

THE RESISTANCE IN DEFENSE OF WATER IN BAJA CALIFORNIA: THE CASE OF PARTICIPATORY DEMOCRACY

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INTRODUCTION

On March 21st and 22nd of 2020 a public consultation took place in Mexicali, where the continuation of the transnational brewery company ‘Constellation Brands; in the area was inquired. In this consultation there were two options you could vote: YES to the brewery or NO to the brewery, where the NO won with an astonishing 76% of the votes (29,793), meaning that the brewery project could not continue anymore in Mexicali. This public consultation was called by the federal government due to the pressure of the social movement in defense of water in Baja California, considering a relevant success of the movement.

This case of the resistance success raises some questions that I will try to answer throughout the paper: What has been the process and paths that the resistance has taken in defense of water? What determined the success of the resistance (manifested in the rejection of the brewery in the public consultation)?

I try to answer these questions using a qualitative approach with an important ethnographic component, where I use process tracing to analyze the resistance since the beginning in 2017 until early 2020, when the results of the public consultation were official.

CRITICAL THEORY

To discuss about critical decolonial theory, it is important to have a brief discussion about the Latin America context, which it is ingrained, specifically from the inequality and oppression that are a part of the region, (which from now on I will refer to as *Abya Yala*, which is the indigenous conception that surged from the Kuna/Puna people in Central America to refer to the region (Del Valle, 2015)) which have caused and increased the millions of people living in precarious

conditions and concentrated wealth into fewer and fewer elites (Monsiváis, 1981; Sánchez Vásquez, 1996; Galeano, 2004).

In line with the previous arguments, González Casanova's (2006) concept of internal colonialism is relevant, he argues that the elites have perpetuated this system that has increased the amount of poverty, oppression and marginalization (he refers specifically to the case of México), and concentrating wealth into fewer hands; it is important to highlight that his system is not only imposed economically but also culturally, where the elites determine what is acceptable and what is not. This oppression and control use propaganda and mass media to make people interiorize it. In this system, the elites in colonized countries act as an intermediary of the western elites; they only seek to serve the perpetuation of capitalism that is manifested currently as neocolonialism. The colonized elites openly serve the big transnational companies by selling concessions, commonly by corrupt acts (Fanon, 1963, pp. 76, 86).

Critical theory has differences because it surges from different realities and experiences, the biggest differences are between western critical theory and non-western critical theory, which I will discuss focusing on non-western critical theory from the Abya Yala reality.

In western terms, critical theory is committed to build an understanding of the world, (especially the so called 'third world' or 'developing world') that promotes emancipatory change, in the political, economic and social spheres (Jones, 1995). For Cox (1981) critical theory analyzes how the power relations and institutions in which theory is based came to be: it focuses in the context in which the situations and theory are presented and the possible change in the future.

It is worth noting that western critical theory acknowledges that western science has been universalized and imposed around the world, including the forms of producing and legitimating knowledge and the asymmetric power relations implied on it (Foucault, 1980b, p. 66,69). For example, Foucault (1980c, p. 126) considers postmodernism (part of critical theory) as a new way of creating knowledge, consisting in connecting theory with praxis, based in different realities, instead of wanting to find the universal. In this line, Adorno argues that the goal of theory and philosophy is not to reduce the situations and contexts analyzed to an abstract formula, it is not "reducing it to prefabricated categories". He argues that we should analyze things from our own experiences and thought (Adorno, 1973, p. 24,52). However, there is still western-centrism in these authors. For example, Foucault argues that resistance movements that are born in the power centers

are more effective than resistance movements from other places (Foucault, 1980a, p. 142). This idea implies that resistance movements that are born in western countries are more effective and important than resistance movements in the Global South. In the case of Adorno he portrays an abstract academic position that doesn't invite to go to the field to work with the oppressed.

In contrast, theory from the global south, takes a more decolonial approach, Boaventura de S. Santos (2011) argues that the goal of this approach is to produce and validate knowledge clustered in the resistance experiences of all social groups that have been systematically oppressed, caused by capitalism, colonialism and patriarchies mainly. In this approach, Dussel (1973, p. 40) also argues that what theory and philosophy should analyze is what the human being transcends every day; praxis is the way of being in the world, only from praxis humans begin to think and theorize.

Moreover, in critical theory the role of power and domination are crucial, which manifest when individual's goals and purposes and the way to reach them are imposed by other individual or group (Marcuse, 1971, p. 1). It can be argued then, that western modernity has been imposed by power and domination to the non-western realities, trying to impose it as the only acceptable universal culture, which are in line with the idea of internal colonialism discussed previously.

