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“DILIGITE JUSTITIAM QUI JUDICATIS TERRAM.” “Ye who judge the earth, give diligent love to justice”



**Texcoco & Santa Lucía Airports:
A Last Stand for Justice.**
by Gerardo Reyes and José Dorantes

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The battle against the construction of Santa Lucía's airport rages on, as is of common knowledge, 150 amparo suits were filed and admitted by the social organization "No Más Derroches" (No More Wasteful Spending)¹ against the construction of Santa Lucía's airport and against the cancellation of Texcoco's airport². The main arguments to stop the construction of the Santa Lucía airport are that the federal government does not have the necessary studies and permits to begin its construction of the airport, such as the Master Plan, environmental impact studies, archeological and social permits and other conditions imposed by the Ministry of Environment and Natural Resources.

The Amparo suits that were admitted in different Federal Courts located in separate States of Mexico were transferred to only one court. The General Agreement dated in July 4, 2019 was issued by the Federal Judiciary Council ordered the Fifth District Court of Administrative Matters in Mexico City to attract and solve all amparo suits filed against the construction of Santa Lucía's airport. Afterwards, in October 22, 2019 the General Agreement 22/2019 of the Federal Judiciary Council instructed the Fifth District Court of Administrative Matters in Mexico City to avoid receiving any amparo claim that is not related to the Santa Lucía's airport claims³.

The final judgment is pending to be solved in the following months and it will decide if the construction of the Santa Lucía airport violates the human rights of pilots or air transport users, nearby communities and if it disrupts the laws on public spending, environmental and civil aviation, among others.

A few months ago, some of the Amparo Suits were granted judicial suspensions, which means that the Federal Government couldn't start the construction of the airport until the final judgments were announced by the court.

The social organization "No Más Derroches" gained 11 judicial suspensions since May of 2019⁴. Nevertheless, all these judicial suspensions have been revoked. The last judicial suspension that ordered to stop the construction of the Santa Lucía airport was finally revoked in October by a Federal Court⁵ with the same core argument as the others: suspensions represented a risk to "National Security" because Santa Lucía's airport will operate as civil and military airport⁶.

The Political Constitution of the Mexican United States regulates "National Security" in articles 6, 16, 20, 34 and 73, but the official definition is founded in article 3 of the National Security Law⁷:

"National Security means actions intended immediately and directly to maintain the integrity, stability and permanence of the Mexican State, that lead to:

- I. The protection of the Mexican nation against threats and risks facing our country;*
- II. The preservation of national sovereignty and independence and the defense of the territory;*
- III. The maintenance of the constitutional order and the strengthening of democratic institutions of government;*
- IV. The maintenance of the unity of the members of the Federation indicated in the article 43 of the Political Constitution of the United Mexican States;*
- V. The legitimate defense of the Mexican State with respect to other States or subjects of law international.*
- VI. The preservation of democracy, founded on the social and political economic development of the country and their habitants."*

Broadly speaking, the revocation of the judicial suspension based on a threat to National Security sounds nonsensical.

1.- <https://www.animalpolitico.com/2019/10/iniciaran-obras-santa-lucia-revocacion-suspension/> Dated on October 9, 2019. Last Consultation date: October 29, 2019.

2.- <https://nomasderroches.mx/tribunal-federal-ordena-detener-la-construccion-del-aeropuerto-de-santa-lucia/> Last Consultation date: October 29, 2019.

3.- http://dof.gob.mx/nota_detalle.php?codigo=5576138&fecha=22/10/2019 Dated on October 22, 2019. Last Consultation date: October 29, 2019.

4.- <https://www.animalpolitico.com/2019/10/iniciaran-obras-santa-lucia-revocacion-suspension/> Dated on October 9, 2019. Last Consultation date: October 29, 2019.

5.- <https://www.excelsior.com.mx/nacional/va-aeropuerto-revocan-ultima-suspension-contra-santa-lucia/1342240> Dated on October 16, 2019. Last Consultation date: October 29, 2019.

6.- <https://aristeguinoticias.com/1710/mexico/por-embestida-legal-se-considero-aeropuerto-de-santa-lucia-como-de-seguridad-nacional-amlo/> Dated on October 17, 2019. Last Consultation date: October 29, 2019.

7.- Article 3 of National Security Law (Ley de Seguridad Nacional in Spanish).

One of the most notable precedents related to “National Security” addressed by the Supreme Court was when the Presidential House was asked to disclose flight itineraries and flight plans of all aircraft assigned to the Presidential House covering a period from July to October 2014, as well as the number and names of passengers and crew flying in them. It should be mentioned that the information requested was related to previous flights to the information request. The Presidential House alleged to the Supreme Court to reserve the information requested under grounds of National Security⁸.

“It might seem that the last stand against arbitrariness for any organization or individuals that felt harmed by the Santa Lucia’s airport would be an international proceeding”.

The final ruling of the Supreme Court was that no matter how strong a piece of regulation is, or how effective right to access of public information may be, the justification to deny it under grounds of National Security is always more powerful. The concept of “National Security” was used against the right of access to information granting the right of authorities to preserve information under this premise.

Now, the concept of “National Security” has been used against the right of access to justice of the individuals that filed an amparo suit against the construction of the Santa Lucia Airport.

The Judiciary Power has failed to ensure the constitutional rights of individuals that could lose their land or could harm the environment they live in, families that could be affected by the noise, pollution and traffic of the new airport, the archeological and historical heritage that could be destroyed by this construction.

Unable to defend its independence and integrity, the Judiciary Power found an easy way out by determining the revocation of the suspensions and the most probable future is that it would not rule anything against the agenda of the Executive Power. This is not only a failure for the Judiciary Power but for the whole rule of law in Mexico.

