

The Government's Role in the Mexican CSR Development. Human Rights, Energy Reform and Social & Environmental Assessments



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Abstract The development of Corporate Social Responsibility (CSR) in Mexico during the last two decades is closely linked to the various initiatives within the business sector. The first organizations that were involved with CSR (in the second half of the decade of 1990) rose as a central objective to integrate the concept of CSR in the sphere of business.

During the last ten years the development of CSR in Mexico has taken a greater momentum. It is throughout this period that the Mexican Government has begun to have a most important role in CSR development.

About this new role, it must be signaled that the Mexican State has signed two international agreements concerning CSR: the first one of them is the Declaration of Santiago (2013) where Mexico, through the Bilateral Cooperation between the EU and the CELAC, basically promised to realize efforts about the legislation concerning the CSR, as well as in the elaboration of a National Action Plan aligned with the recommendations about CSR that are already contemplated in the majority of the European Union States.

The NAPs Draft, according to the Work Group guided by the Ministry of the Interior, was going to be finished in December 2016, but there has been an important delay.

The second major agreement signed by the Mexican State is the implementation of the OECD Guidelines for Multinational Enterprises for which there is an operational instance at the national level: the National Contact Point created in 2011.

In this context, the present paper aims to analyze the new role of the Mexican Government in the development of CSR and the future implications.

Keywords Corporate Social Responsibility · Energy Reform · Social Impact Assessment · Mexico

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1 Introduction

In the current Mexico, the Corporate Social Responsibility is an emerging topic among the different sectors involved in economic activities but also between new actors and international organizations and civil society. Thanks to this, the panorama has been transformed and the discussion has been enriched the concept and its scope, specially, in terms of visibility of conflicts linked to human rights.

These advances are due in part to the recent involvement of both Mexican State and international bodies in the application of corporate social responsibility schemes. But in the last few years both national and international contexts have been crucial for the incorporation of new actors within the debate on social and environmental responsibility. Among these new actors are civil society organizations that have expressed their concern about the impacts of both private and state sectors in the field of human rights, environment, corruption, indigenous peoples and gender questions.

The result of this approach between emerging actors has been an interesting advance in terms of agreements signed with international organizations, especially through the bilateral cooperation in the field of CSR and Human Rights. However, there are many obstacles in Mexico to the real implementation of any policy or international agreement on business and human rights. In that context, this paper has as main purpose to present an overview of the current status of CSR and human rights in Mexico.

1.1 Very brief background of CSR in Mexico

The development of Corporate Social Responsibility (CSR) in Mexico during the last two decades is closely linked to the various initiatives within the business sector. The first organizations that were involved with CSR (in the second half of the decade of 1990) rose as a central objective to integrate the concept of CSR in the sphere of business.

From those years and until recent times, these organizations have developed and implemented various strategies to promote and encourage the integration of the responsibility paradigm to the functional schematics of a greatest possible number of businesses in Mexico, from the largest and most up to Small and Medium-Sized Enterprises (SMES).

In parallel, the very development of the operational concept of CSR in Mexico has been closely linked to the same group of organizations of the private sector involved in its promotion since the 80s. In sum, to speak of Social Responsibility in Mexico, it must be made clear that there is a close relationship since its beginnings between the Mexican business sector and the CSR development.

Among the organizations that in the decade of 1990 were incorporated in the development of CSR, we find the Employers Confederation of the Mexican

Republic (COPARMEX), founded in 1929, the Social Union of Mexican businessmen founded in the 1960s; the Mexican Foundation for Rural Development (also founded in the 1960s); the Business Coordinating Council (founded in 1976). These organizations functioned as a lobby of the Mexican business sector that promoted the liberalization of the economy in a time in which the State maintained certain guidelines on it. In 1988 it was created the Mexican Center for Philanthropy, (CEMEFI) a private and non-profit institution. This nonprofit organization that distinguishes companies as socially responsible, under four factors: ethics and corporate governance, quality of life in the company, relationship and commitment to the community and its development, care and preservation of the environment (Cemefi, 2010), originally had as its mission "to promote and articulate a philanthropic participation, committed and socially accountable to citizens, social organizations and businesses organizations to achieve a more equitable, solidary and prosperous society ". However, following Fernando Lámbarry (2016), the CEMEFI's label, named Socially Responsible Company (ESR) is obtained through a questionnaire, without evidencing that companies do meet their act responsibly.