One of the central issues of the approach for this research (critical decolonial theory from Abya Yala) is the development of critical consciousness, Paulo Freire (1970), the pioneer of critical theory in education, argues that in order to achieve emancipation, it is necessary to develop *conscientização*, which can be translated as critical consciousness. This is the process in which each oppressed individual realizes of the structure of the oppressing system in which he/she is inserted. This process of developing *conscientização*, is guided by an educator, not necessarily a professor in a formal school, but rather an individual that ignites the spark that leads individuals to realize by themselves the oppressing reality, thus, this process is inherently pedagogic. *Conscientização* is presented as a horizontal and dialogical discussion of ideas, not an imposition of, in order to have more inclusive understanding, implying a collective commitment with society, which for Freire it implies decision-making and political participation.

According to the authors analyzed, the process for emancipation is born from the oppressed individuals, united in a collectivity, to resist oppression and to break the barriers that colonialism, capitalism and other forms of oppression have imposed on them. Boaventura (2011) argues that emancipation is not about demanding rights to oppressing institutions (criticizing this idea of

western critical theory); in the Abya Yala countries, this doesn't lead to freedom, because vicious structures such as violence and corruption are ingrained to the core of political institutions. I argue that the fight for emancipation in the specific reality of Abya Yala is a process that surges from the people, from grass-roots organizations and from social collectives of the oppressed groups that by non-traditional forms of participation such as protests, marches, participatory assemblies and online political mobilization seek to achieve the creation and institutionalization of rights and of mechanisms to achieve liberation of the oppressions that they suffer, however it is important to highlight that it is important that everyone (not only the directly oppressed groups in the specific issue that is addressed) develops critical consciousness, factor that will be further discussed when presenting my proposal of approach.

To discuss a critical decolonial own approach from Abya Yala is important that the discussions and proposal surge from the people of the Abya Yala; in this line, Dussel (1973, p. 154) states that to create an original Latin American thinking, this should surge from the self-consciousness (and not in Hegelian terms) of the oppression, alienation and domination that Latin Americans have suffered; by realizing this is possible to think on a liberating philosophy from our unique praxis. Examples of these movements in Abya Yala are the Zapatistas in Chiapas, México, the *Buen Vivir* movement in Ecuador and Bolivia and the *quilombos* movement from *afrobrasileiros* in Brazil (Agathangelou and Ling, 2004; Walsh, 2008; Nascimento, 2019).

Another important element of my approach for this research is the conception of *saberes*, which are the thought of groups that are composed of decolonial knowledge, of experiences, of ancient philosophies and in the relation with all life in the world through a coherent world view. Due to that and to the marginalization that *saberes* have suffered by hands of western knowledge and science, *saberes* have to be differentiated from western knowledge. *Saberes* is a horizontal conception, that is built by different members of the groups in which they surge in a dialectical and more inclusive way.

Recognizing and socializing *saberes* is an important part of my approach and of any approach that considers to be critical and decolonial, since the generation of alternative epistemologies are a way of challenging colonialism and capitalist oppression (Bertely Busquets, 2011), or as Escobar (2016) argues, since the communities in the Abya Yala (including but not limited to indigenous, afro and rural communities) that are generating *saberes* are challenging the global oppression of

colonialism and capitalism by pushing alternative ontologies that don't comply with the western market ontology.

Decolonizing knowledge can also be understood as epistemic disobedience, which is the process of delinking from the 'universal' and 'objective' knowledge. This decolonial alternative, parts on the one hand, from the idea that the caring, preservation and regeneration of life is more important than capitalist production and on the other hand, from the principle that decolonizing knowledge is about challenging the oppression imposed by western science and education, using alternative forms, models and tools to generate and socialize knowledge and *saberes*. It can also be argued that is an alternative movement, where the market epistemology and the globalization project of universalizing the capitalist modernity are challenged by reiterating the right to have an identity, to sovereign territory and autonomy and to have an alternative vision of development by the oppressed groups (Escobar, 2004; Mignolo, 2009, pp. 160, 161).

However, Dussel (1973, p. 56,57) claims that a dialectic comprehension is needed to understand reality, which according to him it is about the understanding that passes through 'the other'; he furthermore argues that there cannot be an absolute universal understanding of the world or a speculative intuition model that can be used to abstractly analyze situations with a formula. Dussel's idea regarding the dialectic comprehension is important to this research, since even if the emancipation of the oppressed is a process that surges from the oppressed, it is important that everyone develops critical consciousness not just the oppressed, which is a dialectic exercise to understand 'the other', so the groups that are not directly oppressed by the issue realize that the issue needs to be addressed and find alternative ways to live and exist to reach emancipation.