It might seem that the last stand against arbitrariness for any organization or individuals that felt harmed by the Santa Lucia’s airport would be an international proceeding.

According to Article 25 of the “Rules of Procedure of the Inter-American Commission on Human Rights”. The Inter-American Commission on Human Rights (IACHR) is able to request a State Member of the Organization of American States to adopt precautionary measures⁹, *“Such measures, whether related to a petition or not, shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system.”*¹⁰

Before conferring the precautionary measures, the IACHR should request to the Violator State any information related with the measures requested and the granting of the measures do not constitute a prejudgment on the violation of rights.

There is any sanction regulated if the Offender State refuses to comply with the precautionary measures granted. However, according with article 76 of the “Rules of Procedure of the Inter-American Commission on Human Rights” the IACHR has the right to request the Inter-American Court of Human Rights (IACoHR) to adopt provisional measures when the Violator States do not implement its precautionary measures.

The IACoHR must inform the General Assembly of the Organization of American States (OAS) if the Violator State still not fulfill the provisional measures of the Court. The Offender State may be penalized by the General Assembly in order to implement the provisional measures of the IACoHR¹¹.

Seems that the last stand for justice to stop the construction of the Santa Lucia Airport would be in an international proceeding given the situation that the current judiciary authorities have been persuaded by a strong campaign that publicly refutes all evidence against the project.

8.- Content of the short versions of the ordinary public sessions of the plenary of the Supreme Court of Justice of the Nation, held on March 28, Thursday, March 30 and April 3, all of 2017, in relation to the Security Review Resource National established in the General Law of Transparency and Access to Public Information, promoted by the Legal Counsel of the Federal Executive. 1/2015.

9.- Guía para defensores y defensoras de Derechos Humanos, Second Edition, CEJIL, Buenos Aires, Argentina. 2012.

10.- Article 25 of the Rules of Procedure of the Inter-American Commission on Human Rights.

11.- Article 65 of the American Convention on Human Rights.

Mexico seeks Interpol to help find former oil union boss.

Mexican prosecutors have requested aid from the Interpol to locate the former head of Mexico's oil workers union, Carlos Romero Deschamps, just days after he resigned amid accusations of wrongdoing. Likewise, President Andres Manuel Lopez Obrador said earlier this month that Deschamps, was under investigation and could face prosecution for suspicion of conducting financial operations with funds of illicit origin, according to the finance ministry investigators; it is no surprise he stepped down as head of the union last week, and that according to the government official, he can't be located. www.reuters.com/article/us-mexico-corruption/mexico-asks-interpol-to-help-find-former-oil-union-boss-source-idUSKBN1X50JO 25/10/2019.

El Chapo's son led dramatic rescue of his half-brother in Mexico battle.

Ivan Archivaldo Guzman, the leader of "Los Chapitos" of the Sinaloa Cartel, was behind the attack on security forces that prompted the release of his half-brother from a house in the city of Culiacan last week. His father Joaquin "El Chapo" Guzman, Mexico's one of the most notorious drug dealer, who himself slipped away from authorities on several occasions before being sentenced to life imprisonment in the US this year. Moreover, his young brother, Ovidio Guzman was briefly captured by Mexican security forces on October 17, until hundreds of armed Sinaloa Cartel gunmen forced his release. This has called into question, Mexico's security strategy and President Andres Manuel Lopez Obrador, who insisted the release was essential to protect civilians and security members. www.reuters.com/article/us-mexico-violence-sinaloa/el-chapos-son-led-dramatic-rescue-of-his-half-brother-in-mexico-battle-idUSKBN1X42BV 25/10/2019.

Pemex loses 87 thousand 858 million pesos in third quarter.

In the third quarter, Petróleos Mexicanos (Pemex) recorded losses of 87 thousand 858 million pesos, which compares with the profits of 26 thousand 771 million that it had in the same period last year. In a report sent to the Mexican Stock Exchange (BMV), the state production company said that from July to September of this year its total sales and services revenues fell 20.2 percent, adding 350 thousand 488 million pesos. In the accumulated to September, the oil company recorded losses of 176 thousand 367 million pesos, greater than those in the first nine months of last year, which were 23 thousand 090 million pesos. www.milenio.com/negocios/pemex-pierde-87-mil-858-mdp-tercer-trimestre 28/10/2019.

Mexican exports fall 1.3% in September.

In September, merchandise exports fell 1.3 percent, compared to the same month of 2018, which means the first fall at an annual rate in six months, while imports showed a reduction of 1.8 percent, the fourth in terms of that goes of the year. According to information from the National Institute of Statistics and Geography (Inegi), the value of exports was 37 thousand 222 million dollars, a figure that was integrated for 35 thousand 265 million dollars of non-oil and thousand 957 million dollars of oil companies. In that month, the fall in exports was the result of a 29.3 percent decrease in oil exports and a 1 percent increase in non-oil exports. Within non-oil exports, those directed to the United States advanced 2.1 percent at an annual rate, while those channeled to the rest of the world fell 4 percent. www.milenio.com/negocios/exportaciones-mexico-caen-1-3-septiembre-inegi 28/10/2019.

Deputies endorse commissions to reduce 50% of money to political parties.

If approved by the Senate, the budget of the parties for 2020 would fall to half of the 5,239 million that the National Electoral Institute (INE) approved for next year. Currently, the General Law of Political Parties approved in 2014 by all parties, establishes that to calculate the ordinary expenditure of these political forces, 65% of the Unit of Measurement and Update (UMA) must be multiplied - which since January 2016 replaced at the minimum wage - for the number of citizens registered in the electoral roll. That is, what is assigned to the parties is based on a formula approved by the political bodies themselves. www.animalpolitico.com/2019/10/diputados-avalan-comisiones-partidos-politicos/ 29/10/2019.

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