

Cultural Survival

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Indigenous Rights and Self-Determination in Mexico



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Indigenous Rights and Self-Determination in Mexico

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On the cover:

Tzotil authorities from the autonomous municipio of Polho in rebellion.

Photo by Lynn Stephen

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Indigenous Rights and Self-Determination in Mexico

JONATHAN FOX, GASPAR RIVERA, LYNN STEPHEN, GUEST EDITORS

Introduction by Lynn Stephen

Indigenous autonomy or self-determination is understood as respect for the internal practices and decision-making modes of indigenous pueblos. I use the term pueblos here to refer to the multiple usages understood in Mexico, including, "towns," "communities," and "peoples." Autonomy also means that indigenous communities participate in the various levels of economic, political, cultural, and legal decision-making associated with the state. The Zapatista rebellion in Chiapas, Mexico which exploded in January 1994 has provided an important political opening for the negotiation of indigenous autonomy in Mexico at the national level. Movements for indigenous autonomy at the regional and local level, however, have a long history. For example, in 1974, the First Indigenous Congress held in San Cristobal de las Casas was multiethnic and its 1230 delegates included 587 Tzeltals, 330 Tzotiles, 152 Tojolabales, and 151 Choles representing 327 communities. Impressive regional indigenous gatherings were held elsewhere in Mexico as well in the 1970s and 1980s.

The current political juncture examined in this issue focuses not only on the need to guarantee indigenous autonomy at the national level and to have it built into the Mexican Constitution and accompanying legislation, but also to ensure that the right of indigenous peoples to organize autonomously at local, regional, and national levels is respected. What this requires is a new relationship between the Mexican state and indigenous peoples. As stated by author Luis Hernandez, "The old pact between the state and Indian peoples has broken down and a new pact must be established based on new premises."

The struggle for indigenous rights and self-determination in Mexico involves four key arenas which are the focus of this issue. These include: 1) on-the ground experiences of autonomy both historically and currently; 2) the signing of the San Andrés Peace Accords on Indigenous Rights and Culture and their implementation; 3) the creation and maintenance of a national movement for indigenous autonomy in Mexico out of diverse experiences and interpretations of autonomy and self-determination; and 4) a redefinition of the relationship between Indian peoples and the Mexican state away from the historical focus on indigenism, which had assimilation as its goal.

In many areas throughout Mexico, indigenous peoples have historically engaged in the practice of autonomy at community and regional levels. Among the Mixe of Oaxaca, for example, community autonomy has existed for centuries and an ethnically and linguistically homogeneous Mixe district was created in 1938 which remains intact to this day. In Chiapas, 38 self-declared autonomous municipalities and pluriethnic regions have established their own sets of governing structures since 1994. The (Huicholes) of Jalisco have solidified their self-determination through organizing their communities into a regional organization that regained traditional territory through petitioning government land tribunals. And in a transnational political space that spans the US-Mexican border, Zapotecos, Mixtecos, and Triques have created organizations and coalitions which defend indigenous

Left: A Zapotec couple in central Oaxaca look after their alfalfa parcel. Changes in agrarian law now permit collectively held land in ejidos to be privatized. Indigenous control over land and resources is a major issue in the struggle for autonomy.

rights and self-determination outside of the boundaries of states.

Here we highlight examples of on-the-ground experiences of indigenous autonomy among: the Wixaritari (Huicholes) of Jalisco through their successful struggle to regain more than 10,000 hectares of their territory through the Union of Indigenous Huichol Communities (UCIH) (Chavez and Arcos, Voice of the Four Pueblos/UNIH); the Mixe of Oaxaca who through using their own institutions such as the community assembly and traditional authorities have been able to resolve land disputes and community conflicts (Aguilar and Regino); the Tzotziles of Chiapas who through civil organizations such as the Bees and the Zapatista Army of National Liberation have challenged government militarization and paramilitarization of their communities (Stephen). Indigenous organizations have also built models of transnational autonomy that transcends state boundaries through the building of cross-border movements such as that forged by indigenous peoples of Oaxaca between Mexico and the United States, the Oaxacan Binational Indigenous Front (FIOB) (Rivera).

A second key part to understanding the context of indigenous rights and self-determination in Mexico today includes the crafting and signing of the San Andrés Peace Accords by the Zapatista Army of National Liberation and the Mexican Federal government in 1996 as well as their implementation. The Accords on Indigenous Rights and Culture lay the groundwork for significant changes in the areas of indigenous rights, political participation, and cultural autonomy. Most importantly, they recognize the existence of political subjects called pueblos indios (indigenous peoples/towns/communities) and give conceptual validation to the terms "self-determination" and "autonomy" by using them in the signed accords. The accords emphasize that the state takes responsibility for not only reinforcing the political representation of indigenous peoples and their participation in legislatures, but also for guaranteeing the validity of internal forms of indigenous government. They further note that the state promises to create national legislation guaranteeing indigenous communities the right to: 1) freely associate themselves with municipalities that are primarily indigenous in population; 2) to form associations between communities; and 3) to coordinate their actions as indigenous peoples.

In addition, the Accords state that it is up to the legislatures of individual states to determine what the best criteria are for self-determination and autonomy. These criteria should accurately represent the diverse aspirations and distinctions of indigenous peoples. It is important to note that the accords do not deal with the key issues of land redistribution and agrarian policy, notably the revision of Article 27 of the Mexican Constitution in 1992 which ended land reform and encouraged privatization of communally-held land. Under the rubric of the San Andrés Peace Accords, these issues are supposed to be dealt with in upcoming discussions on political reform, economic development, and land reform. The original response of Zapatista base communities to the Accords on Indigenous Rights and Culture noted their lack of resolutions regarding land and indigenous control of resources.

In October of 1996, the EZLN and the National Commission of Concord and Pacification (COCOPA) announced that a joint commission had been formed for the verification and follow-up of the accords on indigenous rights signed in February of 1996. The commission included representatives from the EZLN, from the Mexican government, from the National Commission of Concord and Pacification (COCOPA) and from the National Intermediation Commission (CONAI). Following the formation of the follow-up commission, a proposal for legislation elaborated by the COCOPA and endorsed by the EZLN was rejected by the Mexican president, Ernesto Zedillo, in December of 1996. He stated that the COCOPA legislative proposal for the San Andrés accords could result in the creation of a system of reservations and the balkanization of the country. In addition, he noted that Mexico's Indians should not be granted "special rights," but should be given the same rights as all Mexicans. Since that date, the government has not moved from its position. In the fall of 1998, Bishop Samuel Ruíz disbanded the CONAI because of a complete lack of conditions for further peace negotiations. One of the lacking conditions was the government's failure to implement its own treaty on indigenous rights.

While the Mexican government has made no progress in implementing the accords on indigenous rights, it has taken the movement for indigenous autonomy extremely seriously, embarking on a sustained campaign to not only disable the legislative process for implementing the peace accords it signed in 1996, but also engaging in a brutal and highly visible campaign to "take out" autonomous municipalities in Chiapas that run parallel self-declared autonomous governments in opposition to counties and town councils run by those affiliated with the Institutional Revolutionary Party (PRI) in Chiapas. This campaign to dismantle autonomous communities with the combined force of state security police and the army was waged in spring and summer of 1998. In addition, local paramilitary groups have collaborated with local PRI members to harass, intimidate, and murder local activists involved in autonomous parallel governments that are sympathetic to the Zapatista Army of National Liberation (EZLN). Such a paramilitary group was responsible for the massacre of 45 Tzotzil men, women, and children in December of 1997 in Acteal. The first anniversary of this massacre and the increasingly tense political situation surrounding it is highlighted in the lead article here (Stephen).

The process of writing and signing the San Andrés Peace Accords and the struggle for their implementation is discussed in several articles focusing on the negotiations that produced the accords and their breakdown (L. Hernández, Stephen), on the differences between the proposal of the congressional Commission for Pacification and Concord (COCOPA) accepted by the EZLN and President Ernesto Zedillo's counter initiative sent to the Mexican Congress in 1998 (Lopez), and on indigenous women's participation in formulating the San Andrés accords (A. Hernández). We also include an English translation of Indigenous Women's Proposals to the National Indigenous congress in 1996 which address legislative reform to Article Four of the Mexican Constitution and the rights of indigenous women.

Another key element in understanding the struggle for indigenous rights and self-determination in Mexico is the creation and maintenance of a national movement for autonomy in Mexico. Part of the reason why there is currently the potential to build a strong national movement can be found in the historical strength of regional indigenous movements throughout Mexico, particularly since the 1970s. When indigenous militancy grew in the 1970s, Mexican government policy switched from top-down indigenism to "participatory indigenism" in an effort to co-opt and incorporate some indigenous leaders and organizations into government-aligned and funded indigenous organizations and support institutions. While in some cases such efforts succeeded, in others, such as that of the government-created National Council of Indian Peoples (CNPI), the "official" organization split, and generated an autonomous branch which still exists today and is active in the autonomy movement. In the late 1980s, when Mexico led the way in Latin American to recognizing indigenous rights by being the first to ratify convention 169 of the International Labor Organization (ILO), an additional political opening was provided for indigenous organizing. After changing Article Four of its constitution in 1990 to recognize Mexico as a nation having a pluricultural composition and the conferring of cultural rights on indigenous peoples, the state opened further ground for political debate and opposition when it conducted several fly-by night "consultations" with indigenous peoples which left out most organizations and communities. Such tactics led to autonomous regional meetings that often protested the lack of input by indigenous peoples into the legislation process for implementing Article Four of the Constitution as well as providing a platform for furthering indigenous discussions on the meaning of autonomy at a national level. In Oaxaca, on September 6, 1993, a National Form of Civil Society titled "The Poor Construct Their Own Social Policy" brought together indigenous representatives from Guerrero, Oaxaca, Chiapas, and Hidalgo who together developed a critique to the government's plan for implementing Article Four. Other similar meetings took place throughout Mexico. Many indigenous organizations also participated in a wide range of activities protesting 500 years of colonialism in 1992. Thus there was a significant precedent for indigenous autonomy well before the launching of the Zapatista Rebellion in 1994.

The initial peace negotiating processes between the EZLN and the Mexican government built on the prior work carried out by many indigenous organizations and communities in relation to the struggle for indigenous autonomy. The San Andrés Accords are a testament to that earlier work. The process of writing the accords and the Mexican government's subsequent refusal to implement the accords they signed, led to another phase of organizing. In October of 1996 after six months with no action from the government to implement the signed accords, a new national constellation emerged in Mexico called the National Indigenous Congress (CNI). The CNI included people who had participated in previous national efforts to organize and network as well as new actors who were incorporated for the first time into a national grouping. The first meeting of the CNI was held in Mexico City. Prominent in this new constellation was a proposal for the

adoption of "customs and traditions" which had its base in the experience of Oaxaca. The notion of Oaxacan communal autonomy is based in collective institutions such as *tequio* or communal work obligations, methods of selecting local authorities, and the preservation of language and ritual. In 1995, the Oaxaca state legislature approved a change in the state constitution to allow the election of municipal authorities through traditions and customs (*usos y costumbres*) in recognition of the indigenous autonomy movement. In 1997 the Oaxaca Congress approved a legislative plan that gave indigenous communities the right to name their municipal authorities without the intervention of political parties in accordance with local traditions, thus implementing the changes made to the state constitution in 1995. The example of Oaxaca and the fact that the state government of Oaxaca has legitimized local forms of government have been important in fueling the national autonomy movement. A question often raised is why has the government made it legal to elect local officials according to customs and traditions in Oaxaca, but has refused to implement a similar proposal at the national level?

Following the initial 1996 meeting of the CNI, the Zapatistas organized a forum on indigenous rights in San Cristóbal de las Casas in which the notion of both autonomous regions (which would constitute a fourth level of government in between the county/municipal and state level) and customs and tradition were the basis of discussion. Out of this forum came a set of proposals which the EZLN took to government negotiations and were influential in the Accords on Indigenous Rights and Culture which were signed by the Mexican government and the EZLN in February 1996.

Thus a key force in the creation of the accords and the demand for their implementation has been an emergent national movement for indigenous autonomy which has pulled together local and regional indigenous movements as well as previously unorganized indigenous community authorities. The goal of the movement in pushing for the implementation of the accords is not secession from Mexico, but inclusion as part of a multicultural state that embraces multiple pueblos and grants them regional autonomy. This vision of indigenous autonomy projected from Mexico provides a hopeful vision for ethnic conflict which often results in either ongoing war or secession.

Building a national movement is fraught with differential interpretations of what indigenous autonomy means, particularly in relation to region and to gender. Here we include articles that focus on the emergence of the National Indigenous Congress (L. Hernández), and a discussion of the tension between customary notions of indigenous "customs and traditions" and a challenge to some of these by indigenous women (A. Hernández, Proposal of Indigenous women to the National Indigenous Congress). The contributions of cross-border movements to building a national network and movement to autonomy are also touched upon (Rivera). Finally, we offer readers an English translation of the Resolutions of the first meeting of the National Indigenous Congress held in October, 1996.

The final key arena of the San Andrés Accords is the way in which they require a reconfiguring of the relationship between

the Mexican government and indigenous peoples. The heart of the national proposal for recognizing indigenous autonomy in Mexico is based on a tripartite cultural-political model that brings together multiple indigenous pueblos (which may be small numbers of people in a few hamlets, a municipio, or a region who share an ethnic identity and history), the Mexican nation as a multi-ethnic and diverse entity (la nación), and the state (el estado), as a political and legal framework. The glue holding this three-part model together is indigenous Mexican nationalism. This nationalist vision builds a common identity around being Mexican and indigenous but within a multi-ethnic state. In this model, the national political boundaries of Mexico should defend an internal plurality of cultural boundaries — not through assimilation, but through granting self-defined cultural entities autonomy in regional and local economic, political, and social decision-making. Thus the pueblos indígenas are autonomous within the Mexican state and with a shared sense of participation and inclusion in the Mexican nation. In their analysis, indigenous leaders sever the nation from the state and liberate the concept of nation to be re-appropriated from below in relation to particular regional and historical circumstances. Such a reinterpretation also allows for the simultaneous existence of a larger nation tied both to a state political structure, but also to indigenous pueblos with unique historical constructions.

Several of the articles included discuss the possibilities for a new relationship between the Mexican government and indige-

nous peoples. The process of writing the San Andrés accords and their content have provided Mexico with a new blueprint for building a nation of diversity that finally dispenses with the historical national policy of indigenism (L. Hernandez). Such a new relationship also offers the possibility for transforming the Mexican government's National Indigenous Institute (INI) and other government institutions targeting indigenous peoples. Such institutions could radically refashion themselves to both channel resources to indigenous peoples according to their own agendas and to guarantee their individual and collective rights (Yanes). At a larger level, the San Andrés Accords demand that conceptions of national identity and sovereignty recognize the collective rights of indigenous peoples at the national level (Gomez).

When current on-the-ground experiences of autonomy are looked at in relation to the construction of a national movement for autonomy against the backdrop of the San Andrés accords, the potential for a qualitative leap forward in the struggle for indigenous rights in Mexico is evident. While the outcome of the national struggle for indigenous autonomy in Mexico is highly uncertain as of the writing of this document, what will endure is the alternative model of relationships between indigenous pueblos the larger Mexican nation, and the state which is being experimented with in Mexico. Indigenous people in Mexico have moved through the Zapatista opening from the political margins to having a seat at the table of national power.

Mexico's Indigenous Population

By Jonathan Fox

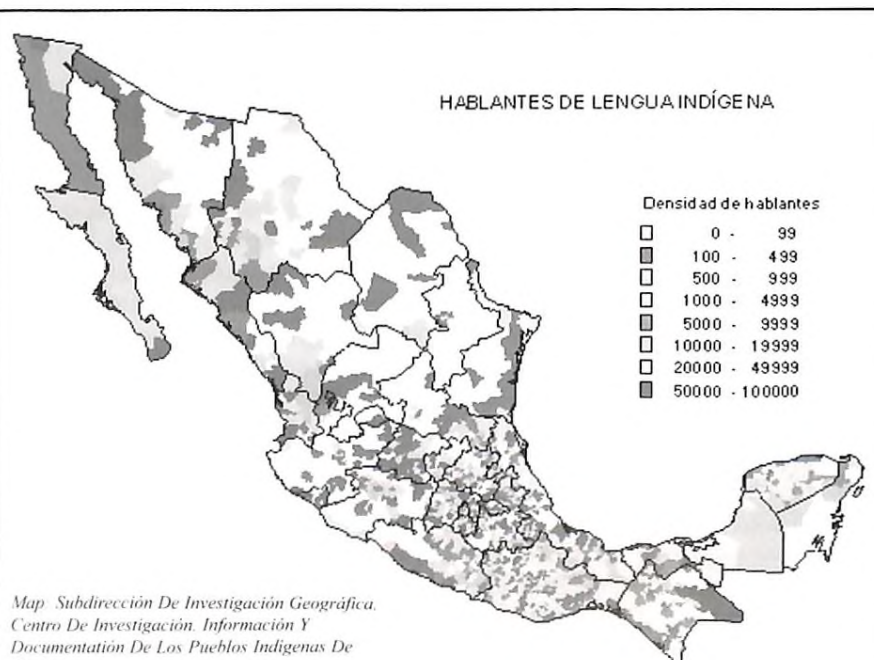
Mexico's indigenous population is one of the two largest in the Americas (only Peru is comparable in size). More than one in ten Mexicans speaks an indigenous language.

The Mexican government's census asks whether citizens speak one of Mexico's 56 recognized indigenous languages. This data forms the basis for official estimates of the size and distribution of the national indigenous population. As recently as the 1990 census, the estimated size of the indigenous population by officially excluding children under five years of age. One demographic study included at least some of the children under five to produce an estimate of 6.4 million indigenous Mexicans in 1990, or 7.89% of the national population (1). The National Indigenous Institute (INI), however, attempted to take undercounting into account, producing a 1990 estimate of "no less than" 8.7 million, or 10.7% of the national population. (2).

The ten largest indigenous language groups are Náhuatl (22.7% of indigenous language speakers), Maya (13.5%), Zapoteco (7.6%), Mixteco (7.3%) Otomí (5.3%), Tzeltal (5.3%), Tzotzil (4.3%), Totonaca (3.9%), Mazateco (3.2%) and Chol (2.4%).(3). The larger languages include several very distinct variants.

Most of Mexico's indigenous population is geographically concentrated in about one third of Mexico's states (see map). More than half live in four states. The ten states with the largest share of the reported national indigenous population are Oaxaca (18.3%), Veracruz (13.5%), Chiapas (13%), Puebla (9.42%), Yucatán (8.2%), Hidalgo (5.7%), state of

Mexico (5.6%), Guerrero (5.2%), San Luis Potosí (3.2%) and Michoacán (2.9%). In terms of relative presence, Mexico's most predominantly indigenous language-speaking states are: Oaxaca (with 52.7% of the state's population), Yucatán (52.5%); Quintana Roo (36.7%), Chiapas (35.2%), Hidalgo (26.4%), Campeche (25.4%), Puebla (19.9%), Veracruz (18.8%), Guerrero (17.2%), San Luis Potosí (13.8%). (4). Not only should this data be interpreted in light of a significant undercount, especially likely in the 1990 census, but informal estimates also suggest that as many as one million additional indigenous people reside in the Mexico City area.





The First Anniversary of the Acteal Massacre in Chiapas

By Lynn Stephen

December 22, 1997, forty five Tzotzil indigenous women, children, and men were massacred while praying for peace in their chapel in Acteal by paramilitaries. Among those assembled in the church were people not only from Acteal, but also from several surrounding communities such as Los Chorros, Pechquil, and Yabteclum, who had been driven out by paramilitaries. Increasing violence in the fall of 1997 included the burning of homes, the destruction of crops and animals, and threats that people either join the local paramilitary group or be killed. They sought refuge in Acteal. Many were members of an organization known as the Bees Civil Society, which was initiated through pastoral work done in the parish of San Pedro de Chenalho in the 1980s and 1990s. The Bees began as an organization in 1992. The Bees are quite explicit about their peaceful approach to change and while they support many of the demands of the Zapatista Army of National Liberation, they do not sympathize with armed struggle. Their strength is based in civil organization and a belief in a pacifist road to change. This fact makes their massacre all the more alarming.

One year later, on December 22, 1998 a major pilgrimage and mass was carried out to mark the one year anniversary of the massacre. Political conditions in and around Acteal have deteriorated in the past year making the scenario for the massive commemoration precarious and tense. While some 88 local residents who are members of paramilitary groups have been charged with the massacre and are in prison, more than 32 more who have been openly implicated in the massacre are still free and moving about the communities that are home to the victims and their survivors. The National Commission for Human Rights (of the Mexican government) stated that there were more than 17 state officials linked to the massacre. None have been prosecuted.

