

Ref: UNH-OED-OL-201120-01

Nairobi, 20 November 2020

Dear Ms. Balbin,

This letter is in response to the communication AL OTH 67/2020 received on 21 September 2020.

UN-Habitat welcomes the comments and the request for information contained in the joint communication received.

To ensure clarity of our response, we understand the key elements to be addressed to be as follows:

1. *“That UN-HABITAT consider carefully the implications of promoting a project where several concerns have been raised that its implementation may violate the rights of indigenous peoples, in particular their right to free, prior and informed consent, their right not to be relocated against their consent, and their right to health, among others”.*
2. *“Encourage UNHABITAT to provide information on the methodology applied for the analysis of the project's impacts and veracity of UN-Habitat's Infographic Report (May 2020) and Ex-ante positive and negative impact studies.”*
3. *“Urge UN-HABITAT to use their relationship with the Mexican Government and other project partners to ensure that the Maya Train Project complies with all relevant human rights standards and norms.”*
4. *“As part of UN-Habitat intervention on human right standards and norms regarding the resettlement process, UN-Habitat is requested to provide information on the role the Agency is playing in the implementation of this project.”*

UN-Habitat believes that sustainable urban development and human settlements can only come about based upon integrated planning that demonstrates the practical application of a rights-based approach.

Ms. Beatriz Balbin  
Chief, Special Procedures Branch  
OHCHR

On (Item 1) UN-Habitat is working closely with the Resident Coordinator and our sister UN agencies to encourage the application of internationally recognised best practices related to the territorial and urban planning components of this project in the development of this ecologically and culturally significant part of the country.

UN-Habitat provides advisory services in accordance with our mandate and expertise in the area of regional planning, urban planning and design guidelines and recommendations, micro-regional analysis, participatory process for community organisation, setting up a regional observatory and consensual relocation of populations. Where projects involve environmental, cultural and intangible heritage aspects, our sister UN agencies provide support and we keep strong coordination with these agencies and other development partners, please see **Attachment 1. UN-Habitat work in Maya Train project.**

In the area of human rights, we would like to reiterate that UN-Habitat invited the Interim Representative of OHCHR Mexico to know about UN-Habitat's work in the field, our activities and provide guidance.

On (Item 2) UN-Habitat presents the methodology applied by the agency to gauge the impact of the project, which includes the analysis of more than 30 variables using official available data with three different scenarios, including the positive and negative externalities.

The infographic referred to as (item 2) is part of a comprehensive study, "Ex-ante Evaluation System of the Impacts Generated by the Integral Development Strategy of the Southeast Region of Mexico". Although the data published by UN-Habitat highlights some positive impacts of the train, the study, available on the UN-Habitat Mexico's website<sup>1</sup> also indicates possible adverse impacts associated with the Maya Train. For more information of the published report, please see **Attachment II. Ex-ante study, adverse Impacts, and other impact assessments.**

On (Item 3) As to the methodology of UN-Habitat technical cooperation work in the project, please see **Attachment III UN-Habitat work on the territorial, environmental and urban planning components of the project to advance a right based approach.** Owing to the complicated nature of the project, the need to develop innovative solutions is an on-going process that includes continuous consultation with local communities and government officials and specific recommendations from UN-Habitat. Specific mitigation plans are provided in our response with detailed actions, orientations and recommendations, which is an on-going process. Please find in **Attachment III UN-Habitat work on the territorial, environmental and urban planning components of the project to advance a right based approach.**

Based upon these observations and others related to the consultation process with indigenous peoples, in October 2020, the Mexican Government and the Office of the High Commissioner in Mexico agreed to create a permanent commission to address fundamental rights of the people

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<sup>1</sup> Document available in: <http://70.35.196.242/onuhabitatmexico/Sistema-Evaluacion-Exante.pdf>

impacted by the development of the Maya Train Project. UN-Habitat participated in the preliminary meetings leading to the creation of this commission. This is a very positive step towards acknowledging and mitigating the externalities arising from the project.

On (item 4), UN-Habitat presents information on the Protocol of consensual relocation based on human rights that was prepared upon a request of the Mexican Government and additional training material to local authorities and general information to affected families. The protocol was sent for review to OHCHR Mexico and the Agency received specific recommendations related to indemnities and rights of indigenous peoples and women that were integrated in the document. The protocol was delivered on the 8<sup>th</sup> April 2020<sup>2</sup> and recommends that the Mexican Government provide genuine opportunity for consultations, sufficient and reasonable notice, legal support, and adequate compensations and housing solutions that are to be consented by the families.<sup>3</sup> Please find in **Attachment IV Activities of UN-Habitat to ensure a consensual relocation based on the right to adequate housing and human rights principles.**

UN-Habitat will continue to provide technical support to address possible impacts on the human rights of local populations, and particularly those of indigenous people in the federal states where the Maya Train Project is being developed. UN-Habitat offers its good relationship with project partners to work alongside OHCHR to ensure that the Maya Train Project complies with all relevant human rights standards and norms.

In this pursuit, we are interested in collaborating with you to identify best practices and policies aligned with human rights obligations that will enable us to continue assisting in the positive transformation of the south-eastern region of Mexico.

Yours sincerely,



Maimunah Mohd Sharif  
Under-Secretary-General and  
Executive Director

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<sup>2</sup> UN-Habitat quarterly substantive report to Fonatur, April 2020.

<sup>3</sup> Refer to Attachment IV, <https://onuhabitat.org.mx/index.php/protocolo-de-relocalizacion-consensuada-de-poblacion-desde-los-derechos-humanos>.

## **Further Background Information**

### ***UN-Habitat's intervention in the Maya Train Project***

In May 21st, 2019, UN-Habitat signed a Cooperation Agreement with the Mexican Government to provide substantive and technical assistance to FONATUR as part of the project “Integral Territorial and Urban Development of the Southeast Region of Mexico- Maya Train Regional Corridor”. The project included a review and analysis of the normative and legal framework affecting the region at the local, state and federal levels, as well as an analysis of the instruments best suited for ecological and territorial advancement, regional urban development and housing.<sup>4</sup>

In November 20<sup>th</sup>, 2019, UN-Habitat signed an amendment to the same Cooperation Agreement for the development of a comprehensive resettlement strategy, which included a Protocol on Resettlement. This Protocol includes a methodology for the population census, its design and conduction, the analysis of the information generated, the evaluation of the strategy, the development of the resettlement proposals and specific advice for the implementation of the process.<sup>5</sup>

### ***UN-Habitat contribution to the right to development through technical interventions***

UN-Habitat conducted due diligence of the human rights situation and what was needed to strengthen it. We did this as part of our internal mechanism of project evaluation and approval.<sup>6</sup>

UN-Habitat's intervention in the Maya Train Development Project is intended to address the inequality in the south-eastern part of Mexico, to reinforce institutional responses and to enhance the quality and coverage of public services and social protection systems.

Acting within UN-Habitat's mandate and expertise, we promote human rights on the different components of the project for which we were given a technical responsibility. For each one of the components for which UN-Habitat is involved specific recommendations, guidelines and protocols were developed to ensure that rights of local communities and indigenous peoples were protected, particularly with regards to the territorial rights, the right for a healthy and sustainable environment, the right to adequate housing, the right not to be evicted and, above all, the right of indigenous peoples to participate and decide on their future. For this purpose, UN-Habitat is working with these communities through participatory processes to ensure that their rights, needs and expectations are integrated into local sustainable development projects.<sup>7</sup>

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<sup>4</sup> UN-Habitat, Annex 1, Contribution Agreement between the Government of the Mexican United States, through the National Fund for Tourism Development and the United Nations Human Settlements Programme to implement the Project titled “Urban and territorial integrated development strategy for the southeast region in Mexico - *Maya Train* Regional Corridor.”