A little more than a decade of its creation, the CEMEFI took is especially important place in the dissemination of CSR among the private sector at a national level.

The proposals on CSR and partnerships between these organizations to foster through regulatory programs, awards and certifications symbolic began to develop in 1997 when the CEMEFI created the Program of Corporate Social Responsibility. Three years later, the alliance between the COPARMEX, SMU, Business Development and the Mexican Editorial Group Expansion, launched a national call that had as objective to recognize best practices of Corporate Social Responsibility of the private sector. The following year, in 2001, for the first time in Mexico, it was launched ver the hallmark of Socially Responsible Company (ESR) to 17 companies in different productive sectors.

Until then, the situation corresponded much more to what was described by Luis Velazquez, Amina Marin and coauthors in 2008 who pointed out that lack of transparency and access to information about Mexican companies' Corporate Social Responsibility Programs challenge some of the theoretical concepts that have been discussed during the last few decades in the literature where implementing Corporate Social Responsibility initiatives should result in increased productivity and a better image; however, this could not be possible in Mexico because Mexicans are unfamiliar with the concept of Corporate Social Responsibility.

Therefore, they cannot appreciate the enormous benefits that could emanate from its practice. Mexicans are happy to participate in corporate charitable programmes promote basically for altruistic reasons; however, some Mexicans hesitate to participate because they are suspicious about corporations' genuine social concerns (Velázquez et al., 2009).

In the same line, for an author like Francis Weyzig (2004), in the first decade of this century, CSR was still in an early phase in Mexico where traditionally, enterprise managers associate CSR with corporate philanthropy, not related to the core-business of a company, and do not seek engagement with civil society. For what it

was possible to say that the Mexican civil society had a traditional perspective centred on legal compliance and characterized by a hostile attitude towards the private sector.

For Weyzig, the historical lack of cooperation between different sectors of society was a large obstacle for the development of CSR in Mexico. Although he points out that for a large part these traditional attitudes persisted ten years ago, a slow culture change has set off among enterprises and other relevant actors. A new CSR perspective, which defined the social responsibility of an enterprise in terms of responsibilities towards all enterprise stakeholders, was founding its way from Europe to Mexico.

The research performed by Weyzig showed that interaction between Mexican civil society and business-oriented organizations were very limited, though, within civil society, some organizations began to adopt a new CSR perspective, and several organizations were clearly ahead of civil society in taking up the theme of CSR.

These organizations had formed a broad network to promote CSR and reached a common set of guidelines for minimum CSR norms, that, in general, showed many characteristics of a new CSR perspective that emphasized the business case and demonstrated that the promotion of CSR through business networks and exchange of experiences was important, because even when CSR initiatives can be profitable investments, not all enterprises will automatically recognize this.

Francis Weyzig also notes that few organizations displayed an alternative non-traditional CSR perspective that stresses the personal responsibility of managers instead of the responsibility of enterprises towards their stakeholders. In this perspective, the focus was on ethical rather than business incentives and was characterised by 'soft' strategies, with an emphasis on awareness raising. In countries like Mexico, where both legal and civil regulation mechanisms are weaker and social awareness is considerably lower, such 'soft' strategies may become more important, at least as a complement to other strategies.

In this context, till the year 2014 the CEMEFI has identified with this label 952 firms in Mexico. Any diagnosis on the dissemination of CSR in the country, serves to see that this private sector organization occupies a central place in the achievement of CSR at the national level. This is probably the organization in Mexico that has had the biggest role in the dissemination of the CSR, not only between companies but also among the population.

This fact is partly due to the important role that has played the label Socially Responsible Enterprise (*Empresa Socialmente Responsable*), which throughout the years has turned into a type of recognizable brand in the daily life, especially in the cities where the managerial sector has notable visibility across the products that are consumed daily in the supermarkets, in the advertising of the companies, in the public space and in the transport.