An important aspect to highlight of this case is the participatory and collective way of acting of the resistance; according to Sandbrook (2014), in the global south, the left-wing movements differentiate themselves from western counterparts due to its collective sense of oppressed groups, by fostering collective political participation to achieve social just goals, which he calls democratic deepening. This democratic deepening is opposed to low-intensity or market democracies, which were established by the neoliberal capitalist system, where some individual freedoms are recognized and electoral competition, but this system doesn't address the extreme social inequalities of societies and in several cases they allow the increase of the gap if inequality. This

system has been imposed because it helps in keeping the necessary legitimacy to preserve global capitalism (Avilés, 2009).

This discussion allows to present my approach for this research; I argue that the resistance in defense of water as a human right and against Constellation Brands is a case in practice of critical decolonial theory from Abya Yala. To begin with this discussion is important to present a general conception of what is my approach: The approach that I consider in this research has three main points with a goal: the development of critical consciousness, rethinking the role of academia and science in producing and socializing *saberes* and the crucial role of praxis with the oppressed having as final goal to support the development of emancipation against colonial and capitalist oppression. In order to achieve emancipation, it is necessary to develop critical consciousness not only in the oppressed but in the people in general; one way to develop critical consciousness is with the stages of exhibiting, proposing and politicizing the issue at hand, which I explain further in the next paragraphs. It is important to emphasize that the individuals and groups are the ones that develop critical consciousness by themselves, the role of the educator/academic/scientific is only as facilitator of this process; it is not about imposing her/his vision of critical consciousness and/or emancipation on the oppressed. The role of the researcher then is to socialize the voice of the oppressed, without imposing or appropriating their *saberes*; is going to the field and visualize the struggles, demands and *saberes* of the oppressed by *praxis*, in order to support them in their struggles towards emancipation against oppression and at the same time fostering critical consciousness in the population in general so they realize the issue that the oppressed groups are trying to change and support this change even if they are not directly oppressed by the issue at hand.

The critical decolonial approach from Abya Yala, is an alternative proposal to the dominant literature about social movements, that is mostly about western-centered concepts/models/theories that fall short when trying to analyze social movements in different contexts and realities (Sandoval and Capera Figueroa, 2017).

The united resistance can also be considered as new emerging force, which can lead to rethink democracy and liberation, to challenge colonialism, which are enforced by spaces of dialogue and discussion that challenge the western conception of knowledge (González Casanova, 2006). Supporting this point Echeverría (1995) argues that resistance against alienation and subjugation

to capital is what constitutes being from the left, as the organized resistance considers itself. As Dussel (2006) argued, the organized resistance in defense of water has achieved a change in the appropriation of natural resources regime in the region, as an alternative to the voracious and inhumane capitalism.

CONTEXT

The interest of Constellation Brands about establishing in Mexicali began in 2015, by means of the Economic Incentives Group report (Cervantes, 2017). In this same report it was specified that the company required 20 million cubic meters per year for at least 50 years (Niño and García, 2019, p. 181). The transnational brewery was attracted by Baja California's government, which offered to build an aqueduct with public resources from the Colorado River to supply water to the brewery. Since 2015 CONAGUA expressed their concerns for the over-allocated water resources of the Mexicali valley, which risked the availability of water for all the region (Meluso, 2019). It is important to stress that the water of Mexicali is used to supply a broader region, including the cities of Tijuana, Tecate, Ensenada and San Luis Río Colorado (Comisión Nacional de Derechos Humanos, 2020, para. 48).

The beginning of the conflict between the transnational brewery and the citizens of Mexicali began in early 2017, with a series of massive protests in Mexicali which led to the organizing of social movements, the most prominent in the first period (2017-2018) of the resistance was *Mexicali Resiste* (Mexicali resists) (Márquez Duarte, 2018). The protests that took place in Mexicali demanded the revocation of the new state water law that allowed the government to privatize an important amount of water of the state to sell it, mostly to Constellation Brands. For five consecutive Sundays between January and February dozens of thousands of people took part in the protests. In one of these five protests (on January 15th) more than 50,000 people in Mexicali protested and marched to the city hall, situation that never happened before in the city (Márquez, 2017). After these protests in Mexicali, the governor of Baja California (who was 'Kiko' Vega from the right-wing party PAN in that time) withdrew the state water law, however the negotiations with the Constellation Brands continued (Márquez, 2017). It was after these protests, in February 2017, that the social movement *Mexicali Resiste* was created, which had as their main cause the defense against privatization of water, and in the broader spectrum the fight against corruption,

especially against the corruption of ‘Kiko’ Vega and Gustavo Sánchez (who were the governor of Baja California and the mayor of Mexicali, respectively). Since then the conflict has been between the transnational company along with the state government, and the resistance movement, specifically *Mexicali Resiste*, the groups that surged from it and the *ejidatarios* (*ejidos* owners). These groups united afterwards, in the second period (late 2018-2020) with other groups to compose the united resistance in defense of water.