<sup>5</sup> Refer to the document Protocol for Consensual Relocation of Population from Human Rights approach. Link: <https://onuhabitat.org.mx/index.php/protocolo-de-relocalizacion-consensuada-de-poblacion-desde-los-derechos-humanos>.

<sup>6</sup> UN-Habitat, internal document, Project approval minutes, 16 October 2019, Attachment IV.

<sup>7</sup> Refer to Attachment III, 3.2, 3.3 and 3.4.

In this regard, UN-Habitat has organized important discussions with local communities and development partners around the notion of the right to development<sup>8</sup> of the population in south-eastern Mexico. UN-Habitat conducted between November 2019 and March 2020, a broad and informed participatory process at a local scale within the five states of Southeast Mexico with key territorial stakeholders, including government officials.

We do recognise that processes and actions can be improved. The Agency is constantly advising the Mexican Government to take corrective measures when needed and to engage with local communities through extensive dialogue, consultation and participation. In the respective annexes, we present numerous proofs of these interventions that include, for instance, the need to continue engaging through participatory processes with local communities and to have a better connection with the landowners in the decision-making process, regional planning and land management. We also present several examples of concrete recommendations in areas such as the environmental impact assessments, the need to review the Master Plan of the "Sustainable Community" of Palenque, and to reinforce training and capacity development of local authorities about human rights and actions.<sup>9</sup>

### *Consultation process*

The Mexican government held a consultation process with indigenous peoples in November and December 2019; however, the Office in Mexico of the United Nations High Commissioner for Human Rights has noted that the process did not meet standards of the right to consultations and made specific recommendations.<sup>10</sup> In view of these observations and recommendations, UN-Habitat initiated several meetings with the Interim Representative of OHCHR Mexico, the General Director of FONATUR, and other government officials. During these meetings, lines of action; such as a plan to involve communities in participatory processes to define their own development vision, and inclusion of community demands on the Regional Territorial Development Plan, and on the guidelines for Integrated Urban Planning Interventions, were identified to guarantee that the rights of communities will be respected and demands from indigenous groups addressed.<sup>11</sup>

The Agency has advised and encouraged the Mexican Government to conduct studies, analysis and consultations and to present them to local communities in the corresponding phases of the project. This entails promoting an adequate participation of the communities and providing the means and information for such participation throughout the project, for instance, through social baselines obtained through ex ante analysis to characterise the population in social, economic and cultural terms in relation to its natural and territorial environment, social vulnerability studies to

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<sup>8</sup> Asamblea General, Declaración sobre el Derecho al Desarrollo, Resolución 41/128, de 4/12/1986 and Comisión de Derechos Humanos, Resolución 1993/22.

<sup>9</sup> Refer to Attachment III, 3.4.1.4.

<sup>10</sup> Refer to document ONU-DH: el proceso de consulta indígena sobre el Tren Maya no ha cumplido con todos los estándares internacionales de derechos humanos en la materia, [https://www.hchr.org.mx/index.php?option=com\\_k2&view=item&id=1359:onu-dh-el-proceso-de-consulta-indigena-sobre-el-tren-maya-no-ha-cumplido-con-todos-los-estandares-internacionales-de-derechos-humanos-en-la-materia&Itemid=265](https://www.hchr.org.mx/index.php?option=com_k2&view=item&id=1359:onu-dh-el-proceso-de-consulta-indigena-sobre-el-tren-maya-no-ha-cumplido-con-todos-los-estandares-internacionales-de-derechos-humanos-en-la-materia&Itemid=265)

<sup>11</sup> Refer to Attachment III, 3.3, 3.4 and 3.5

identify the socioeconomic and natural threats to the population, cultural and heritage studies, and other social impact assessment analysis.<sup>12</sup>

UN-Habitat has also conducted more than 20 working participatory meetings with over 60 local communities, and more than 700<sup>13</sup> participants of key institutional and socioeconomic sectors of the territory (local authorities, academics, local experts in urban planning, primary and industrial sector producers, workers' unions, tourism services providers, etc.). This unprecedented process aimed to build local development visions through participatory mechanisms that enable, from a citizen perspective and through a common diagnosis and prospective work, identify and agree on: i) the main issues, challenges and opportunities of each territory; ii) a shared vision and aspirations for its future and, iii) the determinant factors that should trigger, guide and structure its development. This, with the purpose of feeding, legitimising and giving the basis and guidelines of the strategic framework to be implemented to achieve the Southeast Region's shared prosperity.<sup>14</sup>

In October 2020, the Mexican Government and the Office of the High Commissioner in Mexico agreed to create a permanent commission to address fundamental rights of the people impacted by the development of the Maya Train, and particularly on the consultation process.<sup>15</sup> UN-Habitat participated in several of these preparatory meetings. The Agency has invited in numerous occasions the Interim Representative of OHCHR Mexico to join UN-Habitat's work in the field, observe its activities and provide guidance when needed. OHCHR declined these invitations.

### ***Ex-ante Evaluation System of the Impacts Generated by the Integral Development Strategy of the Southeast Region of Mexico***

With regards to the infographic presented by UN-Habitat on the impacts of the Maya Train, this is part of a very comprehensive study "Ex-ante Evaluation System of the Impacts Generated by the Integral Development Strategy of the Southeast Region of Mexico". Although the data published by UN-Habitat highlights some positive impacts of the train, the study, available on the UN-Habitat Mexico's website<sup>16</sup> also indicates possible adverse impacts associated with the Maya Train. Subsequently, UN-Habitat has published specific recommendations emanated from this ex-ante study to mitigate specific negative impacts<sup>17</sup> and is working in the design of additional infographics that present adverse impacts, as part of an exercise of transparency and accountability. A mitigation plan with the Government has been discussed and specific actions are being designed. This entails working with Fonatur in the integration of rural communities through rural development and the identification of local value chain production strategies with sustainable micro-regions, as well as the

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<sup>12</sup> Refer to Attachment III, 3.2

<sup>13</sup> Refer to Attachment III, 3.3, Construction of development vision component, *Minutes of the Vision workshops*

<sup>14</sup> Refer to Attachment 1 and Attachment 3.

<sup>15</sup> Meeting held between the SRE, FONATUR, SEGOB and INPI last October 5, 2020. UN-Habitat participated in preparatory meetings

<sup>16</sup> Document available in: <http://70.35.196.242/onuhabitatmexico/Sistema-Evaluacion-Exante.pdf>

<sup>17</sup> Refer to Recommendations for territorial and urban planning for the integral development process of the Southeast; based on the Ex-ante study. Link: [http://onuhabitat.org.mx/index.php/recomendaciones-de-ordenamiento-territorial-y-urbano-al-proceso-de-desarrollo-integral-del-sureste#\\_ftn1](http://onuhabitat.org.mx/index.php/recomendaciones-de-ordenamiento-territorial-y-urbano-al-proceso-de-desarrollo-integral-del-sureste#_ftn1)

need to conserve protected environmental areas by limiting growth of agricultural development in sensitive areas. UN-Habitat is also proposing strategic actions to restore affected areas.<sup>18</sup>

At the level of sustainable rural/urban communities, UN-Habitat has made several recommendations that aim to respond to negative externalities in some of the train stations, as it is the case in Merida City<sup>19</sup>, or other train stations and related urban polygons of development. The Agency prepared specific Guidelines for the design of Integral Urban Operations<sup>20</sup> with the Criteria to ensure sustainable communities and mitigate possible negative externalities. This includes the regulation of growth according to the carrying capacity of ecosystems, norms for green development and healthy environments and actions to reinforce positive beneficial solutions.<sup>21</sup>

