of extermination, dispossession, and invasion of their territory (Pardilla, 2011). It should be noted that the Yaqui tribe is the only indigenous community in Mexico that has political and cultural autonomy over its territory (Velasco, 2015). This was achieved through the recognition of lands granted to the Yaqui tribe in 1940 by the then president of Mexico, Lázaro Cárdenas (DOF, 1940).

The contemporary organization of the Yaqui tribe stems mainly from the colonizing experience with the Jesuit missions, but above all from the culture they developed since before the arrival of Europeans. The ancestors of what we now call the Yaqui tribe were occasional farmers, gatherers, and hunters who lived scattered until the arrival of the first missionaries in the 17th century, who gathered them into the eight villages that exist to this day (Pérez de Ribas, 1985).

According to some sources, in the 17th century, the territory was much larger than what was certified in 1940 during the Cardenas administration. The prevailing logic until the arrival of the colonizers was one of widespread dispersion, although the inhabitants tended to concentrate in a few hamlets along the Yaqui River. For this reason, their ancient territory did not have defined borders as it does today. With the construction of the eight towns in the second decade of the 17th century, a new conception of human spaces and land ownership began.

### Yoeme social organization

The internal organization of the Yaqui tribe can be summarized in three general areas: 1) civil organization, consisting of governors and elders, 2) military organization, consisting of captains, lieutenants, and sergeants, and finally 3) religious organization or *kohtumbre*, which includes the Captain of Cavalry, Pilate, and the Jews; although there is some overlap between these latter groups, especially during Lent and on specific dates in the festive and ritual calendar (Moctezuma *et al.*, 2013). Finally, there is the Assembly or Council, and the troop that makes decisions together with the traditional authorities, whose community provisions are agreed upon by consensus and in no way by simple majority (INAH, 2015; Figueroa, 1993).

The traditional authorities of each village are governed by a governor, the Elder Council, the Captain, the Commander, and the Secretary. This structure is present in each of the eight villages of the Yaqui tribe. In contemporary times, as a result of the division of some villages or interference by municipal and state authorities in Yaqui territory, alternate headquarters for the traditional villages have been created where the presence of the *Yori*,<sup>5</sup> or non-indigenous population has increased. This is the case

<sup>5</sup> *Yori* in the Yaqui language means white and is used to refer to mestizos, white people, or those who do not belong to the Yaqui ethnic group.

in *Cócorit* and *Bácum*, where *Loma de Guamúchil* and *Loma de Bácum* are the villages that replaced the legal representation of these communities. However, as Lerma (2009, 2015) has pointed out, there are more than eight traditional authorities that, due to logistical issues in the exercise of normativity, such as in the case of the town of *Vícam* and *Estación Vícam*, have different authorities, each with a representative as a *Yoeme* town.

### Culture and territory

Since before the conquest, the territory of the Yaqui tribe has had natural borders, which the *Yoeme* used to recognize themselves as individuals within the territory and differentiate themselves from other neighboring peoples. These borders were not like today's dividing lines, but rather vast expanses of land. Unlike contemporary boundaries, the ancient borders, despite their physical existence, were not impassable; they were traversable. The communal form of land ownership is an ancient form of administration, and it has remained largely unchanged. Radical transformations are not in the organization and administration of the territory, but rather in the Mexican state's recognition of internal organization. There is the emblematic case of the recognition granted by Lázaro Cárdenas in 1940 to the Yaqui tribe, in which 474,555 hectares were restored to them. Although in reality this was nothing more than a legal declaration by the Mexican government of a possession that had been held since ancient times, already recorded by the first missionaries and colonizers of northwestern Mexico (Cárdenas, 1939; dof, 1940).

The original territory of the Yaqui tribe was very different from what it is today. Until before the 19th century, it is difficult to know the boundaries of their territory. Individuals lived scattered and did not learn about concentration of houses until they were established in mission towns (Lerma, 2015; Figueroa, 1993). Their worldview, which persists to this day with many of its original elements, was based on a broad perception of space, and population concentrations did not exist in terms of towns. After the arrival of Catholicism and the missions, particularly the Jesuit missions, the *Yoemes* referred to the *juya ania*, or world of the mountain, as a physical, but especially religious, entity that involved not only the mountain where they originally lived scattered, but also signified an imaginary universe and religious beliefs where they jealously guarded their most ancient knowledge, with which they maintain a very intimate relationship today (Olmos, 2011; Spicer, 1994; Moctezuma *et al.*, 2015; Olavarría 1989, 2003).