Beyond the CEMEFI, it should be said that since the early years of the twentieth century other organizations of the private sector have also been involved in the promotion of CSR. Organizations such as the National Committee of productivity and technological innovation (*Comité Técnico de Normalización Nacional de Sistemas de Administración de Seguridad y Salud en el Trabajo*) produced in

2001, the Guidelines on Social Responsibility and Integrity with the participation of the society.

This standard, entitled Guidelines for the implementation of a social responsibility management system were intended to provide the guidelines that support an organization that aims to fulfill the questions related to CSR.

The Guidelines of Social Responsibility are: “to act in a transparent manner internally and externally; develop, implement and maintain policies and procedures on the basis of the social responsibility; to express to the interested parties that their policies, procedures and practices are in accordance with the guidelines of this management system and create in organizations a civic commitment citizen”.

From this moment, we can identify private sector organizations, that during the have been shaping important national alliances that bring together a number of organizations promoting CSR.

Probably the most important of these it happened in the year 2001, when the was created the Social Responsibility Alliance (ALIARSE), This Alliance is integrated by the Consejo Coordinador Empresarial, the Confederación Patronal de la República Mexicana, the Unión Social de Empresarios de México, IMPULSA, Caux Round Table, the Centro Mexicano para la Filantropía, the Confederación de Cámaras Industriales de México, the Cámara Nacional de la Industria de Transformación, the Comité Nacional de Productividad e Innovación Tecnológica, A.C., the Cámara Mexicana de la Industria de la Construcción, the Cámara Nacional de Comercio de la Ciudad de México, and the Instituto Mexicano de Ejecutivos de Finanzas..

On the other hand, it is also worth noting that in Mexico there are Certified models such as: Family Responsible Enterprise (EFR), Socially Responsible Enterprise (ESR), Including Company (DEI), the three above, are programs operated by the Federal Ministry of Labor and Social Prevention (STPS) (PROFEPA) and at the state level, exclusive of the state of Jalisco, the Voluntary Environmental Compliance Program (PCAV), in addition to ISO 26000 in Social Responsibility and ISO 14000 Focused on the environment, and lastly the A8000 certificate focused on the practices of corporate social development (Vargas-Hernández, Sandova, & Luis, 2017 pp. 532).

Finally, an interesting proposal to move towards a Mexican CSR model is the one proposed by Fernando Lámbarry (op. cit., 2016, p 113–114), who proposes a model proposes that uses the guidelines of CEMEFI which complements with Ethos, and ISO 26000. This model consists of 7 dimensions, and the following indicators:

1. Values, Transparency and Corporate Governance: Legality, corporate governance, ethical commitment, anti-corruption commitment, fair competition, self-regulation of behavior, transparent relations with society, responsible political participation, social leadership, processes and decision-making structure, fair competition, promoting social responsibility in the value chain, respect for property rights, fair marketing practices.
2. Quality of life in the company (labor practices): Legality, employability and labor relations, social dialogue and participation, working conditions and social

protection, work-family balance, training and human development, health and safety, respect for the individual, decent work.

3. Bonding, active participation, and community development: Legality, active participation in the community, job creation and skill development, research, technological development and innovation, value and income generation, health, social investment, education and culture.
4. Care and preservation of the environment: Legality, pollution prevention, sustainable use of resources, mitigation and adaptation to climate change, protection and restoration of the natural environment, protection and restoration of the natural environment, environmental education and culture, accountability towards future generations.
5. Human Rights: Civil and political rights.
6. Suppliers: Selection, evaluation and association with suppliers.
7. Consumers and Customers: Health protection and consumer safety, sustainable consumption, customer services, support and resolution of complaints and disputes, protection and privacy of consumer data, access to essential services, education and awareness, social dimension of consumption.

1.2 The Mexican State and the International Agreements on CSR and Human Rights

Speaking in pragmatic terms, the Mexican state has begun to actively engage in CSR since about five years ago. It has signed two major international agreements on CSR:

The first one is the Declaration of Santiago of 2013 where Mexico, through the bilateral cooperation agreement between the European Union and CELAC, basically undertook to make efforts in the legislative area on CSR. In addition, the State is committed to elaborate a National Plan of Action that includes all the recommendations of regulations on CSR that are already carried out in most of the European States. According to the National Reports of Central America and Mexico, EU-LAC 2015, about the National Plan of Action there are still no great advances, neither in Mexico nor in CELAC (García Chiang, 2018).