At a broader project level, UN-Habitat recommended the Mexican Government to create a permanent monitoring mechanism to supervise the overall process, evaluate on-going results and define corrective measures, as required.<sup>22</sup>

### ***Socio-environmental and human rights impacts***

Although UN-Habitat's participation in the Maya Train Project focuses on regional and urban planning aspects, the Agency understands the importance of its convergence with environmental protection. Hence, going beyond its mandate, the Agency reviewed the Environmental Impact Assessment, in the version that was made public, as part of the evaluation process, finding some areas for improvement that were communicated to FONATUR.<sup>23</sup>

The review of the document in question clearly shows that UN-Habitat expressed concerns to FONATUR about the need to review the criteria that lead to an underestimation of possible impacts and recommended to expand the sampling to consider seasonal processes. In addition to other technicalities, FONATUR was suggested to prepare a detailed work program and consider cumulative or synergistic impacts in the regional impact assessment. This report shows the compromise of UN-Habitat with the sustainable development of the project, the protection of the region's environment, and the rights of the local population and indigenous peoples.<sup>24</sup> FONATUR responded to this request by integrating specialised institutions and experts to provide technical knowledge in order to improve the quality and objectivity of the Environmental Impact Assessments. Work is being done on integrating technical commissions to contribute knowledge, experiences and

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<sup>18</sup> Refer to Attachment III, 3.2.1.1 to 3.2.1.4.

<sup>19</sup> Technical Studies to support the update of the Municipal Urban Development Program of Mérida, Yucatán. Link: <http://70.35.196.242/onuhabitatmexico/Estudios-Tecnicos-Merida.pdf>

<sup>20</sup> Annex III, refer for instance to <http://70.35.196.242/onuhabitatmexico/03-Lineamientos-OUI.pdf>

<sup>21</sup> Refer to the Guidelines for the design of Comprehensive Urban Operations (OUI, by its Spanish acronym): Criteria for sustainable communities. Available in: <http://70.35.196.242/onuhabitatmexico/03-Lineamientos-OUI.pdf>

<sup>22</sup> Refer to attachment I, Cooperation Agreement 21/05/2020) deliverable 6, Establishment of a Sub-regional Observatory for Train Maya process and outcomes.

<sup>23</sup> Refer to the recommendations made to the Mexican Government based on the Ex-ante study. Visit: <http://onuhabitat.org.mx/index.php/recomendaciones-de-ordenamiento-territorial-y-urbano-al-proceso-de-desarrollo-integral-del-sureste# ftn1>

<sup>24</sup> Refer to the recommendations to reinforce the Environmental Impact Manifestations (MIA, by its Spanish acronym) of the Mayan Train project. Link: <http://70.35.196.242/onuhabitatmexico/05-Recomendaciones-MIAs.pdf>

make a link with environmental organisations in the region, so that their opinions and, where appropriate, impact prevention and mitigation measures are incorporated. It seeks the involvement of academics and organised civil society in the generation of environmental improvement projects. As a result, it is being studied to generate a unified and systemic process that incorporates the evaluation of the environmental impact and the change in the use of forest land that foresees the restoration and compensation needs of areas vulnerable to degradation processes and those that may be seen affected. FONATUR is also improving its procedures for the rescue of flora and fauna species in the area of the train line.

In the realm of UN-Habitat's work, the Agency has prepared territorial guidelines to respect areas of high environmental significance and ecological function in the rural/urban sustainable communities nearby the train stations. These studies are one specific component of larger environmental assessments for which UN-Habitat has not direct responsibility.

The Guidelines for Environmental Protection in the "sustainable communities"<sup>25</sup> include the preparation of standards for the protection of natural areas and bio-cultural areas of ecological importance for indigenous and traditional communities,<sup>26</sup> the protection of main ecosystems (jungle, wetlands, water bodies), including integrated water management, and mitigation measures only related to the possible impacts of urbanisation. The Agency has also made proposals for the adequate management of solid waste and the recharge of permeable green areas to protect the karst system of the soil. Sustainability and protection measures also include actions to restore degraded areas.<sup>27</sup>

UN-Habitat has recommended to establish urban planning growth controls with strict guidelines and accounting mechanisms, including mitigation actions, and the provision of adequate green and public areas, among others, in the sustainable communities of the project. These recommendations have been integrated by the Government of Mexico as part of the standards to guarantee the right for the enjoyment of a safe, clean, healthy and sustainable environment.<sup>28</sup>

### ***Territorial rights of indigenous peoples***

UN-Habitat participates in the Maya Train Project to advise FONATUR on the best modalities to protect the territorial rights of indigenous peoples and local communities. In all cases, UN-Habitat's intervention seeks to respect, safeguard and fulfil human rights of local communities.

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<sup>25</sup> Refer to the Plan of actions aimed at promoting the comprehensive regional development of Southeast Mexico under the New Urban Agenda and the SDGs approach. Visit: <http://70.35.196.242/onuhabitatmexico/04-Plan-Estructura-Territorial.pdf>; and Guidelines for the design of Comprehensive Urban Operations (OUI, by its Spanish acronym): Criteria for sustainable communities. Visit: <http://70.35.196.242/onuhabitatmexico/03-Lineamientos-OUI.pdf>

<sup>26</sup> Refer to the Plan of actions aimed at promoting the comprehensive regional development of Southeast Mexico under the New Urban Agenda and the SDGs approach. Visit: <http://70.35.196.242/onuhabitatmexico/04-Plan-Estructura-Territorial.pdf>

<sup>27</sup> Refer to the Plan of actions aimed at promoting the comprehensive regional development of Southeast Mexico under the New Urban Agenda and the SDGs approach. Refer to: <http://70.35.196.242/onuhabitatmexico/04-Plan-Estructura-Territorial.pdf>; and Guidelines for the design of Comprehensive Urban Operations (OUI, by its Spanish acronym): Criteria for sustainable communities. Visit: <http://70.35.196.242/onuhabitatmexico/03-Lineamientos-OUI.pdf>

<sup>28</sup> <http://70.35.196.242/onuhabitatmexico/04-Plan-Estructura-Territorial.pdf>; and Guidelines for the design of Comprehensive Urban Operations (OUI, by its Spanish acronym): Criteria for sustainable communities. Visit: <http://70.35.196.242/onuhabitatmexico/03-Lineamientos-OUI.pdf>

UN-Habitat is working with legal land experts to identify the best modalities for ejidos and indigenous peoples to keep their land tenure and ownership regime, if they so choose, while at the same time developing better alternatives to ensure the right of development and inclusive growth<sup>29</sup>.

UN-Habitat has also been advising FONATUR on adjusting specific regulations to mitigate the negative effects of land speculation, already happening in the region, and particularly in the areas of influence of train stations.<sup>30</sup> Specific legislative proposals have been circulated with the federal states and municipalities encouraging the development of preventive normative actions to stop land speculation.

Informative sessions of the consultation process have not taken place, because the locations of train stations and the modalities of land use have not been decided yet. However, UN-Habitat has made specific recommendations “Criteria for selecting train stations in major municipalities” and modalities of land use in the “sustainable communities” and the urban areas of train stations to ensure a planned growth and protect the environment.<sup>31</sup> These technical advisory services include setting up guidelines and norms in regional and municipal planning, urban design and development, the preparation of master plans, and recommendations in land management and training programmes for local authorities based on SDGs, New Urban Agenda and other global development agendas.