After the Acteal massacre, thousands of refugees fled to the mountains and then settled in and around the community of Polho which has been declared as an "autonomous municipality in rebellion" by the Zapatistas. The 10,500 refugees are organized into approximately 9 camps with 1000 to 1500 people in each camp. Their existence is dependent on national and international humanitarian aid. The camps are surrounded by military bases and subject to constant patrols from the Mexican army and their partners, the public security police of the state of Chiapas. US-built Humvees with mounted machine guns drive slowly through Polho on a daily basis, with soldiers staring intently at local residents.

Another 200 to 250 refugees, primarily the families of the victims of Acteal, have been living for the past year in three different refugee camps in and around the city of San Cristobal de las Casas. In Nueva Primavera, for example, in a camp run by three Jesuit priests for the Diocese of San Cristobal, there are 75 people packed into several precariously built wooden houses with tin roofs, with 15 to 25 people per building. Most of the children are not in school, and people are unable to plant and are dependent on church aid. In December 1998, many were thinking about their small coffee groves where their only



Photo by Lynn Stephen

Tzotzil members of the the Bees Civil Society march in December 1998 on the one year anniversary of the Acteal Massacre.

cash crop was ripening with no one to pick it. Those members of the Bees who have returned to Acteal have attempted to harvest their coffee in teams of 10, but say that it is very dangerous because the paramilitaries are out patrolling and have threatened them if they attempt to complete their harvests. One week before the anniversary of the massacre, the paramilitary group from Los Chorros, one of the communities with massacre victims, openly met and brought out their arms. They also threatened to block the road to Acteal on the day of the anniversary in order to pressure the government to free those who are in jail for participating in the massacre.

Despite the threat, 3000 to 5000 people made a pilgrimage to Acteal on December 22, 1998 to participate in a special mass to commemorate the massacre. Members of the Bees who have been living in the three refugee camps in and around San Cristobal returned on rented buses arranged by the Diocese. I

accompanied a group of composed primarily of women and children from one of the camps. As we approached the area where the paramilitaries have a strong presence, the women began to talk about what had happened before the massacre. After we passed through three army roadblocks and soldiers entered the bus and walked up and down the aisles carefully scrutinizing everyone, the bus fell silent. As we approached the cut off road to Los Chorrros, the women made comments such as,

"They took everything from us."

"They burned our houses, destroyed our fields. Now we have nothing."

As the bus moved through the landscape the women re-experienced the horrible events leading up to the massacre that had forced them to flee their homes.

The commemoration mass for the dead took place literally on top of the dead. A long procession that included local branches of the Bees, the two bishops of San Cristobal, Samuel Ruiz Garcia and Raul Vera Lopez, and national and international representatives made its way down the road and into an outdoor amphitheater carved into the hillside in front of the brick building housing the graves of the martyrs of Acteal. Behind this procession was another one which left from the autonomous municipality of Polho in rebellion, controlled by the Zapatista Army of National Liberation. The Zapatista procession which included representatives from other areas of Chiapas arrived about 30 minutes after the procession of the Bees. More than 5000 people crowded around the natural amphitheater seeking shade in coffee trees, banana plants and whatever else would block the strong sun. A chorus of Tzotzil women and girls from the Bees took up one side of the amphitheater with other local catechist bands also sprinkled about. When the Zapatista procession arrived, the band of Polho and the community authorities moved towards the front to their places.

The commemoration was structured around a mass led by the Organization of Civil Society, the Bees and the Pastoral Team of the Parish of San Pedro Chenalho. What transpired over the next four hours was an amazing mixture of emotion, inspiration, politics, and recognition of the different strands of indigenous organization which predominate in the area — primarily that of the Bees based in the organizational work of indigenous pacifists trained in liberation theology through the Parish of San Pedro Chenalho as well as the Zapatistas who

control the de facto government of Polho and have strong support in many surrounding communities. The Bees have grown in size since the massacre increasing from 4000 to 5000 members. The message of the Bees read at the beginning of the mass did not mince words about what lay behind the massacre and how it is interpreted.



Photo by Lynn Stephen

EZLN supporters leave the tomb of the Acteal martyrs.

"The martyrs of Acteal have opened our eyes even further. We already knew how the world was, what it is like to be indigenous people in Mexico, we already knew enough about how difficult it is. But we didn't know that it could come to these extremes. Our martyrs have told us how extreme the situation is. They paid with their own lives to tell us the hard truth. They left us [the truth] as an inheritance ... We see how there is no justice in Mexico, how we only get false words and promises...we see how a lot of arms have come to our communities when we are in the middle of a terrible crises.

These arms are given to assassins who help to consolidate the control of government groups, to strengthen the army that never tires of taking over our lands and controlling our populations ...

One year from the massacre our situation has not been resolved, it has simply gotten worse. There are 10,500 displaced people in our country who can't return to work on their lands, there are armed paramilitaries running loose, we have more army presence than ever in our communities with one soldier for every 12 people in Chenalho according to the Public Security Police. But at the same time we have fewer schools than ever, our children have lost a year of education, our priest was expelled two months after the massacre....

But our resistance is present. We have transformed our wound despite the fact that it will always be open ... We want to open our hearts to you and to inspire you to keep walking, resisting, fighting and working with all of the means possible so that peace with justice and dignity is not just a motto, but becomes a reality."

The most dramatic and emotional part of the commemoration was a re-enactment of the massacre. Shortly before, an army helicopter began to fly in tight circles about the crowd, circling the amphitheater and a white flag reading "Peace" suspended on a long wooden pole. Alonso, one of the master of ceremonies, said, "Please move forward so that the paramilitaries

(referring to those playing paramilitaries in the re-enactment) can come in. Don't be frightened. The shots you hear will be part of the enactment . . . Please don't laugh during this, be silent. We are going to enact and narrate what happened."

One of the priests added, "The helicopters are real, but the shots you will hear are not."

In the middle of the amphitheater an area was marked and roped off in the sign of a cross. Families and survivors of the victims of the massacre sat down inside the cross. They began praying and the narrator began. "They were praying for peace." At that moment, paramilitaries came in, young men dressed in fatigues who began shooting. The people praying inside the cross fell. The narrator stated, "The paramilitaries came and were shooting. Alonso, a catechist, bent over his wife and child and said, 'Wife, wife, get up. Get up.' But she didn't get up. Then he turned towards the heavens and said, 'Father, forgive them for they know not what they do.' Then Alonso was also gunned down." The narrator continued, "They were praying, then they began to cry. The wounded were crying out. Then the doctors came to help." At this point two people dressed as doctors, one in white with a stethoscope and another dressed as a nurse entered. The narrator then continued, "Then they were resurrected." At that point catechists dressed in white came around and began lifting up the dead one by one. As they were resurrected they lifted their hands up to the heavens and left them raised. A priest then brought down a large wooden cross to plant in the middle of those who had risen from the dead. Most of those watching were crying at this point. The survivors and their families were also crying as they were lifted up in symbolic resurrection.

Many offerings were made in the mass by people from Chiapas, other parts of Mexico and by two indigenous visitors from the United States including a Navajo representative from New Mexico and a Paiute representative from Nevada.

After the mass was closed with communion, the Zapatistas representing the displaced communities in the autonomous municipality of Polho came onto the stage and delivered a commemoration to those who were massacred in Acteal. The words of the Zapatistas were not far from the words of the Bees in content. The Zapatista representatives asked to know,

"Why do the intellectual authors of the massacres such as President Ernesto Zedillo and others continue to live in liberty, the same liberty that they have robbed from the state of Chiapas? Why don't they get tired of torturing us, of persecuting us ... They have tried to buy us out with promises of resources ... As indigenous people we will not permit them to damage our dignity. Our dead keep on speaking, they keep on fighting with us."

The EZLN pointed to many of the same problems as the Bees, directly accusing the government of causing the situation to deteriorate. The EZLN representatives then ended by commemorating a series of martyrs.

"In memory of our brothers and sisters massacred in Acteal. PRESENTE. In memory of our companeros massacred in

Union Progreso. PRESENTE. In memory of our companeros who have fallen in the struggle. PRESENTE."

Following the words of the EZLN representatives and closing out the event with the last word, was the president of Polho, autonomous municipio in rebellion. He pointed out the contradictions between a government which states that it wants to help the indigenous peoples, but instead sends tanks, guns, and planes.

"When the government wants to put on a good face, it offers us its miserable and hypocritical help. But when our communities are dying of hunger, misery, and illness the government first has to kill and massacre our indigenous brothers and sisters to justify its entrance into our communities to offer its help. But now with thousands of soldiers equipped with tanks, helicopters, and airplanes of war, we the indigenous men, women, children, young people and old people want our dignity. The government has no reason to reject us, to expel us, to disrespect us."

Following the end of the mass and presentations, most of the people present began to file into the tomb where the dead are buried. On one wall are photographs of each of the martyrs with their names. For those who had not returned this was an overwhelming experience. Seeing the photograph of a daughter, nephew, aunt, uncle, husband or wife, having relived the massacre, and trying to cope with not being able to live at home brought many to their knees in grief inside the tomb. Hundreds of candles lit the tomb and were accompanied by wails and tears while outside a marimba band struck up a tune to begin a dance.

Sorrow, resurrection, and continued struggle for the rights of the indigenous were the lasting messages of this event. The coming together of the pacifist Bees with their Zapatista neighbors and the speaking of a common language suggests the depth of commitment and understanding which exists among those who share the conditions of low-intensity war in San Pedro Chenalho. All those present hope that the memory of Acteal and the other under-reported Acteals in other parts of Chiapas and Mexico will serve as a wake up call to the world to recognize the contradictory and alarming political conditions in Mexico. While it may appear that the country is in a transition to democracy, in Chiapas and other parts of the country where indigenous and other opposition movements are present, the opposite is occurring. Opposition movements calling for democracy are being squeezed out of existence through a complete militarization of local governments, electoral processes, and the right to freedom of expression and movement. 1999 is a critical year in Mexico as the country moves towards presidential elections in the year 2000. Unless a strong commitment exists both nationally and internationally to defend basic human rights, Acteal may just be one of many violent events to come.



The San Andrés Accords: Indians and the Soul

*By Luis Hernández Navarro**

The colonial period opened up a theological and social debate over whether or not American Indians had human souls. During the Cárdenas presidency [1934-40], national policy-makers insisted that Indians disappear in the common identity of "Mexican." The Zapatista uprising of January 1994 and the signing of the San Andrés Accords on Indigenous Rights and Culture changed the terms of debate over whether Indians should have special rights or not. This persistent refusal to recognize their souls, their specific identity or their rights as peoples forms part of the same mindset: to deny members of society their "otherness," as different citizens.

Indigenous issues now stand at the center of the country's political agenda. The new Indian movement has redefined national debates on reshaping national identity, on policies to combat poverty, the transition to democracy, the nature of a new regime, and the relationship between morality and politics.

For four years the indigenous question has been publicly debated with an intensity, passion, and virulence unprecedented in Mexico's recent history. The debate has spawned both prejudices and idealizations. Ignorant and damaging pronouncements have emerged alongside the informed and thoughtful reflections. The debate on indigenous rights sometimes seems like a labyrinth of equivocations, from which there is no way out.

The General Context of the Negotiations

Twenty-five months after the Zapatista uprising, on February 16, 1996, the EZLN and the Mexican government signed the first substantive agreements on the road to peace. The agreements were the hard-won fruit of the first of five rounds of talks scheduled between the two sides to resolve the root causes of the insurrection. In the San Andrés Accords, the federal government responded to part of the Zapatistas' demands, those related to indigenous rights and culture.

The legal framework for the development of the negotiations had been laid down beforehand. On March 11, 1995, The "Law for Dialogue, Conciliation and Dignified Peace in Chiapas" was published in the *Diario Oficial* [official government bulletin]. From that date forward, this law became the legal framework for establishing the bases for conciliation and the formal mandate for establishing a dialogue designed to lead to a just, dignified, and lasting solution to the armed conflict that broke out on January 1 in Chiapas. Both sides recognized the need to deal with the causes of the conflict, to facilitate the political participation of the EZLN, to promote social well-being, and to propose guidelines for amnesty.

The round one negotiations lasted a little more than four months.

They followed five months of talks between the EZLN and the federal government to establish the procedures and issues to be addressed in negotiations. San Andrés was important not only for its results, but also for the unprecedented way in which civil society participated in the peace process. The negotiations involved broad sectors of society, called national and international attention to indigenous issues and introduced new ways of doing politics.

Instead of negotiating strictly on the basis of their own demands, the Zapatistas invited civic leaders, academics and intellectuals to participate in the talks as advisors and guests. These individuals brought a wealth of knowledge and experience to the discussions. Their diverse proposals sparked debates that served to refine and deepen understanding of the issues at hand.

The negotiations also generated an intense mobilization of Indian peoples throughout Mexico. In cities, communities and villages, forums and debates — organized outside the sway of governmental institutions — served to analyze indigenous issues. Often, the meetings combined denunciations of Indian peoples' living conditions with the formulation of historic demands and proposals for projects built on the foundation of a newly defined relationship between the State and Indian peoples. The breadth and depth of mobilization surrounding San Andrés was an unheard-of event in the recent political life of the nation.

The process culminated in the National Indigenous Forum, convened by the EZLN from January 3-8, 1996. Five hundred delegates from 178 indigenous organizations participated in the forum, including representatives of 32 Indian peoples. The most significant experiences of ethnic struggle throughout Mexico encountered a point of convergence and synthesis in the Forum. Here the possibility arose to develop a permanent structure and more complete programmatic platform for the nascent national movement.

The San Andrés Accords

The San Andrés Accords reflect a basic fact of politics in Mexico: The old pact between the State and Indian peoples has broken down and a new pact must be established based on new premises. The Accords are made up of four different documents: The first is a joint pronouncement of the need to establish a new pact between Indian peoples and the government, and what its fundamental characteristics should be; the second contains a series of joint proposals with national implications that the federal government and the EZLN are required to send to Congress; the third establishes a package of special reforms for Chiapas; and the fourth is a text signed by both parties that adds some points that were not originally incorporated.

The points negotiated with the government do not resolve all indigenous demands, but they do commit to resolve some of the most relevant. Among these are:

1) Recognition of Indian peoples in the Constitution, including their right to self-determination within the constitutional framework of autonomy.

2) Broader political representation and participation. The recognition of their economic, political, social and cultural rights, as collective rights.

3) A guarantee of full access to justice. Access to the legal system and recognition of indigenous normative systems. Respect for difference.

4) Promotion of the cultural manifestations of Indian peoples.

5) Promotion of their education and training, respecting and building on traditional knowledge.

6) Increased production and employment opportunities. Protection of indigenous migrants.

Recognition of Indian peoples as social and historical subjects modifies the constitutive bases of Mexican society by adding the principle of indigenous peoples to the principle of citizenship. The exercise of autonomy of indigenous peoples implies the real transfer of faculties, functions and competencies that currently are the responsibility of other government agencies. These include three areas: political representation on the municipal and community level, the administration of justice, and administrative functions.

Internal political representation allows communities and municipalities to appoint their local authorities by means of mechanisms that differ from the electoral democracy practiced in the rest of the country, such as the cargo system and the community assembly. Political representation on the state and federal level would be practiced through the respective legislative bodies but enhanced by the creation of new electoral districts. The Accords recognize the community as a subject of public rights.

The legal system is reformed to permit the exercise of autonomy in applying indigenous normative systems to regulate and solve internal conflicts. The Accords also take into account the community and municipal levels and, in some cases, an association among them. Indigenous normative systems are usually oral and validated in general assemblies, relatively flexible and collectively applied (a mayor never judges alone). Far more than a bundle of beliefs, they constitute cohesive normative systems, whose coherence and efficacy have derived from years of historical and cultural practice.

The New Integrationism

“What if Indians exist?” Guillermo Bonfil, the anthropologist who began the process of rethinking indigenismo in Mexico, first put forth the question in 1979 in a challenge to the prevailing policy of assimilation. Twenty years later, the heirs of liberalism such as theorist Roger Bartra respond that indigenous cultures are barely “an aggregate of ethnic ruins that has remained after modernization destroyed and liquidated the best of indigenous traditions.” Others are more cautious. “What if, in addition to existing, indigenous peoples want to continue to be Indians and demand their rights? Wouldn’t they be placing themselves in the path of progress? Wouldn’t they be demanding special privileges? Wouldn’t they be eroding the very foundations of

democracy by denying cultural homogeneity?” These questions are the forerunners of a crusade against the politics of identity, in the name of universalism, procedural democracy, tolerance, human rights in the abstract, and national solidarity.

In the past, the campaign of de-Indianization was disguised as a search for national unity. Today’s universalism, espoused by those who oppose the recognition of indigenous rights, is a thin veil for a deep-seated fear of diversity. Behind the idea of an inevitable Mestizo future hides an aversion to recognizing the other as different, and the incapacity to understand the indigenous question not as a racial issue but as an issue of cultural difference. José Vasconcelos’ myth of the “cosmic race” has been transformed into the fantasy of racial globalization. In short, the insistence on whitening the brown souls continues.

The San Andrés Accords on Indigenous Rights and Culture demonstrate that Indian peoples exist, are alive, and demand their rights. The debate proves that the old and new forms of assimilation, albeit under the guise of nationalism or universalism, have not been eradicated. San Andrés — both the document and the process — is modern testimony to the fact that Indians are not merely “living relics” but political actors with a project for the future, cultures under attack but alive with an enormous vitality. No wonder the voices who seek to delegitimize the Accords today echo the arguments of the standard-bearers of nineteenth-century liberalism. They have been trying to pound a square peg in a round hole for over a century and they just cannot accept that the peg refuses to fit.

The Route to San Andrés

In San Andrés, funeral services were held for indigenismo. The Mexican government’s policy of choice toward indigenous peoples finally died an indecorous death and the government had to recognize its theoretical void in its concept of the indigenous question and the failure of its policies in practice. Unfortunately, it’s still stuck in the grieving phase.

Meanwhile a new current of thought has developed to replace indigenismo. Vigorous and profound, it emerges from years and years of resistance and reflections on what is *propio y ajeno* — what is their own and what has been imposed over the years. Fed by a new school of highly educated indigenous intellectuals with strong ties to their communities, the formation of hundreds of local and regional grassroots organizations with authentic leadership, and the accumulated wisdom of indigenous struggles throughout Latin America, the movement has the capacity to heavily influence national politics and culture. Its leaders and thinkers, its organizational path, found a point of convergence in San Andrés such as never before. The agreements reached were not the result of negotiations between a handful of PRI officials and a guerrilla group and its advisors, but the product of a pact between the Mexican state represented by the federal government and a broad-based consensus achieved between representatives of Mexico’s most significant indigenous movements, brought together by the EZLN.

San Andrés could have been an immense Tower of Babel, just another frustrated attempt at unity by the Mexican left. But it wasn’t. There, an armed and clandestine movement converged with a peaceful, civic movement. There, leaders of

organizations of all stripes—ethno-political, economic/productive, agrarian, community leaders, human rights activists and researchers met and contributed not only to the peace process but to create a shared vision of a new Mexico. Where there was polemic, consensus emerged. The result was the broadest and most representative program for social change that the Mexican indigenous movement has ever achieved. Differences between groups within the indigenous movement continue to exist, but not to the point of impeding common action.

Those who responded to the Zapatista invitation and met in San Andrés were not looking to resolve particular problems of standard of living, land or production. They sought the recognition of fundamental rights, an objective that implies no less than a reformulation of the constitutive bases of the nation. In San Andrés a legislative process from the ground up took shape, citizens demanded to be the titleholders of their own rights. Behind the San Andrés negotiations is the recognition that Indian peoples lack political representation, and that the rules established to assure access to representation do not respect their cultural specificity.

San Andrés and Indigenous Organization

In a surprisingly short time, the National Indigenous Congress (CNI) has become the most broad-based and representative national indigenous organization in Mexico, and one of the most dynamic social forces on the political spectrum.

The CNI is made up of a wide range of communities, peoples and indigenous organizations. Some have participated in projects of national campesino coalition-building. Others have little previous experience in nation-wide organization. Some come from the agrarian struggle, others from ethno-political mobilizations, and still others from the ranks of economic/productive organizations. They have in common their independence from both the government and political parties.

