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**Five Hundred Years of Resistance;
Self-Determination
and Political Strategies for Rejuvenation Among
Indigenous Peoples of Mexico**

by

Crescencio Bastida Muñoz
B.A. Tourism, Universidad Autónoma del Estado de México.

**A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of**

Master of Arts

Department of Political Science

**Carleton University
Ottawa, Ontario
April, 1997**

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**FIVE HUNDRED YEARS OF RESISTANCE: SELF-DETERMINATION AND
POLITICAL STRATEGIES FOR REJUVENATION AMONG INDIGENOUS PEOPLES
OF MEXICO**

submitted by

Crescencio Bastida Muñoz, B.A.

in partial fulfilment of the requirements

for the degree of Master of Arts

Chair, Department of Political Science

Thesis Supervisor

Carleton University
April 28, 1997

ABSTRACT

This thesis analyses the struggle for self-determination by Indian peoples of Mexico, emphasising on the last decade. Indian peoples have been purposefully denied their rights by the Mexican state throughout history, resulting in their impoverishment and ongoing armed rebellions, culminating in the current economic and social crisis in the country.

Indians have used political strategies through political organisations (armed and peaceful). A theory of symbolic politics is used to analyse the process by which Indians of Mexico have: reclaimed their cultural identities; developed political ideologies of opposition against those of the dominant society reflected through *Indianismo* versus *indigenismo*, and attempted to negotiate the terms of a new political relationship by means of constitutional amendments which would recognise a Fourth Level of Government by/for Indian peoples. It is concluded that the most effective resolution for Indian peoples' demand for self-determination may be to implement a fourth level of government.

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I dedicate this thesis to my parents, Lucas Bastida and Hermila Muñoz, and all my brothers and sisters, especially Jorge, and finally to the four elements of life.

Glossary

Alcalde Mayor: royal governor of a district.

Calpulli: the smallest political and social unit present in the Meso-American Civilisation.

Calpultin: the plural of *Calpulli*.

Cacique: the name of the rulers given by the Spaniards.

Casta: a distinct group of people as characterised by the Spaniards, in terms of place of birth and race.

Cédula Real: regulation created by the King of Spain which described the procedures that the Viceroyals had to undertake in New Spain in political, economic and social matters.

Congregación: a large compact of Indian communities after they had been re-settled as a result of a programme for scattered communities to facilitate christianisation and collection of tribute.

Corregidor: the royal governor of a district.

Corregidor de Indios: the royal governor who administered *corregimientos*.

Corregimiento: district of Indian people.

Encomienda: an assignment of Indians who were to serve the Spanish grantee with tribute and labour.

Encomendero: the holder of an encomienda.

Ejido: An agricultural community which has received land in accordance with the Mexican agrarian laws but based in the Spanish way of governing.

Hacienda: a large estate land.

Hacendado: owner of *hacienda*.

Milpa: common land used by the Indian communities to grow their crops.

Señorío: Mexica-Nahua nation-state in Meso-America.

Sistema de Raya: system used by the *encomenderos* and *hacendados* to endebt the Indian working under his charge.

Tlatoani: ruler of each state in Meso-America.

Tlatoque: plural of Tlatoani.

Vasallos: vassals of the King of Spain. The name given to some 'privileged' Indians who served the Viceroy in Meso-America under supposedly better conditions than other Indians.

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General Introduction

On January 1st, 1994, around three thousand Mayan militant men and women, declared war on federal government of Mexico by taking over four municipalities in Chiapas State. They referred to themselves as the Zapatista Army for National Liberation, in memory of the Mexican hero Emiliano Zapata who, in the revolution (1910-1920) led Indians to recover land and self-determination. The neo-Zapatistas chose the day as that the North-American Free Trade Agreement was to come into effect, for which President Salinas's government had passed amendments to Article 27 of the Constitution in order to prepare conditions for the NAFTA signing. Thus, the communal lands called *ejidos* (lands distributed to peasant communities by the state) and communal Indian lands could be sold, jeopardising Indians' struggle for self-determination. Indians chose to declare war as a last resort response, and as a warning to the nation-state that they were alive and had not been taken into account in the decision-making processes. Through the Lacandona Jungle Declaration, Zapatistas announced their demands, the main ones being that the constitution be renewed for the recognition of self-determination, and the NAFTA accord with Canada and USA be revised because it does not consider Indian peoples. Additionally, they were demanding social welfare and health services, official recognition of Indian languages in the country, and they asked that the government show deep respect for the Indian cultures of Mexico.

By declaring war on the day in that Mexico was supposed to become a member of the 'First World', Zapatistas called attention, asking for both national and international support from civil society.

As a state response, the Mexican army 'recovered' the municipalities and 15 thousand soldiers took over the Mayan region of Lacandona in the state of Chiapas. In two weeks of combat,

approximately four hundred people were killed; the majority were rebels and civilians. On the tenth day, Salinas's government declared that his government would seek political negotiation as the Zapatistas were prepared for a long-term war in the Lacandona Jungle. In Salinas's view, this could endanger Mexico's image and scare away foreign capitalist investment.

On January 12th, Salinas declared a cease-fire. By the last week of February, peace-talks began mainly due to civil society's mobilisations in support for peace. With the creation of the National Commission of Integral Development and Social Justice for Indigenous Peoples (January 19th, 1994), the federal government responded in order to control potential uprisings from other Indian regions in the country.

The main factors that led Mayas to war were the lack of historical justice and democracy and the appropriation of their rich lands by Europeans which has forced them to live in the poorest conditions for five centuries, and without political representation in the federal institutions. Another factor was the most recent amendment to Article 27 (1992). Indians were alarmed by the loss of the original content of the article, which had required that lands be returned to the peasants, in the form of ejidos to be protected by the state. The uprising was a last firm response to new *hacendados*'s system (land owners) who have forcibly appropriated their lands with institutional support.

The Zapatista rebellion is embedded within a long history of Indian rebellions since the invasion of Europeans, rebellions aimed at recovering self-determination by and for Indian peoples. The Zapatistas recognise themselves as a product of five hundred years of Indian struggle and resistance. As the Zapatistas have 'socialised' their demands, many of which are consistent with those of other social sectors in Mexico, they have had success in winning the support of civil society. With the Zapatista call to resistance, by August 6th, 1994, the National Democratic Convention (CND) took place in the Lacandona Jungle. More than six thousand delegates and observers from hundreds of organisations from different backgrounds such as Labour Unions,

Students, Women, Intellectuals and others, met to support the Indian struggle for self-determination and to discuss transitions to democracy in Mexico as common goal. Indians are the only sector who do not have a recognition in the federal powers and institutions. Thus, there are no official Indian laws even though they represent the root of Mexico as a nation. As an important part of the national composition, currently in the country there are 96 Native peoples. Some of them, such as the Aztec-Mexica, the Otomi-Ñahñu and Mayas come from a background of high civilisations. They represent the three major peoples within Indian population until today. Mexicas (3.5 million) and the Ñahñu (2.5 million) are distributed mainly in Central Mexico, whereas the Mayas (2 million) are settled in the southern states. By 1990, the total Indian population was estimated at 12 million, representing 14% of the total population of Mexico (91, 145,292).

Historically, Native populations have been wilfully ignored by the Spanish Crown and currently, by the nation-state. Their rights and collective properties were taken away. Since the invasions to their nations their lands were seized by Spaniards who created Spanish institutional property through *encomiendas*, and later on the *hacienda* system took over holding big extensions of Indian territories, where Indians were to serve the *encomendero* and *hacendado* (Spaniard land owners, representatives of the Crown). With rebellions, Indians have tried to recover their territories throughout history. After having participated in the Mexican revolution (1910-1920), Indians achieved partial success by pushing an agrarian reform through Article 27 which recognised the communal land, the *ejido*, as a way to return Indian lands to peasants. As the agrarian reform was only partially fulfilled, Indians have used other political strategies to recover their lands and autonomies, such as creating local, regional and national organisations. But their demands were and are still being considerably ignored by the state. Due to the unsatisfactory state response, Indian guerrillas are pursuing armed resistance as a last resort.

Aside from peace-talks process between the EZLN, (Ejército Zapatista de Liberación Nacional), and the federal government, there is a supportive peaceful Indian process for a constitutional amendment represented by the National Indian Assembly for Autonomy (ANIPA). This assembly is comprised of 250 Indian organisations from across Mexico. Both positions (EZLN's and ANIPA's) have been unified to strengthen Indian historical and contemporary demands. It can be argued that there is a strong rebirth of Indianist philosophy and the struggle to achieve self-determination. This is symbolised in the slogan of the newest National Indian Congress (1997), "Nunca más un México sin nosotros", (never again a Mexico without us).

The purpose of this thesis is to analyse the struggle for self-determination by indigenous peoples of Mexico, especially in recent years. The primary focus will be on the political strategies that indigenous peoples have pursued through a range of political organisations (including both armed struggle and/or peaceful negotiations). Drawing upon the theory of symbolic politics developed by Jhappan, the thesis will analyse the processes by which indigenous peoples of Mexico have: reclaimed their cultural identities; developed political ideologies of opposition against those of the dominant society (reflected through *Indianismo* versus *indigenismo*); constructed communities of political interest between Indian peoples who are differently situated vis-à-vis the state and civil society; and attempted to negotiate the terms of a new political relationship with the state by means of a constitutional amendment which would recognise a fourth order of government for Indian peoples.