The problem of understanding the Yaqui world begins when we attempt to conceive space from a geometric perspective, because although the *juya ania* or world of the mountain evokes a pre-Christian dimension of wildlife, it cannot be located on a geometric plane. On the contrary, it is a product of the universe of ancestral beliefs

and, just as intangible sacred places are found in other religions, it has certain geographical points, but these refer to an imaginary conception of the origin of things, individuals, and the universe (Olmos, 2005; Giddings, 1993). However, in geological terms, the territory of the Yaqui tribe is composed of the Sierra del Bacatete, La Costa, and, above all, the Yaqui River. According to the Mexican government's official recognition document, the following is mentioned:

In accordance with the approved plan and signed by this Federal Executive, which is attached as an appendix to this resolution, the clearing and demarcation of the lands being returned to the Yaqui Indigenous Community, Sonora, shall be carried out following the boundaries specified below: starting at the southern tip of *Isla de Lobos*, heading northeast, until reaching the southwest corner of the *San José* quadrangle; from this point, heading north, along the western boundary of the aforementioned quadrangle, crossing the river upstream until reaching the point where this bank crosses the southern boundary of the *Buenavista* lands; from this crossing, following the southern boundary indicated, westward to the southeast corner of the aforementioned *Buenavista* lands; from this point, along the entire western boundary of the aforementioned *Buenavista* lands, heading northeast to the northwest corner of these same lands; from this point, in a straight line, heading northwest, until reaching the place called *Sahuaral*; from this point, in a straight line, heading northwest to the *Moscobampo* peak, from this point, in a straight line, heading southwest, passing through the South Pacific Railroad station called "*Las Guásimas*," to the coast of the Gulf of California, including Lobos Island, until reaching the starting point (DOF, 1940, p. 11).

The boundaries of ancient groups were defined by symbolic bunds of a religious and cosmogonic nature, meaning that their borders often referred to figures from their own mythical and religious culture. However, the ancient *Yoemes* knew where their territory ended in relation to neighboring groups. According to oral tradition, the *Yoemes* state that their territory was beyond Guaymas, which means they also knew the boundaries with other peoples such as the *Comcáac* or *Seris*, as well as the *Yoremes* or *Mayos* of the south, from the *Mayo River*, in an area they called the *Mayoa* or the southern boundary of the Yaqui territory. The second clause of the 1940 document states: "The Yaqui tribe may use, during each agricultural year, up to half of the water stored in the '*La Angostura*' dam for the purpose of irrigating their own lands" (DOF, 1940, p. 11).

### Land ownership

According to field information obtained during long stays in the region, the Yaqui territory cannot be divided in any way. After the territorial recognition, attempts were

made to sell some collective plots, with very poor results. At the end of the 1980s, there were several attempts by some Yaqui politicians to divide and sell plots of land. These cases were punished with flogging or even banishment for those who attempted to sell tribal property. The identity of the Yaqui people is closely linked to the land. The association between the *Yoeme* territory and their ancient ancestors directly evokes the dignity of the warriors who gave their lives defending the territory. This perception of the territory as a defense of their dignity is very much alive in each of the inhabitants of the eight Yaqui villages. The notion of selling land inevitably evokes betrayal towards the origins of their culture, their territory, and their ancestors. In 1987, the testimony of Doña Juanita, a resident of Cócorit, makes this clear:

My parents were taken away in 1907, forcibly; they left their homes, their farms, and their crops behind, without taking a single grain with them. They were slandered because they said the crops were from the mountain range, but that was not true. They sowed their seeds along the riverbank, and here they sold their crops up to *Guaymas* or *Hermosillo*, where they could sell them to support themselves (Ríos, 1994, p. 71).

In the territory of the Yaqui tribe, there is no subdivision as commonly seen in mestizo urban cities, or among the *Yoris*. In some cases, concessions have been made for mestizo housing in tribal territory, but these were granted with special permissions that the governments of the eight villages gave to some external families who demonstrated their moral character in accordance with tribal norms. However, these concessions can be expropriated at any time.