Most of the indigenous leaders forged over the past decade in the heart of their communities and regions can be found actively participating, along with traditional community authorities, in the CNI. Their work came into public view when the Zapatista insurrection turned a spotlight on a movement that had been previously obscured by government abandon and lack of societal interest. Here also are the leaders who found their voice in the mobilizations around the commemoration of 500 years of indigenous resistance, held between 1989 and 1992. The convergence of many kinds of leaders from many levels of political representation, from the community to the regional, from traditional municipal cargo-holders to customary political mediators (usually indigenous professors and professionals), all assure that the Congress has broad representation and significant presence in the movement. At the same time, they come from diverse organizational cultures that have to learn to coexist, and that complicate building the internal cohesion required for an organization of this type.

The CNI is the organizational heir of the San Andrés dialogues on indigenous rights and culture. It arose from the EZLN's invitation to indigenous leaders to participate as its advisors and guests in the peace talks, from the National Indigenous Forum of January of 1996 and from the follow-up meetings to the Forum held after the Accords were signed with the federal government. It was born in the heat of national debate on indigenous issues, accelerated by the suspension of negotiations in

September 1996 and the appearance of Commandante Ramona in Mexico City as a delegate of the EZLN in the founding Congress in October of the same year. The tight relationship that has developed between the indigenous movement and the Zapatista movement has been repeatedly reaffirmed. Juan Chávez, Purépecha leader who inaugurated the CNI's second assembly, portrayed the relationship: "the EZLN and the CNI are already a single force nationally. The armed word that was heard in January of 1994 is accepted by us, defended and respected based on the historic reason that the people have a supreme right to rebel. The EZLN represents today our demands that for centuries our peoples have seen denied by the governments. The CNI takes up these demands as its own . . ." Not for nothing the Congress has as its central point action to demand governmental compliance with the San Andrés Accords.

Innovations on a New Theme

The new Indian movement, whose aspirations and demands are reflected in the San Andrés Accords and the commitment of peoples and communities to put them in practice, has profound implications for the gestation of a new political model in the country, in how to confront globalization based on the logic of financial capital, and in how to define the future of the Nation-State. The French sociologist Alan Touraine points out; "there is a dividing line that must never be crossed- that which separates the recognition of the other from the obsession with identity ... Identity and otherness are inseparable and in a universe dominated by the impersonal forces of financial markets, they must be defended simultaneously in order to avoid that the only effective resistance to its domination come from sectarian integritismos. Democratic multiculturalism is today the main objective of social change movements, just as industrial democracy was years ago. The problem cannot be reduced to tolerance or acceptance of limited particularisms, nor can it be confused with a cultural relativism charged with violence. In liberal countries its main force is to resist the globalization that serves the interests of the most powerful, and in authoritarian countries it is at the service of the laity and minority rights." Luis Villoro writes: "The real reform of the State is to reform the project of the nation. We must reinvent the nation we want."

Beyond what the immediate future brings, San Andrés marks a crossroads in the definition of the future of a country in dispute. The debate could get lost in the many paths of the labyrinth of equivocations, a light could appear at the end of the tunnel — Mexico still has not found a viable path for building a nation of diversity. In defining the immediate destination, San Andrés will be, in any case, an obligatory point of reference.

**As always, this article owes much to many people: Laura Carlsen, Adelfo Regino, Ricardo Robles, Herman Bellinghausen, Ramón Vera, Eugenio Bermejillo, Ana de Ita, Francisco López Bárcenas, Carlos Monsiváis, Arturo Cano. Final responsibility, however, is my own.*

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Translated by Laura Carlsen



The San Andrés Accords on Indigenous Rights and Culture

*The complete San Andrés Accords consist of three documents: a joint EZLN-government pronouncement, the joint proposals, and a document dealing specifically with Chiapas. The document translated here is the second one. For the original text of the Accords in Spanish, see: <http://spin.com.mx/~floresu/FZLN/dialogo/acuerdos.htm>. For extensive analysis, the complete Accords themselves and related documents, see Luis Hernández Navarro and Ramón Vera, eds., *Los Acuerdos de San Andrés* (Mexico City: Era, 1998). For a detailed timeline in English on the events leading up to and following the peace accords, see: <http://www.peak.org/~joshua/fzln/timeline.html>.*

Document Two: Joint Proposals which the Federal government and the EZLN Commit to Send to the National Fora for Debate and Decision, in Accordance with Point 1.4 of the Rules of Procedure.

February 16, 1996

The parties commit themselves to send the following jointly agreed-upon proposals to the national fora for debate and decision-making.

In the framework of the new relationship between the State and the pueblos indígenas, it is necessary to recognize, insure and guarantee rights within a renewed federalist framework. This objective implies the promotion of reforms and additions to the Federal Constitution and the laws based on it, as well as to the state constitutions and local legal systems, to further, on the one hand, the establishment of general foundations that may insure unity and national objectives; and, at the same time, to allow the states the true power to legislate and act in accordance with the particularities of the indigenous issues coming before them.

1. To promote a profound transformation of the State, as well as of the political, social, cultural, and economic relationships with the pueblos indígenas, to satisfy their demands for justice.
2. To promote the implementation of an inclusionary new social pact, based on the understanding of the fundamental plurality of Mexican society and on the contribution that the pueblos indígenas can make to national unity, beginning with the constitutional recognition of their rights, and in particular, of their right to self-determination and autonomy.
3. The legal reforms to be promoted must be based on the fundamental legal principle of the equality of all Mexicans before the law and judicial authorities, and not the creation of special codes of law that privilege particular people; respecting the principle that the Mexican Nation is composed of multiple cultures, based originally on its pueblos indígenas.

4. The constitutional modifications represent a central factor in the new relationship between the pueblos indígenas and the State, within the framework of the reform of the State, so that their demands may find support within the state of law.

II.

1. The creation of a new legal framework that establishes a new relationship between pueblos indígenas and the State, based on the recognition of their right to self-determination and the legal, political, social, economic and cultural rights associated with it. The new constitutional dispositions must include a framework of autonomy.
2. This legal framework must be built on the recognition of the self-determination of pueblos indígenas, which are those that, having historical continuity with societies that predated the imposition of the colonial regime, maintain their own identities, are aware of them, and possess the will to preserve them.

In the Spanish version of the accords, the term "pueblos indígenas" appears throughout. This term pueblo has longstanding multiple meanings and usages in Mexico, including "towns," "communities," and "peoples." When the term is used in the context of "pueblos y comunidades," it refers to "towns and communities," but its meaning is more ambiguous when used as pueblos indígenas. Government policy-makers drew on these multiple meanings long before the Zapatista rebellion. For example, the official strategy of the National Indigenous Institute during the Salinas presidency was called "the National Program for the Development of the Pueblos Indígenas, 1991-1994," though Salinas himself referred in his speeches to "indigenous communities" rather than "peoples." As the terms of debate over indigenous rights shifted, the usage of the term pueblo to mean "people" gained force. In the translation of the official document that follows, pueblo is left in the original Spanish to reflect its multiple meanings.

based on their own distinct cultural, social, political, and economic characteristics. Those attributes give them their character as pueblos, and as such, they are constituted as subjects with a right to self-determination.

Autonomy is the concrete expression of the exercise of the right to self-determination, within the framework of National State. The pueblos indígenas shall be able, consequently, to decide their own form of internal government as well as their ways of organizing themselves politically, socially, economically and culturally. Within the new constitutional framework of autonomy, the exercise of self-determination of pueblos indígenas shall be respected in each of the domains and levels in which they are asserted, being able to encompass one or more pueblos indígenas, according to the particular and specific circumstances in each state. The exercise of autonomy of pueblos indígenas will contribute to the unity and democratization of national life and will strengthen the country's sovereignty.

It is appropriate to recognize, as a fundamental demand of the pueblos indígenas, their right to autonomy, insofar as they are collectivities with different cultures and with the capacity to decide their own fundamental issues within the framework of the National State. This recognition is based on Covenant 169 of the International Labor Organization, and ratified by the Senate of the Republic [of Mexico]. Thus, the recognition of autonomy is based on the concept of pueblos indígenas, which is based on criteria of history and national identity.

3. National legislation must acknowledge pueblos indígenas as subjects with the right to self-determination and autonomy.

4. It is proposed to the Congress of the Union to recognize, in national legislation, these communities as entities with public rights, with the right to free association in municipalities with predominantly indigenous populations, as well as the right of a group of municipalities to form associations, in order to coordinate their actions as pueblos indígenas.

The appropriate authorities will execute the orderly and gradual transfer of resources, so that the people themselves may administer the public funds assigned to them, and to strengthen the indigenous participation in government, negotiations and administration in the various domains and levels. The state legislatures will determine, in each case, the obligations and powers that might be transferred.

State legislatures will be able to proceed with remunicipalization in the territories in which pueblos indígenas are established, which must be based on consultation with the populations involved [This refers to the process of redrawing the boundaries between municipal districts - eds.].

In order to strengthen the federal pact, it is essential to revise in depth, not only the relationship between the Federation and the state governments, but also the relationship between the latter and the municipalities.

The integration between municipalities with predominantly indigenous populations is not proposed to be a different type of municipality, but as one which, within the framework of the general concept of this political institution, may allow indigenous participation in its composition and integration, while at the same time promoting and integrating indigenous communities into the municipal councils.

Regarding municipalities with predominantly indigenous populations, reaffirming the full meaning of the free municipality on which federalism is based, it is considered necessary that they be constitutionally strengthened, such that:

a) they may be endowed with duties that guarantee the exercise of autonomy of the pueblos indígenas.

b) the forms of organization foreseen in the Municipal Organic Law would be revised, to orient them to face the new challenges of development and to make them more appropriate, in particular, to the needs and new forms of organization related to the pueblos indígenas.

5. It is proposed that the Congress of the Union and the state Legislatures recognize and establish the characteristics of self-determination and the levels and modes of autonomy, taking into consideration what this implies.

a) Territory. Each pueblo indigena is settled in a territory that covers the entire habitat occupied or used by pueblos indígenas in one form or another. The territory is the material base of their reproduction as a pueblo and it expresses the inseparable unity of people-land-nature.

b) Domain of application. The jurisdiction is the spatial, material and personal normative field of validity in which the pueblos indígenas apply their rights. The Mexican State will acknowledge the existence of said fields.

c) Responsibilities. There should be compatibility with various federal, state, and municipal authorities, as well as a distribution of political, administrative, economic, social, cultural, educational, and legal resources, for the management and protection of natural resources, with the purpose of responding opportunely to the requirements and demands of pueblos indígenas. At the same time, it will be required to specify the obligations, faculties and resources that could be transferred to the pueblos indígenas and communities under the criteria established in Section 5.2 of the document entitled "Joint Pronouncements", as well as the various forms of participation by the communities and pueblos indígenas vis-a-vis the government authorities, so that they may interact and coordinate their actions with them, particularly at the municipal level.

d) Self-development. The communities and pueblos indígenas themselves must determine their development projects and programs. For this reason, it is considered appropriate to incorporate, in local and federal legislation, the ideal mechanisms

that would promote the participation of pueblos indígenas in the planning for development at all levels, so that the design of this participation may take into consideration their aspirations, needs and priorities.

e) Participation in the national and state representative bodies. Local and national participation and political representation for pueblos indígenas in the legislative arena and at different levels of government must be ensured, respecting their diverse socio-cultural characteristics, in order to construct a new federalism.

It is proposed to the Congress of the Union that the rights of indigenous women to participate as equals with men in all levels of government and in the development of pueblos indígenas be recognized in constitutional reforms and in related political reforms.

6. It is proposed to the Congress of the Union and to the state legislatures that, in recognizing indigenous autonomy and for the determination of its levels, they take into consideration the principal rights that are the objects of autonomy; establishing the conditions required to insure their free exercise. Among these rights, the following may be emphasized:

a) to exercise the right to develop their specific forms of social, cultural, political and economic organization

b) to obtain the recognition of their internal normative systems for regulation and sanction, insofar as they are not contrary to constitutional guarantees and human rights, especially those of women

c) to access State jurisdiction in a better way

d) to collectively access the use and enjoyment of natural resources, except those whose direct control belongs to the Nation

e) to promote the development of the diverse components of their identity and cultural heritage

f) to interact with the various levels of political representation, government and the administration of justice

g) to cooperate with other communities of their own pueblos or of others, to join efforts and coordinate actions for optimal use of resources, and to promote regional and general development projects for the promotion and defense of common interests

h) to freely designate their representatives, within the community as well as in their municipal government bodies, as well as the leaders of their pueblos indígenas, in accordance with the institutions and traditions of each pueblo

I) to promote and develop their languages and cultures, as well as their political, social, economic, religious, and cultural customs and traditions.

III.

1. Broadening political participation and representation. Municipal strengthening.

It is convenient to address at the constitutional level the mechanisms needed to:

a) insure the appropriate political representation of communities and pueblos indígenas in the Congress of the Union and in local legislatures, incorporating new criteria for determining the boundaries of the electoral districts that correspond to the communities and pueblos indígenas

b) permit their participation in electoral processes without necessarily requiring participation of the political parties

c) guarantee the effective participation of the pueblos indígenas in the dissemination and oversight of those processes

d) guarantee the organization of their own elections or leadership selection processes within communities or pueblos indígenas

e) recognize the procedures of cargo systems and other forms of organization, methods of designation of representatives, and decision-making by assembly and through popular consultation*

f) establish that municipal agents or other [local municipal] leaders be elected, or, when appropriate, named by the respective pueblos and communities

g) address in state legislation the mechanisms that would allow the review of, and when appropriate, changes in the names of the municipalities, based on proposals from the population located in the respective areas.

2. The guarantee of full access to justice.

The State must guarantee the pueblos full access to the jurisdiction of the Mexican State, with recognition and respect for their own internal normative systems, guaranteeing full respect for human rights. It will encourage positive Mexican law to acknowledge the authorities, norms, and procedures for internal conflict resolution in pueblos and communities, understanding these as the means for applying justice according to internal normative systems in cases of conflicts of internal coexistence in the pueblos and communities, and whose judgments and decisions would be confirmed by the State's legal authorities through simple procedures.

It is necessary to recognize jurisdictional spaces for the authorities designated from within the communities, pueblos indígenas, and municipalities, based on a redistribution of responsibilities in the state code, so that said authorities will be able to settle internal conflicts of coexistence. Their recognition and resolution would imply a better access to and administration of justice.

The marginalization in which pueblos indígenas live and the

conditions of disadvantage in which they deal with the system of access to and the administration of justice create the need for a serious revision of the federal and state legal frameworks, so that the pueblos indígenas and their members can be guaranteed effective access to State jurisdiction, and thereby avoid a partial administration of justice to the detriment of this sector of the population.

The legislative reforms that would enrich the internal normative systems will determine that when sanctions are imposed upon members of the pueblos indígenas, the economic, social, and cultural characteristics of those sanctioned should be taken into consideration, favoring sanctions other than incarceration. Preferably they would carry out their sentences in institutions that are closest to their homes and, when appropriate, reintegration into the community would be encouraged as an essential means of social rehabilitation.

The insertion of the norms and legal practices of the indigenous communities as a source of law applicable to procedures and resolutions of controversies under their authorities will be encouraged; and by constitutional guarantee, they should be taken into consideration in federal and local judgments in which involve indigenous people.

3. Knowledge and respect for indigenous culture.

It is considered necessary to elevate to the constitutional level the right of all Mexicans to a multicultural education that recognizes, disseminates and promotes the history, customs, traditions and, in general, the culture of the pueblos indígenas, root of our national identity.

The Federal government will promote the laws and policies needed for the indigenous languages in each state to have the same social value as Spanish, and will promote the development of practices that deter discrimination against them in administrative and legal transactions.

The Federal government commits itself to the promotion, development, preservation and practice of education in the indigenous languages; it will encourage the teaching of reading and writing in the languages themselves; and measures will be adopted to insure that these pueblos have the opportunity to learn Spanish.

Knowledge of indigenous cultures is national enrichment and a necessary step towards the elimination of misunderstandings and discrimination towards indigenous people.

4. Integral Indigenous Education.

The governments [state and federal] commit themselves to respect the educational goals of the pueblos indígenas within their own cultural space. Financial, material, and human resources will be allocated equitably to plan and carry out educational and cultural activities determined by the communities and pueblos indígenas.

The State must comply with the pueblos indígenas' right to a free and quality education, as well as encourage the participation of the pueblos indígenas and communities in selecting, ratifying, and removing teachers, taking into consideration academic and professional performance criteria previously agreed to between the pueblos indígenas and the corresponding authorities, and the formation of education quality oversight committees, within the framework of the institutions.

The right to bilingual and intercultural education of the pueblos indígenas is ratified. The definition and development of educational programs with regional content, where their cultural heritage is recognized, are established as state government responsibilities, in consultation with the pueblos indígenas. Educational action will make it possible to insure the use and development of indigenous languages, as well as the participation of pueblos and communities, in compliance with the spirit of Covenant 169 of the International Labor Organization.

5. The provision of basic needs.

The State must promote mechanisms to guarantee the pueblos indígenas the conditions that may allow them to satisfactorily tend to their nourishment, health, and housing, at least to an adequate level of well-being. Social policy must promote priority programs for the improvement of the levels of health and nourishment of children, as well as egalitarian training support programs for women, increasing their participation in the organization and the development of the family and the community. Priority must be given to indigenous women's participation in decisions involving their economic, political, social and cultural development projects.

6. Production and employment.

Historically, development models have not taken into consideration the productive systems of the pueblos indígenas. As a result, the utilization of their potential should be encouraged. The Mexican legal system, both at federal and state levels should encourage for the recognition of the pueblos indígenas' right to the sustainable use and all the benefits from the use and development of the natural resources in the territories they occupy or utilize in any form, so that, within a framework of comprehensive development, economic underdevelopment and isolation may be overcome. This action also implies an increase in and reorientation of social spending. The State must foster the development of the economic base of the pueblos indígenas and must guarantee their participation in designing the strategies directed toward the improvement of their living conditions and the provision of basic services.

7. Protection of indigenous migrants.

The State must promote specific social policies to protect indigenous migrants, both within the national territory as well as beyond its borders, with inter-institutional actions to support the work and education of women, and health and education for children and youth. In rural regions these policies and pro-

grams should be coordinated in the areas that provide migrant workers as well as those that attract agricultural workers.

8. Communications media.

With the purpose of creating an intercultural dialogue from the community level up to the national level that would permit a new and positive relationship between pueblos indígenas and between them and the rest of society, it is essential to endow these pueblos with their own means of communication, which are also key instruments for the development of their cultures. Therefore, it will be proposed to the respective national authorities that they prepare a new communications law that will allow the pueblos indígenas to acquire, operate and administer their own communications media.

The federal and state governments will encourage the conversion of the National Indigenous Institute's communications media into indigenous communications media, which is a demand made by the pueblos indígenas and communities.

The Federal government will recommend to the respective authorities that the seventeen INI [National Indigenous Institute] radio stations be turned over to the indigenous communities in their respective regions, with the transfer of permits, infrastructure, and resources, in response to expressed requests from the indigenous communities.

In the same manner, it is necessary to create a new legal framework in the area of communications that may consider the following aspects: the nation's multiculturalism; the right to use indigenous languages in the media; the right to rebuttal; guarantees to rights of expression, information and communication; and the democratic participation of the pueblos indígenas and communities in relation to the authorities who decide on matters of communication. The participation of interested parties in establishing citizen participation in the decision making bodies involved in communications, can be realized through the creation of a Communications Ombudsman or a Citizens' Communications Council.

IV. The Adoption of the Following Principles, Which Should Govern the New Relationship Between Pueblos Indígenas and the State and the Rest of Society:

Pluralism.

The relationship between the peoples and cultures that constitute Mexican society must be based on respect for their differences, as well as their fundamental equality. Consequently, it should be State policy to guide its actions to promote a pluralist orientation in society, to actively combat every form of discrimination, and to correct economic and social inequalities. Similarly, it will be necessary to move towards the creation of a legal order nourished by a plurality that reflects intercultural dialogue, with common standards for all Mexicans and respect for the internal legal systems of the pueblos indígenas.

Self-determination.

The State shall respect the exercise of self-determination by pueblos indígenas, in all fields and levels where they will try to validate and practice their distinctive autonomy, without weakening national sovereignty and within the new normative framework for the pueblos indígenas. This implies respect for their cultural identities and their forms of social organization. The state will also respect the abilities of the pueblos and indigenous communities to determine their own development, as long as the national and public interest are respected. The various levels of government and state institutions will not intervene unilaterally in the affairs and decisions of the pueblos and indigenous communities, in their organizations and forms of representation, and in their prevailing resource use strategies.

Sustainability.