The conflict had two parallel fronts of resistance against Constellation Brands: the legal path and the protests path. However, before tracing how these two paths have developed it is crucial to give a brief description of the legal and ethical irregularities of the establishment of Constellation Brands in Mexicali.

Since early 2017 the transnational company began the establishment process in Mexicali. During this process several issues have been denounced, which can be categorized in three: water availability problems, corruption perception of the project and repression and blocking of protests (Márquez Duarte, 2020). Both the previous local government and Constellation Brands have been involved in the three categories of issues.

As a transnational brewery, Constellation Brands requires an immense amount of water, as well as an important amount of land to operate. According to Dr. Alfonso Cortez, researcher in water issues in the region, it is estimated (with a modest prediction, which means that the percentage could be higher) that the brewery would also use 35.5% of the water reserve of Mexicali, as well as 792 irrigation hectares, adding to these the underground water usage, the equivalence of irrigation hectares would increase to 1,484 and the use of the water reserve would increase to 44.1% (Cortez Lara, 2019). This information shows that the numbers of water usage stated by the brewery in media and in government processes was inaccurate, which according to the company would be less than 0.5% of the total water available (Monroy, 2020). Dr. Cortez elaborated more on the issue¹, he declared that the MIA and IMTA studies said clearly that they would use 20 million cubic meters (mm³) annually; this would imply to reassign 1/5 of the total water use of the city only to the brewery.

¹ In personal interview

Regarding corruption perception there are various journalistic sources that show evidence of the legal and ethical irregularities of the project of Constellation Brands, as well as the potential involvement of the state government. Moreover the National Commission of Human Rights (CNDH), concluded that the previous state and federal government violated the right to water for the people in the region, and that both levels of government had legal responsibility in the issue (Cervantes, 2017; Corpus, 2019; Comisión Nacional de Derechos Humanos, 2020, paras 41, 331).

On the other hand, Dr. Cortez² declared there were ethical violations committed by the previous local government and Constellation Brands in the project, where the local government sold the cubic meter (m³) of land in 11 pesos (around 0.5 USD) to the brewery, when the value of the lands was much higher.

The third issue is the repression and blocking of the protest movements against Constellation Brands, but before developing that point is important to analyze the legal path led by the *ejidatarios* (agricultural small land owners) of Mexicali valley and the protests path against Constellation Brands.

The majority of *ejidatarios* were represented by the *Comité Ciudadano de Protección del Agua*, which is one of the groups that led the legal actions against Constellation Brands (Meluso, 2019). The first legal process that they conducted was to file an *amparo* lawsuit that suspended the construction of the aqueduct that the state government agreed to pay with public resources for the brewery to use water; thanks to the lawsuit and the protests of January 2017 this project was cancelled. They have filed other lawsuits against the company and the previous local government (Niño and García, 2019), however, the most relevant legal process they filed was the case against Constellation Brands and the previous local government at CNDH, which resulted in the official recommendation of CNDH that has been analyzed in this research. This legal process was interposed in March 2017 by the same organization that filed the *amparo* lawsuit, and after three years of investigation the CNDH emitted the recommendation, according to Professor Daniel Solorio³. It is important to note that the legitimacy of the resistance has solid legal bases. The right to water is a human right recognized in the 6th paragraph of the article 4th of the Constitution of México. It is also recognized in the article 11th of the International Pact for Social, Economic and

² Personal interview

³ Personal interview

Cultural Rights, as well as in the 10th, 11th and 12th provision of the Protocol of San Salvador (Comisión Nacional de Derechos Humanos, 2020, para. 122)

The social movement path has been composed by different groups; however, the first prominent group was *Mexicali Resiste*. Along with the mentioned group, *Comité Ciudadano de Protección del Agua*, *Resistencia Civil de Baja California* (Meluso, 2019) have also been leaders of the resistance, as well as *Baja California Resiste*, *Organización Político del Pueblo y los Trabajadores (OPT)*, and *Artículo 39*, according to Javier Wong⁴, one of the leaders of *Baja California Resiste* and *OPT*. Regarding the different groups that constituted the united resistance in defense of water it is worth noting that several of the groups surged by internal divisions inside *Mexicali Resiste* (in the first period of the resistance). According to Javier Wong⁵, *Mexicali Resiste* began to divide, ‘when we most needed union, that weakened the fight and created a bad image of the movement in society’. The division according to the interviewees and to the participatory observation was caused by the disagreement between different factions of the group regarding the strategies and alliances that the resistance should make. The division became intense in August of 2017, when an important group separated and formed *Baja California Resiste* with Araceli Piña and Armando Salinas, group that Javier joined because in the divided *Mexicali Resiste* he was verbally attacked due to the divisions between the groups. Afterwards Armando created the collective *Artículo 39*, where a few people from the previous group joined, but Javier stayed in *Baja California Resiste*.