UN-Habitat has participated in different informative and deliberative stages of the project and formulated numerous recommendations, many of which were adopted by the Mexican Government. This include for instance, territorial planning guidelines with cultural and environmental aspects that can have a strong impact on the conservation of biodiversity, the maintenance of ecological connectivity, and the restoration of ecosystems and ecological conditions in the rural/urban sustainable communities close to train stations. Guidelines also include recommendations for the preservation and protection of cultural heritage, bio-cultural areas, the consideration and inclusion of indigenous communities in decision-making, and the rescue or valorisation of local knowledge, among other aspects.

Concerning the restoration of ecosystems, UN-Habitat’s analysis found that existing human settlements and related environmental conditions along the Maya Train’s route are suffering from unsustainable practices such as land degradation, contamination, and are prone to different forms of abuse and exploitation.<sup>32</sup> UN-Habitat and FONATUR agreed to adopt corrective measures in the areas of influence of the sustainable communities, which include.

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<sup>29</sup> Refer to UN-Habitat recommendations for adequation to the normative framework: <http://70.35.196.242/onuhabitatmexico/Adecuacion-marco-normativo.pdf>

<sup>30</sup> Infrastructure and real estate trusts vs. land value capture mechanisms. Available in: <http://70.35.196.242/onuhabitatmexico/Informe-FIBRAS-y-Mecanismos-RP.pdf>

<sup>31</sup> Refer to document “Evidence to define the location of the Maya Train stations by the Mexican Government: territorial restructuring for shared progress”. Available in: <http://70.35.196.242/onuhabitatmexico/02-Evidencias-emplazamiento-estaciones.pdf>.

<sup>32</sup> Refer to the presentation “El tren salva la selva”, case of Calakmul. Available in: Habitat Webpage, Source: Information presented by the Director of Calakmul Biosphere Reserve during the Experts Group Meeting organized by UN-Habitat on August 2019, in Mexico City.

***Imminent evictions***

When UN-Habitat was invited to participate in this component of the project, due diligence concerning the impact on human rights, including the assessment of local and institutional conditions, was conducted.<sup>33</sup> The Agency was then requested to prepare a Protocol for the Consensual Relocation of the Population, based on the right to adequate housing and human rights principles based on the Amendment to the initial Contribution Agreement (signed on 20 November 2019).<sup>34</sup> The protocol was delivered on the 8<sup>th</sup> April 2020<sup>35</sup> and recommends the Mexican Government to giving genuine opportunity for consultations, sufficient and reasonable notice, legal support, and adequate compensations and housing solutions that are to be consented by the families.<sup>36</sup>

UN-Habitat can reassure Special Rapporteurs that as soon as the Government ordered to stop activities because of the pandemic, the Agency suspended the realization of a census that was meant to prepare a list of affected families in the target area of San Francisco de Campeche; particularly in the Santa Lucía, La Ermita y Camino Real neighbourhoods. The census would seek to gather information and learn about their housing conditions and the legal documentation they could possess. Under no conditions or circumstances, were families or workers put at risk or their right to health was violated.<sup>37</sup>

The Agency has no information or knowledge of possible forced evictions or the presence of indigenous communities living along the area of the city of Campeche where UN-Habitat is working on the Consensual Relocation Process, as the communication from the Special Rapporteurs claims.

UN-Habitat is working with FONATUR providing technical expertise on housing solutions for every family settled in the right of way of the Maya Train.<sup>38</sup> Once the census process will resume according to health new regulations, the necessary information will be presented to every family. This will be done as part of the participation, negotiation and compensation process indicated in the Protocol for the Consensual Relocation of the Population from the Standpoint of Human Rights.<sup>39</sup>

Finally, UN-Habitat will continue to provide training and capacity building to FONATUR and to the staff of the State of Campeche and the Municipal Government to adopt a human rights approach during the relocation process.<sup>40</sup>

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<sup>33</sup> UN-Habitat, internal project document, Project approval minutes, 16 October 2019.

<sup>34</sup> Please see Attachment I.

<sup>35</sup> UN-Habitat quarterly substantive report to Fonatur, April 2020.

<sup>36</sup> Refer to Attachment IV, <https://onuhabitat.org.mx/index.php/protocolo-de-relocalizacion-consensuada-de-poblacion-desde-los-derechos-humanos>.

<sup>37</sup> UN-Habitat has worked in full adherence to the decision of the health departments, government decisions regulated by a Covid traffic light and in permanent consultations with UNDSS, as it is amply documented.

<sup>38</sup> Please refer to Attachment IV

<sup>39</sup> <https://onuhabitat.org.mx/index.php/protocolo-de-relocalizacion-consensuada-de-poblacion-desde-los-derechos-humanos>.

<sup>40</sup> <https://onuhabitat.org.mx/index.php/onu-habitat-capacita-a-funcionarios-del-tren-maya-en-campeche>.

## *In conclusion*

UN-Habitat participates in this project to help to eliminate or reduce remediable injustices and to ensure that human rights are respected in the areas where the Agency has a technical role to play or a direct mandate. The Agency only works in the spheres of our competence and not in many of the allegations made in the communication.

UN-Habitat is aware that in a long-term project like this multiyear intervention, there are areas of opportunity that will continue to benefit from the Agency's assessment and recommendations to obtain positive outcomes; as well as to warn of possible negative impacts.

In addition to the work of other UN Agencies involved in this project<sup>41</sup>, UN-Habitat has had preliminary conversations with UNIDO to seek technical support to bring international best practices on industrial development, job creation and environmental protection within the full observance of human rights. This creates conditions for a continuous review of the project implementation and increases the possibility to adopt remedial solutions.

The position of UN-Habitat has been and will continue to be, to open spaces for dialogue and discussion for those groups that show disagreement or full opposition to the project, particularly the most vulnerable ones. UN-Habitat has systematically invited these and other groups to engage directly and work hand-by-hand with the agency.<sup>42</sup>

UN-Habitat will continue to provide technical support to address possible impacts on the human rights of local populations, and particularly those of indigenous people in the federal states where the Maya Train Project is being developed. UN-Habitat offers its good relationship with the Mexican Government and other project partners to work alongside OHCHR to ensure that the Maya Train Project complies with all relevant human rights standards and norms.

UN-Habitat invites the Special Rapporteurs who signed the aforementioned communication to continue a dialogue.

## **Prepared by:**

Eduardo M. Lopez,

Ad-interim Head of the Mexico Office of UN-Habitat

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<sup>41</sup> Brochure of United Nations work in the Maya Train development project. Link: <http://www.onuhabitat.org.mx/index.php/el-trabajo-de-la-onu-en-el-tren-maya>

<sup>42</sup> This is the case, for example, with one of the most vocal groups represented by residents of Campeche neighborhoods and other NGOs and associations as the NGO Articulación Yucatan. UN-Habitat response letter to Articulación Yucatán, 3rd July 2020.