It is necessary and urgent to safeguard the nature and culture in the territories of the pueblos indígenas. Legislation will promote the recognition of the rights of the pueblos and indigenous communities to receive the due compensation, when the State's exploitation of natural resources causes damages to their habitat which may endanger their cultural survival. In the cases where damage has already occurred and the pueblos demonstrate that the compensation given does not permit their cultural survival, the establishment of review mechanisms will be promoted to allow the State and the affected people to analyze the specific cases jointly. In both cases the compensatory mechanisms will seek to assure the sustainable development of the pueblos and indigenous communities.

In the same manner, in joint accordance with the pueblos indígenas, rehabilitation activities of those territories will be launched, as well as support for their initiatives to create the conditions that may assure the sustainability of their livelihoods and production practices.

Consultation and Accord.

Pueblos indígenas should be consulted about the policies, laws, programs, and publications that relate to them. The State should promote the integrity and compatibility of all the institutions and levels of government that influence the life of the pueblos indígenas, avoiding practices that may fragment public policies. To insure that their action corresponds to the distinct characteristics of the various pueblos indígenas, and to avoid the imposition of uniform policies and programs, the participation [of pueblos indígenas] in all the phases of public action, including conception, planning, and evaluation must be guaranteed.

Similarly, there should be a gradual and orderly transference of powers, obligations and resources to the municipalities and communities so that, with their participation, they can distribute the public funds allocated to them. In terms of resources,

where they exist, they could be transferred to the forms of organization and association that are addressed in point 5.2 of the document of "Joint Pronouncements." [Document One of the San Andrés Accords - eds.]

Since public policies in indigenous areas should not only be designed by the pueblos themselves, but also implemented by them, the current indigenista and social development institutions that operate there must be transformed into others that would be designed and operated by the pueblos indígenas themselves, jointly and in concert with the State.

Strengthening of the Federal System and Democratic Decentralization.

The new relationship with the pueblos indígenas encompasses a process of decentralization of the duties, powers, and resources of the federal and state authorities to the municipal governments, in the spirit of point 5.2 of the document "Joint Pronouncements," so that with the active participation of the indigenous communities and the population in general, they may assume those initiatives.

V. Constitutional and Legal Reforms

1. The establishment of a new relationship between the pueblos indígenas and the State has, as a necessary point of departure, the creation of a new legal framework at the national level as well as in the states. The constitutional reforms that would recognize the rights of the pueblos indígenas must be achieved through a creative legislative spirit, that produces new policies and gives real solutions to social problems. To that effect, we propose that these reforms must contain, among others, the following general aspects:

a) To legislate for the autonomy of the indigenous communities and pueblos indígenas to include the recognition of the communities as entities with public rights; their right to associate freely with municipalities that are predominantly indigenous; and also the right of various municipalities to form associations for the purpose of coordinating their actions as pueblos indígenas.

b) To legislate in order to "guarantee the protection of the integrity of the lands belonging to indigenous groups," taking into consideration the particularities of the pueblos indígenas and communities under the concept of territorial integrity contained in Covenant 169 of the International Labor Organization, as well as establishing the procedures and mechanisms for the regularization of the various forms of indigenous property rights and for the promotion of cultural cohesion. *

c) In terms of natural resource issues, to regulate an order of preference that gives priority to the indigenous communities in the granting of concessions in order to reap the benefits of the exploitation and use of natural resources.

d) To legislate about the rights of the indigenous people, men and women, to have representatives in the legislative bodies, particularly in the Congress of the Union and in the local congresses; incorporating new criteria for determining the electoral districts that would correspond to the communities and pueblos indígenas, and would permit elections in accordance with legislation on that matter.

e) To legislate about the rights of the pueblos indígenas to elect their own authorities and to exercise authority according to their own internal norms in their autonomous spheres, guaranteeing the participation of women on equitable terms.

f) In the content of the legislation, to take into consideration the multicultural nature of the Mexican Nation that would reflect an intercultural dialogue, with common standards for all Mexicans and with respect for the internal normative systems of the pueblos indígenas.

g) In the Constitution, to insure the obligation to not discriminate on the basis of racial or ethnic origin, language, sex, beliefs or social condition, thus, making possible the designation of discrimination as a crime.

The rights of the pueblos indígenas to the protection of their sacred sites and ceremonial centers, and the use of plants and animals that are considered sacred for strictly ritual use must also be insured.

h) To legislate so that no form of coercion may be exercised against the individual guarantees and the specific rights and freedoms of the pueblos indígenas.

i) To legislate about the rights of the pueblos indígenas to the free exercise and development of their cultures and their access to the communications media.

Original translation by Rosalva Bermudez-Ballin. This version was translated by Lynn Stephen and Jonathan Fox. The first translation was circulated by Accion Zapatista de Austin, January 14, 1998 and is accessible on http://flag.blackened.net/revolt/mexico/ezln/san_andres.html.



Declaration: "Never Again a Mexico Without Us"

The representatives of indigenous peoples and organizations gathered together in the National Indigenous Congress from the 8th through the 12th of October of 1996 in Mexico City do solemnly proclaim the following declaration:

CONSIDERING: The history of discrimination and exploitation that we the Indian peoples have suffered for 504 years, during which time our capacity to conduct our own destiny has been discounted.

REAFFIRMING: The continual indigenous resistance that has manifested itself during the past twenty years as a wave of movements to respond vigorously to these conditions and to the multiple attempts at co-optation on the part of the government.

NOTING: That while some sectors of society are offering increasing solidarity to these movements, other sectors continue to maintain attitudes of discrimination and exclusion.

DENOUNCING: That the response of the government to our legitimate mobilization has been the militarization of almost all of the indigenous and rural regions of the country, persecution of indigenous organizations and leaders, deceit, lies, and pompous threats.

WE DECLARE:

That we honor today, as always, those who made us peoples and who have allowed us, against everything and against all, to maintain our self determination. That we honor those who taught us how to keep being who we are and to maintain our hope for liberty.

That in their name, we speak today to say to all of our brothers and sisters in the country that was built in our territories and which nourished itself from our cultures, to tell you that we have come to make, together with them, a new homeland [patria]. That homeland that has never truly been one because it wanted to exist without us.

That we have stood up. We are standing in struggle. We come with our minds made up to face everything, even death. But we do not bring war drums, we bring flags of peace. We want to unite ourselves as brethren with all of the men and women who in recognizing us, recognize their own roots.

That we will not give up our autonomy. By defending it, we are defending the autonomy of all of the neighborhoods, all of the peoples, all of the groups and communities who, like us, also want the freedom to determine their own destiny and together with them we shall will make a country that has not been able realize its potential greatness. A country that a small, greedy group of people continues to bury in shame, misery, and violence.

Because of this,

WE DEMAND:

FIRST: Constitutional legal recognition of our full existence as peoples and our inalienable right to self determination expressed as autonomy within the framework of the Mexican State.

SECOND: Constitutional recognition of our ancestral lands and territories that represent the totality of the habitat where we reproduce our material and spiritual existence as peoples.

THIRD: The recognition of our indigenous normative systems in the building of a pluralist legal system which harmonizes the diverse practices and conceptions for regulating the social order, conceptions and practices of Mexican society.

FOURTH: The recognition of our differences and our capacity to govern ourselves according to our own vision in which autonomy and democracy are expressed as the power of the people.

FIFTH: In general, the recognition of all of our social, political, and cultural rights for the affirmation, flowering, and endurance of our communities and peoples.

SIXTH: The immediate and complete compliance with the Accords from Session One on Indigenous Rights and Culture of the Dialogues of San Andrés Sakamch'en de los Pobres, Chiapas, which constitute a first step already achieved by indigenous peoples, as well as the immediate and complete compliance with the accords of this Congress and the immediate constitution of the Monitoring and Verification Committee [of the San Andrés Accords].



Photo by Lynn Stephen

An army convoy passes through the autonomous municipality of Polho. Daily patrols are common in many indigenous communities in the Zapatista zone of influence. Throughout Mexico in the 1990s, indigenous zones have become increasingly militarized.

SEVENTH: The demilitarization of the indigenous zones of the country, an end to the harassment of indigenous organizations, social movements and their leaders, the freedom of political prisoners and indigenous people unjustly detained, particularly those in prison who are alleged to be Zapatistas.

WE PROPOSE:

I. To participate in the construction of a new social pact based in the recognition of our plurality, the diversity of our cultures and the richness of our differences.

II. To advance towards a new Constitution that with the effective participation of all will produce an inclusive and plural national project.

III. To carry out reforms to the existing Constitution, the laws, and institutions in order to create the political spaces that will channel our transition to democracy and stimulate an authentic national dialogue until we achieve a truly democratic Constitutional Congress.

IV. To guide our struggle with a continuous and tireless will to transform ourselves peacefully and to conquer day after day a peace with justice and dignity, a peace with democracy and liberty.

VI. To intensify our struggle for the satisfaction of our outstanding demands, particularly for the recognition of regional levels of autonomy, the reforms to Article 27 [the Constitution's revised agrarian provision - eds.] that will guarantee respect for the land and territory of indigenous peoples, and recognition of legal pluralism, among others.

In order to achieve these grand objectives, we call on all of our indigenous brothers and sisters, all of the peoples, communities, and organizations, to the entire national indigenous movement to keep our hearts united, to strengthen the unity of the national indigenous movement and thus to nourish our struggle with hope and our future with peace. We shall develop a program of struggle, of unity, of resistance, of reconstruction, of transformation of our society. At the same time we make a fraternal call for a Grand Dialogue with Civil Society to search together for the transformation of Mexico into a more just, humane, and democratic society. Today we say:

NEVER AGAIN A MEXICO WITHOUT US.
NEVER AGAIN AN INDIAN AGAINST HIS BROTHER
NEVER AGAIN A PEOPLE WITHOUT HOPE.

PROCLAIMED IN MEXICO CITY, OCTOBER 11, 1996

Translation by Lynn Stephen



Indigenous Autonomy and the Strengthening of National Sovereignty and Identity

*By María Magdalena Gómez Rivera**

The Zapatista Army of National Liberation made indigenous autonomy a national issue. Autonomy burst onto a national scene that was historically marked by the absence and exclusion of the indigenous peoples from all arenas, beginning with the constitution, according to the idealized vision of National Identity and Unity that presupposes cultural homogeneity. History tells of numerous rebellions and acts of resistance which have rejected this State policy and its corresponding legal order, which by attacking the existence of these social collectivities has provoked diverse forms of ethnocide.

The Zapatista watershed highlighted the need to rethink the national question through a multicultural lens and to abandon the traditional approach, which has defined the indigenous world as a "problem" that is separate from process of transition to democracy and the reform of the State.

To address the relationship between indigenous autonomy and the strengthening of national identity and sovereignty from a legal perspective, I will review the context for the constitutional reform proposal currently at the center of a national debate which is pressuring the country's political forces as never before. Neither the Federal government nor any of the states can ignore this issue, and at the same time claim with any legitimacy that it is offering viable responses to the nation as a whole.

The Indigenous Peoples, the State and the Law

The nation-state and the constitutional order were conceived and organized around the principle of legal equality, which ignores diversity in order to promote the ideal of homogeneity.¹ The corresponding State policy was based on the promotion of integration and assimilation. During the 1950s, the indigenous policy goal was to promote the substitution of the indigenous peoples' basic cultural traits for those considered "national," and this approach continued with some nuances and variations for almost two decades. This offensive paternalism justified by the goal of redeeming the indigenous by "civilizing them."²

This legal and constitutional vacuum began to be filled with the 1990 ratification of the Convention 169 of the International Labor Organization and the reform of the first paragraph of the 4th Article of the constitution on January 29, 1992. Although this reform recognized the multicultural character of the Mexican Nation, it relegates the protection and promotion of the "development of their languages, cultures,

traditions [usos y costumbres], resources and specific forms of social organization" to the level of laws [a lower order than the constitution - eds.]. In the process it takes away the force of other, unmentioned rights that would require direct recognition in the Constitution, such as the right to autonomy, political rights, and rights relating to internal systems of conflict regulation, among others.

At the constitutional level, the VII fraction of the new Article 27 [the agrarian reform provision, changed by Salinas - eds.] indicates that "the law will protect the integrity of the indigenous groups' lands," and the agrarian law declared in its Article 106 in the chapter on the [agrarian] community that "the lands corresponding to indigenous groups should be protected by the authorities, in the terms of the implementing law for Article 4 [which was supposed to follow up on the Salinas era indigenous reform - eds.] and its second paragraph of the VII fraction of the Article 27 of the constitution." It turns out that this law does not exist. Meanwhile, until very recently criminal cases involving indigenous people were handled in a language that they do not understand and dealt with issues that are often understood differently in their community. Now the legal process allows for the possibility of a translator or a cultural assessment, though in practice they are often not available.

Indigenous Autonomy and Sovereignty

Over the last two years, our country has experienced its broadest debate over indigenous rights and their constitutional recognition. The Indigenous Peoples' fundamental demands and the wealth of proposals that emerged process of negotiation between the Zapatista National Liberation Army and the Federal government raise a wide range of issues, framing indigenous rights in terms of a deep reform of the State. The parties agreed to an unprecedented process, one which encouraged the participation and influence of many sectors in addition to the direct participants in the peace talks.³

One of the main obstacles to the complex process of dialogue in Chiapas has been the delayed compliance with the February 16, 1996 Indigenous Rights and Culture agreements, which made the commitment to promote a constitutional reform that would recognize and guarantee indigenous rights and demands. The national indigenous movement and the EZLN back the accords, but the federal government's attitude has been erratic, eventually questioning the constitutional reform proposal that was prepared by the [multiparty congressional] Peace and Concord Commission (COCOPA). The

COCOPA proposal was supported by the EZLN, but the federal government unexpectedly prepared a counter-proposal, which was rejected by both the EZLN and the indigenous movement. Then, on March 15, 1998, the federal government unilaterally presented a constitutional reform proposal that differs from what was signed. For example, it recognizes the "indigenous community" rather than the "indigenous people" and subordinates their access to and use of natural resources to Article 27 of the Constitution [the agrarian provisions revised in 1992 - eds].

The COCOPA proposal would modify various articles, principally 4 and 115. The first one specifies a series of concrete rights for a new legal subject called "Indigenous people," focusing on autonomy and corresponding to elements of indigenous peoples' culture:

- a) to exercise the right to develop their specific forms of social, cultural, political and economic organization;
- b) to recognize their internal legal systems for regulations and sanctions, as long as they do not conflict with individual guarantees and human rights, especially those of women
- c) to gain access to the State jurisdiction in better ways;
- d) to gain collective access to the use and enjoyment of natural resources, except for those whose control belongs to the nation;
- e) to promote the development of the diverse components of their identity and cultural heritage;
- f) to interact with the different levels of political representation, of government and the administration of justice;
- g) to join together their peoples' communities, or those of other peoples, to coordinate actions to best use their resources, to promote regional development projects, and more generally, to promote and defend their interests;
- h) to freely designate their representatives, at the community level as well as in municipal government, in accordance with each people's traditions;
- i) to promote and develop their languages and cultures, as well as their political, social, economic, religious and cultural customs and traditions.

Just as indigenous peoples' have been translating their demands into legal principles, the government has been producing a list of defenses that, in the name of so-called national unity and sovereignty, and has become increasingly reluctant to accept the need to change the legal order and to accept multiculturalism as a basic principle. No doubt there is a great deal of ignorance, prejudice and discrimination behind the official positions, but above all there is an awareness that the commitment to recognize the legal rights and the constitutional autonomy of indigenous peoples to make decisions about the basic issues that affect their lives would contradict their neoliberal and globalizing aspirations.

One of the arguments most often heard against the COCOPA proposal is that it could weaken the integrity of the State, the unity of the Nation, its sovereignty and even, it is said, could provoke its balkanization. Recall that the concept of

sovereignty in its traditional, classic sense refers to external sovereignty, in relations with other countries. These issues must be addressed in the appropriate context, however; both the Convention 169 of the ILO and the San Andrés Agreements presuppose the insertion of new rights within the framework of the nation-state, creating space for the concept of multiculturalism. This involves recognizing that, in addition to the rights of individuals, there also exist collective rights that relate to a new legal entity called Indigenous People(s). The concepts used in these two documents — territory and self-determination — generate mistaken impressions. Once one clarifies that these terms refer to internal public law rather than to international law, the legal implications are substantially different.

Some claim that indigenous autonomy would provoke the balkanization of the country, yet this refers to the fragmentation of certain continental entities into politically separate units. This process has been closely related to decolonization, whose effects in terms of creating new and fragile small states has given way to other processes of domination by powers that intervene in states that are formally free but economically dependent. In the case of Latin America, and in our country in particular, indigenous peoples have not proposed any intention of separating themselves from nation-states. What they demand is recognition of their historic rights as peoples. They demand that our nations reflect cultural diversity understood in the broadest sense, where culture includes forms of social, economic and political organization, as well as different values, cosmologies, and relations with nature and systems for the administration of justice.

The federal government's response to these demands has been to misrepresent the indigenous proposals in the name of legal technicalities, insisting on precision about the specific effects of the possible impacts of the proposed constitutional reform. Let's not forget that the indigenous peoples demand autonomy over what the concept implies, which means that they want the right to make decisions about issues that are fundamental to their culture but are still today decided by others and often in violation of their interests. It is not enough for the reform to use the term autonomy if it is left as an empty shell, or to use the term territory, if it does not regulate indigenous property in terms of habitat rather than mere land tenancy. The fine-tuning in the name of legal technicalities does not take into account the basic principles of constitutional supremacy and equality among constitutional principles — they speak of harmonizing constitutional principles when this task should be dealt with in the implementing legislation.

Centralism as a State Policy and Federalism as a Constitutional Project

One of the claims most often emphasized as the great threat posed by the indigenous constitutional reform proposal is the interpretation that it could rupture national unity and sovereignty. Few have analyzed the need for the indigenous

reform to advance together with the strengthening of federalism, understood in its deep constitutional sense. Federalism was the result of passionate battles in 19th century Mexico, and continues to be unfinished business in terms of achieving an authentic State of Law. The concerns which are so widely cited in the name of the nation reflect the fear that society would take seriously the practice of the federal constitutional system, exercising the states' internal sovereignty and raising the old demand for strengthening the powers of the municipality.

As in so many ways, when indigenous demands are minimized and trivialized, there is a clear tendency to ignore history. Let's read Benito Juárez [then governor of Oaxaca, later elected as the first indigenous president of Mexico in the 1861- eds.]:

"Since before the establishment of the federal system, the pueblos of this state [of Oaxaca] have, by themselves, been accustomed to democratically electing their officials, who as mayors and councilors took care of the police, the maintenance of peace and the administration of communal funds. This beneficial custom was bolstered by the federal system, which gave the pueblos the power to elect the members of their town councils and republics, and specified the rights and obligations of these bodies. For this reason, the republican system, representative, popular and federal, was well received by the communities of the state, while the centralized system, which abolished those bodies, provoked a universal rejection that contributed to the fall of such a destructive system. Once the federation was reestablished, the pueblos have recovered not only their town councils and republics, but also the right to elect them according to their ancient customs. Local municipal administration, organized this way, expedites rather than obstructs the general administration of the state."

This is why the framework of constitutional federalism creates space for convergence with the multicultural identity of the nation. Although, as noted above, the consensus reached in the San Andrés agreements does not imply the territorialization of autonomy, the Constitution gives the Congress the right to "admit new states to the Federal Union (art. 73, fr. I), form new states within the boundaries of the existing ones, for which requirements will be established (art. 73, fr. III), to define the boundaries between the states and to resolve any conflicts over the demarcations of their respective territories."⁵ We also find that the state constitutions establish the possibility and the procedures for remunicipalization [redrawing municipal jurisdictions - eds]. So we might well ask if, from the official point of view, is it anti-constitutional to request the application of the Constitution?

At the same time, in the process of seeking real federalism, one might suggest the review of the division of powers, so that those states with a strong multicultural component could promote locally appropriate reforms. For example, some state constitutions have been reformed to include, with all its lim-

itations, the spirit and almost the text of the first paragraph of Art. Four of the Constitution, as in the cases of the state of Mexico, Nayarit, San Luis Potosi, Sonora and Veracruz. The constitutions of Chiapas, Hidalgo, Oaxaca and Querétaro carried out similar reforms, though before the formalization of the reform of Art. Four of the Constitution — under the influence of the debate, a process that took three years. On the other hand, three states have gone beyond the mere declaration of multiculturality and include concepts whose constitutionality is questionable [in the absence of federal reform]. The first such reform was in Chihuahua in 1993, the second was in Campeche in 1996 and the most recent was in Oaxaca in 1998. The first two recognized rights involving territory, natural resources and normative systems, issues of federal jurisdiction, and the third one also speaks of autonomy and self-determination. Yet the state constitutions and laws are not supposed to contradict the Federal Constitution.