Perhaps one of the reasons why the National Action Plan¹ moves slowly, has to do with the State, the business sector and the State productive companies, faced in recent years to the emerging issue of Human Rights and the staging of the local in matters that involve, above all, transnational corporations in Mexico. On the other

¹About the NAP It is worth pointing that the European Union published in 2001 a document named *Communication on Corporate Social Responsibility* where it was introduced the concept of National Action Plans (NAP) for Business and Human Rights. Regarding them we can say that they are Comprehensive plans developed by governments which set out in practical terms how they will implement the United Nation's Guiding Principles on Business and Human Rights (UNGPs) within their country. Since 2011, NAPs have been a central part of the EU's vision for advancing Business and Human Rights/CSR.

hand, the current crisis of violence in the country in a good part of its territory and the undeniable crisis of Human Rights do not help to an optimal performance of the relations between the sectors with economic activities and the communities where these have their impacts.

Proof of the aforementioned is the fact that in 2016 more than 100 civil society organizations, groups, communities and academics working in the defense of human rights, interested in the issue of Corporate Social Responsibility, coordinated a report to the Working Group on Business and Human Rights of the UN.

Based on 67 documented cases, patterns of violations and abuses of human rights are identified by the State and by companies from different sectors, including energy, mining, construction, agribusiness, maquila, among others. This information also allows us to glimpse the degree of implementation of the Guiding Principles on Business and Human Rights by the Mexican State and the companies that carry out activities in the country. “

The NAPs Draft, according to the Work Group guided by the Ministry of the Interior, was going to be finished in December 2016, but there has been an important delay. On June 29, 2017, after two years of process to generate the National Program for Business and Human Rights (PNEDH), an articulation of civil society organizations urged the Ministry of the Interior to rethink several key issues in the text of the Program, as well as the process for its development.

For the participating organizations, the forums held were not regional in nature, the participation of indigenous communities was not guaranteed, their results were not known and they did not comply with the consultation standards. The text of the NAP has not been presented to communities affected by megaprojects of investment and development nor has it been submitted to free, prior and informed consultation with said communities in accordance with international standards.

The draft of the Online Program does not make clear the obligations of national and transnational companies, as well as the government, to guarantee respect for the human rights of individuals, groups and communities in the context of business activity, including investments and commercial treaties. This clarity implies the realization of prior, free, informed, culturally appropriate and good faith consultations in development projects that may affect the environment and put at risk the rights of indigenous, rural and comparable communities. The result of the consultations should be binding and contemplate the option of stopping those projects that do not obtain the consent of the communities and/or imply negative impacts on human rights.

The triumph in the elections of July 1, 2018 of the candidate of a leftist party that brought with it enormous expectations of change in Mexican society, seems to be the end of the NAP or at least a very significant pause, because the new government is placing greater emphasis on the search for persons disappeared due to violence linked to drug trafficking and put aside the impulse that had been acquired in the creation of a National Plan for Human Rights and Business.

The second major agreement signed by the Mexican State is the implementation of the OECD guidelines for multinational companies for which there is an operative figure, which is the National Contact Point.

In addition to the guidelines revised and updated for the last time in 2011, the OECD approved and instructed all its members to create a National Contact Point. This NCP is an organization constituted by the government of each of the acceding countries, whose main objective is to promote and implement the 2011 Guidelines on CSR (Fabiana Oliver, 2004). The NCP help companies and interested parties to take appropriate measures to promote the application of these guidelines. They also constitute a platform for mediation and conciliation to solve practical problems that may arise.

Consistent with the objective of functional equivalence and in order to favor the effectiveness of the Guidelines, the acceding countries have the flexibility to organize their NCPs, seeking to obtain the active support of social agents, including the sector business, workers' organizations, other non-governmental organizations and other interested parties.