With the participatory observation work conducted (before the division), more information could be gathered: *Mexicali Resiste* besides leading protests and marches, set a permanent camp outside the state and municipal government buildings since 2017 to protest against Constellation Brands. In 2017 also, they blocked the entrance to the state government building, the municipal government building as well as the state Congress building, along other groups like OPT, prohibiting the entrance to anyone, which led to repression from the government (which will be addressed further). Moreover, it began to organize weekly meetings on Sundays in Mexicali outside the Congress of Baja California, in forms of participatory assemblies, where news about the Constellation Brands issue were shared, including actions taken that week and needs that the group had. Anyone that was there could take the microphone to share a poem, a thought or a song

⁴ Personal interview

⁵ Personal interview

about resistance. These meetings were transmitted live on their Facebook page. The group also held trainings to the members that were offered without any cost by organizations or individuals about topics of legal ways to resist, how to demand the legislators to take action, how to engage in more citizen participation forms to broaden their impact, etc. I gave them one of these trainings. They also created a website⁶ where they shared press releases, news relevant to the issue, uploaded their podcast and created a timeline of the conflict. The social movements have conducted several protests besides the actions described above. But the most prominent were the ones in January and February 2017 and on January 2018.

REPRESSION AND BLOCKING OF THE SOCIAL MOVEMENTS

The repression and blocking of the participation of citizens organized in social movements has constituted an important influence of the conflict, because it has fed the discontent of the social movements' participants and of the people of Mexicali in general. The state and municipal government committed acts of repression in Mexicali using the police, as well as agitators. One of the examples of repression made by agitators together with the police, was the confrontation against *Mexicali Resiste* participants and agitators led by the (then) local legislator of the right-wing party PAN Victoria Bentley; the state and municipal government also filed lawsuits against *Mexicali Resiste* members for things like kidnapping, physical harm, even 'murder intent' (Heras, 2017).

Another case of repression happened on January 2018, which was documented with video, pictures and testimonies that the social movements used as proof of the repression and sent them to the CNDH. These proofs were useful to the CNDH to declare that both the state government and Constellation Brands violated the law. The police forces used force to repress the protesters, causing serious injuries in several of them (Comisión Nacional de Derechos Humanos, 2020, para. 23.3). As mentioned before, the state government not only used force to impose repression on the protesters, but also accused some of them of various crimes; the most relevant case was the lawsuit against León Fierro, who was one of the leaders of *Mexicali Resiste* in that moment. He was

⁶ <https://mexicaliresiste.org/>

accused of “murder intent” and was sent to prison and freed after 20 days due to the lack of proof of the accusation (Villamil, 2018).

About the blocking of participation, the state government, as well as local legislators (from PAN, the same political party from the municipal and state government) refused to negotiate with the organizations mentioned earlier, even when members of *Mexicali Resiste* proposed a dialogue table the representants from the government didn’t show up. The local legislators went as far as to change the venue and time of the sessions of the local Congress to prevent people from the social movements to protest (Molina, 2017). On this issue, Gallaga, who was one of the youth leaders of *Mexicali Resiste* said that they tried to propose a law initiative to cancel the Constellation Brands project, complying with all the requisites expressed by the electoral institute of Baja California, and the state law of citizen participation, gathering more than 18,000 signatures in support of the law initiative (which were more than the minimum required), and presenting the proposal with all the conditions needed, but the proposal was denied. She also added that there aren’t spaces for citizens to participate in the public decisions in the state, and the citizen efforts to participate are blocked (Márquez Duarte, 2018).

FINDINGS ABOUT THE UNITED RESISTANCE IN DEFENSE OF WATER

As presented before, in the public consultation the majority of the people voted against the transnational brewery company Constellation Brands, with a demolishing 76% of the votes, constituting a success case of resistance against oppression and colonialism, even with the vote buying conducted by the business elites of the region. One of the leaders of the resistance, Javier Wong⁷, declares that he witnessed firsthand that people were paid to vote in favor of Constellation Brands by the company FEVISA, which would conduct a very profitable business with the brewery in Mexicali.