Oaxaca's reform is the most complete, and is the only one that was preceded by a serious process of consultation, and even so it is not free from gaps and contradictions. The most serious is that it is being used explicitly as the best model to follow to avoid reforming the federal constitution. Now the governor of Chiapas is trying to present his version, without indigenous participation.

From the Reason of State to State Policy towards Indigenous Peoples

The growing indigenous mobilizations in regions that bring together extreme poverty and social and political exclusion are generating a serious and growing tendency in the State to frame the indigenous issue in terms of national security. Instead of strengthening the rule of law and governability with the broadening of the constitutional framework to permit the direct participation of these peoples in the design and implementation of national policies, we see a growing militarization. Taking indigenous rights seriously would certainly produce important changes in both the legal order and the political life. The issue is whether they will have channels for dialogue and representation at different levels. In the period after a constitutional reform, an orderly and organized process would be needed to review federal and state legislation. Such a reform would demand a rethinking of public policy. This kind of legal framework would permit, for example, a change in the policy approach used to deal with the extreme poverty that affects indigenous peoples. Other countries are trying approaches like the use of compensatory fiscal policies to deal with lagging regions (as in Colombia) or the integration of a national indigenous council that defines a package of priority projects and negotiates them with the federal government (as in Ecuador). This council plans, administers, and implements the approved projects autonomously, the autonomy does not exclude state regulatory mechanisms. By this logic, the Seris, in our country, would be legally authorized to oversee Tiburon island, to assign fishing permits and collect fees that would permit them to finance development or marketing projects. There is also the case of the Mayans who

demand the right to practice their rituals in their sacred ancestral sites, and to receive the income generated from fees charged tourists to visit historic and archaeological monuments. Why not take the initiative to create joint trust funds that would guarantee their conservation and restoration, and at the same time include representatives of these peoples in their management? Why not let the resources that come from tourism, or some share of them, finance a Mayan regional development project? Why not let indigenous peoples affected by investment megaprojects participate in their negotiation, as in the case of the Isthmus of Tehuantepec?

If we know that the political parties' approaches are not in sync with indigenous peoples' cultures, then why not create means through which they could gain political representation in different ways, through different channels? We have the example of Oaxaca, whose electoral reform [permitting non-partisan indigenous self-governance at the municipal level - eds.] is becoming a key factor for governability? These and other legal, institutional and policy reforms require the constitutional breakthrough. The examples mentioned suggest that the inclusion of indigenous peoples in the national process is feasible, that the reform of the State should include them, and the insofar as there is progress towards an authentic federalism, our country will follow the path towards unity in diversity.

Towards a Sovereign State with a Multicultural Identity

Since the reconstitution of the State is now on the agenda, and that requires change in the constitution, as the body of principles that reflects basic rights and that structures the multicultural nation. It makes sense to speak of Indigenous Autonomy in constitutional terms, of core principles; it does not make sense to reduce it to the right to get married in a particular way, or to resolve lesser conflicts at the community level, like the theft of a hen. The great challenge is that we must question concepts and principles that are at the core of our dominant constitutional culture. How can we recognize the self-determination for collective subjects called indigenous peoples, whose members are citizens like everyone else, while at the same time recognizing their collective rights related identity, or to their forms of political participation, without culturally-derived legal pluralism? How can we strengthen the federal pact by including indigenous peoples?

Facing the challenges of globalization, the sovereignty of the State should accept all the implications of national identity. Compliance with international human rights standards is increasingly seen as a reference point for legitimacy for international agencies. Moreover, violations of international norms could legitimately justify international sanctions in other fields or sectors. The reform now on the agenda would promote a strong state to guarantee the citizens and the indigenous peoples the exercise of their rights in the face of political and economic hegemonic interests, nationally and internationally.

Notes:

1) See Bartolome Clavero, *Derecho Indígena y Cultura Constitucional*, Mexico City: Siglo XXI, 1994

2) Guillermo Bonfil, "Las culturas indias como proyecto civilizatorio," *Nuevos Enfoques para el Estudio de la Etnias Indígenas en Mexico*, Mexico City: UNAM/Porrúa, 1991

3) This negotiation is based on the Law of Dialogue and Conciliation, passed by the Congress in March, 1995. The parties agreed to define an agenda to address the causes of the armed conflict and to define issues related the Indigenous Rights and Culture, Democracy and Justice, Welfare and Development, Indigenous Women, and Reconciliation and Distension. Each issue was to be addressed in successive rounds of negotiation.

4) Speech to the Sovereign Congress of Oaxaca, July 2, 1848 ("Exposición del Gobernador; Lic. Don Benito Juárez, al soberano Congreso de Oaxaca al abrir sus sesiones. Julio 2 de 1848" Jorge L. Tamayo, ed., Benito Juárez, documentos, discursos y correspondencia, Vol. 1, Mexico City: Editorial Libros de México, 1972, p. 582.

5) These powers have their antecedents in the federal constitutions of 1824 and 1857.

6) For further discussion of the limits of state level reforms, see Magdalena Gómez, "La reforma intravenosa," *Ojarasca*, No. 19, monthly supplement published by La Jornada, November, 1998 (see: [www.http://serpiente.dgsca.unam.mx/jornada/1998/nov98/981110/oja-reforma.html](http://serpiente.dgsca.unam.mx/jornada/1998/nov98/981110/oja-reforma.html))

7) See Magdalena Gómez, ed., *Libro Derecho Indígena*, Mexico City: AMNU/INI, 1997

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Translation by Jonathan Fox



Indigenous Peoples and Autonomy in Mexico

By Francisco López Bárcenas¹

Introduction

The Zapatista rebellion opened the door for indigenous Mexicans to reach the national agenda, demanding the recognition of peoples and their collective rights, concretely expressing their self-determination through autonomy. This unleashed such a debate that since February, 1996 — when the San Andrés Accords on Indigenous Rights and Culture were signed by the EZLN and the federal government — at least eleven reform projects have been proposed to recognize these demands in the Federal Constitution.²

In spite of the diversity of proposals, the debate centers on the proposal from the [congressional] Commission for Pacification and Concord (COCOPA) on the one hand, which the national indigenous movements has made its own, and the EZLN has accepted, and on the other hand, the President's initiative, sent to Congress on March 15. This violated what was agreed to in San Andrés, which was to send a proposal developed jointly with the insurgent army. This essay will discuss these proposals' scopes and their differences.

The COCOPA's Reform Proposal

By agreement of the parties, in November of 1996 the COCOPA presented a constitutional reform proposal, based on the San Andrés Accords.³

This proposal recognizes indigenous peoples as collective subjects with rights and their right to self-determination expressed in a regime of autonomy. It therefore recognizes a series of rights involving politics, economics, access to and administration of justice and the protection of indigenous migrants.

In terms of politics, it recognizes the right of peoples to elected authorities and forms of internal governance according to their own norms, guaranteeing the equal participation of women, as well as the right to strengthen their political participation in the different branches of the State, in accordance with their cultural specificities. This right will affect the levels and jurisdictions appropriate to the interested parties, and could include one or more indigenous peoples, depending on the specific conditions of each state.

Along the same lines, it recognizes communities as subjects of public rights [sujetos de derecho público] and they would, just as the municipalities with the indigenous population, have the power to freely associate with each other in order to coor-

dinate their actions. It also establishes the commitment by the State authorities that deal with indigenous affairs to carry out a gradual and orderly transfer of economic resources to the communities and peoples, to be managed by themselves. The state legislatures would determine the responsibilities to be transferred. The proposal also establishes the right to remunicipalization, to reorient local governments to take into account the geographic and cultural locations of the pueblos themselves.

In terms of economics, the proposal recognizes indigenous peoples' rights to collective use of natural resources in their lands and territories, providing a constitutional guarantee to the equitable access and distribution of the nation's wealth.

The proposal also establishes new norms for both access to and the administration of justice. For the first time it recognizes the right of indigenous peoples to "apply their normative systems for the regulation and solution of conflicts within their communities, respecting individual guarantees, human rights and in particular, the dignity and integrity of women." Conflicts resolved in this way would only need recognition by the State's jurisdictional authorities to be considered cases closed. On the other hand, to ensure justice from governmental authorities, it establishes that "in all trials and proceedings that involve the indigenous, as individuals or collectively, their legal practices and cultural characteristics be taken into account, respecting the precepts of the Constitution," and incorporating the right of those involved to always have access to translators that understand their language and their culture.

In terms of culture, the proposal establishes the right of indigenous peoples to preserve and enrich their languages, knowledge and all the elements that make up their culture and identity. This includes recognition of the right to acquire, operate and manage their own communications media. In the field of education, the parties established the obligation of the federal, state and municipal authorities to consult the indigenous peoples involved to define and develop regionally-appropriate educational programs that would necessarily include indigenous cultures.

The San Andrés Accords also addresses the rights of indigenous migrants. Their inclusion refers to the State's obligation to promote specific programs for their protection, both within the national territory and abroad.

The Governmental Reform Initiative

The federal government rejected the COCOPA proposal from the beginning. Once it was made public that the EZLN had accepted it, the government asked for time to analyze it.

By December 20 of 1996 the government presented what it called several objections, which in reality was a counter-proposal, and by the beginning of 1997 the EZLN considered it unacceptable.⁴

The political atmosphere grew tense and remained so all year, while the repression and harassment of indigenous peoples worsened, leading to the Acteal massacre in Chiapas. On February 2, 1998 the federal government "reduced" its observations but in effect maintained the same fundamental objections. Since the federal government did not gain sufficient consensus to move their proposal forward, on March 15, 1998 it presented a constitutional reform proposal to congress unilaterally. This backtracked from what was agreed to at San Andrés, contradicted the COCOPA proposal, interfered with the peace process and left the country on the edge of war.

The first discrepancy involves the subject that has the rights. Although the President's initiative accepts that "the Mexican nation has a multicultural composition, originally based on its indigenous peoples," this reference is immediately followed by the proposition that those who have the right to self-determination, expressed concretely through autonomy, are the indigenous communities.⁵

The effect is to recognize that indigenous peoples exist, but they do not have rights, because rights are granted only to the communities where they live.

Another discrepancy between the federal government's initiative and the COCOPA proposal and the San Andrés Accords involves indigenous peoples' rights to natural resources. The government not only denies this right, but does so with little legal skill. It proposes that the fraction V of Article 4 of the Constitution allow indigenous communities "in accordance with the forms and modalities of property outlined in Article 27 of this Constitution, collective access to use of natural resources, except those whose direct control belongs to the Nation." With this wording [referring to the Salinas era changes in Article 27, the agrarian provision - eds.], the government rejects the San Andrés Accord's principle that establishes indigenous peoples' collective rights to natural resource use in their lands and territories, a principle correctly reflected in the COCOPA proposal. Moreover, when the government proposes that this right would be exercised in accordance with the forms of property outlined in the Constitution, it attempts to guarantee a right already established, yet which also violates

a principle that the government already accepted by signing Convention 169 of the ILO, above all because Federal Constitution makes treaties part of Mexican legislation.

The right to access to the communications media raises a similar issue, when the government proposes that the indigenous communities have the right to "acquire, operate and manage their own communications media, according to the terms established by [existing] law." This last phrase is unnecessary

because it is well-known that the Constitution only establishes rights that are later operationalized by laws, though by referring here to the current laws the right becomes empty because the current law requires that all broadcasts be in Spanish. Any broadcast in other languages must be made first in Spanish, and then only followed by translation into indigenous languages, and then only with Ministry of the Interior authorization. The reform of the Constitution would avoid subjecting this issue to a secondary law.

In terms of education, the presidential initiative proposes that the Constitution say that "the Federal Executive, in consultation with the indigenous communities, will define and develop educational programs with regional content that will recognize the cultural legacy of the indigenous pueblos." Here the federal executive appropriates the exclusive right to define the general content of educational programs and only concedes to communities the right to be consulted about the incorporation of regional content, without guaranteeing its inclusion. Here the government takes several steps backwards compared to the reforms of the General Law of Education that were introduced when the current President was Minister of Education, as well as compared to the Convention 169 of the ILO.

In reference to indigenous peoples' access to the national wealth, the government's initiative proposes to add a paragraph to Article 26 of the Constitution, to affirm that "the corresponding legislation will establish the mechanisms in which the development plans and programs would take into account the needs and cultural characteristics of the indigenous pueblos and communities. It will also promote equality of opportunity so that indigenous peoples, based on their own efforts, would have equitable access to the distribution of the national wealth." This proposition does not mention any rights, but rather principles and does not specify how they might be applied. In the first place it relegates to secondary laws what

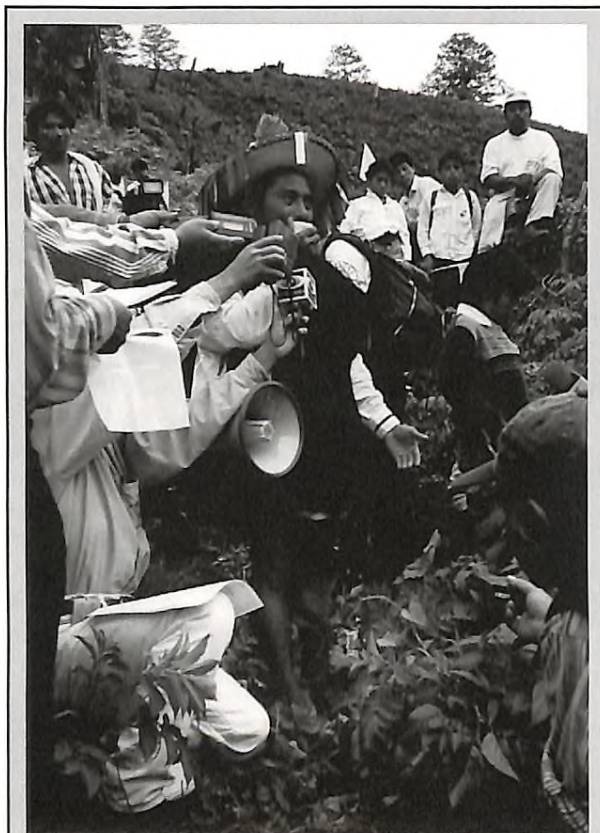


Photo by P. Arriaga

Tzotzil indigenous leader denouncing paramilitaries blocking the return of the displaced in Majomut, Chenalho, Chiapas.

should be a guarantee, and second, the eventual right which might be established would consist of taking the communities into account. It also suggests that it will promote equality of opportunities so that the indigenous people, all by themselves, would gain access to the nation's wealth, not as an integral part of the national State. Needless to say, as long as the current economic model remains unchanged, these statements will never be more than mere wishes, good for the government's image but not for resolving the indigenous peoples' problems.

From the Center to the Periphery

Shortly after the President presented his reform initiative to the Congress, it became clear that it lacked sufficient support to be approved. Once the government realized this, it changed tactics and sent "invitations" to the ministers of government in Mexico's states to introduce indigenous rights reforms in their state constitutions, along the lines of the president's initiative. They sought to disperse the indigenous movement and to establish the limits to any recognition of indigenous rights in local legislation, so that when the conditions shifted to permit a reopening of the discussion in Congress, it would be kept within the boundaries already drawn by the constitutions of the States. Following this approach, the states of Veracruz, Nayarit, Michoacán and Quintana Roo have reformed their constitutions, and indigenous rights laws have been changed or approved in Quintana Roo and Campeche, followed by similar processes in Veracruz, San Luis Potosí and Chihuahua. This legal fence is part of the government's war against indigenous peoples, to avoid recognizing their rights. Oaxaca is a different case; there the reforms crossed the line set by the federal government, though they still fell short of indigenous demands.

This panorama should not prevent Mexico's indigenous peoples, with the strong support of national and international civil society, from continuing to hold high the banner of hope of one day gaining access to a State that is democratic, plural and governed by the rule of law. This is clearly part of a long and difficult process, but the decision to win among indigenous pueblos is stronger than the obstacles.

Notes:

1) *Mixteco lawyer; member of the National Indigenous Congress*

2) *These proposals have come from:*

a) *The National Indigenous Institute*

b) *The National Indigenous Assembly for Autonomy*

c) *One that is generally known as "San Andrés," which refers to the Chiapas municipality where the first accords between the Federal government and the EZLN were signed, without a clear definition of who wrote it.*

d) *One that the Ministry of the Interior "leaked" during the first meeting of the National Indigenous Congress in October, 1996.*

e) *A proposal of the National Indigenous Congress, commissioned during its first assembly and approved in the community of Milpa Alta in November, 1996. It was later set aside in order to support the COCOPA [congressional peace commis-*

sion] proposal, as a goodwill gesture to support the Chiapas peace process.

f) *The COCOPA proposal of November, 1996.*

g) *The Federal government's counterproposal to COCOPA's, after the EZLN had accepted it.*

h) *Another proposal appeared in the weekly journal Proceso (No. 1112), without author but attributed to the Ministry of the Interior.*

i) *The constitutional reform initiative about Indigenous Rights and Culture, presented to congress by the National Action Party [PAN] on March 15, 1998.*

j) *The constitutional reform initiative about Indigenous Rights and Culture, sent to congress by the President of the Republic, March 15, 1998.*

k) *The constitutional reform initiative about Indigenous Rights and Culture, presented to Congress by the Ecological Green Party of México, March 28, 1998.*

3) *For a broader analysis of the COCOPA constitutional reform proposal, see Francisco López Bárcenas, "La Reforma Constitucional en Materia de Derechos Indígenas: Los Discursos y los Hechos," La Guillotina, No. 37, México, spring, 1997. See also Alegatos, No. 36, Departamento de Derecho de la División de Ciencias Sociales y Humanidades de la Universidad Autónoma Metropolitana, Azcapotzalco, México, 1997*

4) *EZLN: Documentos y Comunicados, Tomo 3 (Mexico City: Era, 1997, pp. 419-426*

5) *"Iniciativa Presidencial Sobre Derechos y Culturas Indígenas," El Nacional, Suplemento Especial, March 16, 1998. All the references to this text come from this source*

Translation by Jonathan Fox



Indigenous Rights and the Democratic Reform of the State

*By Pablo Enrique Yanes Rizo**

To promote a deep transformation of the State, as well as the social, political, cultural and economic relations with indigenous peoples, to satisfy their demands for justice" is the first joint government-EZLN proposal in the San Andrés Accords. One of the key consequences of the recognition of indigenous peoples as collective legal entities is the need for a multicultural reform of the State.

The recognition of indigenous rights, the leitmotif of the San Andrés Accords, is in essence the recognition of the peoples' rights to exercise power in different ways and levels. This involves the construction of a social pact that breaks their political exclusion and which permits the peoples to participate in decision-making processes from the community to the national level.

That's why the resistance to the recognition of indigenous rights is so tenacious; there is opposition to a process of redistribution of power that would permit their reconstitution as peoples — their social and political rearticulation, consolidation and revalidation, which would break the archaic forms of State domination and would even contest the big business expansion into the natural resources in indigenous regions.

The depth of the indigenous demand comes from being a social movement whose logic cannot be digested by the old mechanisms of State co-optation and assimilation, because it presupposes the reform of the State itself. Such a reform cannot simply add indigenous rights on to an ethnocentric, monocultural, homogenizing State apparatus, but instead requires a transformation of the State as a whole, including its legal order. For that reason, indigenous rights are, above all, political rights, and their expression requires fundamental constitutional guarantees.

When the agenda of Mexico's transition to democracy seemed closed, the indigenous movement, catapulted by the Zapatista uprising, made the multicultural nature of the country visible and showed that the construction of a democratic order in Mexico also required indigenous peoples' rights. That is, it is not enough to have clean elections, a division of powers, and alternating governments, democracy also requires autonomy for its peoples as much as for its citizens — a democratic order with cultural pluralism. This pluralism is not limited to options within a single cultural framework, but rather should accept diverse frameworks, the shared platform of coexistence based on mutual respect and the construction of mechanisms for cross-cultural dialogue.

We are facing one of the Mexican state's most important structural challenges of this century. The indigenous peoples, in spite of huge obstacles, have managed to convert themselves into a new political actor in the country, and at this point the reform of the State, governability, and political stability are unthinkable with fundamentally resolving their demands. Those who think that the indigenous issue is temporary and is only related to the Zapatista uprising are fooling themselves. On the contrary, it is a structural issue and one of national interest.

Against this backdrop, the Mexican government's National Indigenous Institute is now fifty years old. The San Andrés Accords do not deal in depth with the need to transform public institutions for the simple reason that they were only the beginning of a broader negotiation process and because they focused on the point of departure for everything else, the recognition of indigenous peoples as collective legal entities.