The land is communal and can be inherited from parents to children under specific circumstances. However, a “mixed couple,” consisting of a Yaqui man married to a *Yori* woman who does not belong to the community, may be eligible to inherit a plot of land. However, if the man in the couple is *Yori* or mestizo, he cannot own property within the territory. The rule of matrilineal residence after marriage is often imposed, meaning that the couple usually lives in the home of the woman’s parents, rather than the home of the man’s parents.

Land for sowing is reserved for prestigious members of the community who have ancestors without a history of betraying the *Yaqui* tribe during the revolutionary period or thereafter. Land grants and distributions in *Yaqui* territory have two fundamental components, an internal and external one. As mentioned above, in the internal process, the traditional authorities are the ones who provide land to individuals, and they are also the ones responsible for evaluating land requests in accordance with the internal regulations of each village and its traditional authorities. In the external case, the *Yoeme* people and the troop participate in matters of collective interest, beyond the authority of each village, always seeking to protect the communal interest and heritage that concerns the eight villages of the tribe.

### Territorial policy

Given that the territory is indivisible and inalienable, the strategy for the defense and integrity of the Yaqui tribe has been one of the strongest claims of the Yaqui people throughout history. There are testimonies in the community of Belem that specify the spirit of struggle and collective integrity of the tribe:

[...] at that time before I was born, and after I was born, even as a child I heard from elders that in those days, they (the *Yoemes*) went into the mountain ranges and talked about how they gathered in the villages of *Ráhum*, *Huirivis*, and *Belem* together with the people of *Pótam*. In *Pótam*, there was a settlement of the *Ráhum*, *Huirivis*, and *Belem* peoples when peace was made there. Once these peoples were gathered, they sat down to talk with the authorities and ask for permission from them and the inhabitants of the village. They wanted to settle near the "*Pitahaya en el agua*" (*Pitahaya* in the water), but there was no water in the village of Belem. What were we going to drink? It was very difficult, and that is what those gentlemen said. Those who live in the village of *Pótam* asked permission from the village of Belem and the present authorities, to allow their settlement there in what is now *Pitahaya*; they sent a commission to the village, stayed there and cleared everything where the "*Pitahaya en el agua*" was (R. Valencia, personal communication, July 1999).<sup>6</sup>

Traditional authorities, including the military, governors, and the *yoeme* troops, collectively make decisions to defend themselves against any invasion of tribal territory. This is demonstrated by the history of interference by the Mexican government since the *Porfiriato*, the revolutionary period, and the post-revolutionary period (Padilla, 2009). Decisions made both for the defense of territory and for projects with a major cultural impact on the Yaqui tribe's territory, such as the Guaymas-El Oro gas pipeline, should have been analyzed by assemblies in each village and the general assembly of the eight Yaqui villages.

Even if there were some disagreements among one of the villages regarding an agreement reached by the remaining seven, it is necessary to reach a general agreement. In Yaqui tribal law, there is no such thing as a simple majority as there is in Mexican society. The eight villages must present their arguments regarding the initiative's interference and reach collective agreements and consensus that benefit the entire territory and its population. If one or two villages disagree with the decision of the others, the decision is not made by majority vote, but rather all arguments must be exhausted until an agreement is reached among all the villages.

<sup>6</sup>This testimony was recorded during the Oral Tradition Meeting in Belem in 1999. I would like to thank Amairani Zavala and Ismael Castillo for translating it from Yaqui into Spanish.

### Destruction of biocultural heritage

The impacts on Yaqui cultural heritage resulting from the construction of the gas pipeline are varied, some obvious and others less so. The former are very explicit and involve sacred violations of the tribe's territory, such as the sites that safeguard the collective memory of the eight villages, as well as the ecological damage that intensified during the introduction of the pipeline. Despite everything, the most significant impact on the tribe is that it has set a precedent for future intrusions by entities and organizations outside the culture of the people. It would be the first time in history that such a large-scale project has been authorized, which would lay the groundwork for future incursions by companies into territory that does not belong to them.

On the other hand, in order to install the gas pipeline, trees were cut down and important endemic species, both used for traditional medicine and for the manufacture of ritual objects used in festivals and ceremonies relevant to the community, were affected. Likewise, the environmental report (González and González, 2016) provides extensive information on the impacts following the installation of the gas pipeline throughout the territory, and also describes in depth the technical specifications and safety measures with which the work was carried out throughout the *Yoeme* territory.