As I discussed earlier, I argue that there are three factors that determined the result of this resistance case, which can be seen as INUS. The three factors are: 1 the legal and protests actions in conjunction, 2 the union of the social movements into a joint resistance movement and 3 the government change to a left-wing party in the federal government. These factors can be seen as an

⁷ Personal interview

adaptation of INUS, which in this case refers to multiple causes that have to be present jointly to cause the outcome, this means that if one of the causes is present but not the others it is insufficient to cause the outcome (Mahoney, Kimball and Koivu, 2009). In this case, I argue that the three of them had to be present to cause the outcome of the resistance, which manifests as the triumph of the people in the public consultation. I present these factors based on the research of the resistance conducted by process tracing, which allowed me to conduct a thorough within-case research, finding two periods in the resistance: the first period from January 2017 (with the protests) to late 2018, and the second period from November 2018 until March 2020, when the resistance movement succeeded, rejecting in the public consultation the Constellation Brands project. I argue that the resistance movement achieved their success until the 2nd period, due to the conjunction of the three causes; in the first period they weren't united, they didn't have the results of the two paths (legal and protests) joined and there wasn't a left-wing federal government, thus, they couldn't achieve the results that they aimed for.

$$x_{1(a+b)} + x_2 + x_3 \rightarrow \gamma r$$

Key:

x_{1a} =Legal resistance

x_{1b} =Protests as resistance

x_2 =Union of the movements into one united resistance

x_3 =Left-wing party in federal government

γr =outcome of the resistance

+ = AND

Figure 1. Boolean logic of the INUS causes of the triumph of the resistance.

I also argue that this is a case in practice of the critical decolonial theory from Abya Yala. The first stage in this approach is to support the development of critical consciousness. As mentioned before, a way to develop critical consciousness are the three stages proposed by Marcuse (as cited in PEÑA, 2016): exhibit, propose and politicize. In this case the resistance first exhibited the issue

of the overallocation of water and how the establishment of the brewery would worsen the issue and what that would cause in the mid and long term for the people of not only Mexicali, but the whole region. After exhibiting the issue with the massive marches and protests and the attention of local, national and even international media, they began to propose alternatives: mainly dissolving the state water law, and holding a plebiscite (a legally binding public consultation) to dissolve the Constellation Brands project in Mexicali or just dissolving it for the human rights and corruption implications; in this second stage is important to highlight that the exhibiting and proposing were targeted to the whole population, not only the oppressed groups, in order to gain legitimacy and support. When faced with the repression and blocking of the power group they advanced to the politicizing strategy, in which protests continued involving more groups into the resistance and exposing individual politicians for their responsibility in the issue like the governor of Baja California and the mayor of Mexicali, as well as making public accusations of corruption against them. In this strategy they also filed lawsuits against the brewery and the government and they filed the process in CNDH for human rights violations, as well as continued to press for a public consultation in face of the blocking of the plebiscite from the local electoral institute. In this last stage of the movement, since 2018, the different social movements began to unite into a common resistance movement to have more power to challenge the power group.

Regarding the second element of my approach, my findings show that the role of academics helped the resistance to develop critical consciousness and achieve more impact with the legal path and the protests path, however the *saberes* produced, as well as the development of critical consciousness were not imposed or appropriated by academics; the resistance led the processes. This has been confirmed in the personal interviews conducted with Dr. Alfonso Cortez and Profr. Daniel Solorio⁸, who are academics that have helped the resistance movement and worked with them to defend water in the region. In the case of Dr. Cortez, he states that he became involved in the issue by conducting a technical report about the use of water of the brewery from, however by analyzing the information he realized the hydric risk with the brewery water usage, then he began to socialize his research; that's when his role transformed. His purely abstract role turned into being a defender of water and to socialize the academic information with the resistance movement, deliver free trainings to them in the issue, talk with different media to share the results of his

⁸ Personal interviews

research that show the negative impact of the brewery in the region. This was confirmed by Javier Wong⁹. In the case of Profr. Solorio, he declared that he helped the resistance movement as a legal advisor for free, since he is a professor of law and speaking in different media as one of the legal advisors of the movement to defend the resistance. This was confirmed by both Javier Wong and Marco Rojo¹⁰.

Javier Wong¹¹ said that thanks to the movement he ‘woke up’ and realized the situation of water in Mexicali. Marco Rojo¹² declared that due to the resistance movement, the people began to realize the water problems of the region and moreover, the resistance movement motivated people to defend their right and participate in protest: ‘Before this movement there was very low participation of people in social movements, normally the protests were of 200 people, 1000 tops. But this movement changed the situation, having more than 60,000 people in one of the January 2017 protests’. Profr. Solorio¹³ declared that the resistance ‘created critical and civic consciousness’ in the people of the region. Dr. Cortez¹⁴ declared that thanks to the movement ‘people were generating more and more critical consciousness and the collectives were more aware of the issues and information’. Additionally, a common opinion of the interviewees was that the triumph in the public consultation wasn’t a triumph of the resistance, but a triumph of the people of the region that generated critical consciousness.