Nevertheless, the San Andrés Accords do presuppose the transformation of the public sector, and the INI in particular, but within the framework of the reform of the State as a whole. The San Andrés Accords commit the INI to begin the process of transferring their radio stations to the indigenous communities — which to this date has not happened — but more generally one could argue that the logic and the contents of the Accords place the INI and "indigenismo," insofar as it is a State doctrine, in a terminal crisis.

It would be useful to carry out a serious, balanced evaluation of the INI's fifty years, of the partial shifts and adaptations of its conception and practice, of the occasional usefulness it has had for indigenous communities and organizations, but also of its links with patrimonial and clientelistic power-holders. Clearly, however, the Mexican State's institutions created to deal with indigenous peoples are conceptually obsolete in at least four ways: the integrationism that attempts to assimilate them into the hegemonic culture, the "pluralism light" which recognizes diversity as a mere cultural fact that does not translate into recognized, tangible rights; the political marginalization that delegates the whole State's responsibility towards indigenous peoples to one institution that lacks the necessary legal authority, resources or political weight, and the tutelary autonomy, which does not recognize the peoples and their communities as autonomous social actors, but rather as a population who only have the right to be consulted — while the institution itself retains control over the resources and the substantive decisions. It is very difficult for an institution that is not autonomous to respect indigenous peoples' autonomy.

This is why the transformation of the institutions, in terms of indigenous rights, goes far beyond the INI – it involves the public sector as a whole. Just as the national legal order cannot recognize the multicultural issues without at the same time transforming itself, the State cannot reflect nor guarantee the new balance of power that accompanies the recognition of indigenous rights without including the nation's cultural diversity as a core principle. More than an adaptive reform of the INI, what is needed is the construction of new institutions in the indigenous rights paradigm.

If we conceive of rights both in terms of peoples' concentrated power to deal with the State and third parties, and at the same time in terms of the exercise of rights guaranteed by the State, the need to construct institutions to promote and defend the exercise of those rights is clear. The full recognition of indigenous rights – not caricatured or miniaturized – would close one chapter in history and open another. It would close the chapter of integrationism, developmentalism and welfareism, including the institutions and worldviews responsible for those policies.

However, this does not mean that the indigenous agenda is a strictly a legal agenda, but rather that rights are the guarantee and the instrument for indigenous demands as a whole. The issues of development, social services and the State's obligations should be discussed in the context of rights and not instead of them. Peoples' rights to decide are the basis for jointly designing policies with them, to break the cycle of political exclusion and material pauperization, and to accompany them with the public resources necessary to deal with – from their own cultural perspective – the challenge of poverty and to open up spaces for new economic alternatives.

This is why resources and rights should not be counterposed to one another. Both are indispensable. The rights should be accompanied by the resources that are essential for reversing their current disadvantage, while at the same time, these resources should be planned, transferred and allocated within the framework of the rights of the peoples. The indigenous agenda is to have both resources and rights, not one or the other.

The central challenge is to break the State's exclusion of indigenous peoples. The INI represents this exclusion, both in terms of its budget and its political weight. In the name of integration, the indigenous peoples paradoxically ended up reduced to residual access to social policies. The rest of the public sector institutions ignored their responsibilities

towards indigenous peoples, "because that's what the INI was for." The new institutional structure cannot reproduce the INI's marginality. The promotion of indigenous rights involves creating the effective linkage capacity, so that the multicultural approach permeates the State as a whole, and not just some small agency. For this to be possible, the new institution must be, like the peoples themselves, autonomous – part of the State, but not an instrument of the government. Its role should be determined not by the political interests of any particular administration, but rather should have constitutionally recognized powers and be effectively supervised by the indigenous peoples and citizens in general. This institution should be conceived as a

process that accompanies the strengthening of indigenous autonomy, and should increasingly transfer authority and resources towards organs of indigenous governance.

It might seem contradictory to speak of both indigenous autonomy and new state institutions at the same time. It is not. The two can complement one another. The alternative view would imply that indigenous autonomy should mean that the peoples get along as best they can, and the State has no responsibility towards them. The real contradiction would be to recognize indigenous autonomy without a reform of the State, to try to create multicultural enclaves within an ethnocentric State.

There is no partial solution to indigenous demands; either the State

as a whole is reformed or the true recognition of indigenous rights will not be possible. At the same time, Mexico's political transition will be incomplete and precarious as long as we are unable to construct the rule of law with a multicultural face, a political order for all citizens and all cultures.

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Translation by Jonathan Fox

Those who think that the indigenous issue is temporary and is only related to the Zapatista uprising are fooling themselves. On the contrary, it is a structural issue and one of national interest.



Indigenous Women's Participation in Formulating the San Andrés Accords

By Rosalva Aída Hernández Castillo and Lynn Stephen

In the preparation of the Accords on Indigenous Rights and Culture, indigenous women participated in broadening the notion of indigenous autonomy and made specific demands about what kind of political culture they understand the notion of autonomy to include. In the process of trying to influence the content of the San Andrés peace accords, indigenous women were speaking to both the State and to the larger indigenous autonomy movement. Inclusion in the national debate has represented a change in the political strategies used by women. In the past, they participated more often in marches and smaller local and regional meetings. When they began trying to influence the process of the peace accords, women began participating in a legal struggle by discussing constitutional changes and applying political pressure on the State.

In relation to the State, women are demanding to have the right to receive land in agrarian distribution, to get loans, and to receive support for commercial activities. They want respectful treatment from the medical institutions of the State and reject forced birth control programs. In relation to their communities, families, and organizations, they are demanding the right to choose who to marry, to inherit land, to hold positions of authority within the community, and to live a life free from sexual and domestic violence.

The most contentious issue for women in relation to the wording of the peace accords was the meaning of the terms "usos y costumbres." While one of the central points of proposals for autonomy was to have indigenous systems of justice and political decision-making respected, some of the "traditions" included under the loose terminology of "usos and costumbres" may not promote gender equity. Women's notions of tradition are not static and they are not searching for millennial roots. In different documents related to the peace accords, indigenous women have pointed out the need to change those customs and traditions that deny women their rights.

There should be documents in which we indigenous women note that there are customs which do not respect us and which we want changed. We are against violence, attacks, and rape. It is not right that we are sold for money. These were our customs before, but we have also got to change. It is also unfair that because of custom we cannot be community authorities or have rights to land (Memoria del encuentro-taller los derechos 1994).

The official indigenous movement linked to the government as well as the independent indigenous movement, have

both operated using the dichotomous opposition of tradition and modernity. Indigenous women participating in the process of writing the accords put this dichotomy to the test. Indigenous women assert their rights to maintain cultural differences, while at the same time, demanding the right to change those traditions that oppress and exclude them.

We also have to think about what has to be changed in our customs. The law should only protect the customs and traditions that the women, communities and organizations deem as good. The customs that we have should not cause harm to anyone (Memoria del encuentro taller los derechos, 1994).

In addition to taking on the issues of "customs and traditions," indigenous women have also asserted their rights to national citizenship and have taken up the demand that the national indigenous movement maintain and recuperate their traditions. Yet they have done so calling for the possibility of "change while remaining the same and remaining the same while changing." In a document of proposals presented in 1996 to the National Indigenous Congress by indigenous women from Chiapas Oaxaca, Guerrerro, Queretaro, Veracruz, San Luis Potosi, the state of Mexico, Mexico City, and Pueblo, these women state:

"We, indigenous women, have the right to live in a society based on relations of respect, cooperation, equality, and equity between the diverse cultures that make up the nation. That is to say the right not to be discriminated against for being indigenous women, not to be subordinated for being indigenous women, not to be excluded for being indigenous women, and not to be violated -- physically, psychologically, sexually, and economically for being indigenous women (Propuestas de las Mujeres Indígenas al Congreso Nacional Indígena 1996)."

In this same document, women adopt the demand for indigenous autonomy. This demand proposes the establishment of a new political order which gives indigenous peoples control over their political processes, territories, and resources. However, the indigenous women who came together to form proposals for the San Andrés Accords extended the definition of the concept of autonomy and interpreted it from a gendered perspective. They defined economic autonomy as women's rights to have access to and control over modes of production. Political autonomy means women's basic political rights. Physical autonomy is the right to make decisions about their own bodies and the right to a

life without violence. Finally, socio-cultural autonomy encompasses the right to assert their specific identities as indigenous women. This new definition of autonomy was present in all of the working sessions of the National Indigenous Congress in 1996.

Mixtec, Otomi, Zapoteca, Nahuatl, Tzeltal, Tzotzil, Tojolobal and Chol women who had been meeting for six months in a seminar on reforming the constitution actively participated in the 1996 congress of the National Indigenous Congress. They were the ones who had to remind the participants that indigenous peoples are not automatically democratic, as some indigenous leaders claimed. Instead, they stated, democracy must be constructed, beginning at home. Their criticisms were taken by some as provocative: some people even accused them of being destabilizing factors. Others, however recognized the importance of their points. And in the end, their gendered demands and proposals to widen the concept of autonomy were included in the resolutions of the first National Indigenous Congress.

The work of indigenous women has appeared in the more formal drafts of the peace accords as well. In a national forum on indigenous rights held in October of 1995 which was key in generating proposals for the final accords, indigenous women from Chiapas, Oaxaca, Puebla, Querétaro, Mexico, Hidalgo, and Mexico City along with their advisors put forward a key modification of the term "usos y costumbres." They declared: "We demand that our customs and traditions be respected if and when they do not violate women's rights" (Ce-Acatl 1995:22). This wording was more or less adopted in the signed accords. In October of 1996, the EZLN and the National Commission of Concord and Pacification (COCOPA) composed of representatives from Mexico's three leading political parties announced that a joint commission had been formed for the verification and follow-up of the Accords on Indigenous Rights signed in February, 1996. Following the formation of the joint commission, a proposal for legislation was elaborated by the COCOPA and endorsed by the EZLN. In the COCOPA legislative proposal, women's rights are stated as follows: "[Indigenous peoples] have the right...to apply their own normative systems in the regulation and solution of internal conflict, respecting individual rights, human rights, and the dignity and integrity of women." Women's political rights in this proposal are stated as "[the right of indigenous peoples] to elect their authorities and exercise their own forms of internal government in accordance with their norms...guaranteeing the equal participation of women" (La Jornada 1997). The words "customs" and "traditions" have been subtly replaced in the COCOPA draft with "own normative systems," indicating the volatility of the notion of "customs and traditions" from a gendered point of view. The draft thus subtly addresses women's political participation where "traditionally" they have often been absent, and also discourages internal forms of conflict resolution that do not respect women's rights — perhaps applicable to choice of partner in marriage.

However, other issues highlighted in women's roundtables that were part of the preparatory meetings including women's rights to land, unequal divisions of labor in households, combatting domestic violence, and rape were downplayed in the accords signed by the EZLN and the government and in the COCOPA legislative proposal. The actual signed accords drop out all of women's demands concerning the democratization of the home and sexual violence, and only address women at the level of the community by stating that they should participate in all legislative processes and be involved in choosing local leaders.

For many women who have participated in the process leading up to the signing of the accords, the act of coming together with other people from throughout the nation—in this case other indigenous women — has provided networks that have lives of their own beyond the back and forth of the EZLN and the government. Ultimately these networks may prove to be more important than the accords themselves. Women within the national movement for indigenous autonomy have begun to carve out a space and political vision which takes the three levels of home, community, and nation and binds them to a new framework for being indigenous in Mexico — autonomous in economic, cultural, and political decision-making but part of the Mexican nation. This vision and the political culture it represents has the potential to begin operating up new political spaces not only for indigenous women but for other women in Mexico as well.

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Indigenous Women's Proposals to the National Indigenous Congress

From the Seminar "Reforms to Article 4 of the Constitution,"
Oct. 8-12, 1996¹

Our Proposals

1. Legislative Reform to the Fourth Article of the Constitution

* The full exercise of women's rights in Mexico should be guaranteed, in particular for indigenous women, in order to make possible gender justice, the elimination of oppression, equality with men and our development in freedom and peace as we face the new millenium.

* We indigenous women have the right to live in a society based on relations of respect, cooperation, equality and equity between the diverse cultures that make up the nation. That means not being discriminated against because of our status as indigenous women, not to be subordinated for being indigenous women, and to not be abused — physically, psychologically, sexually and economically — for being indigenous women.

* As citizens, indigenous women have the right to the full exercise of our citizens' rights, including our political rights to representation, eligibility and election; we have the right to political parity with men, and to occupy all the positions of public responsibility.

* Indigenous women have the personal right to the use and ownership of land on terms of equality and equity with men, as well as the right to the use and conservation of the natural resources of our communities. We have the same right in terms of the historical, social, ethical, artistic, and cultural resources of our peoples, our communities, and our country.²

2. Our Rights as Indigenous Women

Our rights as indigenous women find the space for resolution in the recognition of Autonomy for the Pueblos Indios, as the most democratic way, beginning with our persons, from our homes to the community and people and embedded in the State.

* Autonomy in its economic dimension refers to our right as indigenous women to have equal access and control over the means of production. Political autonomy backs out basic political rights, to have representation. Physical autonomy involves the decisions about our body and the possibility of living without violence, and sociocultural autonomy refers to the right to express our specific and self-determined identities as indigenous women, personally and collectively sustained and enriched by our vital, social and community processes.

3. Usos y Costumbres

The productive and symbolic roles of indigenous women are just as important as those of men, yet we are generally excluded from public decisions and we live exposed to violent situations that do not consider our physical and emotional integrity. Partners are imposed on us, we don't have inheritance rights, we don't want to be sold, we want to choose how many sons and daughters we want, we don't want to suffer violence, etc. All these situations are justified by traditional "usos y costumbres."

That is why, together with other organized indigenous sisters, we insistently call for changing the customs, that we want to open a new path for thinking about customs from another point of view, one that does not violate our rights, one that dignifies and respects indigenous women. We want to change the customs when they affect our dignity.

4. Public Policies

We want public policies that help to fight the gender inequality that we indigenous women experience, a body of measures that are the responsibility of the State to confront this situation of ancestral disadvantage, through mechanisms that grant us our rights with the creation of institutions and economic resources that would permit the redistribution of public spending. And we ask to be participants in the design, planning and implementation of these programs and policies.

5. Positive Actions

Lastly, we demand effective access to these rights, to change our situation of vulnerability and deterioration that indigenous women and our families experience, and to repair this harm we propose the creation and adoption of special, temporary measures called "positive actions," intended to speed up the equality between men and women in practice.

Organizations participating in the seminar:

Agrupación de Derechos Humanos "Xochitepetl,"
A.C., Veracruz

Asociación Rural de Interés Colectivo (ARIC-Democrático),
Chiapas

Causa Joven, D.F.

Central Independiente de Obreros Agrícolas y Campesinos
(CIOAC), Chiapas

Centro de Apoyo a la Mujer "Margarita Magón," A.C.
(CAM), D.F.

Centro de Desarrollo y Asesoría entre Mujeres, Puebla

*Coordinadora Mexicana de Defensoras Populares,
 D.F./Estado de Mexico
 Despacho de Orientación y Asesoría Legal, D.F.
 Espacio Universitario por la Paz, D.F.
 Fronteras Comunes, D.F.
 Grupo de Mujeres de San Cristóbal de las Casas, Chiapas
 J'pas Lumetik, Chiapas
 Jolom Mayaetik, Chiapas
 K'in al Ansetik, Chiapas
 Mujeres en Lucha por la Democracia, D.F.
 Mujeres Olvidadas del Rincón Mixe, Oaxaca
 Organización de Mujeres Artesanas Expulsadas de Chamula
 (OMAECH), Chiapas
 Partido de la Revolución Democrática
 S.S.S. Maseual Siuamej Mosenyolchicauani, Puebla
 S.S.S. Titekititoketaome Sihuan, Guerrero
 Unión de Colonias Populares, D.F./Edo. de Mexico
 Unión de Comunidades Indígenas de la Zona Norte del Istmo
 (UCIZONI), Oaxaca
 Unión de Mujeres Campesinas de Xilitla, San Luis Potosí*

Notes

1) This document was published as a booklet by Servicio, Desarrollo y Paz, October 8, 1996, Mexico City (sedepac@laneta.apc.org), co-sponsored by the Comisión de Seguimiento de Mujeres de la Asamblea Nacional Indígena Plural por la Autonomía (ANIPA), Despacho de Orientación y Asesoría Legal (DOAL), and K'in al Antsetik, A.C., "Tierra de Mujeres."

2) Marcela Lagrade, "Etnicidad y género: La Autonomía, un nuevo pacto con las mujeres," Presented in the Foro Nacional Indígena, January 7, 1996, San Cristobal de las Casas, Chiapas

Translation by Jonathan Fox



The citizens of Polho, Chiapas, have declared their autonomy from the government of Mexico and given their support to the Zapatistas. Men and women maintain a barricade to prevent the entry of unwanted individuals and government agents.

Photo by Peter Brown



Finding Our Own Solutions: Mixe Communities of Oaxaca

By Hugo Aguilar and Adelfo Regino*

"Recounting the abuses committed against our communities, or sharing the joys that make up part of our every-day realities in every indigenous corner of this continent, does not evoke pity or compassion among us, but rather pain or happiness, since it's about ourselves."

-First Indo-Latin American Symposium, Tlahuitoltepec Mixe, October, 1993.

Beginning the Journey

Every society faces both happy and conflictive circumstances in daily life. Indigenous pueblos — as palpable and dynamic collectivities — are not the exception. Celebrations are a clear example of the happy moments when different interests within the community are once again harmoniously interwoven. The other extreme involves conflicts over land, between members of the community, or, most seriously, conflicts between communities over boundaries.

For the Mixe people, in addition to the invasions that the Lower Mixe communities such as Jaltepec de Candayoc and Paso del Águila have suffered through, conflicts over boundaries in other communities have worsened, primarily due to overlapping presidential agrarian reform decrees, as well as delays and negligence on the part of the governmental institutions involved in the problem.

The complexity of these problems increases if we consider how they affect basic aspects of community life such as food production, confrontations with other communities, tensions and internal divisions, stagnation of the pursuit of common prosperity and even individual freedoms, when these problems lead to jail sentences.

Yet, what treatment has each of these problems received in the domain of governmental institutions? And how have our communities responded?

Attempted Solutions

The majority of the problems faced by 411 of the 570 municipalities in Oaxaca have gone through the same history: a) extreme delays in processing cases — some have been in progress for more than five decades — on the part of administrative and political institutions. During this lapse, the conflicts accumulate bloody episodes that at times include the loss of human life; b) overlapping solutions, master plans and

ancestral titles, which encourage hopes on one side or the other, polarizing positions and making solutions increasingly difficult; c) economic costs which community members have had to bear, complicating even more the living conditions of any indigenous area; d) all sorts of interests on the part of lawyers, political parties and even social organizations, which in the end seek everything but a solution to the conflict; and e) a return to what is our own. Worn out after years of these attempts, the conflicting parties become convinced of the need to put a stop to it and try something new.

Faced with the failed solutions to these problems, in recent years the idea that a poor agreement is better than a good legal judgment has become popular, and the problems that had been believed to be beyond the capacities of communities themselves have returned to them for resolution. Today, the largest number of problems solved (at least in Oaxaca) have not been the product of a brilliant act of administration of justice, satisfying to both the loser and the winner, but rather are the result of the communities' desire to resolve their problems and the effectiveness of indigenous institutions and norms. A recent example worth mentioning is the imminent solution to the conflict between the Mixe communities Asunción Cacalotepec and San Isidro Huayapan; their approach has characteristics which could define a local path for the solution of these problems.

Our Own Solution

The construction of one's own alternative and a route that can effectively resolve agrarian conflicts has required significant re-valorization of the ideas, principles and institutions inherited from our ancestors. Over the course of time, they have proved their effectiveness, and are becoming of more consequence in the face of the coming times.

Some of their key principles are:

1. Mutual recognition of personality and sense of belonging to a people. In addition to recognizing a right whose justness could be debated, the communities in conflict must recognize that they belong to a particular indigenous community, or rather, to communities subjected to situations of internal colonialism. Among the Mixes, since before the arrival of the Spanish, unity reigned within many of the spheres of our daily life. The atrocity of colonization and the later imposition of the Mexican State subjected us to internal divisions over issues of land, political organization and the application of justice, among others. This division served interests different from

those of the Mixe, and continues to affect us greatly today. The result is the continued submission and extreme marginalization of our communities. In such a situation, regardless of the rules and legal formalities which support the personalities of both collective groups, where the existence of rights is well known, a partner in dialogue must be recognized with whom the rules of coexistence must be established. Mutual recognition was the first step towards the hope of a peaceful solution between Cacalotepec and San Isidro.