Methodology of the Research

This study is based on primary sources and on my direct participation in indigenous organisations,¹ as well as informal interviews with leaders of other Indian organisations that are members of ANIPA. Representatives of international organisations such as the Indigenist Interamerican Institute, the World Council of Indigenous Peoples, Tonatierra and Comisión

Coordinadora de Organizaciones y Naciones Indígenas del Continente, CONIC (Co-ordinating Committee of Indigenous Organisations and Nations of the Continent) have also been interviewed during conferences held in Ottawa in the Summer of 1996.

My direct participation in conferences since 1992 related to the study has been fundamental for the analysis of the struggle of indigenous peoples and the understanding of the position of the nation-states toward Indian peoples. The more inclusive position of international organisations that are beginning to recognise indigenous peoples' rights for self-determination has allowed for a new approach in the relationship between indigenous peoples and the nation-state of Mexico.

My recent participation at different conferences which range from the 1996 Meeting of the Commission for Sustainable Development (CSD) in the United Nations and the International Court of Justice Spring Session in 1996 in Ottawa, Canada, have provided additional substance to my work. The use of electronic mail and phone with ANIPA's main co-ordinators have enabled me to maintain relatively close observation of the recent phenomena that have happened in Mexico during my absence as an active member of ANIPA.

This work has been realised within a qualitative research framework that contains historical and analytical components. Furthermore, it has used the practice of qualitative inquiry² rather than quantitative data collection. The method used is deductive, approaching from the general to the particular. The use of government documents and documents from Indian organisations, including the Memories and Declarations of armed rebellion guerrillas, have been key for the product of this study. Besides the literature review about issues concerning self-determination, Mexican history and *indigenismo*, *Indianismo* and eurocentricity have given substance to this thesis. The theory of symbolic politics is used as the main basis for interpretation of the Indian self-determination process, in Mexico.

The main focus of this study is to analyse the different approaches of Indian peoples in Mexico for the achievement of self-determination. At the same time, it analyses the position of the Mexican federal government.

This study is divided into six chapters that embrace the theoretical and historical explanation of the relationship between Mexican indigenous peoples and the nation-state. This relationship has been characterised by social conflicts and armed rebellions as a response to ethnocidal indigenist practices of the Mexican state. The thesis also presents the new pro-democratic relationship between indigenous peoples and global state actors as a result of the permanent Indian struggles. Finally, this study outlines a proposal for self-determination by and for Indian peoples, as well as the state's project for indigenous peoples' development in seeking national unity.

Chapter 1 refers to the theory of symbolic politics developed by Jhappan which explains the theoretical framework of the thesis. The concepts of opposition ideologies, symbolic reversal, symbolic competition and community-building and routinization of conflict are applied to Indian peoples' struggle to self-determination and resistance.

Chapter 2 provides an approach to the Mexican case referring to the ideological construct of *indigenismo* which is based on Western practices and values, and outlines the negative effects indigenist ideology and practice have created over Natives. The chapter then contrasts indigenist ideology with the development of the opposition ideology of *Indianismo* which is posited as a model for democratisation of the country. This chapter illustrates the political and cultural strategies of symbolic reversal and symbolic competition.

Chapter 3 sets the historical context by outlining Mexico's policies towards indigenous peoples since the invasion. Therefore, it takes into account the three centuries of the colonial period, the Independent period, the Mexican Revolution and the Constitution of 1917. Additionally,

it accounts for the recent constitutional reforms in 1992. Finally, it highlights the present policies exerted by the Mexican government as well as the Indian position with respect to those policies.

Chapter 4 examines indigenous peoples' strategy of forming international alliances, and deals with the concept of self-determination in a global perspective. Indigenous people's struggles around the world are shown to play an important role in seeking self-determination in Mexico. The chapter also shows how new relationships have surged between indigenous peoples and major international organisations, who are working towards the recognition of indigenous peoples' rights in international organisations such as the United Nations, the Organization of American States and the International Labour Organisation. For example, the chapter refers to 1992 as the year of 500 years of Indian Resistance, and to 1993 declared as the International Year of Indigenous Peoples, and beyond (1994 was the beginning of the Decade of Indigenous Peoples), as they represent the significance of such recognition.

Chapter 5 reconsiders indigenous people's struggles for self-determination in Mexico and in particular, the attempt of ANIPA to create structures and instruments for the management of political conflicts by means of a constitutional amendment recognising indigenous rights. It contrasts the government's proposal to reform Articles 4 and 115 of the Constitution, (partially to recognise Indian rights) with ANIPA's proposal for the creation of autonomous regions. I will argue that the Indian proposal for self-determination in Mexico is the most viable solution to achieve democratisation in the country, as well as to maintain national unity. The creation of a fourth order of government where Indians are represented by themselves within the state structure I will argue is the optimal means of correcting the historical imbalance of power between indigenous peoples and the state.

Finally, conclusions of the study with respect to the results of the research are drawn and considerations about the near future are made.

Endnotes - General Introduction

¹ The author is member of ANIPA and the Plural Group since their foundation.

² See Steven I. Miller and Moncel Fredericks. Qualitative Research Method. Social Epistemology and Practical Inquire. Peter Long. 1994.

Chapter 1

Symbolic Politics as the Approach of Indian Self-Determination

This thesis seeks to analyse the processes by which indigenous peoples of Mexico have struggled for self-determination in recent years. In particular, they have begun the process of rejuvenating their cultural, social, religious and political identities, and they have begun to develop an indigenous ideology in opposition to the dominant ideology which has justified their subjugation and dispossession. These processes have been critical to the construction of a community of political interests between diverse indigenous peoples, who have formed a number of umbrella political organisations to present their demands and needs to the state. Such organisations have attempted to re-negotiate the place of indigenous peoples vis-à-vis the Mexican state, through a variety of instruments, and more recently by means of a constitutional amendment to recognise indigenous rights to self-determination.

The thesis analyses these political strategies by adapting the theory of symbolic politics developed by Radha Jhappan to study indigenous politics in Canada.¹ The theory identifies a number of strategies that oppressed minority groups (such as racial/ethnocultural and indigenous peoples) typically have employed in order to re-negotiate their statuses and rights within larger encompassing societies which have dispossessed them of their rights of citizenship.² The theory of symbolic politics identifies six symbolic strategies typically employed: symbolic reversal; symbolic competition; community-building; 'using the system' (the courts and other instruments); creating appropriate political settings and attracting media attention; and routinizing conflict.

This thesis will apply four of the strategies mentioned above to the politics of indigenous self-determination in Mexico: symbolic reversal, symbolic competition, community-building and routinization of conflict. These have been chosen as the most appropriate of the six for analysing

the Mexican case. For example, indigenous peoples in Mexico can not use instruments such as the courts because, unlike the Canadian context, there are no laws, treaties of constitutional rights for indigenous peoples, nor is there a state bureaucracy comparable to the Department of Indian Affairs which administers the reserve communities of indigenous people who are registered under an Act of Parliament recognising their status as Indians. Therefore, the normal institutional, legal and bureaucratic routes available to indigenous peoples in Canada, the United States, Australia, New Zealand and several other states are simply not available to the indigenous peoples of Mexico. Also, the strategy of creating appropriate political settings to draw attention to indigenous issues will not be discussed directly in this thesis, though it will be illuminated indirectly through analyses of the international strategies of alliance-building and the Zapatista uprising.

It must be noted that Jhappan's theory of symbolic politics is intended to apply to groups operating in a democratic political milieu.³ However, in my view, it can also be applied to Mexico, which has a formally democratic constitution, although the President wields a very wide range of executive powers.

1.1 Symbolic Reversal

After the processes of colonisation by Europeans many ethnic groups, cultures and civilisations were displaced from their territories, stripped of their lands, civil and political rights, and in many cases threatened with disappearance by the new dominant society. Everywhere, the colonisers devalued and dehumanised the colonised, both to justify their dispossession, and to pacify them politically. The process of stigmatisation is a well-defined strategy that colonial societies throughout the world have deployed, and it is described by Jhappan in terms of the creation of stigmatising myths. These myths, based on negative stereotypes, are believed by

outsiders to be true, and have seeped into the stigmatised groups who, after a certain period of time, may assimilate the stigmas imposed on them.

In the struggle for survival, and in order to gain recognition of their rights, the subjugated minority must defuse such stereotypes by attempting to make the externally-imposed stigmatic identity a positive force: they must turn poison into medicine.

Symbolic reversal as a strategy is embedded in the symbolic interaction between the minority and majority, but used by the former to respond to negative images. In this sense, the concept connotes “the tendency of groups in crisis to reverse or invert the norms of society”.⁴ Indeed, A.P. Cohen stresses:

An increasingly common response to the imposition of stigmatic identity appears to be an assertion by those who are stigmatised of the characteristics which ‘spoil’ their identity...A more recent strategy observed among ethnic groups and other disadvantaged groups had been to ‘honour’ the stigma, to render it as a positive values and thereby to destigmatise it.⁵

As Jhappan notes, the strategy of reversal has been a key feature of African, Asian and Latin American independence movements, as well as of the ‘Black Power’ movement in the U.S., and the gay and lesbian movements of various countries. It has also been a necessity for the indigenous peoples of Canada, who confront institutionalised beliefs of their supposed ‘inferiority’ expressed in a wide range of government policies and societal practices. In the Canadian context, symbolic reversal has meant reclaiming the stereotypes by: resurrecting and asserting the dignity of their pre-contact histories; revalorising Native heroes (especially those who resisted the European invasion); revitalising Native values (such as equality, personal autonomy, non-hierarchical organisation, consensual decision-making and sharing); rekindling spiritual and cultural practices; creating a kind of ‘Pan-Indian’ identity as an amalgam of the cultural and political practices of various tribal traditions; and reframing the meaning and significance of the treaties, the reserve system, and

welfare.⁶ Thus, “specific symbols of their unequal status in Canadian society [have been reconfigured] so that they have become status-conferring”⁷.