**Annexes****1. Attachment folder I. UN-Habitat work in Maya Train project****1.1. UN-Habitat role:**

- 1.1.1. Contribution Agreement between the Government of the Mexican United States, through the National Fund for Tourism Development (Fonatur, by its Spanish acronym) and the United Nations Human Settlements Programme (UN-Habitat) to implement the Project titled “Urban and territorial integrated development strategy for the southeast region in Mexico - Maya Train Regional Corridor.” (signed on 21 May 2019).
- 1.1.2. UN-Habitat Intermediate Substantive annual progress report 2019 of the project.
- 1.1.3. UN-Habitat first quarter substantive progress report 2020 of the project.
- 1.1.4. UN-Habitat second quarter substantive report 2020 of the project.
- 1.1.5. UN-Habitat third quarter substantive report 2020 of the project.
- 1.1.6. Microsite of the project “Urban and territorial integrated development strategy for the southeast region in Mexico - Maya Train Regional Corridor.” Link: <http://onuhabitat.org.mx/index.php/noticias/noticias-de-onu-habitat-en-mexico/tren-maya>
- 1.1.7. Technical inputs developed within the project of the Regional Corridor Maya Train: Link: <http://www.onuhabitat.org.mx/publicaciones-del-proyecto-desarrollo-integral-territorial-y-urbano-de-la-region-sureste-de-mexico-corredor-regional-tren-maya>
- 1.1.8. Brochure of United Nations’ work in the Maya Train development project. Link: <http://www.onuhabitat.org.mx/index.php/el-trabajo-de-la-onu-en-el-tren-maya>
- 1.1.9. Response letter from the former Resident Coordinator of the United Nations System in México to the Joint Communication of the Special Procedures Branch, issued on 25 September 2020.
- 1.1.10. Letter from UNESCO’s Representative in Mexico to UN-Habitat regarding the Joint Communication of the Special Procedures Branch received.

**1.2. Due diligence:**

- 1.2.1. UN-Habitat, internal Project approval minutes, June 2019.
- 1.2.2. UN-Habitat’s environmental and social safeguards system (ESSS).

**1.3. Consultation process:****1.3.1. Technical documents:**

- 1.3.1.1. Minutes of informative meeting on indigenous consultation with Fonatur and UN-Habitat.
- 1.3.1.2. Minutes of the meeting held with Fonatur territorial liaisons on their strategy for the implementation of the indigenous consultation.
- 1.3.1.3. Invitation to the Awareness-raising and capacity-building workshop in which discussion on human rights inclusion and consultation processes were included in the training.

- 1.3.1.4. Invitation letter to the Workshop on Awareness and Capacity Building for Territorial and Social Liaisons on the processes of Indigenous Consultation and Citizen Participatory Exercise sent to UN-Habitat from Fonatur.
  - 1.3.1.5. Schedule of the awareness-raising and capacity-building workshop. Agenda for the Workshop on Awareness and Strengthening of Territorial and Social Liaison Capacities on the processes of Indigenous Consultation and Citizen Participatory Exercise which included UN-Habitat participation on best practices for indigenous consultation.
  - 1.3.1.6. Presentation on best practices in the matter of indigenous consultation. Support materials used during the workshop on Awareness and Strengthening of Territorial and Social Liaison Capacities on the processes of Indigenous Consultation and Citizen Participatory Exercise.
  - 1.3.1.7. Report of UN-Habitat on the documentation of agreements in the Consultative Assemblies in which the Agency participated in its role of accompaniment of the process. Report on the documentation of agreements in the Consultative Assemblies on 14 and 15 December 2019.
  - 1.3.1.8. Report of UN-Habitat's position and recommendations to the OHCHR observations on the consultation process by the Mexican Government. Report on the accompaniment that UN-Habitat carried out with Fonatur in the indigenous Consultation of the Maya Train Development Project.
- 1.3.2. Relevant meetings:**
- 1.3.2.1.** 11/09/2019. Internal meeting between UN-Habitat and the OHCHR in Mexico in which the Maya Train Development project was presented to Mr. Jan Jarab, former UN Human Rights Office's Representative in Mexico. It was agreed that the OHCHR in Mexico would hold a meeting with UN-Habitat and Fonatur.
  - 1.3.2.2.** 15/10/2019. Meeting between UN-Habitat, the OHCHR in Mexico and Fonatur. Fonatur further presented the Maya Train Development project to Mr. Jan Jarab, former UN Human Rights Office's Representative in Mexico, and discussed and requested assistance to plan and implement the future indigenous consultation process.
  - 1.3.2.3.** 29/10/2019. Informative meeting between UN-Habitat and Fonatur on the intervention strategy of Fonatur's territorial liaisons and the construction of a general strategy for the indigenous consultation and the territorial intervention strategy of Fonatur. *Refer to:*
    - *1\_20191029 Minutes of informative meeting on indigenous consultation with Fonatur.doc*
  - 1.3.2.4.** Workshop on Awareness and Capacity Building for Territorial and Social Liaisons on the processes of Indigenous Consultation and Citizen Participatory Exercise in which UN-Habitat made recommendations on the consultation process and the participation of local communities. 22/11/2019 - 23/11/2019. *Refer to:*
    - *2\_20191122 Invitation Awareness-raising and capacity-building workshop.*
    - *3\_20191122 Schedule Awareness-raising and capacity-building workshop.*

●4\_20191123 *Presentation on best practices in the matter of indigenous consultation.*

- 1.3.2.5. Assemblies of the indigenous consultation process in its deliberative phase to which UN Habitat attended in its role of accompaniment of the process and where broad support was expressed for the Maya Train project and a committee of representatives was elected to follow up on the agreements. 14/12/2019 - 15/12/2019 The assemblies were the following:
- 14/12/2019. Tenabo Assembly, Campeche
  - 14/12/2019. Dzitás Assembly, Yucatán
  - 14/12/2019. Assembly Chichimilá, Yucatán
  - 14/12/2019. Tunkás Assembly, Yucatán
  - 14/12/2019. Tixpehual Assembly, Yucatán
  - 14/12/2019. Reforma Assembly, Bacalar, Quintana Roo
  - 15/12/2019. Palenque Assembly, Chiapas
  - 15/12/2019. Tenosique Assembly, Tabasco
  - 15/12/2019. Don Samuel Assembly, Escárcega, Campeche
  - 15/12/2019. Felipe Carrillo Puerto Assembly, Champotón, Campeche
  - 15/12/2019. Xul-Ha Assembly, Othón P. Blanco, Quintana Roo
  - 15/12/2019. Xpujil Assembly, Calakmul, Campeche.

*Refer to:*

●5\_20191215 *Report on the documentation of agreements in the Consultative Assemblies.doc*

**2. Attachment folder II. Ex-ante study, adverse Impacts, and other impact assessments**

**2.1. Technical documentation:**

- 2.1.1. Ex-ante evaluation system of the impacts generated by the integral development strategy of the southeast region prepared by UN-Habitat. Link: <http://70.35.196.242/onuhabitatmexico/Sistema-Evaluacion-Exante.pdf>
- 2.1.2. Recommendations for territorial and urban planning for the integral development process of the Southeast; based on the Ex-ante adverse impact study prepared by UN-Habitat. Link: [http://onuhabitat.org.mx/index.php/recomendaciones-de-ordenamiento-territorial-y-urbano-al-proceso-de-desarrollo-integral-del-sureste#\\_ftn1](http://onuhabitat.org.mx/index.php/recomendaciones-de-ordenamiento-territorial-y-urbano-al-proceso-de-desarrollo-integral-del-sureste#_ftn1)
- 2.1.3. UN-Habitat's Infographic: Positive impact analysis of the Maya Train; based on the Ex-ante study. Link: <https://onuhabitat.org.mx/index.php/onu-habitat-analiza-el-impacto-del-tren-maya>

**2.2. Interviews and publications in media where UN-Habitat made recommendations to reduce negative impacts:**

- 2.2.1. Press clipping regarding Ex-ante study and the recommendations.
- 2.2.2. Local media publication on negative impacts of Maya Train based on UN-Habitat Ex-ante study. Link: <https://centrourbano.com/2020/11/10/impacto-negativo-tren-maya/>

### **3. Attachment folder III. UN-Habitat work on the territorial, environmental and urban planning components of the project to advance a right based approach**

#### **3.1. Regional territorial component**

##### **3.1.1. Technical documentation:**

**3.1.1.1.** Four Regional Diagnosis: UN-Habitat document about the analysis of the opportunities, development challenges, limiting factors and possible impacts of the different microregions of the Southeast region of Mexico. Available in: <http://70.35.196.242/onuhabitatmexico/01-Diagnostico-regional.pdf>

**3.1.1.2.** Microregions analysis of the Valladolid - Cancun section of the Maya Train. UN-Habitat document on the main social, economic, cultural, environmental and urban findings of the micro-regions in the section for the Valladolid Cancún section. Includes a synthesis of impacts associated with the Maya Train and recommendations for mitigation.