2. Willingness to enter dialogue. This is an indispensable condition in order to overcome any obstacle in the search for solutions. In the conflict between these two Mixe communities, willingness to enter into dialogue appeared only after attempting many petitions, the generation of political tension and arrest warrants for more than 100 community members. Willingness to discuss a negotiated solution does not have to appear after official routes have proved inoperable or the problem has become a criminal or political issue. It must be seen as a possibility before any proceedings that would distract from the key problems. This possibility is perfectly viable within the guidelines of current agrarian law (article 185, section VI)

3. Trust based on good intentions. The sustained commitment to resolving the problem gains trust between communities, increases the value of one's word, and one's own institutions become the path to resolution. Even in difficult situations like the conflict between Cacalotepec and San Isidro, where the agrarian conflict has roots in the ancestral cacicazgo established by Mr. Luis Rodriguez of Zacatepec in the 1940's, and has become a social and political problem. However, even in a situation as difficult as this, it is possible to recover trust and the value of one's word. Under such conditions, future obstacles can be easily overcome.

4. Using our own institutions and norms to resolve problems. There are many norms and institutions that are available or are being updated in order to achieve a solution for the parties in conflict. These can be summed up in terms of the important role played by the general assembly as arenas for collective reflection and decision-making, and the role of community authorities as messengers and executors of the assembly's accords. This process has three stages:

a) The assembly serves as the space in which to reach accords that will be presented at conciliatory talks with the authorities of other community involved in the conflict.

b) The community authorities take on the role of presenting the accords of their respective assemblies and reconciling them, seeking a consensus which they will then take back to each assembly.

c) Each assembly considers the consensus reached by its authorities and produces opinions and agreements about the obstacles that arise.

Thus, through a specific, serious process — rarely recognized by the State's bodies — internal problems as well as those that

go beyond the community's boundaries are resolved. This is the path we should re-take, rooted in the ancestral norms and rules of the Indian peoples.

5. A new role for lawyers. In this ancestral form of problem-solving, the role of the now-indispensable lawyers must be transformed into that of simply facilitators, who can be entrusted with clearing the way of the obstacles that laws may present to the process. The principle actors in this new form of solution are the parties in conflict, who understand their own mechanisms, norms and institutions, and who have abandoned the procedures, terms and legal entanglements with which they are not familiar. Consequently, the community authority becomes their own advocate, and the formal lawyers simply accompany.

6. Validating role of the State. It is formally established in agrarian law that a reconciliation between parties may be elevated, by agreement, to legal status by the Agrarian Tribunal. The role of the State is reduced to validating the agreements reached by the communities, even in cases that have yet to be brought before the judicial body. This situation is completely in agreement with the San Andrés Accords on Indigenous Rights and Culture, which assert: "The State [...] shall promote the recognition by the Mexican positive law of the authorities, norms and procedures for the resolution of conflicts internal to the indigenous communities and peoples, in order to apply justice based on their internal normative systems; through simple procedures, their rulings and decisions shall be validated by the State's judicial authorities."

Finally, one of the errors of the Mexican legal system, and of the system of administration of justice involving land conflicts in indigenous regions, has been to treat our lands and territories as individual commodities, automatically assigning a portion of land to one community or individual. We recognize that land, while resolving material and economic problems for each family within the community, has a broad, integral meaning to the indigenous pueblos, and should not be the source of controversy, much less aggression between communities. The earth, the largest space that we can share, can bear a path through the bush or a line of boundary stones in the canyons, which according to the supposed legal order marks a border. Yet this boundary cannot transcend the culture, the life, future and hope that forever unite us. That's how we will be one people.

* *Hugo Aguilar (Mixteco) and Adelfo Regino (Mixe) are constitutional lawyers with Servicios del Pueblo Mixe, A.C. (SER).*

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Translation by Alexandra Armenta.



The Wixaritari Today

*By Carlos Chavez and Angeles Arcos **

The Wixaritari are an extremely religious people, linked through their ancestors to a mythical, primordial past. Despite having adopted some Christian elements, they maintain a mesoamerican religion strongly rooted in their history and surroundings. The current population forms part of a community that has existed for at least 1000 years.¹

For the Huicholes, the land is the fundamental point of reference for everything from the religious to the productive and the political. In recent times, the land has become the axis around which a territorial organization has been created, which has made it possible to confront external forces that stand in the way of their continued existence as a distinct culture. The Huichol zone extends over 4500 square kilometers, with as much as 80,000 hectares of land invaded by outsiders.

Their forms of organization, shaped over the years, create the basic equilibrium of the Huichol community, fundamentally a clan society whose highest leader is the wisest elder, called Kawitero (one who knows the way). The Kawiteros and the Ma'arakate (clan leaders) are charged with naming, though dreams and consensus, those who are to hold office in the community. The community offices are divided into two groupings:

- a) Religious affairs, in which traditional authorities are selected annually.
- b) Agrarian affairs, in which offices last three years and are carried out by the Communal Lands Commission.

Land tenancy is communal and, by custom, all Wixaritari children have the right to be joint owners, as long as they meet the inherent obligations. Their family ties bind them strongly to their clans.

Despite the fact that the inhabitants of the western sierra have ancestral needs, decades of dispossessions, and cultural weakening as a result of the breakup of their territories, a total absence of basic services and subsistence agriculture that does not support their families, the challenges to the Huicholes' survival have worsened in recent years.

The current economic situation and growing needs have forced them to enter the labor market as day-workers, thus becoming an important labor reserve for Zacatecas agribusiness and Nayarit tobacco growers. In addition to exploiting their labor, these industries are causing illnesses from direct exposure to pesticides.

Despite all of this, the defense and preservation of their habitat has become the overriding necessity, and a powerful incentive to community organizing. In 1989, the four Wixaritari pueblos decided to organize themselves regionally

through their Union of Indigenous Huichol Communities (UCIH) and requested support from our organization to bring their territorial problems before the courts. Since that time, the Huichol communities have experienced a strong wave of organizing, which has led to their recovery, through the agrarian courts, of 10,320 hectares. All the cases brought by the Huicholes have been successful, including their complaint before the International Labor Organization (the first case world-wide to deal with the recovery of indigenous land).

The Huichol people's land struggle is becoming more complex, making it necessary for the efforts in defense of their habitat to generate organizing efforts that allow them to take ownership of their situation as a people; in other words, this struggle has brought them to the search for autonomy as a broad frame of reference. At the same time, they have acquired a growing command of their own rights, as the young people have become effective bearers of the elders' principles' of struggle.

Their refusal to cede the enormous areas whose titles are held by others demonstrates the importance this territory has for them, and also shows the strength of their social relations. Based on family clans belonging to the various ceremonial centers, which in turn are part of the networks of the sacred, these relations are meeting the charge of caring for the life of the world. According to the Huicholes, their ancestors placed the candles which invoked rain for the entire planet.

The Huichol people's land struggle has become an important case in Mexico because it converges with the aspirations of other Indian peoples that are questioning the State and society at large over three important issues: democracy, sovereignty and territorial rights. The solution to these issues implies the respect and recognition of:

- a) The exercise of multiple collective rights that have been systematically denied.
- b) A territoriality in accordance with the bases of the country's identity.

This people's efforts have become part of a struggle that is "framed by the international recovery of identities; efforts that form part of the mosaic of struggles for diversity which open up the possibility of generating another societal project, with a distinct democratic culture, in which all would converge based on who they are and hope to be."²

The geographic location of the Huichol region is a clear indicator of the source of their agrarian and political problems; although the central part of the community is located in Jalisco, important segments are in the adjacent states of Zacatecas, Durango and Nayarit.

This location was the principal reason why the communities' titles were confined within the Jalisco state borders, which dispossessed them of significant portions of their territories, those titles were then granted to neighboring Mestizo groups by the federal government. The title-holders have pushed the Huicholes to the limits of injustice, preventing them from planting, keeping animals and following their traditions. Nevertheless, the Huicholes have not abandoned all of their holdings, rather, they continue to occupy strategic points within the territory and are now demanding the reunification of these lands based on their historical and cultural rights.

For the first time, the Wixaritari are bringing their demands before the national courts and the International Labor Organization. Their demands are based on very strong principles that justify their right to recover large areas due to their ethnic identity and their rights based on ancestral possession. Through the application of a legal strategy that combines juridical, historical, topographical, and anthropological arguments, they have been able to legally recover 10,320 hectares, with 67,000 still in dispute.³

Different factors have come together in this process, but the most important is that the community elders' territorial consciousness has been effectively passed on to the young people. Together, they have built a defense strategy that joins with other indigenous peoples, who also are defending their right to consolidate a vital space in which to exercise their decision-making power over their own issues, and which involves the ongoing deployment of their rich historical and cultural resources. In this way, organizational processes are emerging in the Sierra that parallel and complement the land struggle which will surely force the recognition of the Wixarika region, in spite of the municipal and state boundaries which have historically attempted to divide it.

The fact that legal claims are being won, and the organization-building involved, has transformed the aspirations for territorial titles into the need for real appropriation and control of all that occurs in the community. For this reason, the process of territorial recovery is giving rise to a broader search for autonomy which results not only in the Huicholes' new language, but also in new relationships with the federal and state authorities and more solid relations with their sister pueblos.

Without a doubt, the movement generated in Mexican society since the EZLN uprising has had a profound impact in Wixarika sierra, as the Huicholes see the Zapatistas as a strong moral and political point of reference, encouraging them to continually reflect on their own path as an Indian people who longs for political and cultural control over their space.

The Huichol people are experiencing a turning point. In response to their gamble on the legal strategy and the advances generated through judicial processes that settle the ownership of their territories, some authorities have openly declared that the courts' decisions will not be respected. Nevertheless, to have won 153 rulings against invading ranchers and their case before the ILO has allowed them to glimpse new horizons. Their actions also contribute very directly to the process of democratic transition that we are going through, as the resolution of their demands is related to the full exercise of all of our

rights. Their struggle to build a new country is ours as well.

Today the efforts towards an inclusive society that respects the identities of peoples are part of a process that requires the convergence of social sectors, those who understand the need to rethink the paradigms of civilizations in order to guarantee human and social sustainability in the long term. "The world's indigenous population, calculated at 300 million, lives in areas that have 60 percent of the planet's natural resources. For this reason, the many conflicts regarding the use and destiny of their lands involving the interests of governments and businesses are not surprising... The exploitation of natural resources (petroleum and mineral) and tourism are the principal industries which threaten indigenous territories in the Americas."⁴

As a result, the struggle for peoples' identity is in reality a struggle over the riches of the planet and for the possibility of considering approaches that differ from the dominant one, and is becoming a major political issue.

Notes:

* *Asociación Jalisciense de Apoyo a Grupos Indígenas (AJAGI, the Jalisco Support Association for Indigenous Groups)*

1) AJAGI, Liffman, Vazquez and Macias "Peritaje antropológico histórico, zona occidental de San Andrés Cohamiata, Municipio de Mezquitic, Jalisco. Participación ceremonial y tenencia de la tierra en la cultura wixarika," unpublished document, Pag. 1.

2) Canabal Cristiani, Beatriz, *Xochimilco: una identidad recreada*, Mexico City: UAM-X, 1997.

3) It is relevant that each community has gone about preparing their own cases with an understanding of the necessary legal steps and the rights that support them. For example, Wuat?a (San Sebastián) has brought 139 cases against the invaders of Puente de Camotlán, and one that has been legally concluded and won against the Barranca del Tule ejido. Tuapurie (Santa Catarina) definitively defeated the Minjares family and is still fighting against the invading Nuñez family. Tateikie (San Andrés) won the conflict over the boundaries of the Refugio ejido through the courts, and is pressing for the invalidation of the maps of neighboring San Juan Peyotán. They have also brought an injunction against the Colegiado de Mazatlán, Sinaloa, which could lead to the recovery of an area important to the Tierra Blanca zone.

4) Martha García in *La Jornada*, May 28, 1997.

Translation by Alexandra Armenta



Transmitted by the Voice of the Four Pueblos

"We are no longer willing to continue as before."

Before we do anything, let us thank the Voice of the Four Pueblos for offering us the space to transmit this message. The Huichol communities of San Sebastián Teponahuaxtlán, Santa Catarina Cuexcomatitlán and San Andrés Cohamiata want to clarify some things concerning the fight that we are carrying out for our territory and the declarations and affirmations that we have heard on the radio and read in the newspaper.

The statement made by the governor of Nayarit is not true, namely that 1400 Huicholes met at the Tirador Mesa in order to provoke and aggravate the land problems and that we would surrender in exchange for a few cows. We were not 1400, but 2242 people who met there. Furthermore, we did not want to aggravate the problem, but rather to resolve it. We are not willing to continue waiting and are even less willing to negotiate or sell our sacred lands for any price. For 44 years the government has obstructed the solution to this conflict. Since then, they have dealt with the papers and evidence of the Huicholes, and those of the Puente de Camotlán ranchers, and all that time has not been sufficient to resolve the problem. This is not just, nor are we willing to allow this situation to continue. It is also false that no one knows who this land belongs to. All of the legal opinions, as well as the agrarian tribunal decisions, have come out in favor of the Huicholes. The owners of this land are obviously known, yet no one wants to resolve the problem in favor of indigenous people. This looks like racism. Moreover, the Huicholes are not trying to change the state borders. This does not interest or suit us. The agrarian boundaries are what interest us. We do not care if one part of our land is in Nayarit and the other part is in Jalisco. What we want is to have our full agrarian rights. We have requested the protection of the police of Jalisco because the police of Nayarit only protect the ranchers and attack our brothers. This is not equal justice. As we said, the states should resolve these problems, and now.

Furthermore, as in San Sebastián, where ranchers have invaded 36 thousand hectares, we have problems in the communities of Santa Catarina and San Andrés. In Santa Catarina, the cattlemen of Tezompa want to take more than 3000 hectares from us. In San Andrés, we are fighting for 25 thousand hectares of land. Although we won the trial over the ejido El Refugio, the decision in the case of San Andrés has not been respected. Our fences and posts have been trampled over, and other people's cattle continuously invade our land. We will not permit this any longer. Indeed, we would like to clarify that the news reports claiming we expelled 25 families are lies. We did an officially authorized roundup on the 10th and 11th of this month, and we only expelled livestock. We are currently keeping the cattle in our community corals, and we will return them to their owners as soon as the authorities decide and the appropriate fines are paid.

On another note, we would like to clear up what has been said about the Asociación Jalisciense de Apoyo a Grupos Indígenas. This is a civil

association that has supported us with legal counsel for many years. This is not a religious group. We listen to their suggestions as we do with other institutions and, in the end, with all of this information, we are the ones who make the decisions. We do not allow ourselves to be manipulated, and we know what suits us. Whether we make a mistake or a good decision, we are the ones deciding. These types of accusations only distort the truth; they make the Huicholes look incapable. These accusations also instill doubt in the people who sympathize with our movement. We believe that these are declarations made by politicians who are against indigenous people.

Last July 30th, we gave the government a 48-hour ultimatum to solve our territorial and agricultural problems. The government answered us on August 1st with a commitment that is to be met within, at most, one month. We maintain this declaration through our continuous meetings. If they do not meet this commitment, we will apply our traditional laws to our territory. We have lost patience.

We have been criticized for including among our conditions that the government needs to comply with the San Andrés Larrainzar Accords in Chiapas on indigenous rights and culture. We did this because we know that if the government does not change the Constitution, as they had officially agreed to do, we will never resolve our problems. The indigenous people, we the Huichol, are watchful for a decision reached on a national and international level concerning indigenous rights. We think that people criticize us because they want us to be ignorant, because it scares them that we are finding out about what is happening. But we are no longer willing to continue as we have before, and we invite all indigenous people to become informed as well. Let them attend forums and national meetings on indigenous people; let them participate in the National Indigenous Congress, where all the indigenous people of the country are organized. If we do not become organized, we will never win the respect or the rights that we deserve. Based on the above, we invite our Coras, Tepehuanos, Mexicaneros and Nayarit Huichol brothers to support us, to organize with us and, above all, to achieve the union we need to move forward.

Thank you very much.

Sincerely,

Las Autoridades de la Unión de Comunidades Indígenas Huicholas San Andrés Cohamiata, August 13, 1997.

Ernesto Hernández de la Cruz, Commissioner of Community Lands of San Andrés Cohamiata; Valeriano Carrillo de la Cruz, traditional Governor of Santa Catarina Cuexcomatitlán; José Ramírez de la Cruz, Oversight Council of San Andrés Cohamiata; Isidro López Díaz, traditional Governor of San Sebastián Teponahuaxtlán; Antonio Candelario Carrillo, Oversight Council of Santa Catarina Cuexcomatitlán; Francisco López Carrillo, Secretary of Community Lands of San Andrés Cohamiata.

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Translated by Anna Gruben



Welcome to Oaxacalifornia

*By Gaspar Rivera-Salgado**

The political experiences of indigenous migrants who seek to influence, from the United States, political processes at varying levels from local to national presents a challenge for the emerging indigenous movement in Mexico. How can the demands of indigenous migrants who are scattered beyond their traditional territory be incorporated into the list of causes taken up by the national indigenous movement? How can key concepts of the indigenous movement, such as indigenous autonomy, territorial rights, recognition of indigenous communities' internal normative systems, be reformulated in such a way that they adjust to the realities of communities with high migration rates, like the Mixtecos? Before an attempt to offer an approach to these problems, we must detail the current context of indigenous communities with high rates of migration, such as the Mixtecos from Oaxaca, Mexico.

Much has changed within indigenous communities during the last two decades. A particularly dramatic change for the Mixtec communities of Oaxaca was their entrance into the process of migration to northern Mexico and the US, which reached massive dimensions in the mid-1980s. The economic restructuring of the country and social welfare cost-cutting seen during this same period had a particularly intense impact in the Mexican countryside. Increases in unemployment and the lowering of already paltry wages led thousands of indigenous people in the Mexican countryside, such as the Mixtecos and Zapotecos of Oaxaca, the Totonacas of Veracruz, the Nahuas of Guerrero and Purépechas in Michoacán, to join the migratory flow towards the US. Recent studies have shown that migrant indigenous workers such as the Mixtecos account for between five and seven percent of the agricultural work force in California. Additionally, a considerable number of Zapotecos, estimated to be between 15,000 and 20,000, can be found in the Los Angeles area and San Diego County.

This migration is having notable effects on the debate surrounding indigenous rights in Mexico. Indigenous migrants, far from becoming passive victims of the discriminatory and exploitative conditions they face on both sides of the Mexico-US border, have responded in a highly creative way, building cross-border political organizations that make collective action possible in both their communities of origin and those established along their migratory circuit. The community-based organizations created by these indigenous migrants also provide us with a new vocabulary in referring to the indigenous communities that find themselves dispersed to different sites in the north of Mexico and the US, yet which remain united due to complex social networks. Information, money and merchan-

dise flow through these networks, securing the ties between families and communities across a distance of more than 2000 miles and various geographical and political borders.

Cross-Border Projects

The majority of these new migrants come from indigenous regions of states that have not been traditionally characterized by the displacement of workers to the US (such as Oaxaca, Puebla and Guerrero). Consequently, the presence of vibrant bi-national organizational projects in precisely these populations of new migrants is noteworthy. It should also be noted that ethnicity emerges here for the first time as a mechanism of organizational identity, bolstered by ethnic movements throughout Latin America and within Mexico itself. The bi-national community-based organizations constructed by these new migrants differ significantly from the less politicized, more informal organizations previously developed by Mestizo migrants from traditional sources of migrant labor in west-central Mexico (Jalisco, Michoacán, Guanajuato and Zacatecas). These organizations' proposals include the possibility of innovative projects that confront the problem from the perspective of the sending communities and offer development alternatives for international policy in order to face the new crisis in Mexico-US relations driven by immigration issues. Likewise, in contrast to the exclusive focus on financing of public works seen in hometown associations, these new cross-border indigenous organizations focus principally on social and political change both in their communities of origin in Oaxaca and the communities where they reside in the United States.

The novelty of the cross-border indigenous organizations is the presence of a more integrated participation on the part of migrants in their communities of origin. This means that migrants are not distanced from the political processes that develop in their communities of origin, but rather are active participants. Consequently, the economic development projects promoted by their organizations arise from a process of deliberation in which both those who leave and those who stay participate.