In the case of Mexico, Indian peoples as a minority are adopting similar strategies. Symbolic reversal is evident in their ‘honouring’ of the term ‘Indian’, a concept imposed by the colonisers. A current position of Indian leaders in Mexico is to state, “ if, as Indians we were oppressed, as Indians we will get freedom”. The Native population in Mexico, after five centuries, has been stereotyped as lazy, dirty, unworthy, fools, etc. By using symbolic reversal, they are reversing the stigmatic identity in order to gain a positive force. Thus, symbolic reversal as a strategy has re-enforced Indian peoples’ self-confidence and respect. The progressive stimulation is given by highlighting the values of Indian culture vis-à-vis dominant society. Natives of Mexico are revitalising their cultures by using again original names and resurrecting their heroes. Most importantly, they are claiming self-educational systems and the right to the re-interpretation of history. Symbolic reversal thus strongly implies the assertion and improvement of the public image of Indian peoples; in order to strengthen this strategy, the values are contrasted. Thus, in an attempt to re-enforce Indian identity, symbolic reversal confronts *indigenismo*, the state-sponsored ideology that stigmatises Indians. A clear example in Mexico is the celebration of October 12th as ‘Día de la Raza’ by the state for white and *mestizo* people, referring to the discovery of America; Indians have declared it as the day of Indian Resistance. The reversal response has strengthened Indian identity and dignity.

1.2 Symbolic Competition

Another strategy used by oppressed peoples, besides symbolic reversal, is that of symbolic competition, which is mainly based in opposition. Schwimmer refers to this term when a subjugated group “rejects the symbolic code in which it is disadvantaged and replaces it with its

own, in which it is relatively powerful, or to which it has exclusive access”.⁸ By using this code of its own, the minority asserts, as Jhappan points out, its conceptual ideological superiority.⁹ With symbolic competition, the minority not only seeks equality, but rather, it asserts its superiority to the dominant society, although the latter attempts to exert dominion in all orders. Between symbolic reversal and symbolic competition, there lies a fundamental distinction, even though they appear to be alike. While symbolic reversal deals with cultural rejuvenation, stigmatisation and stereotypes as stated above, symbolic competition is more politically oriented and is aimed at developing political solutions for minorities, such as Indian peoples. As Jhappan states, symbolic competition:

...implies the development of counter-positions, not just to tackle the problem of stigmatic identity, but to oppose the prevailing norms of the society at the ideological level. Symbolic competition is a more militant strategy than symbolic reversal, and is more likely to be observed in groups embarking upon a political struggle.¹⁰

One of the main features of this strategy is the development of an overarching political polemic, or ideology of opposition. In this way, claiming the moral superiority of their own beliefs and ways of life, the subordinated groups show themselves as the counterpart of the life style of the dominant majority.

In the Canadian context, Native position ideology rejects characterisation as a civil rights struggle for acceptance as an equal ethnic group, but instead stakes claims to special status and rights based on the fact that they are the *original* inhabitants with “prior claims based on a prior reality”.¹¹ The ideology is oppositional in that it “questions the legitimacy of the criteria by which rights and benefits are distributed in society”.¹² More significantly, the opposition ideology is illustrated by the development of Aboriginal nationalism, the ‘Red Power’ movement of the 1960s and 1970s, the concepts and demands for recognition of Native sovereignty and nationhood, Aboriginal title, Aboriginal rights and self-government/self-determination.¹³

In the Mexican case, where Indian groups are excluded from the political activities of the nation-state, such as lack of specific representation as peoples in the Congress and federal institutions, they are likely to compete at the symbolic level by using symbolic competition and opposition ideology as tools to claim moral superiority based on their ancestral philosophy, values and organisational systems and ways of life.

Indians claim to be distinct from the dominant society; holding different cultures, they state that interactions with the latter are unequal and unfair. Mexico's apparently democratic political system which is criticised by Indians because the society in power does not recognise Indian peoples as a component of the country. As part of their symbolic competition strategy, Indian peoples of Mexico claim a superior way of organisation because their systems recognise the collective. They point to the gap that exists between the ways of life of the dominant society and those of the Indian peoples. While the majority group is based on individualism, industrialisation, exploitation of natural resources with consequent pollution, Indian values and ways of life are based on communal ownership, on sharing, consensus, feelings, and on deep respect for nature. Thus, the key strategy of symbolic competition is to invert and revert the scaling criteria constructed by the dominant society throughout history.

Chapters 3 and 4 refer to how the dominant society has exerted indigenist policies towards Indian peoples over time and the continuous Indian response of symbolic competition and opposition ideology strategies. For example, declaring 1492-1992 as the period of five hundred years of Indian resistance was contrary to the dominant society's point of view, which saw it as five hundred years of discovery of America. Indians have adopted a political posture and a more militant strategy, challenging the liberal political ideology.

1.3 Community-Building

Where indigenous peoples lack political power in the form of significant representation in mainstream political institutions, and especially where they are members of diverse cultural groups which collectively are a minority of the population, community-building is a fundamental tool for facing society and nation-states. Symbols are used to build a common identity where cultural and other differences are put aside to stress common political interests. Indigenous peoples of Mexico were subjected to disruption and isolation by Spaniards during the colonising process. In an attempt at survival and renaissance, in recent years they have gathered together in their struggle and resistance. In Jhappan's theory of symbolic politics, this strategy is explained within the framework of community-building.

Community-building has two important parts. The first refers to cultural aspects 'used' in order to construct national Indian identity in a wider sense. This refers to Pan-Indianism as a concept that articulates those symbols to create the community-building strategy. The second part refers to the organisational process as symbolic politics of community-building used by Indian peoples in order to build unified organisations at different levels which co-ordinate and represent Indians' matters in politics vis-à-vis nation-states.

In Jhappan's theory of symbolic politics, the strategy of community-building is a key factor to create a common Indian identity. The author refers to modern cultural Pan-Indianism as "the articulation of a kind of cultural nationalism which minimises differences and maximises similarities between Indian groups".¹⁴ Cultural Pan-Indianism thus refers to the activities and cultural Indian positions which led to the creation of Indian identity by using cultural symbols.

The unity of Indians is the postulate of Pan-Indianism. Bonfil Batalla refers to this unity as the attempt to reaffirm a civilisation which transcends the differences of specific ethnic groups and points out that these ethnic differences have been accentuated by the dominant society as a strategy

of domination.¹⁵ In the face of this reality, Indians have adopted a united position by using symbols from different cultures to produce national Indianism.

In Mexico, Indians have adopted a strategy to reinforce Indian unity through conferences, meetings and events in which they use symbols. The most common are the use of their languages in speeches and religious ceremonies; another is to wear their own traditional clothes. Other contributions to develop unity (Pan-Indianism) are the dates in which they gather; for example, on March 21st, for the Spring Solstice; November 12th to protest for the celebration of the day of 'Columbus' discovery' and so on.

The Indian efforts to build unified political organisations is an important component in the community-building strategy. The main reason is the achievement of political unity in order to create a sense of common interest between Indians. A new feature of Indianity as a recent ideology is the unification of Indian resistance and struggle through the creation of regional and national organisations beyond discrete, local self-interests, thus strengthening Indian political unity.

Indian political organisations in Mexico have joined in declaring self-determination as a political symbol which embraces common indigenous demands. Their efforts are to call for participation in the political system where the dominant state and society do not allow them to share powers. The recent creation of a series of national Indian organisations in Mexico (as FIPI, CNPI, etc. in 1990) denotes that the strategy of community-building has empowered the Indian movement vis-à-vis the nation-state (See Chapters 3 and 4). This has been more recently seen in the co-operation established between the EZLN and ANIPA.

2.4 Routinization of Conflict.

Another strategy which is applicable for this thesis, besides symbolic reversal, symbolic competition and community-building, is routinization of conflict to the politics of Indian self-determination in Mexico. Within Jhappan's theory of symbolic politics this concept is used to explain how ethnic groups have had to deal in a political interaction over a period of time where it is necessary to establish the political parameters for the resolution of conflict. In this way, the author uses the term 'routinization' to mean "the establishment of stable and consistent guidelines for conflict resolution: either in the form of consultative bodies set up by government to receive policy advice from the group in question, or in the stronger form of legislative or even constitutional guarantees of the group's rights."¹⁶ Thus, Indians attempt to routinize conflict in order to seek common and greater benefits through mechanisms for conflict resolution.¹⁷ The achievement of such mechanisms would signal the indigenous peoples' institutionalisation, as they would have been accepted as legitimate participants in the political process, and as rights-bearers.¹⁸

To achieve conflict resolution mechanisms and stabilisation of the political relationship, negotiations between government and Indian groups are embedded in a political interaction over a period of time. Here, the government tries to enlarge their fundamental rights "so that the bargaining at this level will normally involve a good deal of symbolic posturing since the new minority/government relationship will be codified in legalistic language...".¹⁹ Jhappan identifies a number of outstanding functions of routinization of conflict. First, the mechanisms used for bargaining allow for social interaction between the participants, which may have the effect of increasing their sensitivity of each others' positions, goals and political constraints. Second, routinization signifies the assurance of creating an environment which denotes that the conflict is being well directed and most importantly that compromises will be reached, especially by governments. Finally, it allows the minority to use other symbolic strategies.