**3.1.1.3.** UN-Habitat working document on the comparative analysis of the micro-regions of Southeast Mexico from an urban aspect. It includes a synthesis of positive impacts and challenges in the Maya Train project.

**3.1.1.4.** Integrated and comparative analysis of the Microregions from the environmental point of view, includes a synthesis of positive and negative impacts and challenges in the Maya Train project.

**3.1.1.5.** UN-Habitat's analysis on the proposal for agricultural, fishing and forestry production. working document with critical analysis and recommendations to protect and safeguard local production mechanisms and places.

**3.1.1.6.** UN-Habitat's Agricultural Production Analysis by subregions of the Maya Train: Study about the strategic agricultural products identified for each of the sections of the Maya Train giving recognition of prominence to local production.

**3.1.1.7.** UN-Habitat's Analysis of the Urban Rural System of the Southeast region of Mexico: working document that recommends a rural urban integration with special emphasis on the provision of basic services, health, education and housing, including recommendations for environmental protection in rural-urban areas.

**3.1.1.8.** UN-Habitat's review of normative and planning instruments in five states of the Maya Train: document that analyzes the number, validity status and content of planning instruments in the five states of Southeast Mexico.

**3.1.1.9.** UN-Habitat and local development partners' SWOT Analysis for the five States of the Region: document that synthesizes the strengths, weaknesses, opportunities and threats for each one of the five states.

**3.1.1.10.** UN-Habitat's Territorial Structure Plan of Southeast Mexico: Document with recommendations, guidelines, territorial strategy and specific action plans for the regional development of Southeast Mexico. Link: <http://70.35.196.242/onuhabitatmexico/04-Plan-Estructura-Territorial.pdf>

### 3.1.2. Relevant meetings:

#### **Meetings between UN-Habitat with states**

##### **Meetings to present the Project, the activities of UN-Habitat in the state, definition of contact points and work program for the period.**

- 27/01/2020. Meeting in Mérida, Yucatán
- 28/01/2020. Meeting in San Francisco Campeche, Campeche
- 04/02/2020. Meeting in Villahermosa, Tabasco
- 10/02/2020. Meeting in Tuxtla Gutiérrez, Chiapas
- 26/02/2020. Meeting in Cancun, Quintana Roo

*Refer to:*

- 3.1.2.1\_*Firs meeting between UN-Habitat with states folder*

#### **3.1.2.1. Meetings for the SWOT analysis in the states.**

- 06/02/2020 in San Francisco Campeche, Campeche
- 21/02/2020 in Tuxtla Gutiérrez, Chiapas
- 28/02/2020 in Villahermosa, Tabasco
- 04/03/2020 in Mérida, Yucatán
- 05/03/2020 in San Francisco Campeche, Campeche
- 06/03/2020 in Cancun, Quintana Roo

*Refer to:*

- 3.1.2.2\_*Second meeting between UN-Habitat with states folder*
- 3.1.1.9\_*Local development partners' SWOT Analysis for the five state of the region*

3.1.2.2. Meetings to present the territorial strategy proposed by UN-Habitat with recommendations, guidelines and action plan instruments at microregional level, including an identification of strengths and challenges in the territory. Derived from the health emergency that the country is experiencing, the meetings were held virtually on the following dates:

- 01/04/2020. Virtual meeting with the State of Campeche. From 10:00 a.m. to 1:00 p.m.
- 02/04/2020. Virtual meeting with the State of Tabasco. From 10:00 a.m. to 1:00 p.m.
- 02/04/2020. Virtual meeting with the State of Yucatán. From 2:00 p.m. to 7:00 p.m.
- 03/04/2020. Virtual meeting with the State of Chiapas. From 2:00 p.m. to 4:00 p.m.
- 23/04/2020. Virtual meeting with the State of Quintana Roo. From 11:00 to 1:30 p.m.

*Refer to:*

- 3.1.2.3\_*Third meeting and 3.1.2.4\_Fourth meeting between UN-Habitat with states folders*
- 3.1.1.10\_*Territorial Structure Plan of Southeast Mexico*

### 3.1.3. Interviews and publications in the media

**3.1.3.1.** UN-Habitat confirms that will monitor the construction of the Maya Train and ensure that people's rights are guaranteed with its implementation <http://desdeabajo.mx/2019/07/onu-habitat-vigilara-construccion-del-tren-maya/>

- 3.1.3.2.** UN-Habitat's Director interim for Mexico and Cuba, Eduardo López Moreno, explains that the Agency will be an impartial judge that not respond to anyone's interests <https://www.milenio.com/negocios/onu-habitat-viene-prestarse-mexico-intereses-tren-maya>
- 3.1.3.3.** Eduardo López Moreno explains that UN-Habitat will work to ensure a regional development perspective that guarantees benefits for the communities and protects the environment <https://twitter.com/ElFinancieroTv/status/1159244872341024768?s=20>
- 3.1.3.4.** Eduardo López Moreno defends the role of UN-Habitat in protecting rights of the people <https://www.youtube.com/watch?v=ju2bEO1jTzU&feature=youtu.be>
- 3.1.3.5.** UN-Habitat meets with responsible authorities for territorial planning in the Mexican Southeast <https://onuhabitat.org.mx/index.php/onu-habitat-se-reune-con-responsables-de-planeacion-territorial-del-sureste-mexicano>

## **3.2. Environmental component**

### **3.2.1. Technical documentation:**

**3.2.1.1.** Report of UN-Habitat with Environmental recommendations considerations for the Ríos Mayas project: Study on possible environmental impacts of the UN-Habitat information sheet on possible environmental impacts of the Ríos Mayas Project in the State of Tabasco, where the construction of a Maya Train station and the linking of both projects is proposed

**3.2.1.2.** Report of UN-Habitat with Environmental recommendations Environmental considerations for Cuxtal Reserve: Study that recommends not to intervene on this environmental reserve to preserve the area from the possible environmental impacts.

**3.2.1.3.** UN-Habitat's Strategy for Integrated Water Management in the Southeast Region of Mexico: working document on the integrated water management strategy, environmental risks and recommendations to protect the karst soul.

**3.2.1.4.** UN-Habitat's Environmental Hazard and Vulnerability Analysis in the Southeast Region of Mexico: Working document about the vulnerability and risk analysis of the Southeast region of Mexico. Includes identification of potential impacts

**3.2.1.5.** UN-Habitat's Comprehensive environmental risk management report: working document on potential comprehensive risks and mitigation measures management in Southeast Mexico. Includes identification of potential risks

**3.2.1.6.** Regional Corridor-Maya Train EGM. Document presented on the occasion of the Expert Group Meeting (EGM), held from 5 to 7 August 2019, in Mexico City. This document shows the importance of the land planning to avoid deforestation in the Calakmul jungle.