California-Oaxaca

The migration of indigenous Oaxacan workers to northern Mexico, especially to the Culiacan Valley in Sinaloa, the San Quintin Valley in North Baja California and the US (principally California, Oregon, Washington and Florida), is a relatively recent phenomenon. Nevertheless, it has reached significant levels, especially since the beginning of the 1980s. A census

carried out in 1991 by the California Institute for Rural Studies found that indigenous Mixtec migrants accounted for five- to-seven percent of the work force in the state's agricultural sector. This means that during the harvest, the period when the highest amount of labor is required, almost 50,000 Mixtecos were employed in California. Although this is a conservative figure, it gives us an idea of the enormous number of Mixtecos entering the migratory network that extends across various states in the US and the north of Mexico. At the same time, we should note that this census focused only on agricultural workers and did not collect data on Mixtecos in urban centers, such as San Diego, Los Angeles and San Francisco. The thousands of Zapotecos who are principally concentrated in the Los Angeles area and San Diego North County were also not taken into consideration.

The census documented members of 203 communities in Oaxaca (including Zapoteco, Chinameco, Triqui and Mixteco communities), pertaining to 81 municipalities. A total of 22 districts of the 30 that exist in Oaxaca were represented in the census. This data suggests that Oaxacan migration originates in many parts of the state, but it tends to be concentrated in certain subregions. The districts most represented in the census of Oaxacan Village Networks in California's Agriculture were Juxtlahuaca, Silacayoapan, Tlaxiaco and Huajuapán de León—all in the Lower Mixteca Region.

At first glance, it seems that the wide geographic dispersion of indigenous workers' migration would be a fatal blow to the communities immersed in this process of integration between the US and Mexico. Nevertheless, indigenous communities have responded creatively to the challenge of maintaining the social and cultural web that makes the community viable across geographic distances. Through the migration process, indigenous peoples have strengthened their ethnic identity, which has made it possible for them to organize and maintain close ties with their communities of origin. This has made direct participation in the issues most relevant to their communities possible, regardless of where they are physically located. In the case of the Mixtecos, migrants continue not only to be taken into consideration in important decisions affecting the community in general, but also maintain their rights and obligations as members of a specific community. This has meant that the indigenous migrant has not only the right to continue to participate in the normative processes of the community, but is also obligated to participate in the process of exercising community authority, as he or she is eligible for public office within the community.

In my fieldwork, time after time I have run across many cases in which migrants are called back to their communities of origin to fulfill offices for which they were selected by the local public assembly. On many occasions, these migrants have been absent from their community for years. Nevertheless, due to the constant comings and goings of these workers and the ample flow of information, money, and services of all types that this implies, the indigenous migrant communities and their various sister communities in California have cemented a relationship so close that they form a single community of sorts—a transnational community.

The cross-border organizations of indigenous Oaxacan migrants such as the Frente Indígena Oaxaqueña Binacional, the Organización Regional Oaxaqueña and the Asociación Cívica Benito Juárez thus carry out two basic functions: First, these organizations institutionalize political practices that make collective action possible in all of the locales to which the Oaxacan Diaspora has dispersed. Second, they institutionalize certain cultural exchange and information flow practices, which give meaning to a political community that transcends various geographical borders. The flow of information is vital to the maintenance of tight links between the community of origin and the satellite communities located beyond the traditional territory.

It is noteworthy that political activism in migrant populations such as indigenous Oaxacans in California and their capacity to participate in political processes in their communities of origin have a historical basis in the strong identification these migrants feel with their communities of origin. The other aspect that differentiates the experience of indigenous migrants from their Mestizo counterparts is their capacity for adaptation of traditional forms of organization and political participation to the migration process. These traditional forms range from the establishment of types of leadership that are highly controlled by popular assemblies to sustaining community modes of organizing voluntary collective work known as the *tequio*. We should note that indigenous communities' capacity to adapt these traditional forms of organization to the migratory process is related to the high degree of autonomy that they have traditionally wielded in the control of their internal affairs.

Oaxacan Cross-Border Organizations

There are three cross-border indigenous Oaxacan migrant organizations with an important history in California, each of which exhibits different levels of institutionalization, as well as notable political differences. The principal political difference results from their independence from the state government in Oaxaca and the various consulates (especially in Los Angeles, San Diego and Fresno). Below follows a brief description of these cross-border organizations and their respective organizational projects.

Organización Regional de Oaxaca (ORO)

The Organización Regional de Oaxaca is a coalition of Zapotec hometown associations located in the Los Angeles area. The organization's principal project for the last six years has been the organization of the Guelaguetza festival. This Oaxacan cultural festival is the most important in California, with annual attendance of over one thousand people. Musical groups formed by migrant Los Angeles residents participate as well, and are almost completely self-financed. Dance performances are put on by specific hometown associations, and each association organizes the financing of the performance and the traditional dress independently.

ORO also channels public work projects for their communities of origin. So far, ORO's political strategy has been to chan-

nel demands directly through the state government, taking advantage of the good relationship between the organization's leadership and the governor's chief advisor. ORO has also organized several visits by the governor of Oaxaca to California, and in turn has been invited by the state government to sign accords on migrant support as an organization representing Oaxacan migrants in California. Nevertheless, until now ORO has not been able to institutionalize the organization and does not have its own offices, which would make a more coordinated development of its cultural work.

Asociación Cívica Benito Juárez-CEDRI

The Asocación Cívica Benito Juárez (ACBJ), based in Fresno, is one of the oldest Mixtec associations in California. ACBJ's work has been systematically concentrated in the Fresno area with the migrant community from San Juan Mixtepec. For some time the organization was able to maintain its own offices and attract funds from various progressive foundations to carry out diverse projects. One of these projects was the construction of a mini-agricultural production cooperative; an additional, more ambitious project was the creation of the Centro de Desarrollo Rural Indígena (CEDRI) in San Juan Mixtepec, Oaxaca. The mini-production cooperative was never able to take off due to various strategic complications and the return of the project's principal leader to Mexico.

On the other hand, CEDRI continues to be active in several communities in the San Juan Mixtepec municipality, on a much smaller scale than initially planned due to the lack of financing. CEDRI's principal goal is the promotion of sustainable agricultural production projects and the development and preservation of traditional technologies. These projects have had a relative degree of success in the communities where CERDI works, yet it has not been possible to expand into other communities in the region because of numerous political problems in the communities and the lack of financing for the project. It seems that the principal challenge faced by ACBJ and CERDI is the development and training of new base members that would provide continuity and expansion of these projects, as they are currently highly concentrated in a limited area.

Frente Indígena Oaxaqueño Binacional (FIOB) and Centro Binacional para el Desarrollo Indígena Oaxaqueño

FIOB was informally founded in 1991 as a coalition of migrant indigenous Oaxacan organizations that had been working in California since the early 1980's, initially known as the Frente Mixteco-Zapateco Binacional. The organizations involved in this coalition functioned as "Hometown Associations." That is, the principal focus of these first indigenous migrant organizations centered around their communities of origin, following in the footsteps of Mestizo migrant associations that had existed for many years among migrants from the states of Jalisco, Zacatecas, Durango and Guanajuato. The principal function of these hometown associations, such as the Tlacotepe Civic Committee, was the financial support of infrastructure projects in their communities of origin, in this case the San Miguel Tlacotepec municipality. In addition to

this organization, the Frente Mixteco-Zapoteco Binacional brought together six associations of Zapotec and Mixtec migrants in California (Comité Cívico Popular Mixteco, Organización de Pueblo Explotado y Oprimido, Comité Tlacolulense en los Angeles, Organización Pro-Ayuda a Macuiltianguis, Asociación Cívica Benito Juárez, and Organización Regional de Oaxaca). Among these organizations, the Organización Regional Oaxaqueña (ORO) already acted as a coalition of zapotec migrants' hometown associations, with the aforementioned purpose of organizing the Guelaguetza celebration in Los Angeles. Nevertheless, in 1991 all of these organizations decided to join forces as "indigenous peoples" for the first time in order to coordinate their activities during the protest campaign designated Five Centuries of Resistance of the celebration of the "discovery of America."

In November 1994 the first Convention of the FM-ZB was held, at which the name Frente Indígena Oaxaqueño Binacional was adopted in order to recognize the inclusion of Triquis and Chatinos in the organization. At this point, the organization's nature had been transformed from that of a loose coalition of associations to a membership-based organization based on communities on both sides of the border coordinated by a binational leadership. This binational leadership allows the FIOB to coordinate its operations at a general level in both countries, but community work is carried out on a regional level—the San Joaquin valley in California, the San Quintín valley in Baja California, and the Mixtec region in Oaxaca. The members of each region continue to be affiliated with their community committees, representatives of which make up the FIOB Regional Council. This same structure is repeated in each regional grouping.

At the beginning of 1995, the Organización Regional Oaxaqueña decided to break off from FIOB and concentrate on the cultural work involved in the Guelaguetza celebration in Los Angeles. Political differences also exist regarding what position to take with the Oaxacan state government and its growing presence in California. The previous governor, Heladio Ramírez, had visited California on two occasions and Diódoro Carrasco toured California three times. Plans are currently underway to prepare the first visit to California of Hector Murat, the recently-elected governor of Oaxaca.

Gaspar Rivera Salgado is a doctoral candidate in the Sociology department in University of California, Santa Cruz, currently a visiting research fellow at the Center for US-Mexican Studies at the University of California, San Diego, a member of the binational collective leadership of the Frente Indígena Oaxaqueño Binacional (Oaxaca Indigenous Binational Front), and has accepted a position the position of Assistant Professor of Sociology at the University of California.

Translation by Alexandra Armenta



CSQ Resource List: Indigenous Rights and Organizations in Mexico

Recent Books and Monographs:

Bardacke, Frank (translator and ed.). *Shadows of Tender Fury: The Letters and Communiques of Subcomandante Marcos and the Zapatista Army of National Liberation* (New York: Monthly Review Press, 1995)

Barry, Tom. *Zapata's Revenge: Free Trade and the Farm Crisis in Mexico* (Boston: South End Press, 1995)

Beas, Carlos, Manuel Ballesteros and Benjamin Maldonado. *Magonismo y Movimiento Indígena en México* (Oaxaca: 1997)

Benjamin, Thomas. *A Rich Land, A Poor People: Politics and Society in Modern Chiapas* (Albuquerque: University of New Mexico Press, 2nd Edition, 1996)

Blauert, Jutta and Paola Sesia, eds. *Medio Ambiente, Economía Campesina y Desarrollo Sustentable: Exitos, Fracasos y Perspectivas* (Oaxaca: Memoria, CIESAS/CAMPO/Grupo Mesófilo, 1998)

Campbell, Howard. *Zapotec Renaissance: Ethnic Politics and Cultural Revivalism in Southern Mexico* (Albuquerque: University of New Mexico Press, 1994)

Campbell, Howard, Leigh Binford, Miguel Bartolomé and Alicia Barabas, eds. *Zapotec Struggles: Histories, Politics and Representations from Juchitán, Oaxaca* (Washington, D.C.: Smithsonian Institution)

CIACH/CONPAZ/SIPRO. *Para Entender Chiapas: Chiapas en Cifras, 1997*

Collier, George, with Elizabeth Lowery Quaratiello. *Basta! Land and the Zapatista Rebellion in Chiapas* (Oakland: Institute for Food and Development Policy, 1994)

Dalton, Margarita, et al., ed. *Coloquio sobre Derechos Indígenas* (Oaxaca: Instituto Oaxaqueño de las Culturas, 1996)

De la Torre, Rodrigo Yarza. *Chiapas: Entre la Torre de Babel y la Lengua Nacional* (Mexico City: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1994)

De Grammont, Hubert, ed. *Neoliberalismo y Organización Social en el Campo Mexicano* (Mexico City: Plaza y Valdés/UNAM, 1996)

Díaz Polanco, Héctor. *La Rebelión Zapatista y la Autonomía* (Mexico City, Siglo XXI, 1997)

Gómez, Magdalena, ed. *Libro Derecho Indígena* (Mexico City: AMNU/INI, 1997)

Harvey, Neil. *The Chiapas Rebellion: The Struggle for Land and Democracy* (Durham: Duke, 1998)

Hernández Navarro, Luis. *Chiapas: La Guerra y la Paz* (Mexico City: ADN Editores, 1995)

Hernández Navarro, Luis. *Chiapas: La Nueva Lucha India* (Madrid: Talasa, 1997)

Hernández Navarro, Luis and Ramón Vera, eds. *Los Acuerdos de San Andrés* (Mexico City: Era, 1998)

Instituto Nacional de Solidaridad. *El Municipio en la Consulta Nacional Sobre Derechos y Participación Indígena*, (Mexico City: SEDESOL, Cuadernos del Instituto Nacional de Solidaridad, 1997)

LeBot, Yvon. *El Sueño Zapatista: Entrevistas con el Subcomandante Marcos, el Mayor Moisés y el Comandante Tacho, del Ejército Zapatista de Liberación Nacional* (Mexico City: Plaza y Janés, 1997)

Lloyd, Jane Dale and Laura Pérez Rosales, eds. *Paisajes Rebeldes: Una Larga Noche de Rebelión Indígena* (Mexico City: Universidad Iberoamericana, 1995)

Moguel, Julio, Carlota Botey and Luis Hernández, eds. *Autonomía y Nuevos Sujetos Sociales en el Desarrollo Rural* (Mexico: Siglo XXI, 1992)

Montoya Briones, José de Jesús. *Etnografía de la Dominación en Mexico: Cien Años de Violencia en la Huasteca* (Mexico City: INAH, 1996)

Napolitano, Valentina, and Xochitl Leyva Solano, eds. *Encuentros Antropológicos: Power, Identity and Mobility in Mexican Society* (London: University of London, Institute of Latin American Studies, 1998)

Paré, Luisa, David Bray, John Burstein and Sergio Martínez Vásquez, eds. *Semillas para el Cambio en el Campo: Medio Ambiente, Mercados y Organización Campesina* (Mexico City: UNAM, 1997)

Primack, Richard, David Bray, Hugo Galetti and Ismael Pnciano, eds. *Timber, Tourist and Temples: Conservation and Development in the Maya Forest of Belize, Guatemala and Mexico* (Washington, D.C.: Island Press, 1998)

Re Cruz, Alicia. *The Two Milpas of Chan Kom: A Study of Socioeconomic Transformation in a Maya Community* (Albany: SUNY, 1996)

Ross, John. *Rebellion from the Root: Indian Uprising in Chiapas* (Monroe, Me.: Common Courage, 1995)

Rovira, Guiomar. *Mujeres de Maíz* (Mexico City: Era, 1997)

Rubin, Jeffrey. *Decentering the Regime: Ethnicity, Radicalism and Democracy in Juchitán, Mexico* (Durham: Duke, 1997)

Valdez, Norberto. *Ethnicity, Class and the Indigenous Struggle for Land in Guerrero, Mexico* (New York: Garland, 1998)

Simon, Joel. *Endangered Mexico: An Environment on the Edge* (San Francisco: Sierra Club, 1997)

Tejera Gaona, Héctor. *Identidad, Formación Regional y Conflicto Político en Chiapas* (Mexico City: INAH/Centro de Investigaciones Humanísticas de Mesoamérica, UNAM, 1997)

Regular Journals and Recent Special Issues:

Ce-Acatl: Revista de la Cultura de Anáhuac (almost one hundred issues published since 1991, ceacatl@laneta.apc.org/525-594-7516)

Chiapas (seven book-length issues published since 1995 by Era and the Instituto de Investigaciones Económicas. UNAM)

Cuadernos Agrarios (major agrarian studies journal, current version published since 1990)

Journal of Latin American Anthropology, special issue edited by George Collier and Lynn Stephen, "Ethnicity, Identity and Citizenship in the Wake of the Zapatista Rebellion," Vol. 3, No. 1, 1997.

Memoria, special issue on "Chiapas: Un Recuento," No. 114, August, 1998 (www.memoria.com.mx)

NACLA Report on the Americas, "The Wars Within: Counterinsurgency in Chiapas and Colombia," Vol. 21, No. 5, March/April, 1998

Nueva Antropología (Colegio de México and UAM-Iztapalapa)

Ojarasca (monthly supplement to La Jornada, recent issues accessible <http://serpiente.dgsca.unam.mx/jornada/1998/dic98/981216/ojarasca.html>, published since 1991 -ojarasca@laneta.apc.org)

Relevant Web Sites:

Mexico:

unam.netgate.net/jornada/
Site of La Jornada, the only Mexican daily newspaper with consistent and detailed coverage of indigenous news and commentary by leading advocates. The web site includes most but not all of the newspaper, so readers looking for smaller or local stories still need to consult the paper version.

www.ezln.org/
The official web site of the Ejército Zapatista de Liberación Nacional, accessed almost half a million times since created in 1996.

spin.com.mx/~floresu/FZLN/
Web site of the civilian Frente Zapatista de Liberación Nacional (Spanish)

www.laneta.apc.org/enlacecivil/
Enlace Civil's web site updates news on indigenous issues every 15 days.

www.laneta.apc.org/cdhbcasas/
This page was created by the non-governmental organization human rights organization associated with the Diocese of San Cristóbal, the Centro de Derechos Humanos "Fray Bartolomé de las Casas."

www.laneta.apc.org/rci
Network of information on indigenous organizations in Mexico. The section entitled "noticias recientes" (recent news) contains information on current events. Starting in January 1999, this section will be updated weekly, and it will contain recent and daily information on specific organizations and on the indigenous movement in general.

www.laneta.apc.org/cni/
This page contains official documents of the Congreso Nacional Indígena (National Indigenous Congress) up to early 1997

<http://www.laneta.apc.org/trasparencia/>
This site is from the Oaxaca-based public interest group Transparencia and provides detailed information and analysis on World Bank projects in rural Mexico.

www.laneta.apc.org/lahora/
This weekly newsletter from Oaxaca, which includes a supplement edited by Servicios del Pueblo Mixe (Services of the Mixe People).

www.laneta.apc.org/rci/takachi.html
This is the page of the Comisión Takachiualis, which is dedicated to the defense and promotion of indigenous and human rights in Puebla.

www.cam.org/~tlahuic/tlahui.htm
This magazine/web site addresses various Mexican indigenous issues.

www.laneta.apc.org/melel/actual.htm
This page includes the daily news on indigenous issues in Chiapas.

www.laneta.apc.org/compartido/
This site contains indigenous movement documents, especially on Chiapas

International (English):

www.mexicosolidarity.org/
The Mexico Solidarity Network, founded in April, 1998, includes 56 US, Canadian and Mexican organizations

www.peak.org/~joshua/fzln/
Web site of the civilian Frente Zapatista de Liberación Nacional (English)

www.igc.org/ncdm/
Web site of the US-based National Commission for Democracy in Mexico

lib.nmsu.edu/subject/bord/mxarch.html
Mexico news archive from New Mexico State University

www.nonviolence.org/sipaz/
International Service for Peace (Servicio Internacional para la Paz or SIPAZ) is an international peace coalition.

www.mhrn.org.uk/links.html
British-based Mexico human rights network, with diverse related links

flag.blackened.net/revolt/mexico.html
This Irish web site provides the history of Mexican politics, society and indigenous issues, focusing on Chiapas and the EZLN.

Selected Videos:

The Sixth Sun: The Mayan Uprising in Chiapas - comprehensive introductory overview, directed by Saul Landau (1996) Distributed by Cinema Guild in New York 1-800-723-5522

Huicholes and Pesticides - produced by Patricia Diaz-Romo, 1994, distributed by the Pesticide Action Network-North America (San Francisco, www.panna.org) and the RAPAM, the Mexican Pesticide Action Network (available in English, Spanish and Huichol editions)

The Bad Harvest - documentary on hunger in indigenous communities in Chiapas, partly shot and edited by youth from indigenous

communities who are learning video skills through the Chiapas Media Project. "The Bad Harvest" is available for \$15 from the Chiapas Media Project, 4834 N. Springfield, Chicago, IL 60625.

Acteal - Estrategia de Muerte - Documentary about the Dec. 22, 1997 massacre (in Spanish), produced by Canal 6 de Julio (tel/fax 525-264-2805, canal6@laneta.apc.org)

The following videos are available through GEAVIDEO, Mexico City, tel/fax: 617-9027 and gea@laneta.apc.org:

Nunca Más un México Sin Nosotros - documentary on the founding National Indigenous Congress, Comisión de Video del CNI, 1996

Detras de Nosotros Estamos Ustedes - documentary on the March of the 1,111 Zapatistas to Mexico City and the Second National Assembly of the CNI, Comisión de Video del CNI, 1997

Sanzekan Tinemi/Seguimos Juntos - documentary on the technical assistance program of a Nahua community based economic organization in Guerrero, co-produced by Sanzekan Tinemi and the Grupo de Estudios Ambientales, 1997

Additional material may also be available from the Centro de Video Indígena (Oaxaca) videoindioax@laneta.apc.org



Postcard distributed by the Congreso Nacional Indígena.