Furthermore, the importance of critical approaches in academia to decolonize knowledge (including its creation, legitimation, socialization and social impact) and to address the most pressing issues of oppression that an important amount of people currently suffer is highlighted by the interviewees. Dr. Cortez¹⁵ argues that academics should go beyond understanding the issue, and advance to research with stronger recommendations that ‘...aim to change what is wrong in society, to influence a positive change in the issues...to make interventions. It is important to strengthen these methodologies like critical approaches’. On the other hand, Professor Solorio¹⁶ argues that ‘...the academics should form groups that study social issues and that publish

⁹ Personal interview

¹⁰ Personal interviews

¹¹ Personal interview

¹² Personal interview

¹³ Personal interview

¹⁴ Personal interview

¹⁵ Personal interview

¹⁶ Personal interview

researches that are useful for the people, not only for the elites, which is what they do now'. Both academics highlight the important of conducting research that has positive implications for the people, and inferred from what Professor Solorio argues, research should have positive implications for the oppressed people, not for the elites.

Another INUS cause of the success of the resistance against Constellation Brands was the political change in the state and national level. In 2018 national elections were held, where the presidency was won by Andrés Manuel López Obrador (AMLO), from the leftist party MORENA (*Movimiento de Regeneración Nacional*). In 2019 the local elections of Baja California were held where MORENA won all the positions contended: governor, mayors and local legislators. With the government change there were expectations for a change of position regarding the Constellation Brands conflict; being a left-wing party it was expected that MORENA's government rejected the establishment of the transnational company, however this didn't happen. MORENA's state government declared that the company could establish in Mexicali saying that there wasn't proof of the negative effects on the availability of water and on the environment (Heras, 2020). However, there was a difference in postures between the state and the federal government, even if they are from the same political party. The federal government led by AMLO declared more than once that they would analyze closely the issues with the establishment of Constellation Brand in Mexicali and they would consult the citizens to know their stance.

As discussed before, Mexico's CNDH warned that the Mexicali brewery risked violating the right to water and highlighted irregularities in the process of establishing the transnational company. AMLO said the consultation was necessary because the company and the previous state government (from PAN, a right-wing party) ignored the populations opinion (Agren, 2020). About the results of the consultation AMLO declared that he would respect the popular will of the people in the public consult, which decided to reject the Constellation Brands project, thus, thus the federal government denied the permissions needed from CONAGUA (National Water Commission) to establish the company (Torres, 2020).

The third INUS cause is the unification of the social movements of the region into one front to oppose Constellation Brands and their allies; this unity has been crucial for the achievement of the results of the movement, especially to have enough power to press the federal government to call the public consultation and to generate critical consciousness in an important part of the population

of Mexicali and all the region. After the divisions of the groups that began in August 2017, several groups were created and made isolated protests against Constellation Brands, however, they lost legitimacy, momentum and power due to these divisions, it wasn't until late 2018 that the groups began to reunite in state assemblies and decided to create a united front in defense of water in Baja California. This front created a collective identity among protesters: the defense of water. According to Wong¹⁷, OPT was determinant in the efforts of uniting the resistance, by organizing the state-level assemblies and meetings, despite the differences between the groups.

In contrast, the business elites of México, represented by COPARMEX (led by Gustavo De Hoyos) tried to weaken rule of law in México and to ignore the result of the public consultation, to maintain their privileges and to profit with the national resource of water, violating ecological laws and norms and rural and urban communities rights, like in the case of Constellation Brands project where the local business elites were allied with the brewery (Moctezuma and Burns, 2020). It is important to note that De Hoyos' company (a law firm) was hired by Constellation Brands to defend them in the legal processes that the company has been part of in Mexicali (Cervantes, 2020), which constitutes a clear conflict of interests.

As a reprisal for the results of the public consultation, the business elites led by COPARMEX (which had been one of the leaders of the opposition to AMLO and which is the largest organization of business owners in México), made a series of declarations in different media against the decision, and even began a lawsuit against AMLO's government for conducting the consultation arguing that it wasn't legal, that it risked foreign investments and jobs in México and that risked the population due to the COVID-19 outbreak, accusing the government of not complying with the sanitation requirements, without showing proof of their accusations (Villegas, 2020). In fact, results of my participatory observation show that several poll stations had hand sanitizer, and the staff of the stations used gloves and facemasks. On the other hand, regarding the jobs issue, the significance was minimum; the Manifestation of Environmental Impact of the brewery said that they would generate 1,419 jobs in total, however declarations of the current governor of Baja California, Jaime Bonilla, point that only 1,000 jobs would be established, contradicting what the brewery established (Cortez Lara, 2019) and evidencing that what the

¹⁷ Personal interview

brewery representants said to the media (that they would generate 3,400 jobs) was false (Monroy, 2020).

