



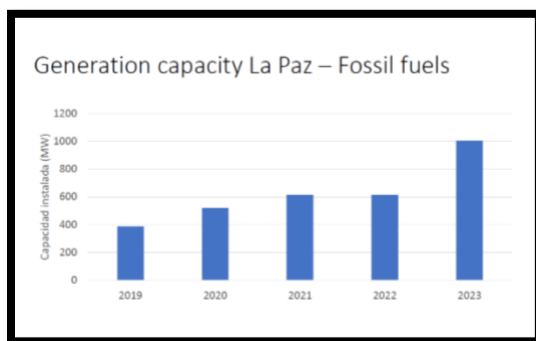
Issue Background

Pollution in La Paz increases by the minute. According to INEGI, La Paz is the city with most cars per capita in the country. Added to this is the pollution generated by the Thermoelectric Power Plants which operate 24 hours a day all year round. In 2019, in more than 200 days, the particles of Nitrogen Dioxide (NO₂), exceeded the maximum recommended by the NOM-023-SSA1-1993 and the World Health Organization.

Despite the clear decrease on air quality and the associated impacts to social health, more Power Plants are projected to be installed in La Paz in the next few years. This is in line with what the current federal administration has announced driving the country away from a transition to clean and sustainable energy production.

Current Situation

The current situation in La Paz is dire. Smoke columns are emitted from the Power Plants daily, impacting the air quality in La Paz, and adjacent communities. This poses an immense risk to the public health of the region's residents, the environmental health of the region, and the tourist-dependent economy. This is likely to get worse given the Federal Electricity Commission (CFE) plans to increase MW capacity from 400 to 1,000 by 2023.



Source: Alfredo Bermudez, UABCS

Threats

Air pollution can have severe respiratory effects in La Paz and adjacent communities' residents, particularly in children. It has detrimental impacts on the health of the coastal and marine ecosystems and on wildlife. With the planned increase in electricity supply over the next couple of years, these impacts will be exponentially worse.

Strategies for Solutions

For the last ten years, Mexico had made tremendous progress in the fight against Climate Change. When elected, President AMLO declared that Mexico would prioritize reaching energy sovereignty and unravel policies that supported access and funding for renewable energies and shut down many projects intended to provide electricity from sustainable sources. The shift called for expansion of refineries and the extraction of fossil fuels.

This situation has prompted many of these renewable energy companies to file injunctions against the federal government for expediting the *Manifestacion de Impacto Regulatorio* (MIR). An MRI is an impact-assessment to energy policies, which is intended to ensure a transparent and public process.

However, AMLO's Secretariat of Energy's MRI of the declaration of energy sovereignty was not conducted in a transparent or public manner. This has prompted a slew of injunctions to be filed by renewable-energy companies affected by this new transition. These types of injunctions present an opportunity to legally delay increasing fossil fuel combustion by the Power Plants in La Paz.

To pursue this strategy, a key grantee would be CEMDA. **CEMDA** has extensive experience in the legal sector, addressing a range of legal environmental issues and succeeding in their actions. One of their goals is to focus their work on the adequate implementation of public policies at the federal level that favor the transition toward renewable energies. Their strong ties to a key partner- **Iniciativa Climática Mexicana**, makes them a good candidate to spearhead a lawsuit against the federal government.

Iniciativa Climática de Mexico (ICM)

ICM has been around for about four years and are mainly focused on mitigating emissions. They have had partnerships at a global scale, including the Energy Foundation, Shakti in India, and the China Energy Foundation. ICM's director, Adrian Fernandez, worked for many years at Mexico's Instituto Nacional de Ecología, where he was responsible for producing some of Mexico's most important reports and inventories which helped pave the way for Mexico's commitments to divest from fossil fuels and reach global milestones during the Climate Change Conference of 2010 in Cancun and the Paris Accord, at the 2016 United Nations Framework Convention on Climate Change. ICM works primarily on advocacy campaigns and supports organizations working in the same sphere. ICM is a longtime partner CEMDA.

DAN

In 2017, the Mexican Supreme Court issued a landmark judgment which provides individuals and organizations the opportunity to seek justice on Public Interest matters, including "a safe and healthy environment". Subsequently, in January 2018 the Inter-American Human Rights Court issued a historic opinion that equates environmental protection with human rights. These two legal precedents allowed DAN to bring in December 2019 a climate change lawsuit before the Mexican Federal Courts, on behalf of 15 Mexican youngsters which demands the protection of their environmental human rights. DAN proposes the following strategy to tackle the air quality issue in La Paz.

- **Objective 1:** Build the necessary constituencies to represent the current and future generations in the demand for clean air and healthy atmosphere.
- **Objective 2:** Create a united front against the air pollution, making social media impact and producing grassroots activities in order to influence decision making processes that impact the local air quality and push the agenda in short and medium term for clean and sustainable energy projects as well as climate change and clean & sustainable energy effective regulations.
- **Objective 3:** File a climate change lawsuit, replicating DAN's 2019 model, to demand the full compliance of the obligations of the State of Baja California Sur, set forth in the General Climate Change Law, and seeking access to justice and accountability at the State level.

- **Objective 4:** File a climate change lawsuit by early 2021, replicating the previous models, to demand the full compliance of the obligations of the Municipal Government of La Paz, set forth in the General Climate Change Law, and seeking access to justice and accountability at the Municipal level
- **Objective 5:** Set a sound legal precedent for access to justice to protect environmental human rights and accountability of the local and municipal governments in the energy transition and climate change context.

CERCA

CERCA has a unique role to play in this context. They have a strong presence in La Paz and the capability to garner strong local and national media attention. Media coverage is a key tool to implement DAN's legal strategy.

BCSicletos

Bcsicletos has a special focus on improving air quality by reducing air pollution in La Paz. Bcsicletos is well positioned to drive change in the air quality-monitoring space in La Paz by engaging the community in the use of low-impact transportation alternatives like bikes, while collecting data through citizen-science, and working with the local government to increase infrastructure that will improve the environmental health of La Paz and the quality of life of its residents. They can provide community outreach support for a DAN's legal strategy, particularly as it relates to training and grooming the youth cohort that DAN has successfully used in their litigation.

Proposed Funding:

- **Strategy #1:** Pursue DAN's legal strategy and file a lawsuit against the State and Municipal Governments of BCS and La Paz, with support from CERCA for media outreach and BCSicletos for community engagement.
- **Strategy #2:** Pursue CERCA's legal strategy of filing a collective lawsuit against CFE in partnership with the Defensoría Legal for damages to the environmental health of La Paz, supported by a community and media outreach campaign in partnership with BCSicletos.
- **Strategy #3:** Pursue CEMDA's legal strategy to file a lawsuit at the federal level with support from CERCA for media and community outreach and ICM for CDMX support.
- **Strategy #4:** Pursue a multi-prong strategy DAN/CEMDA/CERCA/BCSicletos where a lawsuit against violations to human rights is filed, an injunction is filed on behalf of CEMDA, and CERCA's lawsuit for damages in partnership with Defensoría Legal moves forward with community outreach support conducted by BCSicletos and CERCA implements a strategic media campaign that moves all three legal strategies forward.