Consequently, the National Contact Points:

1. They shall be composed and organized in such a way as to provide an effective basis for dealing with the broad spectrum of issues covered in the Guidelines and to allow the NCP to operate in an impartial manner, while maintaining an appropriate level of responsibility to the acceding countries.
2. They may use different forms of organization in order to achieve this objective. A NCP can be composed of the highest ranking representatives of one or more ministries; it can be a senior government official or a government body headed by a senior official, it can be an inter-ministerial group, or a group of independent experts. Representatives of the business sector, workers' organizations and other non-governmental organizations may also be included.
3. Develop and maintain relationships with representatives of the business sector, workers' organizations and other interested parties that are capable of contributing to the effective functioning of the Guidelines. “

Although the PNC seemed to represent the role of the State in the issue of CSR, the panorama was rather discouraging and the development of this body appeared incipient. However, since the agreements taken in the OECD in 2011, it's actions seemed to encourage a real participation of the State in a matter that historically has been taken by the hands of the private sector (Secretaría de Economía, 2015).

It is possible to say that in the past administration, the Mexican government did not give much support to the NCP, even though its development vision was focused on international trade opening. With a new administration that does not seem to want to look outwards, it is possible to think that the progress made by the NCP in terms of being an interlocutor with multinational companies will be halted and its role reduced to a minimum formal expression in order to comply with OECD guidelines.

1.3 Human Rights and ONG's in Mexico

In that context the diagnosis of CSR in Mexico that can be offered by unrelated actors, neither to the State nor to the private sector can be of great value if we want to have a complete overview. In this regard, recently in 2016 more than 100 civil society organizations, groups, communities and academics working in the defense of human rights, interested in the issue of Corporate Social Responsibility, coordinated a report to the Working Group on Business and Human Rights of the UN.

According to the Coalition of Civil Society Organizations, the objective of that report is “to give a perspective of the situation of companies and human rights at the national level. Based on 67 documented cases, patterns of violations and abuses of human rights are identified by the State and by companies from different sectors, including energy, mining, construction, agribusiness, maquila, among others. This information also allows us to glimpse the degree of implementation of the Guiding Principles on Business and Human Rights by the Mexican State and the companies that carry out activities in the country” (García Chiang, 2016).

The panorama of the activity of the business sector in relation to the current Mexican context, where conflict and violation of various human rights are constant, touches several areas in which the State, beyond the companies themselves, takes particular prominence:

The first of these has to do directly with the State and with the influence that the business sector has on its functioning, especially in matters of public security and observance and implementation of the laws at all levels of government, from the federal to the local cases.

We can say that in Mexico there is a systematic omission on the part of government authorities of the rule of law that regulates business activity and guarantees the human rights of citizens and communities against all types of extractive, industrial, agro-industry, construction, maquila, etc. This conduct of the State at all levels is the great context in which business activity and local actors develop their conflicts in terms of social welfare, environment and natural resource management.

In terms of legislation, the State has also generated conditions for the conflict between actors, especially after the approval and implementation of structural reforms in key sectors of the national and global economy. In this regard, it is worth quoting verbatim the human rights violations that generate these constitutional changes, especially the one in 2013 in which a reform in energy matters was approved “with the purpose of eliminating the exclusivity of the Mexican State in the exploration and exploitation of the oil and other hydrocarbons and incorporate the national and transnational private sector into these activities, as well as others in the electricity sector. It should be noted that this process of approval of the constitutional and legal reform in energy matters was made in violation of various rights of the Mexican population:

In the first place, the information made available by the federal government for the promotion and justification of the reform was clearly insufficient and deficient in terms of availability, quality and accessibility for the population.

Secondly, citizens were not allowed to participate to decide on this reform that would have consequences for all Mexicans. In this way, from the beginning, the right of access to information, inherent to other human rights, was violated, as well as essential to carry out a true and profound national debate on the subject prior to making decisions about it .

But the real problem of these intangible violations of human rights is their territorial and social manifestations. The Energy Reform and its secondary laws contradict other rights that local sectors have, especially indigenous. There is a systematic violation of the right to consultation and multiculturalism by ignoring the negative social and environmental impacts of natural resources exploitation in indigenous territories and communities (Grupo Focal sobre Empresas y Derechos Humanos en México, 2017).