The ideal behind promoting this type of project was to create economic and cultural plans managed by the community itself, which would enable them to restructure their culture in the long term according to their own needs. However, when compared to the economic profits for the company, which will amount to hundreds of thousands of dollars, the project would not actually contribute a significant economic windfall for the *Yaqui* tribe. In addition, the fact that it generated division and violence within the communities was a terrible precedent for the conclusion of the project. The territory of the *Yaqui* tribe is conceived as a unit, not only in physical and material terms but also in terms of meanings that belong to their spiritual and religious world.

The *Yaqui* tribe, like other peoples of northwestern Mexico, has a spiritual world where their beliefs and customs are born, which form the foundation of their society and religion. It is impossible to establish projects in a territory with strong roots tied to nature or to the *monte juya aania*, which literally means the world of branches, which in another sense would be the plant or mountain universe, which gave rise to the *surem*, ancestors of the *Yaquis* and the *Yaqui* people themselves. This world, *juya aania*, does not only mean the green of the mountain or the plants, but is the foundation of the most sacred beliefs of the *Yaqui* tribe. This world belongs to the ancestors, and this dimension is home to the most sacred knowledge linked to the origin of the *Yaqui* tribe and its ritual and cultural practices, so any intrusive intervention represents an attack on moral and spiritual values. Intervention in the sacred mountain or *juya aania* is an act of irreverence and spiritual insolence towards the ancestors.

Although the introduction of the gas pipeline raises problems due to the destruction or material intervention of spaces linked to the performance of rituals, or boundaries related to mythical and religious representations, the main impact is the invasion of sacred places, and by this I refer to intangible phenomena that have ancestral dimensions, including, among others, the *juya ania*, “the original world of the mountain,” the *yoaania*, “the world of the ancestors,” or the *yojoara*, “the place of enchantment”; all of them framed within what the *Yoemes* or *Yaquis* know as *yo lutu’uria*, which means ancient truth or the law of the ancestors. *Yoeme* morality is governed by legal, religious, and ancestral principles that sometimes cannot be translated into specific laws. Even so, the *Yaquis* as a society have strong principles of truth, ethics, and collective interest. In some cases, these categories represent concepts and references to sacred and timeless worlds that do not have specific geographical boundaries (Olavarría, 1989, 2003; Spicer, 1994; Moctezuma *et al.*, 2015). In the hypothetical case that the *Guaymas-El Oro* gas pipeline were to be introduced, the *Yaqui* territory and its religious culture would be seriously damaged by interests outside the group, whose ultimate goal would be the extraction of capital, involving the ancestral territory as well as the tribe’s territory itself.

#### Involvement of the *Loma de Bácum* village

The traditional village of *Loma de Bácum* did not give their consent for the construction of the *Guaymas-El Oro* gas pipeline. According to the interviews of various actors of the conflict, there is information that the company in charge of introducing the gas pipeline paid 500 pesos to each family in Pótam to gain their consent for the construction or to pay an initial rent (I. Castillo, personal communication, May 2017). It is unknown if a fixed rent was being paid for the introduction of said project. Regarding the general situation, it is clear that the process that continued the consultation as well as the agreements, some to the village’s margin, caused a deep division within the tribe. There is testimony of the division happening not only with the authorities of the eight villages, but also within *Loma de Bácum*, where it has led to family members manifesting in favor while other members of the family state their disagreement towards the construction of the *Guaymas-El Oro* gas pipeline.

#### The consultation

As no agreement was reached between the parties and the eight villages, it was not possible to reach an agreement on the construction of the gas pipeline. Although an attempt at consultation was made, which did not involve the entire community, it is clear that the whole process was marred by interests that take precedence over the community benefit of the *Yaqui* tribe (Sener, 2017). According to the documentation derived from the consultation and community assemblies, it appears that the consul-

tation process was carried out in a democratic and informed manner (IEnova, 2014; Sener, 2015); however, the testimonies show otherwise.

The installation of projects of this nature is an exemplary intrusion of capitalist production logic, regardless of the *Yaqui* tribe's traditional forms of production and culture. Furthermore, in the documentation referring to the consultation report for the construction and operation of the Sonora gas pipeline, in its *Guaymas-El Oro* segment, particularly in the framework agreement for prior, free, and informed consultation with the *Yaqui* tribe on the construction and operation of the gas pipeline, *Sonora, Guaymas-El Oro* segment, dated February 17, 2015, up to the minutes of August 28, 2015, including the minutes on the situation of the town of *Bácum*, dated August 20, 2015 (Sener, 2017); the signatures of the authorities of *Loma de Bácum* are absent from these minutes. Consequently, at no time was it possible to argue that this was a community agreement and consensus of the eight villages of the *Yaqui* tribe, to allow the construction and introduction of the gas pipeline in the village of *Loma de Bácum*.