**3.2.1.7.** Recommendations to reinforce the Environmental Impact Manifestations (MIA, by its Spanish acronym) of the Maya Train project. Link: <http://70.35.196.242/onuhabitatmexico/05-Recomendaciones-MIAs.pdf>

**Relevant meetings:*****Meetings between UN-Habitat and states of the region***

3.2.1.8. Thematic meetings to discuss environmental concerns and proposed action plans with the five states of the region. To address issues related to Territorial Ecological Planning Programs, protected environmental areas' (ANPs, by its Spanish acronym) management plans, state priorities in conservation issues, risk analysis, sustainable use of resources, environmental services, areas of high environmental value in the passage of the Train tracks (Cuxtal, Calakmul, etc.), sewage and solid waste treatment, among others:

3.2.1.8.1. 02/03/2020 in Tuxtla Gutiérrez, Chiapas with the Secretary of the Environment and Natural History to deal with issues related to environmental guidelines suggested by the secretariat for the Maya Train project (Palenque case), update of the POET, management plan of state ANPs, state conservation priorities and disaster risk red flags.

3.2.1.8.2. 04/03/2020 in Mérida, Yucatán with the Secretary for Sustainable Development, to discuss issues related to the Cuxtal Reserve management plan, the formulation of State ANP Management Plans, the management of the Cenotes Ring Geohydrological Reserve, prospects for Treatment of Waters (in karst condition) and MSW Management.

3.2.1.8.3. 05/03/2020 in San Francisco Campeche, Campeche with the Secretariat of the Environment, Biodiversity and Climate Change, to discuss issues related to: Ecotourism Competitiveness; POET- Steps for your decree; Operation of the Local POETs; State program for payment of environmental services.

3.2.1.8.4. 06/03/2020 in Cancun, Quintana Roo with Undersecretary of Environmental Policy in the Secretariat of Ecology and Environment, to discuss issues related to ecological regulations, ANP management plans, among others.

***Meetings between UN-Habitat with Secretary of the Environment***

3.2.1.9. 09/10/2019. Meeting with the Maya Train link in Mexico's Secretariat for the Environment and Natural Resources (Semarnat) to discuss environmental concerns of this project with UN-Habitat.

3.2.1.10. 05/11/2019. Meeting with the Secretary of the Environment to discuss technical aspects of the environmental components of territorial work. At this meeting, UN-Habitat presented then Minister of the Environment, Víctor Toledo, the scope of the collaboration with Fonatur, establishing the first contact to include the environmental variable in coordination with the Ministry. Participation of UN-Habitat with the academic community, about the environmental concerns of the Maya Train.

3.2.1.11. 26/02/2020. Meeting to discuss progress in a strategy to promote participatory local ordinances with the support of the SEP (Secretariat of Public Education) and CONACYT (National Council of Science and Technology) Centers.

**3.2.2. Interviews and publications in the media:**

3.2.2.1. Calakmul growth projection with the Maya Train. At the request of a journalist from WSJ Mexico, UN-Habitat shared a note in which we analyzed Calakmul's growth projection

with the Maya Train, stressing the work in the area with respect for human rights, biodiversity and participatory planning (27/02/2020).

- 3.2.2.2. Bacalar station recommendations to protect the lagoon. In response to an article about how the Bacalar station was a danger to the lagoon (<https://twitter.com/gibranrr/status/1233045946499506177?s=20>), UN-Habitat wrote a statement to warn that the stations play a role in structuring the territory and must be properly thought out and analyzed in the Maya Train project (28/02/2020 ).

### **3.3. Construction of a development vision component**

#### **3.3.1. Technical documentation:**

**3.3.1.1.** Presentation on Theory of field intervention and Social Management Systems. Presentation support materials used by UN-Habitat during Fonatur's Liaisons Integration workshop on Social Management Systems as a tool to manage social and community relations, and monitor the project's social risks, organized by Fonatur on 17 October 2019.

**3.3.1.2.** Invitation Liaisons Integration Workshop. Invitation addressed to UN Habitat to participate in the Liaisons Integration Workshop organized by Fonatur.

**3.3.1.3.** Minutes of the Liaisons Integration Workshop. Document that sums up the main contents of the Liaisons Integration Workshop held with Fonatur in which UN-Habitat participated and made some recommendations.

**3.3.1.4.** Minute of the vision workshops coordination meeting organized by Fonatur. Document that sums up the main contents of the meeting between UN-Habitat and Fonatur on the coordination of field activities and workshops for the construction of the vision of development and made some specific recommendations on 4 November 2019.

**3.3.1.5.** Report on UN-Habitat's local community participation vision process. Report that describes the methodology, schedule, logistics and main results of the participatory process held by UN-Habitat between 14 November 2019, and 12 March 2020, which aimed to build local development visions within 12 microregions of Southeast Mexico with key territorial stakeholders. It highlights the process's conceptual and methodological framework, key data on participation, and each microregion workshop's main results.

**3.3.1.6.** Reports of microregional vision workshops held by UN-Habitat. Document that compiles the detailed reports of the twenty-one-vision local community participatory workshops organized by UN-Habitat. Each report highlights key data such as: date, time and place, main purpose of the session, agenda, general profile of participants, detailed content of the exchanges held in each phase of the session.

**3.3.1.7.** Executive summaries of microregional vision workshops held by UN-Habitat. Document that compiles the executive summaries of the twenty-one local community participatory vision workshops organized by UN-Habitat. Each summary highlights key data such as: date, time and place, main purpose, agenda, general profile of participants, main findings and main agreements of the session.

**3.3.2. Relevant meetings:**

**3.3.2.1.** 17/10/2019 – 18/10/2019. Liaisons integration workshop organized by Fonatur. UN-Habitat was invited to provide training on social risk management and territorial intervention strategy to Fonatur's territorial liaisons in order to improve their social and community relations process.

*Refer to:*

- *1\_20191017\_Presentation on Theory of field intervention and Social Management Systems.ppt*
- *2\_20191018\_Invitation Liaisons Integration Workshop.pdf*
- *3\_20191018\_Minutes of the Liaisons Integration Workshop.doc*

**3.3.2.2.** 04/11/2019. Meeting between UN-Habitat and Fonatur on local community participatory vision workshops coordination. UN-Habitat reviewed with Fonatur the field activities' timeline and agenda, and the main contents of the participatory workshops organized by the agency.

*Refer to:*

- *4\_20191104\_Minutes of the Vision workshops coordination meeting Fonatur.doc*

**3.3.2.3.** 21 UN-Habitat's local community participatory workshops in which: a) Stakeholder analysis were carried out; b) participatory diagnoses were integrated and c) local rights and objectives were consolidated in local development visions:

- 14/11/2019. Escárcega-Candelaria microregion
- 19/11/2019. Calakmul microregion
- 29/01/2020. Escárcega-Candelaria microregion
- 31/01/2020. Calakmul microregion
- 10/02/2020. Maxcanú microregion
- 11/02/2020. Mérida microregion
- 12/02/2020. Mérida microregion
- 13/02/2020. Valladolid microregion
- 14/02/2020. Izamal microregion
- 19/02/2020. Chiapas and Tabasco Rivers microregion
- 21/02/2020. Campeche microregion
- 25/02/2020. Bacalar microregion
- 26/02/2020. Felipe Carrillo Puerto microregion
- 27/02/2020. Tulum microregion
- 28/02/2020. Cancún microregion
- 02/03/2020. Maxcanú microregion
- 03/03/2020. Mérida microregion
- 05/03/2020. Valladolid microregion
- 06/03/2020. Izamal microregion
- 10/03/2020. Chiapas and Tabasco Rivers microregion
- 12/03/2020. Campeche microregion

*Refer to:*

- *5\_Report on participatory vision process.pdf*
- *6\_Reports of microregional vision workshops.pdf*