Routinization of conflict is shown in Chapters 4 and 5 as an attempt of Mexican Indian peoples to gain a legitimate place in the political processes in order to remedy traditional exclusion. Thus routinization of conflict as a strategy used by Indian peoples in the country, goes from a merely symbolic strategy to a more real and practical functioning in bargaining with the nation-state; seeking fair treatment, being recognised in the Constitution and achieving self-determination.

Indians of Mexico are using symbolic politics in reclaiming both the recognition of their cultural identities as well as a place within the state, as is shown in the rest of the thesis. Jhappan's theory of symbolic politics helps us to understand the four strategies mentioned above which have been used by Indians of Mexico in an attempt to negotiate a new political relationship with the state.

The next chapter outlines the ideology of *Indianismo* vis-à-vis *indigenismo*, as a strategy to shift the Indian political relationship with the nation-state. Symbolic reversal and symbolic competition have been basic strategies for Indian leaders in creating a strong struggle and resistance in their quest for self-determination.

Endnotes - Chapter 1

¹ R. Jhappan, "The Language of Empowerment: Symbolic Politics and Indian Political Discourse in Canada". (Unpublished doctoral dissertation, University of British Columbia, July 1990).

² Referring to Article 32 of the Draft United Nations Declarations on the Rights of Indigenous Peoples, "Indigenous peoples have the collective right to determine their own citizenship in accordance with their customs and traditions. Indigenous citizenship does not impair the right of indigenous individuals to obtain citizenship of the States in which they live". In E/CN.4/Sub.2/1994/56. p/113. N.Y.: UN, 1994.

³ R. Jhappan, op. cit., p.13.

⁴ Ibid., p.44.

⁵ A.P. Cohen, pp. 59-60, cited in R. Jhappan, op. cit., p.44.

⁶ R. Jhappan, op. cit., pp. 167-187.

⁷ Ibid., p.188.

⁸ E. Schwimmer, "Symbolic Competition", *Anthropologica*, XIV (2), p.120, cited in R. Jhappan, op. cit., p.45.

⁹ R. Jhappan, op. cit., p. 190.

¹⁰ Ibid., p.46.

¹¹ Ibid., p.202.

¹² Ibid., p.203.

¹³ Ibid., pp. 203-241.

¹⁴ Ibid., op. cit., p.118.

¹⁵ Guillermo Bonfil Batalla. Utopía y Revolución. El Pensamiento Político Contemporáneo de los Indios en America Latina. (Editorial Nueva Imagen, Mexico, 1988), p.37.

¹⁶ R. Jhappan, op. cit., p.49.

¹⁷ Ibid., p. 49.

¹⁸ Ibid., p.325.

¹⁹ Ibid., p.50.

Chapter 2

***Indianismo* vs. *Indigenismo*. Reversal Response of Indian Peoples vis-à-vis the Nation-State.**

For five centuries, the ideology and practices of indigenism has been exerted over Natives in the Americas as the basis of the colonising process. In Jhappan's terms, indigenism is a stigmatising myth which has led to policies which only recognise indigenous peoples as a problem of integration rather than respecting Indian political cultures in their identity and diversity. As a reversal response, *Indianismo* became the counterpoint in a symbolic and philosophical sense. Indians have developed ideologies of opposition through symbolic politics against those of the dominant society, reflected through *Indianismo* vis-à-vis *indigenismo*. Symbolic reversal and symbolic competition (see Chapter 1) are strategies which have been used by Indians to construct cultural and political ideologies. By using symbolic competition, Natives have challenged the indigenist political ideology. This chapter contrasts the two opposing concepts of indigenism and *Indianismo* by outlining five points: eurocentricity/racism as the background of indigenism; indigenism as a central process of the nation-state to govern Indian peoples; the historical exclusion of Indian peoples from the state; the present situation in Mexico regarding the application of indigenism, and finally *Indianismo*, which has developed in opposition to the indigenist model.

2.1 Eurocentrism and Indigenist Ideology - Stigmatising Myths

The invasion of the Americas by Europeans marks the beginning of a pattern of genocide, ethnic assimilation and ecological devastation.¹ This pattern has been repeated through history to the present day. Eurocentrist points of view tried to embellish the tale by imagining Europeans as the 'discoverers of a New World', rather than as invaders and destroyers of hundreds of cultures. They argued the right to conquer by christianising the so-called 'savages' and 'barbarians'. They

discredited the developed civilisations that were evolving until before the disruption. The Europeans proudly referred to how they brought culture to the 'uncivilised' Indians. According to Bill Bigelow, eurocentric school books developed a myth of Columbus' 'discovery of America'.² This and other myths like that of the New World, the conquest and the colony, are historically embedded in the eurocentric ideology. The legacy of these myths is invasion, oppression and exploitation.³ Eurocentrism claims that Western cultural, economic, social, religious and political models are the best and the most logical solution for all peoples.

The slogan "imitate the West, the best of all possible worlds",⁴ evolved in Meso-America to embrace liberal and neoliberal democratic market-place patterns. This has inevitably produced victims of the system and imposed the North-South relation⁵ as well as the concept of peripheral countries.

Eurocentrists refuse to accept that the colonisation of America was inherently genocidal; even if the truth is known, denial and distortion persist. The Europeans disrupted the American continent by imposing political and economic capitalism which led from slavery to impoverishment and subsistence wage labour, an economic system based on the exploitation of nature and Indian populations.⁶

At the beginning of the invasion, eurocentric thought created the basis for the indigenist ideology which was being built by the Christian clergy in the New-to-the-Europeans World. The latter paradigm was based in evolutionist thinking which was itself re-affirmed during the Illustration by Vico and Hegel. Sixteenth century Spanish intellectuals like Bartolomé de Las Casas, Jose de Acosta⁷ and Vasco de Quiroga, who called themselves 'Indian defenders' and 'soul-saviours' were the main precursors of indigenist thought, especially Las Casas and de Acosta. However, indigenism as praxis and thought has been implemented since the sixteenth century, when Las Casas, the Indian protector, defended the Indians from the genocide and ethnocide

carried out by his colleagues. Fray Bartolomé de Las Casas, as indigenist, was an *encomendero* and he himself was served by a slave in his early years, when Colon gave him a Taíno Indian as a gift. An indigenist as well, he condemned the injustice carried out by his colonial counterparts, but allowed and enhanced both the Christian God's and the King of Spain's mandates, promoting colonisation and christianisation, favouring *mestizo* culture and the capitalist economic model.⁸

In any consideration of the first indigenist positions, there is evidence of the mischievous way of valuing indigenous cultures despite their claim to rescue Indians from the ravages of the invaders. Equality with respect to the Indians was always undermined and they were treated as small, defenceless beings, who must be christianised, converting their cultural, spiritual and economic values to make them become like Europeans. In the seventeenth century the influence of Las Casas augmented the indigenist ideology by arguing the spiritual and material benefits to the Indians derived from *misiones indigenas*.⁹ The benefits implied, however, the incorporation of their cultures into a homogeneous national culture.

The process of genocide reported by these colonial intellectuals was accompanied by the process of ethnocide they themselves carried out. Exploitation and degradation of the environment followed, which made them responsible for ecocide too. In Mexico, indigenism was institutionalised in Mexico in the 1940s with the creation of the Interamerican Indigenist Institute and was then expanded to the rest of Latin America. One of the more lucid views of contemporary indigenism is that of Gonzalo Aguirre Beltrán, one of its more outstanding theoreticians of this century:

Indigenism is not a policy formulated by Indians for the solution of their own problems, but rather, it is one created by non-Indians with respect to heterogeneous ethnic groups which receive the general designation of indigenous people.¹⁰

In social sciences, indigenism is a theory and a praxis exerted by nation-states to bring about cultural and socio-economic change in Indian peoples.¹¹ Thus, contemporary indigenism is a set of government policies aimed at 'national integration'¹² through assimilationist policies to transform Indians into Mestizos as a national model in the pursuit of monoethnicity. As Stavenhagen stresses, indigenism has become one of the most characteristic intellectual and political mainstreams of the twentieth century.¹³ In Mexico, indigenism was institutionalised as a consequence of the revolution. But for all contemporary intellectuals, the ideology is clearly rooted in the politics of the colonial invasion.