The consultation should have been carried out in accordance with the timetable and deadlines set by the tribal authorities, and in no way under time pressure. It should also have been implemented in accordance with traditional forms of government, ancestral customs and practices, as well as the daily organization of family agendas and the individuals who comprise them. The consultation process should have been carried out through working groups that ensured the full participation of the *Yaqui* tribe, with comprehensive information about the process, collective gains in cultural terms, as well as profits, leaving no doubt in the minds of all members of the *Yaqui* people about the "high" benefits that such a project could have brought. However, the project was unfeasible because the construction of the gas pipeline would be violating the political autonomy that has kept the tribe united for centuries. The ultimate purpose of a consultation is to determine whether the community considers it beneficial or harmful to the culture and inhabitants of the *Yaqui* tribe.

According to some interviewees (I. Castillo, personal communication, May 2017; E. Molina, personal communication, May 2017), they report that working meetings were held periodically in *Pótam* and other villages. Even so, this does not indicate that communication was effective or that there was consensus among the tribes' villages. As an anthropologist, I can assure you that, since the population involved in this "development" project was not consulted, its implementation was doomed for failure. I have seen this situation in multiple examples. Government institutions' initiatives have often had adverse and catastrophic results when they fail to observe the customs and traditions, both tangible and intangible, of a particular ethnic group. This is often not due to ill will on the part of those involved, but rather to a lack of understanding of the worldview of the people or culture. In other words, it is not in question the quantity or systematization of procedures, but rather that they be adapted

to the needs of customs and traditions, in this case those of the Yaqui tribe, where there is currently a profound lack of knowledge about the benefits that the construction of the *Guaymas-El Oro* gas pipeline would bring to each of the members of the eight villages.

Regarding the informed consultation, at various events in Latin America, James Anaya, UN consultant and former Special Rapporteur on the rights of indigenous peoples, “presented more than ten reports to the United Nations General Assembly in which he developed standards for the right to free, prior, and informed consultation” (Rodríguez & Baquero, 2020).

In the first stage of the consultation process, some elements already established in the decision-making and traditional government of each Yaqui community were revisited. However, since 2015, its development has been clouded by various acts of violence in *Loma de Bácum* and, according to some testimonies, due to corruption being used as a bargaining chip by the company. Regardless of national or international legal instruments, what would determine the viability of the consultation is the culture of the *Yoeme* people itself. The appropriateness and accessibility of an anthropological consultation is not limited to external norms, but rather depend on internal customs and practices, and particularly on agreements between those affected without the intervention, in this case, of authorities outside the Yaqui tribe who, bringing legal concepts from another legal system, seek to apply them to the tribe, which has a different moral, social, and religious logic of legal and ontological procedures. According to the information in the file, minutes of meetings are presented summarizing the position of some *Yaqui* peoples. However, *Loma de Bácum* is invariably absent from these agreements (Sener, 2015, 2017).

According to the testimonies, at the beginning of the consultation there was a significant effort to integrate the customs and traditions of each of the villages and the legal framework of the Yaqui tribe (I. Castillo, personal communication, May 2017; E. Molina, personal communication, May 2017). This is demonstrated by one of the minutes, which refers to a reconfiguration of the strategy for conducting the consultation. Although, on one hand, there are numerous testimonies about the ineffectiveness of the consultation and the misinformation surrounding it. On the other hand, there are multiple reports of payments to families and members of the tribe in order to obtain a general agreement among all Yaqui peoples, as well as their decision-making bodies.

As I mentioned earlier, there was an attempt to incorporate the customs and traditions of the Yaqui tribe with the aim of reconfiguring the consultation, or at least that is what appears in the document. This suggests that there was a process of information gathering and consultation. However, according to those interviewed (A. Carlón Flores, personal communication, June 2017; R. González, personal communication, June 2017; E. Lerma, personal communication, June 2017), this consultation was un-

successful as it did not involve the entire population. Furthermore, the refusal of the people of Loma de BÁCum to participate triggered a series of violent acts against this same community and its inhabitants, who systematically opposed both the implementation of the prior consultation and the gas pipeline as a whole.