In this sense, it is important to mention that natural resources, as well as the route of various infrastructure projects necessary for the implementation of the Energy Reform, coincide with indigenous lands and territories. The legislation of the Reform has also created juridical figures that violate the right to free, prior and informed consultation and the right to consent of indigenous peoples and communities. For example, the affected communities are not granted the right to refuse exploration and exploitation of resources in their territory, according to article 96 of the Hydrocarbons Law and article 71 of the Electricity Industry Law. Everyday affected communities have not access to justice in Mexico, furthermore, this legal framework favors the use of land for energy projects over any other use, for example for agriculture, violating other rights such as the right to food and the job.

In the same sense we could talk about the systematic violations of human rights in the cases of the Reform of the mining law and the Labor reform, both recently approved in the different chambers of the Republic.

Another area of conflict between companies and local actors is the lack, manipulation, coercion or judicial omission of the implementation of the democratic consultation mechanism prior to the development of large business projects.

This issue appears as fundamental because it gives rise to a whole series of conflicts that the State could to avoid. On the contrary, this situation is perfectly articulated to the lack or low level of legal regulations on environmental matters, as well as with the state insufficiency to diagnose the impacts that the establishment of certain business activity in certain territories can generate.

1.4 Human Rights, Energy Reform and the Evolution of Social and Environmental Assessments

In the search for possible solutions to the lack or low level of legal regulations on environmental matters, and the insufficiency of the Mexican State to diagnose the impacts that the establishment of certain business activity in certain territories can generate, it is worth noting that since the second semester of 2015, the establishment of the Law's Regulations of the Electric and Oil Industries triggered and evolution of the social and environmental impact assessments performed in Mexico. They became much more complex, and it is important to say: it makes more complete.

About this process, it is useful to note that it was Petroleos Mexicanos (Pemex) the State owned, mexican oil company; who introduced in the early 2000 two kinds of new of contracts named.

Integrated Petroleum Exploitation Contracts and Financed Public Work Contracts (CIEP and COPF for its Spanish acronyms), which were overseen by the Secretariat of Energy and the National Hydrocarbons Commission (Comisión Nacional de Hidrocarburos, CNH).

These contracts made obligatory the elaboration of a socioeconomic baseline to complement the already mandatory environmental assessments (Pemex, 2013). The socioeconomic baseline has as its main goal to establish social responsibility plans and to create practical social responsibility actions to incentive the social development of the population who live in those oil blocks. Those studies were an important step in the good direction but were not realized according with a specific format and each company was free to apprehended them at its convenience.

This situation changed radically with the establishment of the Regulations mentioned. The most relevant result was the creation of three formats to the Social Impact Evaluation of the Project, they were called A, B, C and D. The first one was principally occupied of the corner shop from oil-bearing public and electric energy generation up to 2.5 MW. The second one was occupied of gas and oil storage and also electric energy generation up to 50 MW.

The third format is the one which occupies about the most complex issues, as maritime superficial exploration; terrestrial seismic superficial exploration; oil treatment and refining; transportation by duct of hydrocarbon, oil-bearing and petrochemical; the generation of electric energy by solar radiation, hydraulic or eolian central with a capacity among 40 to 60 MW and also about the exploration and extraction of hydrocarbons into the contractual area o assignment area.

Therefore C Format was intended for the construction of new pipelines and the D format is the one which belong to exploration's contractual areas and hydrocarbons exploitation. To understand this new complexity it is convenient to introduce in a summary way the subsections it contains:

- Project's General Information

It must be done an executive summary about less than 25 sheets, it ought to contain project's general information, promoter's general information and also the

same information from the responsible of the Social Impact Evaluation's; just like the results obtained with emphasize in Mitigation's and Extension's Positive Impacts Measures; and in Social Management Plan.

- Methodology of Social Impact Evaluation

It must be included into the Social Impact Evaluation a subsection with the description of the employed methodology, specifying methodological aspects related to the Influence Areas, Base Line Raising and Social Impact's Valuation. Base Line must be supported by quantitative and qualitative methodologies, for the last one, it must be considering focal groups, participatory exercises, semi-structured interviews and/or any other participatory technique.