METHODOLOGY

The methodologic approach in this research has been a qualitative approach, composed of the methodological instruments of semi-structured and semi-directive interviews as well as participatory observation, as field work. On the other hand, a comprehensive bibliographical and hemerographical research has been conducted.

The specific qualitative method for this research is composed of a case study with a specific ethnographic approach (Creswell, 2003). Using qualitative methods and ethnographic field work is crucial for case studies, as mentioned in the discussion of critical theory, when arguing about the importance of conducting field work to understand the specific case (s) analyzed thoroughly. I also use process tracing to make a thorough analysis of the resistance, as a within-case comparative research in two periods of the resistance (Mahoney, 2000; Collier, 2011).

The thorough bibliographical research was conducted for the theoretical discussion of this paper, as well as for some academic and legal sources for the context of the case. Since the case studied is a social resistance case, a thorough hemerographic research (news research) was also conducted, where an important amount of information regarding the case was obtained. Regarding the fieldwork, a relevant participatory observation was conducted, especially in 2017 and 2020 in Mexicali, with the resistance movement, especially with the group *Mexicali Resiste*. Moreover, the interviews were conducted in 2020 to key actors of the case from the resistance side: Dr. Alfonso Cortez Lara, researcher at the Mexicali office of *El Colegio de la Frontera Norte* (COLEF, a public research institute specialized in border studies) in environmental studies; Professor Daniel Solorio Ramirez, retired professor of the school of Law of the *Universidad Autónoma de Baja California* (UABC, the state university of Baja California) at the Mexicali campus; Javier Wong, one of the leading figures in *Baja California Resiste* and *OPT* and Marco Rojo, one of the leaders of *OPT*, both of these collectives are important members of the resistance. Each of these actors gave specific valuable information for the case and theoretical discussion. The interviews were

conducted via videocalls and phone calls, due to the COVID-19 quarantine. Moreover, I used the Atlasti software to process and analyze the information gathered in the interviews.

Finally, it is important to note that this research is a qualitative exploratory research and conducted with a critical approach, as such it is not the objective to universalize results, the objective is to create *saberes* from the resistance movement of the oppressed groups, showing a critical way to generate and socialize knowledge and a call to rethink the universalized conception that regards economic development as the goal to achieve, in order to open ourselves to alternative paths.

CONCLUSION

The case of the united resistance in defense of water in Baja California has been an unprecedented social movement in terms of impact and results. It has been the social movement with more people participating in protests in the history of Baja California, especially Mexicali. As discussed before, the main arguments presented are that this is a case of critical decolonial theory from Latin America and that three factors were crucial for the triumph of the resistance: the legal and protests actions results in conjunction, the union of the social movements into a joint resistance movement and the government change to a left-wing party in the federal government; these three factors constitute the INUS causes for the triumph of the resistance.

The critical decolonial approach from Abya Yala that I proposed has three central elements: the development of critical consciousness, the role of the academia in the causes of the oppressed and the role of praxis having as final goal supporting the advancement of emancipation. As has been discussed, these three central elements have been part of the resistance movement, with a special intensity in the element of critical consciousness, which is the base of this approach. The development of critical consciousness in the people of the region (not only the directly oppressed) has been a central goal of the resistance as the interviewees discuss. The movement exhibited, proposed and politicized the issue of the struggle in defense of water as a human right against a transnational company (Constellation Brands), by producing and socializing knowledge and *saberes* where the academics by *praxis* in the field, supported the groups without imposing or appropriating the cause and letting the groups to develop their own critical consciousness and to

produce and socialize their own *saberes* in local, national and international media and towards all people, not just the directly oppressed.

Moreover as discussed in the paper, the different movements that were fighting in defense of water had to unite in a common group to have enough power and impact to put the issue in the public arena and make the federal government to take action. Positioning the issue in the public arena also needed the legal and protests paths led by the resistance in conjunction, which not only generated media pressure to the government, but also caused that CNDH recognized human rights violations committed by the previous government, which added more pressure to the current government, which being a left-wing government finally organized the public consultation, where the people of Mexicali voted against the brewery and achieved the goal.

This exploratory research is not only a case study of the resistance in Baja California, it is also an attempt to rethink the dominant western theoretical and methodological approaches in social science, especially in political science and propose alternatives to it, without attempting to universalize or to impose this conception to other realities or causes.

Finally, further research would be interesting in following the issue of the new water law initiative in Baja California, as well as interviewing more leaders of the resistance to have even a more complete grasp of the case. Another interesting potential research that surges from this research would be comparing other cases of resistance in defense of water in México and analyze the outcomes of those cases, to identify the common and different factors between the cases and shed light about the elements that make a resistance movement in defense of natural resources against transnational companies more likely to succeed, but without falling into the universalistic fallacy.

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