The consultation initially followed the procedures established in the culture. Despite this, it was not carried out effectively informing each member of the family about the supposed benefits for the Yaqui tribe. It is very important to note that introducing a gas pipeline into the indigenous territory of the Yaqui people is not the same as doing so anywhere else in Mexico, without the historical characteristics of struggle and autonomy. In this case, it was not a matter of completing a project, but of asking permission from people who have been characterized by their strong identity and their spirit of struggle and dignity.

### Cultural and political impediments to the project

It is important to emphasize that, although there may have been material risks involved in the project, these are not related to material issues that would prevent its implementation. The real risk is intangible in nature and, as mentioned above, is linked to the violation of territorial autonomy and sacred spaces, not only classified geographically, but also with sacredness as a whole, being a sacred space belonging to the Yaqui tribe. Thinking about territory in geographical terms is a trivial effort attached to our way of thinking about space from a geographical conception on a plane, when territorial logic has a strong imaginary component.

The construction of the *Guaymas-El Oro* gas pipeline put the Yaqui tribe at risk, due to the material conditions of operation and the way in which consensus was being built. If the agreements were forced through, as was in fact intended, they would undermine the forms of government that have for centuries allowed the Yaqui tribe to survive as an autonomous and independent people.

The real danger was the possible breakdown of their political and religious system after undergoing external transformations. This process divided both Yaqui tribal societies, including the forms of government of each of the eight villages, and the families that constitute them. The material risk does not stem from safety standards or technical implementation, but rather from the processes that fracture the current legal framework within their culture. In this sense, the danger or risk of the construction and implementation of the *Guaymas-El Oro* gas pipeline was more cultural than technical in nature.

The consultation had serious limitations, but these were not resolved by changing its practices and customs according to the logic implemented by those responsible for conducting the consultation. The process was opposite: modifying and adapting the consultation in accordance with methods that could prove successful for the company in convening and collectively resolving a problem with significant implica-

tions for community life. As I stated earlier, the main key for reaching an agreement would have been to leave behind an economic windfall aimed at proposing community development projects and financing the construction and maintenance of public services, which are so badly needed in these communities. The construction of the *Guaymas-El Oro* gas pipeline would not represent a material loss of their territory, but rather of their political and religious structures.<sup>7</sup>

The main risk of the construction and operation of the *Guaymas-El Oro* gas pipeline within Yaqui territory, as with any other project that ignores the cultural needs of the Yaqui tribe, is causing the symbolic and spiritual destruction of the people. When a village or an individual loses their ancestral spiritual and political references, they enter a process of rapid cultural degradation. There are towns in different parts of the country that have entered into this logic of destruction, and its process has been irreversible (Olmos, 2013).

It is possible that the danger to the life and continuity of Yaqui society and culture, in this case, is not manifested in material terms. However, this does not mean that the danger does not exist. Instead, the risks of social disintegration are even greater. The first scenario would be the acceptance of the project's completion. If such approval were to be granted, there would be multiple consequences: far from finding a collective consensus, it would present a deep division among the eight Yaqui peoples.

Allowing the intrusion of a project of this nature that has violated the political and social autonomy of the Yaqui tribe, would set a very negative precedent. It would be the first time in the history of the Yaqui culture that the federal government would force them to sign agreements of this kind.

With a precedent of this nature, other areas of their culture could follow a similar path, that is, the construction and commissioning of the *Guaymas-El Oro* gas pipeline would violate the Yaqui culture as a whole and serve as a trigger for other areas to be intervened, for example, the alienation of lands, external interference in the jurisdiction of the Yaqui tribe, the interference of other types of commercial and business profit projects in a completely unilateral manner, without taking into account the collective decisions developed and implemented by the tribe over centuries.

### Macro-projects in indigenous communities

In Latin America, we are witnesses of the dispossession of land in many indigenous communities, which is often a continuation of colonization processes and corruption

<sup>7</sup>In the history of the colonization of diverse cultures, material loss is a consequence of the corrosion of other structural parts of the culture. The history of colonization and intervention in Africa, Asia, or among the peoples of the Americas was not always carried out under the banner of appropriation of their territory or population. In many cases, the symbolic dismantling of their ancestral beliefs was the main driving force behind the dismemberment and violation of a culture or indigenous people.

of legal frameworks that have favored big capital (De Araujo & Lima, 2018). It is not uncommon to find the imposition of macro-projects that go hand in hand with land grabbing, events linked to ecocides of various kinds. In recent years, through some research, we have recorded ecocides associated with macro-projects that displace thousands of families from their original homes (Barabás and Bartolomé, 1992).