- *7\_Executive summaries of microregional vision workshops.pdf*

### **3.4. Urban planning component**

#### **3.4.1. Technical documentation:**

**3.4.1.1.** UN-Habitat's Guidelines for the design of Integral Urban Operations (OUI, by its Spanish acronym): Recommendations for sustainable development, social inclusion, environmental protection and local development for the sustainable communities. Link: <http://70.35.196.242/onuhabitatmexico/03-Lineamientos-OUI.pdf>

**3.4.1.2.** Un-Habitat's recommendations to align the Municipal Urban Development Program of Mérida, Yucatán with the Maya Train: normative and technical recommendations for land use. Link: <http://70.35.196.242/onuhabitatmexico/Estudios-Tecnicos-Merida.pdf>

**3.4.1.3.** UN-Habitat's recommendations for the Mexican Government to locate the Train stations: criteria for urban development, including environmental protection measures and normative recommendations. Link: <http://70.35.196.242/onuhabitatmexico/02-Evidencias-emplazamiento-estaciones.pdf>

**3.4.1.4.** UN-Habitat's critical analysis and recommendations to the Master Plan for the Palenque station.

**3.4.1.5.** UN-Habitat's recommendations for four cities with train stations (Mérida, Tulum, Bacalar and Calakmul): the report proposes technical recommendations for environmental sustainability and guidelines for sustainable urbanization.

### **3.5. Territorial rights and land management**

#### **3.5.1. Technical documentation:**

**3.5.1.1.** UN-Habitat's recommendations for the adequation of the normative framework with instruments for territorial rights and land management. Link: <http://70.35.196.242/onuhabitatmexico/Adecuacion-marco-normativo.pdf>

**3.5.1.2.** UN-Habitat's analysis and recommendations on different instruments for the territorial rights and land management: Report with proposals for infrastructure and real estate trusts vs. land value capture mechanisms. Link: <http://70.35.196.242/onuhabitatmexico/Informe-FIBRAS-y-Mecanismos-RP.pdf>

#### **3.5.2. Relevant meetings:**

**3.5.2.1.** 09/10/2019. Meetings between UN-Habitat with the mayors and technical teams of Mérida, Tulum, Bacalar and Calakmul in which UN-Habitat presented the general strategy and the need to adopt a sustainable development based on a human rights approach.

**3.5.2.2.** 14/08/2020. Workshops with the Mérida local authorities and representatives of civil society, Tulum, Calakmul and Bacalar urban planning teams. Discussion about sustainability concepts, quality of life and provision of basic services, and environmental considerations related to the Maya Train station in the city.

**3.5.2.3.** 16/10/2020. Meeting of UN-Habitat with the urban planning authorities of Mérida to agree on final criteria guidelines, local planning instruments and technical recommendations for the sustainable development of the urban areas related to the Maya Train.

**3.6. UN-Habitat proposal to create a permanent monitoring mechanism to supervise the overall process of the Maya Train, evaluate ongoing results and define corrective measures**

**3.6.1. Technical documentation:**

3.6.1.1. Presentation about the Regional Observatory for Shared Prosperity of the Southeast.

3.6.1.2. Work plan for the creation of the Observatory.

**3.6.2. Relevant meetings:**

**3.6.2.1.** 20/05/2020. Meeting to present the Regional Observatory to Fonatur.

**3.6.3. Interviews and publications in the media:**

**3.6.3.1.** Fernando Murillo Director of the Project talks about the Observatory that UN-Habitat will promote measures to benefit inhabitants in the southeast that will analyze <https://www.youtube.com/watch?v=PiXYeTmARXg>

**3.6.3.2.** UN-Habitat publishes the integral development strategy for the southeast region of Mexico, in which the creation of a regional observatory to measure the positive and negative impacts of the project is established.

<http://www.onuhabitat.org.mx/index.php/noticias/noticias-de-onu-habitat-en-mexico/tren-maya>

**3.6.3.3.** UN-Habitat requests expressions of interest to establish a the basis to create the Regional Prosperity Observatory for the Southeast Region of Mexico. <http://onuhabitat.org.mx/recepcion-de-expresiones-de-interes-de-onu-habitat-mexico-julio-2020>

**3.6.3.4.** UN-Habitat requests expressions of interest to celebrate an agreement to monitor the consensual relocation process in San Francisco de Campeche and to contribute to the creation of the Regional Prosperity Observatory for the Southeast Region of Mexico. <http://onuhabitat.org.mx/index.php/recepcion-de-expresiones-de-interes-de-onu-habitat-mexico-agosto-2020>

**3.6.3.5.** UN-Habitat published a press release to explain how the Observatory will work, analyzing the positive and negative impacts of the Maya Train in order to fulfill the right of the people to be informed about those impacts. <http://onuhabitat.org.mx/index.php/onu-habitat-impulsa-observatorio-de-prosperidad-regional-del-sureste-de-mexico>

**4. Attachment folder IV. Activities of UN-Habitat to ensure a consensual relocation based on the right to adequate housing and human rights principles**

**4.1. Technical documentation and due diligence:**

4.1.1. Amendment to the Contribution Agreement between the Mexican Government and UN-Habitat for the Project “Urban and territorial integrated development strategy for the southeast region in Mexico - Maya Train Regional Corridor”, for the Consensual Relocation of affected population in San Francisco de Campeche (signed on 20 November 2019).

4.1.2. UN-Habitat, internal project document, Project approval minutes, October 2019.

4.1.3. UN-Habitat's Environmental and social safeguards system (ESSS) for the amendment of the project.

4.1.4. UN-Habitat's guidelines on social communication and neighborhood participation in the context of the consensual relocation process.

4.1.5. UN-Habitat's Protocol for the Consensual Relocation of Population from a Human Rights approach. Link: <https://www.onuhabitat.org.mx/images/Tren-Maya/campeche/Protocolo-de-reasentamientos-ONU-Habitat.pdf>

4.1.6. UN-Habitat's recommendations on the relocation process from a Human Rights based approach.

4.1.7. UN-Habitat's social and cultural considerations to develop adequate housing solutions for the resettlement process in San Francisco of Campeche.

4.1.8. UN-Habitat's study for housing typologies for the consensual relocation project in San Francisco of Campeche, to align with standards of adequate housing.

4.1.9. UN-Habitat's Strategy and action plan to adapt to the health regulations of COVID-19 in the consensual relocation process in San Francisco of Campeche.

#### **4.2. Relevant meetings:**

4.2.1. Training workshops with local authorities of Campeche and the social organizations about the methodology and action plan to follow with regards to the consensual relocation process from a standpoint of human rights, including the definition of institutional responsibilities.

4.2.2. UN-Habitat's training tools and capacity building sessions about the different components of the methodology for the consensual relocation of the population from a human rights perspective.

#### **4.3. Interviews and publications in the media:**

4.3.1. Newspaper notes about the need to follow due process for the consensual relocation of the population <https://piedepagina.mx/onu-habitat-promete-que-cuidara-que-no-hayan-desalojos-forzosos-por-el-tren-maya/>

4.3.2. UN-Habitat works to respect the rights and safeguard the heritage, dignity and conditions of the population (video interview). <https://www.youtube.com/watch?v=cbW9jrvUo1k>; <http://www.campeche.com.mx/en-proyecto-del-tren-maya-no-se-reubicara-a-nadie-por-la-fuerza/>

4.3.3. UN-Habitat monitors compliance with human rights and the search for a consensual solution in Campeche.

*(Note: In the event of publication, please consider this letter in its entirety including the background note as well as the annexes. No part of the letter should be truncated).*