This ideological mainstream is nationalist, and its main aim is to homogenise and strengthen a unique national culture. In the name of nationalism, the states of the American continent attempt to reduce the internal differences of their populations. With integrationist, barbarian and ethnocidal policies, indigenism's main goal is to eliminate Indian nationalities, which could endanger the state's project of national unity. Therefore, indigenism became the base of the nationalist policies across Latin America. Such policies have been built through programmes for education, culture and amelioration of poverty, and are justified by arguments about the necessity to bridge the gap built over the centuries.¹⁴

The exercise of this ideology means the disappearance of Indian cultures, not only in the interests of national unity, but also for the purpose of progress and development, and more specifically, for State reasons (*por razones de Estado*). As Aguirre Beltrán states, the indigenist ideology "is against the artificial creation of Indian nationalities which do not exist."¹⁵

In light of the above, it becomes clear that indigenism has its roots in eurocentric patterns: both indigenism and eurocentrist ideologies assume cultural, social and economic superiority, promoting westernization as the best model for all peoples. Eurocentrism shares with indigenism the vision of homogenisation, cultural superiority and individualism, which has been exerted by the

colonisers over the Natives, naming them as ‘minorities’ when they were evidently, a majority, thus minimising them; they must be eliminated in name of progress, without concern that they form, and belong to, different nationalities. Indians have been judged until today as lazy, dirty, unworthy, incapable and so on and, to some extent, some Indian groups have internalised these beliefs by assuming such degrading terms and patterns.

Furthermore, contemporary indigenists refer to an Americanist indigenism, thus inferring that indigenism is an evolving ideology. Eurocentrist Alcina Franch elucidates that, even though the Lascasiano indigenism is the fundament of indigenism, the Americanist indigenism¹⁶ exerted by present states, constitutes a more solid foundation of the future indigenism. Thus, it can be seen that today there exists the so-called Americanist indigenism, exercised by the nation-states in pursuit of homogenisation.

Eurocentrism¹⁷ and indigenism are seen as a form of internal colonialism,¹⁸ characterised by a monopoly of power and oppression of others. Both are based on the capitalist model, and create the conditions for development of the Western model of ‘development’. This has generated serious conditions of misery among American indigenous peoples, which are societies that are culturally unrelated to such capitalist models. These two western ideologies reflect a form of racism through the colonial subjugation of the Indian cultures and the exclusion of their own ideologies. Therefore, indigenism has provoked westernization among the Natives and more radically, as Bonfil Batalla inferred, was intended “to achieve the disappearance of the Indians.”¹⁹

2.1.1 Account of Historical Exclusion of Indian Peoples by the Mexican State.

Indigenous peoples in the World, historically, are roots of the grand civilisations and owners of the knowledge applied in the development of humanity. They have their own histories, cosmovisions, philosophies, arts, sciences that are tied with respect to Mother Nature. During the historical process of colonisation, indigenous peoples have suffered manipulation and destruction

of their civilisations. Many cultures have been eradicated, others have been transformed, becoming communities out of balance. The loss of equilibrium provokes destruction within and without their societies and environment. But those which have resisted a history of exploitation and discrimination for more than five centuries have done so surviving in subhuman conditions within the colonial nation-states. Nations have not recognised the indigenous historical right to freely participate in the state.

Native people in Mexico, since the arrival of the Europeans five centuries ago, have been excluded from the process of nation-building and have been denied the right to self-determination. With the proclamation of independence (1821) by the creoles and with the Mexican Revolution (1910-1921) they have not had any improvements in their conditions of poverty as indigenous nations. With the elaboration of the Mexican Political Constitution in 1917 (as a result of the Revolution), Indian peoples were not considered and were left out of the federal organisation once again. This historical exclusion from the policy-making processes has led to the current conditions of extreme poverty and marginalisation as well as disempowerment. The situation has provoked social conflicts between the state and indigenous peoples both in past and present times. The government's response to their legitimate mobilisation has been militarisation of Indian regions and rural areas, threatening the integrity of the nation-state of Mexico. (See Chapter 3).

2.1.2 Present Situation in Mexico

The Mexican state, as the host to further contemporary indigenism in the Americas, has exerted ethnocidal and genocidal policies towards indigenous peoples. The National Indigenist Institute (INI), created in 1948, acts as the main pillar and the highest-ranking official agency of the Mexican state's indigenism. The policies derived from this institution have the stated objective of amelioration of poverty and 'modernisation'.

However, indigenism in Mexico in the present context, has created a series of negative impacts in each and every aspect of Indian peoples' lives, mainly through policies aimed at national integration. The main consequences can be distinguished as *enajenación*,²⁰ *alienación*²¹ and *alineación*²² by the state towards Indian cultures. The processes of cultural disintegration, disruption and homogenisation are the most prominent results. Another direct result of indigenist policies is the repression of Indian creative capacity. The most characteristic aspects of Indian creativity, one of the culture's more valuable resources for survival, have been undermined and undervalued.

Seventy-eight per cent of all the Native population of Mexico (which today is at 14% of the national total)²³ is found in Oaxaca, Veracruz, Chiapas, Puebla, Yucatan, Hidalgo and Guerrero. In some states, like Oaxaca and Yucatan, the number of Indian peoples is higher than that of non-Native people. In other states, like Chiapas and Quintana Roo, the indigenous nodes constitute more than a third of the total population. Of the 2,403 municipalities in Mexico, 803, or a third, are municipalities that are composed of more than 35% Aboriginal people. Over 75% of the Indian people of the nation live in this type of municipality. There are indigenous peoples in almost 30% of all the localities of the country (44,218). Out of these localities, 13,000 are classified as 'eminently Indian localities', for they have over 70% of Native-speaking people.²⁴

The living standards of indigenous peoples are noticeably lower than the national average due to their marginalisation, discrimination and exploitation. In Mexico, the numbers of those who live in a state of poverty are extremely high: official statistics refer to 40.3 million poor Mexicans (which represents almost half of the population);²⁵ 17.3 million of the latter live in indigence. It is at this level that almost all of the Indian population dwells. This has provoked migration to the big cities and to the United States of America²⁶ in search of employment, exacerbating the loss of Indian cultural values in the younger generations. Today, 15% of the Mexican population (which

includes the estimated national Indian portion) occupies the lowest rung on the socio-economic ladder.

In recent years, global economic integration has impelled Mexico toward the modernisation of its rural economy. This has meant the widespread impoverishment of the indigenous peasantry, the end of the country's food self-sufficiency, and a struggle for cultural survival²⁷ in rural areas as well as increased internal and external migration. Thus, indigenous peoples are submitted to the most severe and inhumane conditions of marginalisation and poverty. For example, in the municipalities that are predominantly Native, the illiteracy rate is 43%, which corresponds to more than three times the national average. Fifty-eight per cent of five-year old children do not attend schools and close to one third of the population aged six to fourteen do not know how to read or write. Likewise, Indian peoples experience dramatic rates of unemployment in the market economy: approximately 60% of the population aged 12 years or more, do not find paid employment. The income of employed population in the municipalities that are completely Indian is extremely low: 43% of people receive an income which is under the minimum salary, which is more than twice the national average of 19%, which by itself is extremely high. Meanwhile, the rate of Native people who do not receive a monetary income in those municipalities is almost 30%, which is four times that of the national average. The deficits that the Native population suffer from in terms of services and housing (absence of electrical energy, drinking water, sewage system, bad infrastructure, overcrowding) complete the picture of the terrible inequality and misery which descendants of the original peoples of Mexico are submitted to. In this dramatic framework, the most affected are Indian women. For example, the illiteracy rate in the female Indian population of the municipalities is as high as 53%.

Many of the regions which are now considered traditional Native territories are areas of great environmental relevance due to their rich biodiversity. The fact that such regions have

conserved the equilibrium of their ecosystems was in the past attributed to climatic factors and other natural agents. Today it is known that such preservation is due to the wise and sustainable ways to manage resources which implies the communion of Indian peoples with nature.²⁸ Nevertheless, these regions are increasingly under environmental stress adding to the disastrous incidents Indian peoples have had to face.

The causes of marginalisation and poverty are not attributable to sociocultural or ethnic characteristics of the Indian peoples. Rather, it is due to the unequal relationships and the subordination which have been imposed upon them. Also, it is because of the social and political exclusion which they suffered during the three centuries of colonial regime and which they have been attempting to reverse ever since Mexico became an independent country.

The poverty of Indian peoples is a poverty built over the last five centuries, but the indigenist policies of the last decade have been the main agents responsible for establishing Indian peoples as the poorest of the poor. Poverty is reflected in high levels of malnutrition and increased levels of mortality and morbidity. The most recent document issued in 1996 by the Secretariat of Foreign Affairs of Mexico State,²⁹ states that, in 1994, malnutrition was the twelfth most common cause of death. The text makes it clear that the most affected municipalities are conspicuously composed of indigenous peoples. Oaxaca, Campeche, Quintana Roo and Yucatan are plagued with malnutrition in over 60% of their populations. Children under five are affected in 80% of the cases; the remainder are mainly the elderly. In some areas of the highland region of Chihuahua, between 80% and 90% of the indigenous population has reached severe levels of malnutrition.³⁰ The text confirms the state of marginalisation in which indigenous people find themselves as well as pointing to the lack of integral state programmes directed towards their well-being. In general, indigenism has created sub-human conditions, exemplified by a lack of basic social services, like a

fresh water supply, electricity, sewage systems and the like, thus further diminishing Indian populations: they are the least serviced segments of the population.