A large-scale project was carried out in the Guarijía region, south of Sonora, where in 2019 the Mexican government rehabilitated the Pílares dam construction, thereby dispossessing the Guarijío people of their original territory. Construction of the Pílares dam continued despite the fact that for several years the project was disputed by expert reports and investigations that showed all the evidence (Moctezuma, 2013; Aguilar, 2012) that its construction would involve the relocation of the Guarijía population and the flooding of their ancestral lands.

Another case was the dispossession of the Kumiai people's land by winegrower L.A. Cetto, who, according to research carried out in the documentary *Con el sombrero levantado hasta la frente* (With His Hat Pulled Down Over His Eyes), dispossessed the Kumiai people of *San Antonio Necua, Cañón de los Encinos*,<sup>8</sup> of part of their original territory, where part of the vines used to produce his famous wines continue to be planted (Olmos 2012).

With all the macro-projects that may vary in form, but the bottom line remains as the use of high technology for energy production, contrary to the traditional ways of life of the indigenous peoples. In Chihuahua, Yucatán, and several regions of Mexico, macro-projects have been a constant in the country's political development. The emblematic *Tren Maya*, which will bring capital and development to southeastern Mexico, promoted mainly during the López Obrador administration, is still a project that, despite its good intentions, has altered and damaged the natural environment of the Yucatán Peninsula.

On the other hand, in a study entitled "Border areas and territorial diversity in conflict," coordinated by the undersigned and published in 2022, we studied several cases of territorial dispossession both in the border region of Tijuana and Ensenada among the Kumiai groups of *San José de la Zorra*, as well as in other parts of the country, as highlighted by Emiliano Ignacio Díaz Carnero in his research on the socio-territorial conflict of *Santa María Ostula*, and their struggle for autonomy in the state of Michoacán, where, as in many parts of the country, land dispossession is the order of the day, with the exception that in this town the people are well organized to defend their territory.

### Government involvement in the litigation

In this account of events, it is important to note the involvement of certain government actors during the present investigation. The corruption surrounding these

<sup>8</sup> Documentary available at <https://vimeo.com/77780640> (38:26-44:30).

cases, where millions of dollars are at stake, does not always come to light. The injunction filed by the Yaqui tribe led to an expert report being prepared in 2018. This process was marked by the electoral calendar, which was crucial in subsequent years for the development of democracy in Mexico.

Andrés Manuel López Obrador's presidential candidacy would mark all political spaces of negotiation in relation to projects awarded to private initiative over several administrations, stimulated by the government of Enrique Peña Nieto from 2012 to 2018.<sup>9</sup>

It should be noted that prior to the federal government's involvement in this investigation or expert assessment, I was contacted by the *Instituto Nacional de Antropología e Historia* (INAH). However, this experience turned out to be more of a harassment issue rather than a disinterested assistance. The case was referred to me in early 2018, and despite the kind advice and selfless participation of colleagues involved in previous expert assessments, events involving external actors created a hostile mood.

First, the then head of the *Secretaría de Gobernación* in Sonora informed me that some people would contact me to discuss the gas pipeline. I was surprised to learn that those who contacted me were lawyers from the gas company, whose call came from a city in Arizona. The person who called me emphasized that the company was losing millions of dollars and that they needed to talk to me. Upon hearing this insinuation, I cut off their intention and, far from accepting their invitation, I requested the court of *Ciudad Obregón* to transfer the file to the city of *Tijuana*. After some paperwork, I was able to pick up the file at the court in the border city.

Aware that the election period would affect the political forces within the judiciary, the expert report was submitted to the court at the end of 2018, when the victory of *Andrés Manuel López Obrador* and the *Movimiento de Regeneración Nacional* (Morena) had already been confirmed, as well as the subsequent defeat of the *Partido Acción Nacional* (PAN) and the *Partido Revolucionario Institucional* (PRI). The narration of these events would be irrelevant if the process had gone smoothly. However, harassment was evident during the drafting of the expert report.