- Area's Delimitation of the project's influence

It must be included into the Social Impact Evaluation a subsection that delimits and describes the area of the project's influence. Influence's Area must allow spatial extension of direct and indirect Socials Impacts which results from a project and the logical structure to the limit's definition of the Social Impact Evaluation. That influence's area would be integrated by a core area, a direct and an indirect influence area.

- Base Line Study and about interested actors

It must be included into the Social Impact Evaluation a subsection with the results of the Base Line Study which includes the analysis of the collected information, as well as the analysis of the relationship between sociodemographic, socioeconomic and sociocultural items.

- Characterization of People and Indigenous Community

It must be included into the Social Impact Evaluation a subsection that describes people and indigenous community which is located in the project's influence's area, using at least the next criterions:

- Identification, characterization, prediction and valuation of Social Impacts

It must be included into the Social Impact Evaluation a subsection with the identification, characterization, prediction and valuation of Social Impacts. Into this, it must be done:

I. An analysis of the interaction from the social impacts with other impacts. To Explain the current reactions between the identified different impacts independently of its nature; Action's Design and strategies that has as objective to avoid, decrease and make up for the Social Impacts; and III. Action's designed and strategies that has as objective to strengthen positive Social Impacts to contribute to the sustainable development of the affected communities.

g) Social Management Plan

It must be included into the Social Impact Evaluation a subsection with the Social Management Plan of the project. The Social Management Plan would be make up, at least:

- I. Implementation's Plan of the Prevention's and Mitigation's Measures, and about the Extension Measure's of Positive Impacts
- II. Communication and community interaction plan
- III. Social Investment's Plan
- IV. Health and Security Plan
- V. Dismantling Plan
- VI. Monitoring Plan (García Chiang, 2018)

Since a personal perspective, this new format and the obligation to realize a social impact study is a positive step to the knowledge of the territory where oil projects will be developed, it's the first and essential step to implement development's actions. Likewise, the implementation and supervision of a Social Management Plan and of its related Social Development Plan could include the oil communities' development if and when companies were obligated not only to undertake with cut off actions of social support but to try to establish a long term relationship in which a mutual benefit exists.

2 Conclusions

Finally, it is important underline that regardless of the business activity in Mexico, there is a structural condition of crisis in terms of violence and systematic violation of the human rights almost all-over Mexican territory, both of communities and individuals that seek to defend a right previously established in national laws or international instances.

This crisis is aggravated when access to justice is conditioned by the power exerted by promises of investment or development of the local and regional economy which brings business activity in certain sectors. Frequently, this occurs when megaprojects are developed over rural areas or those with an agricultural vocation. But it happens more violently and on a daily basis in urban areas and over areas with some environmental value where the State does not seem to exist.

On the other hand, it must be underlined that the triumph in the elections of July 1, 2018 of a candidate of a leftist party, for the first time in history, brought with it enormous expectations of change in Mexican society, With regard specifically to the issue of Human Rights, the Government emerged from the elections of July 2018 placing greater emphasis on the search for persons disappeared due to violence linked to drug trafficking and put aside the impulse that had been acquired the creation of a National Plan for Human Rights and Business (NAP).

This new government has indicated as priorities the construction of three large infrastructure projects that push the development of the most backward regions. The projects are a) A new refinery in the region of Dos Bocas, Tabasco, b) a train that runs through the Isthmus region and c) the so-called Tren Maya that is a railroad with a line of 1500 kilometers in the Yucatan peninsula. Each of these studies should involve conducting social and environmental impact studies that have high quality

standards and allow understanding of local realities. It is to be expected and to wish that the current Mexican Government is willing and able to do so.

Likewise, it is contemplated that consultations should be held with the indigenous communities that inhabit the future outline of the Maya train, which must strictly comply with ILO Convention 169 on Indigenous and Tribal People.

As a conclusion, it can be said, that the Mexican current economical and political context does not help to the development of an integral scheme of CSR in Mexico, in which the Human Rights contemplated at the national and international levels can be respected.

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Practical experience in Human Rights issues (Comité de Defensa de la Libertad Indígena y Derechos Humanos—Chiapas Mexico, 1985–1995), Coordination of multi-field teams, Appraise in the field of the sustainable development, design of methodologies of analysis, strategic planning, Practical experience in conducting Social Impact Assessments