By means of indigenist policies the nation-state has maintained the denial of political representation of Indian peoples. Ever since they lost their sovereignty, they have not had any power in the state. The indigenist policies of the past five hundred years have set up the Indians as foreigners in a territory they have occupied for thousands of years. Indians are considered by the state to be a problem that must be solved through radical assimilation programmes using paternalistic and co-optation strategies.

Political representation for indigenous peoples as such, does not exist. Thus, until now, they have been purposely excluded from the political decision-making processes. Existing institutions in Mexico are not adequate for Indian peoples in this respect because the institutions exist to implement paternalistic and ethnocidal policies. Thus, specific institutions created by and for Indian peoples would become fundamental political and administrative organs. Such institutions would be able to formally evaluate and contest the consequences of capitalism, where its expansion is touted as the key to development of the country. For instance, the Mexican state sees the exploitation of oil, natural gas and minerals, as well as building dams and the like as progress, even if they endanger the physical survival of the Indian population. The territories of Indian peoples and their own criteria to sustainably manage such territories are not recognised by the Mexican government.

The state created the *ejido* system after the Mexican Revolution, and as a consequence of the demands made by Indians and *mestizo* peasants at that time. The policy for *ejidos* refers to providing and/or returning lands to Indian communities and peasant villages. *Ejidos* are collective land portions owned by *ejidatarios* (peasants with titles recognised by the state) and which until

1992, *ejidos* could not be sold. The argument of the state regarding its benefits referred to the reinforcement of the sense of collectivity.

However, during the last decades, the Mexican state has adopted a policy of capitalist development which has degraded the living conditions of Indian people and harmed the environment. As an example, the *ejidos* occupy 43% of the Mexican farmland and comprise well over 60% of the nation's farmers. Yet, they produce less than 10% of the country's output. This is due to the federal government's refusal to provide economic support to Indian communities in an attempt to eradicate collective organisation and, at the same time, enhance individual property holdings through land privatisation, for which the state gives economic subsidies as incentive. The *ejido*, the feature which is most closely related to Indian land ownership, is monopolised by few rich ranchers (*parvifundistas*) who "for very little money per year, saturate the lands with animals, provoking the overuse and erosion of lands."³¹ The depletion of Indian lands due to outside interests, private and multinational companies, and the government, which exploit such natural 'economic' resources, create conditions dangerous to Indian survival.

Furthermore, with Salinas's reform to Article 27 of the Constitution of 1992 (discussed further in Chapter 3), the *ejido* became negotiable, supporting the neoliberal project of the World Bank and IMF through a programme of structural adjustments. In Mexico, structural adjustments have worsened the living conditions of the population, as reflected in the low productivity, monetary inflation, low wages, and unemployment in the *ejido* sector. These reforms are encouraging migration from rural zones to the cities and to the USA, causing disruption and ethnocide in a process of homogenisation.³²

Since its creation, the INI has provoked the destruction of Indian cultures and the integration of ethnic cultures into the lowest and most exploited stratum of the national class structure. The ethnocidal policies have been reflected with the *castellanización*³³ among the Indian

population at all age-levels. Moreover, Spanish is recognised as the only official national language. With this ideological tool in hand, and through key educational curriculums, transformation of Mexican Indian cultures has been justified in terms of national unity. Through schools, mass-media and the like, westernization is easily introduced and its values are well promulgated. In this way, the Indian people are induced to reject their own culture, while the western one is continually shown as the best way of life. This has definitely been the major impetus of acculturation and has generated serious confusion among Indians. Indigenist policies have caused discrimination against features of Indian culture and against individuals. This systematic discrimination has been reinforced by others to the point where it is being self-produced in feelings of inferiority and self-hate.

In Mexican economic relations, it is acceptable to offer unfair payment for Indians' goods and labour. Intermediaries, who pay almost nothing for Native products, exploit an endemic discrimination. A clearly delineated racial discrimination is manifested in the fact that the wages for Indian persons are often lower than the rest of the population.

Indigenism has exerted paternalistic political constants that are based in patterns of colonial times. This is evident in the loss of sovereignty of Indian peoples, where indigenism has created political impotence and resentment against the elite power. Specifically, Indian resentment is directed against the so-called '*familia revolucionaria*' ('revolutionary family'): the owners of the nation-state's power, economy and land; the main agents of exploitation in all matters regarding Indian population and territory. Additionally, they deny Indian representation and self-determination; indigenist bureaucrats decide and speak in the name of indigenous peoples. Thus, they impose conditions of marginalisation, exploitation and discrimination, undervaluing and stigmatising Indian self-identity as that of its community. In the confusion created by that

impotence, they have generated ways of life that affect and destroy the Indian communities, such as alcoholism, violence and physical and social isolation.

Indigenism has replicated colonial patterns, both openly and in a covert manner (known as neo-colonialism).³⁴ Even though indigenist ideology was born out of a desire to ameliorate the spiritual and material situation of Natives, as was Las Casas' mission, five centuries later it can be seen that indigenism has worked as the major force in the demolition and disappearance of many cultures. Political and economic power has been held by European invaders (Spanish, English, French, Portuguese and so on) even though independence has been declared and revolutions have occurred. Like holding hands, power has been passed through generations of European descendants.

For the propagation of westernization, indigenism has applied three important tools: education, language and culture. The indigenist educational process is oriented to promoting and teaching Spanish language as a way to transform cultures and values, assimilating Indian people to the national society in a clear process of homogenisation. Tresierra refers to indigenism as a state-policy that has effectively and systematically obstructed autonomous, independent indigenous efforts to organise movements of national scope.³⁵ Also, it has denigrated the personality of Indian peoples, pushing and implementing ethnocidal, genocidal and ecocidal practices. The exclusion from power and marginalisation caused by indigenism has affected the real integrity of the nation-state as manifested in Indian armed rebellions³⁶ protesting centuries of discrimination and violence.

It has become clear that the neo-liberal government implements programmes towards indigenous peoples that are intimately related to the broad economic and political goal of the state. These programmes are ethnocidal and in many cases, have provoked cultural extermination, particularly where the INI and other national secretaries enable and control the incorporation of the Indians into the national and global capitalist schemes by eliminating their economic and cultural

identity. It is necessary to stress that this process uses confusion to accelerate the process of acculturation of Native people.³⁷

In recent years, globalisation and neoliberalism have increased poverty levels. Indigenism is the ideological platform for state action to ensure control over indigenous peoples through co-optation and alienation; but when it fails, the state opts for repression and violence. Oppression has been another result of indigenist policies towards Indians in Mexico which is also directed at mestizo population. Physical violence by the military and by the state has become a constant; the military and civil police forces have made themselves felt in numerous cases, as in the 1995 slaughter at Aguas Blancas, Guerrero, where seventeen Indians were killed, and in the repression to the village of Tepoztlán, Morelos (1995-present). Landowners have increased oppression with the so-called *guardias blancas* (civil guards), as have entrepreneurs who seek to exploit natural resources. The oppression of the Indian peoples has facilitated a displacement from their lands, which for them, is the means to physical survival and collective identity. There is an increasing migration due to a decreasing land-base and economic pressures. This has forced the Indian people to leave their homes to seek employment outside of their communities.

The state indigenist position has relegated the indigenous peoples' cultures to that of a subculture³⁸ within a more 'civilised' official culture. The resulting cultural diminution sets up an imaginary problem of integration. Aguirre Beltrán states that this views indigenous peoples as *minorías subdesarrolladas* (underdeveloped minorities) and as a problem for the republic, due to their inherent historical rights. In this framework, the Indian condition of existence is one of basic survival. In social terms, they occupy inferior social levels and as Indians, they have been subsumed within homogenising policies. As a group, they are appreciated only as a folkloric element, subject to exploitation and mistreatment.

As a result of its historical process of marginalisation, indigenism has inhibited indigenous peoples from making legislation and having political representation. Moreover, legislation has been based on individualism,³⁹ demolishing the legal and political personality of Indian people. There is no full recognition in the Mexican Political Constitution with respect to political, territorial or legal rights. This has meant the marginalisation of potential actors in the country's development as well as development of its people.⁴⁰ The state has created deficient conditions for the integral survival of Indian peoples and the latter have inevitably become dependent upon the state. Indigenist politics have denied Indian peoples the possibility of exercising self-determination which implies the reproduction and re-creation of their policy-making. Some indigenous leaders who are attached to political parties have seats in the Congress or the Senate but only represent the parties' interests rather than indigenous peoples' issues.⁴¹

Indigenist policies regarding amelioration of their conditions and goodwill toward Indian peoples have only been rhetorical. The reality is the articulation of ethnocidal practices. This has resulted in the disruption, migration, extreme poverty and present marginalisation of Indian peoples and, specifically, in the acculturation reflected in deformed cultures built throughout centuries of colonialism. Indigenism has become the main ideology in contemporary history for exterminating every vestigial pattern of Indian cultures. The same ethnocidal ideology has also created racism and rejection to the roots of their cultures, converting the Indians and their cultures into folklore. Indigenism, in this sense, has undervalued the real value of Indian civilisations: their art became handicraft, their science is referred to as witchcraft, their languages are called dialects and their cultures, subcultures.

Moreover, indigenist policies have denied the right of Indian civilisations to the preservation and development of their own ways of life, justice, dignity, history, cosmovisions,

philosophies, social-economic relations, arts, languages, sciences, self-governance and self-determination.