Around August 2018, I received several calls and messages to "warn" me about the consequences of not delivering the expert report in the coming weeks. Failure to do so would result in a fine of around 100,000 pesos for not delivering the investigation. Finally, the gas company accepted the ruling to halt construction of the gas pipeline in the town of *Loma de BÁCUM*. This resolution was celebrated by the Yaqui people, and this achievement is still commemorated every year.

<sup>9</sup> It is well known that the PAN and PRI governments also promoted significant privatizations, which began to flourish at least as early as the administration of President *Carlos Salinas de Gortari*.

## Conclusion

The laws of the Yaqui tribe are very clear: it is not possible to make decisions unilaterally. Although it does not specify the exact mechanisms for resolving problems of lack of consensus, it does state that any project affecting the integrity of Yaqui territory must have the collective approval of all the peoples, and that it is in no way possible to impose a decision on the communities without seeking channels of social consent.

No town, including the main capitals, has the power to impose a law or decision that is not accepted by the community. Democracy in the Yaqui tribe means seeking consensus rather than making unilateral decisions based solely on the majority opinion of the villages. The power of each village is restricted to its community and cannot exert pressure on other villages, as can happen in our Western-style political system where “lobbying” is one of the most commonly used tools for changing laws and political provisions. This type of political context—as far as my references and knowledge of the Yaqui tribe’s legal system extend—does not exist and is not possible. As noted above, at no time can laws supported by the majority be imposed without the consensus of the eight villages through the traditional authorities, the troop, and the elder council.

In this scenario, it is impossible that the villages as a whole could have forced the village of *Loma de Bâcum* to sign an agreement whose process was rushed and in some cases, improvised. Until a few years ago, before the project was declared unfeasible and a forced agreement between the eight villages on the completion of the work was thwarted, this situation triggered unprecedented violence in the region, particularly in the village of *Loma de Bâcum*. Given this background, it would have been very difficult to compensate for the damage caused to the families and to the political culture of the Yaqui tribe itself.

The authorities in *Loma de Bâcum* argued that the conditions for holding a consultation did not exist and that if it were to take place, it would be a sham. Knowing in advance the political strategy behind holding such a consultation, the authorities preferred not to participate, as their political position was opposed to the introduction of the gas pipeline. This did not represent an inflexible stance, but rather, given the conditions under which the consultation was held, coupled with the violence and harassment, various testimonies asserted that this operation was doomed for failure or the simulation of collective agreements.

The conception of cultural modernity in urban societies, in this case in the regional context, is not the same as the one that affects the culture of the *Yoeme* people of the Yaqui tribe. The *Yoeme Yaqui* ontology is different from capitalist reasoning; its development ensures that the *yo luturia*, or the truth of ancient times, is gradually consolidated and legitimizes its normative system.

If we do not understand the cultural processes and historical needs of the Yaqui people, it is difficult to propose a project for social progress, since the very concept of “development” or “progress” is based on our ideological precepts and not on the concepts developed by the Yaqui tribe itself. What represents technological advancement or social modernization for modern urban culture is often a step backward for another culture, in this case the Yaqui. We cannot transform the organizational structures that represent reality based on needs outside the group, but rather based on its own being.

The new vision of possible worlds involves a new political ontology, a cosmopolitic, wrapped in diverse othernesses, which is ready to establish communication with others, despite their differences. Therefore, we are aware that in this diversity it is necessary to give a voice to those who normally do not have one, as human subjects and as dependent parts of a cultural and ecological system. For this reason, there are no reasons that justify revisions, clarifications, or changes to their own organizational structures of internal political representation or consultation regarding the implementation of a macro-project.

Regarding internal needs, it should be noted that not all traditions and needs arise from wise and harmoniously pre-established philosophical contexts. There are elements that often require education and evaluation of institutional practices, such as a culture of health, as well as education against domestic violence in its many forms, or alcoholism, among other internal problems. However, changes in habits and customs, as well as religious aspects and land possession, are so sensitive that it would be impossible to make innovations or concessions to third parties, since there is information that the transgression of these principles has endangered the survival of the group.

As mentioned, the macro-project was halted. However, at the end of the period, Sonora Governor Pavlovich announced before leaving office that the work would be diverted to the *Chihuahua* mountain range, as reported by local media at the end of 2023 (Forbes, 2023).

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