As Stavenhagen asserts, indigenism is used by the state as a way of manipulation and ideological and political control of Indian communities exerted by indigenist bureaucrats.⁴² “The current state has exerted political denial and control over the Indian peoples based on a colonial State.”⁴³ Current Mexican state policy of *etnodesarrollo* (ethno-development) is, as Stavenhagen notes, ‘más de lo mismo’⁴⁴ (more of the same) rhetoric to control Indian peoples and give concessions combined with repression, but still aiming at the elimination of the indigenous cultures. In recent years, this ideology has become more threatening with increased Indian mobilisation as a response. Indigenism under the banner of national unity does not accept the possibility of self-governments and sees Indian mobilisations as a threat to national integrity (sovereignty). In their perspective, Indian nationalities, simply do not (and must not) exist .

2.2 Indian Resistance

In spite of denial of Indian self-determination, Indians have resisted assimilationist methods and maintained their cultures from colonial times until today. The exercise of autonomy has continued in resistance and practised outside the law. It has been noted that the Constitution does not recognise the Indian right of self-determination. The symbolic politics have been key factors for pursuing self-determination and survival. In order to revert negative self-images that the state and the dominant society have created, Indians have experienced cultural renewal by transforming negative images into positive ones. In this way, Natives have constructed a proud sense of Indian identity through *Indianismo* ideology. Jhappan explains this phenomenon as symbolic reversal, where Indians’ values are contrasted with those of the dominant society; highlighting the best features of their cultures (like arts, writing, music, language and the like),

Indians are rebuilding self-confidence and respect in order to overcome the state's aim to erase their identity. In this sense Indians are confronting assimilationist and paternalistic practices by assuming a political posture of resistance through militant strategies, (Indian rebellions and traditional organisations). In Mexico, *Indianismo* ideology (community-building which has created a common Indian identity) has been strengthened due to latest armed rebellions and peaceful Indian organisational strategies. There is a rebirth of Indian struggle based on Indian nationalism. Indians have thus become the main focus of national agenda. Indian resistance has allowed to construct unified political organisations (as ANIPA and the Plural Group) which, as Jhappan states, go beyond local, linguistic and religious barriers, creating a solid basis for community-building by maximising similarities and common interests.

2.3 *Indianismo* as the Counterpoint of *Indigenismo*.

The continued existence of Indian cultures and nationalities is a result of an Indianist struggle for survival by, and for, Indians and not because of any of the state's indigenist policies. The ideology and the theory of *Indianismo*,⁴⁵ as Bonfil Batalla suggests, is the counterpoint to eurocentric attempts to assimilate indigenous ideologies and practices. While indigenism defines and justifies the state's policies toward Indian peoples which have labelled Indian peoples as inert, targeting the Indians as objects rather than subjects, *Indianismo* opposes western domination. By assuming a political posture and reversing the norms of the dominant society, Natives are reclaiming their cultural identities and a place within the state. Evidently strategies of symbolic reversal and symbolic competition have reinforced *Indianismo* ideology.

Although the ideology of *Indianismo* is based on five centuries of struggle, it has been revitalised and strengthened relatively recently with the resurgence of indigenous peoples' movements throughout the hemisphere in the last two or three decades. The fundamental impetus

for the Indianist response has been the ethnocidal and genocidal practices exerted over Indian peoples.

The vision of this ideology is laid out in the Declaration of Ollantaytambo (1980) by the Consejo Indio Sudamericano:

We reaffirm *Indianismo* as the central category of our ideology, because its vital philosophy advocates self-determination, autonomy and the socioeconomic and political self-direction of our peoples and because it is the only life alternative for the world today, which is in a total moral, economic and political crisis.⁴⁶

Indianismo as an expression of symbolic competition rejects westernization, consumerism, capitalism and developmentalist policies which have destroyed the environment and disrupted Native peoples. In contrast, *Indianismo* pursues de-colonisation and the recognition of self-determination based on historical rights. The organised Indian movements and meetings in regional, national and international contexts,⁴⁷ form the basis of contemporary *Indianismo* ideology. Indian political thought opposes western-coloniser ideology. It shows that the Indian was never conquered but, in fact, invaded by the colonisers who exercised imperialism. There was no surrender or consent by or from indigenous peoples to the occupation of their lands or their exclusion from socio-economic and political rights.

As Bonfil Batalla says, western-style revolution, Marxism and the rest of socialist thoughts and theories are seen as insufficient and inapplicable to Indian civilisations. Indigenism based in eurocentric patterns has failed to assimilate Indian cultures even if it has deeply damaged them. This author stresses the fact that there was an invasion, and not conquest, reflected in the domination, violence and force creating disruption, dependence and struggles.

Indianismo is an ideology and practical guide for Indian political action, becoming the contemporary expression for Indian resistance, aiming at self-determination and demanding political participation within the nation-state. *Indianismo* is dramatically opposed to indigenism.

Indigenism means official integrationist policies, whereas *Indianismo* means survival and the struggle to be recognised as Indian nationalities, as Indian people with the right as peoples to hold self-determination. As will be seen below, the latter concept, in the *Indianismo* ideology, does not mean secession but recognition of Indian peoples in the framework of the nation with constitutional rights.

2.4 Conclusions

By claiming their cultural identities and exerting a political posture, Indians have strengthened the *Indianismo* ideology in order to be heard by the state. Furthermore, Indians' symbolic politics through the use of symbolic competition and symbolic reversal, are challenging the indigenist-state positions. *Indianismo* has become a developed political ideology of opposition.

In the present context, *Indianismo* is demanding a fair place in the nation-state in which indigenous peoples are to be recognised and considered as the root, the original inhabitants and an important sector of the Mexican population unlike the actual situation where they do not have any actual representation as such in the nation-state.

Indianismo has been a continuous struggle against oppression, expressing themselves as true nationalities,⁴⁸ based on a distinctive ideology in opposition to that proposed by the nation-state. A key factor in *Indianismo* is the de-colonisation of history. It seeks to build a nation from its own roots rather than importing western models; the ones which have only endangered hundreds of cultures.

I suggest, therefore, that the alternative political proposals (short-term and long-term) of creating pluri-ethnic regions in Mexico should be included in the national Constitution and in the composition of the nation-state. This means creating the conditions for the participation of Indian peoples in Mexico who must be recognised in the Constitution, which must make direct reference regarding power for Indian peoples. The state should not only seek partial accommodations

through amendments in the constitution, for this does not allow for the full recognition of Indian self-governments. In contrast to government claims, the Indian call for self-government has no secessionist intentions, but rather, is a proposal to be part of the nation in specific terms (implying the creation of one more level of governance).

The only way in which Native peoples can escape from the current situation of marginalisation and poverty is that the state takes into account their demands. The latter must be carried out by the federal Constitution, acknowledging their legal status as peoples and their right for self-determination expressed in autonomy within the Mexican state framework, and taking into account social, political and cultural rights. In such a framework, social development has to be carried out by indigenous people for indigenous peoples, improving education in their cultural context; improving health among them with their own systems.

The state should deal with *Indianismo* ideology as an inherent right, allowing the organised participation of Indian peoples in the decision-making processes, planning and development. The state must recognise itself as multinational and allow for a strong multi-ethnic nation where peace with justice and dignity may prevail. It should eliminate the discriminatory policies and INI proposals, burying the eurocentric perspective in the ideology and practice of indigenism.

Once self-government is recognised by the nation-state, Indian peoples will be able to increase their capability, contributing to a solid base of development for the nation, embracing other ways of approaches to development. If the conditions worsen for indigenous peoples without land-bases and political representation, the destruction of Indian cultures will continue and the struggles for survival will become both more pronounced and more of a threat to national unity, and civil society will be affected. With the advance of privatisation and modernisation of the state, the indigenist practice will become more violent and repressive in response to *Indianismo* demands.

Since it is pluri-ethnic in composition, the nation-state must recognise itself as a pluri-national state. As Nahmad Sitton⁴⁹ points out, the state has the duty to rethink the indigenist ideologies and models built from the colonial eurocentric schemes. Therefore, the state has to decolonise the nation, allowing for true integration, recognising political rights for those nationalities or so-called ethnic minorities. The key factor is the distribution of national income between the victims of indigenism who are the poorest of the poor and, at the same time, as a contradiction, the original inhabitants of Mexico.

It is fundamental to take in to consideration the decolonisation and reconstruction which permit a multinational nation with a personality of its own. This would enable development based on its roots rather than inappropriate imported models which only have enriched a few voracious people. The state will have to approach a polycentric multiculturalism which involves a “restructuring and re-conceptualisation of power relation between communities”,⁵⁰ referring in this case to the relationship between nation-state and Indian peoples.

The unfair current colonial relationship between Natives and the dominant society that Indians have lived for five centuries has led them to resist in a struggle for survival. In the last few decades, they have been seeking to recover self-determination by using strategies of symbolic politics, among others.

Endnotes - Chapter 2

¹ *Ethnocide* is the systematic destruction of Indigenous cultures. It is also the manifestation of internal and external colonialism. See chapter 3.

Genocide is the physical and biological destruction that manifests ethnic divergence in relation with dominant social groups. (See Salomón Nahmad Sitton, “Reivindicaciones y Política Indigenista en México”, in José Alcina Franch. et. al. Ed., Indianismo e Indigenismo en America, (Quinto Centenario, Alianza Editorial, Madrid, 1990), pp. 251-270.

² Dave Broad, “Columbus, Capitalism, Imperialism and Socialism”, in Ron Bourgeault et. al. Ed., 1492-1992. Five Centuries of Imperialism and Resistance, (Society for Socialist Studies. Fernwood Publishing Canada, 1992), p.9.

- ³ Ibid., p.2. For Samir Amin, 1492 is symbolic of the expansion of the new economic world order: capitalism. See also Jalil Sued-Badillo, "Christopher Columbus and the Enslavement of Amerindians in the Caribbean", in Ron Bourgeault et. al., op. cit., pp. 37-65.
- ⁴ Samir Amin, Eurocentrism, (Monthly Review Press, New York, 1989).
- ⁵ Stephen Gill and David Law, The Global Political Economy. North-South Relations, (The John Hopkins University Press, Baltimore, 1989), pp. 280-301.
- ⁶ Roxanne Ortiz Dunbar, "Aboriginal People and Imperialism in the Western Hemisphere", in Ron Bourgeault et. al., op. cit., pp. 23-35.
- ⁷ José Alcina Franch, José de Acosta. Historia Natural y Moral de las Indias, (Historia 16, Madrid, 1986), p. 30.
- ⁸ See José Alcina Franch, Bartolomé de Las Casas. Obra Indigenista, (Alianza Editorial, España, 1985).
- ⁹ Christian missions done by Spanish missionaries from the 16th to 19th centuries served as basis for the introduction of religion, culture, policies and so on towards Indians.
- ¹⁰ Cited in Héctor Díaz-Polanco. "El Indigenismo Simulador /IV", La Jornada, internet, October 27, 1996.
- ¹¹ Indian Peoples: the original inhabitants of a specific territory who, in consequence of historical circumstances (invasion or colonization) have lost their sovereignty and are subordinated to a nation-state in which they do not have power.
- ¹² Donna Lee Van Cott, "Indigenous Peoples and Democracy. Issues for Policy Makers", in Donna Lee Van Cott, Ed., Indigenous Peoples and Democracy in Latin America, (St. Martin Press, N.Y., 1994), pp. 1-27.
- ¹³ Rodolfo Stavenhagen, "El Indigenismo en México: Ideología y Política", in Marie Lapointe, Ed. The State and Aboriginal Peoples in America and Canada, (Symposiums of Annual Meetings. CALACS, 1988, Université Laval, October, 1989), p.17.
- ¹⁴ Ibid., pp. 18-19.
- ¹⁵ Aguirre Beltrán, 1973, cited in A. Barabas, Hydraulic Development and Ethnocide: The Mazatec and Chinantec People of Oaxaca, México, in Aaby Peters et. al. Ed., of the series of IWGIA. (Copenhagen, 1973), p. 17.
- ¹⁶ José Alcina Franch et. al., (1986) op. cit., p. 31.
- ¹⁷ See Nahla Abdo, Sociological Thought Beyond Eurocentric Theory, (Canadian Scholar Press, Toronto, 1996), pp. 12-13.
- ¹⁸ Ella Shohat and Robert Stam (1994), referred to in Nahla Abdo, op. cit., p.12.
- ¹⁹ Guillermo Bonfil Batalla, "Del Indigenismo de la Revolución a la Antropología Crítica", in Arturo Warman et. al. Eds., De Eso que Llamam Antropología Mexicana, (Editorial Nuestro Tiempo, México, 1970), p. 43.
- ²⁰ *Enajenación* refers to the Indian peoples' condition of impotence towards the state power, which manages to control political and economic arenas, keeping the Indians 'out of bounds'.
- ²¹ *Alienación* is alienation.
- ²² *Alineación* is alignment, which is a useful term to express the systematic elimination of Indian patterns that are off the capitalist track.
- ²³ Mexico contains the hemisphere's largest indigenous population. See Lee Van Cott, (1994) op. cit., p.23.
- ²⁴ "Proyecto de Iniciativa Para la Creación de las Regiones Autónomas". Consejo de la Nacionalidad Otomí. Centro Ceremonial Otomí. Temoaya, Estado de México, México, 1995.
- ²⁵ By 1990, the total population in Mexico was 91,145,292, from which 12,000,000 were indigenous population (14% of the total), setting Mexico as the country with the highest number in absolute terms, in comparison with the rest of the indigenous populations within Latin American countries. Refer to population estimates of the Centro Latinoamericano de Demografía, CELADE (Latin American Demographic Center, LADC), published in Boletín Demográfico, (Year 28, No. 55, Santiago, January 1995). Also see Julio Moguel, "Salinas' Failed War on Poverty", NACLA, Report of the Americas Vol. XXVIII, No.1 July-August. 1994), p.38.

- ²⁶ Mexican migration to the USA is the largest and long-lasting mass-migration process of history. See Raúl Hinojosa and Peter Schey, "The Faulty Logic of the Anti-Immigration Rhetoric", NACLA, Report of the Americas, (Vol XXIX No.3 Nov-Dec., 1995), p.20.
- ²⁷ David Barkin, "The Specter of Rural Development", NACLA, Report of the Americas, Vol. XXVIII, No.1, July-Aug., pp. 29-34.
- ²⁸ Mindahi Crescencio Bastida M., "El Pensamiento Indígena y la Ecología", El Universal, miércoles 15 de enero de 1992, p.8.
- ²⁹ From the official document presented at the World Food Summit of FAO, (13-17 November 1996, Rome), internet, Q2000, November 10th, 1996.
- ³⁰ Victor Quintana. The impact of SAPs on Agriculture in Chihuahua, in Mexican Agricultural Policies: An Immigration Generator?, Hearing before the Employment, Housing and Aviation Subcommittee on Government, Operations House of Representatives. One Hundred Third Congress. First Session. October 28th, 1993, (U.S. Government printing office. Washington: 1994), p.29.
- ³¹ Rodolfo Stavenhagen, "La Problemática Indígena", ifda, (dossier 50, November/December 1985), pp.3-14.
- ³² See Mexican Agricultural Policies: An Immigration Generator?, op. cit., pp.12-13.
- ³³ *Castellanización* denotes the systematic methodology of imposing and forcing Spanish language in all educational mediums.
- ³⁴ Nahmad Sitton, "Reivindicaciones Etnicas y Política Indigenista en Mexico", in Jose Alcina Franch, op. cit., (1990), p. 267.
- ³⁵ Julio C. Tresierra, "Mexico: Indigenous Peoples and the Nation-State", in Donna Lee Van Cott, Ed., Indigenous Peoples and Democracy in Latin America, (St. Martin Press, N.Y., 1994), p.187.
- ³⁶ E.g., Ejército Zapatista de Liberación Nacional declared war against the federal government at the beginning of 1994; the EPR has declared the war as a last resort at the middle of 1996. Both guerrilla movements are primordialially composed by Indian people.
- ³⁷ Barabas, (WIGIA, 1973), op. cit., p.17.
- ³⁸ Fernando Cámara, "Contemporary Mexican Indian Cultures. The Problem of Integration", in Betty Bell, Ed., Indian Mexico: Past and Present, (L.A. Center, University of California, Los Angeles, 1967), pp. 100-109.
- ³⁹ Individualism considers that people must work in achieving personal wealth strictly for their own benefit, thus losing sense of community growth and sharing. This ideology was brought to Mexico from Europe through the Illustrism, and was applied since the beginning of the Porfiriato, persisting until today.
- ⁴⁰ José Tamayo Herrera, "El Pensamiento Indigenista", in Manuel González Prada et. al. Eds., Antología Francisco Campodónico F., (Editorial Mosca Azul, Perú, 1981).
- ⁴¹ There exist four indigenous people in these roles: two are in the Senate (Cirila Lopez, from Oaxaca, Senator for the PRI; Auldárico Hernández from Tabasco, representing the PRD) and two are in the Congress as deputies (Antonio Hernández from Chiapas and Martín Equihua from Guerrero, both representing the PRD).
- ⁴² Rodolfo Stavenhagen, (1989) op. cit., pp. 17-31.
- ⁴³ Ibid.
- ⁴⁴ Ibid.
- ⁴⁵ *Indianismo* is the ideology that Indian people have maintained since the invasion regarding their inherent right and need to struggle to recover self-determination.
- ⁴⁶ Declaración de Ollantaytambo (Cuzco, Perú: Consejo Indio Sudamericano, 1980) cited in Julio C. Tresierra, in Donna Lee Van Cott, (1994) op. cit., p. 191.
- ⁴⁷ Many Indian organizations merged in the 70's and 80s, as the World Council of Indigenous Peoples in 1995 and the Congreso Regional de Pueblos Indígenas de America Central (CORPI) in 1977 - at an international level; and the National Confederation of Indigenous Peoples (CNPI) and Frente Independiente de Pueblos Indios (FIPI), at a national level. Some other organizations were born as nationalities at a regional level more recently as Otomi Nationality Council (1991), Guerrerense Council, 500 Years of Resistance (1990) or the Otomi Regional Council of Alto Lerma, CROAL.

⁴⁸ See Oscar Arze Quintanilla, "Del *Indigenismo* a la Indianidad; 500 Años del *Indigenismo Continental*", in José Alcina Franch, (1990), op. cit., pp. 18-33.

⁴⁹ Nahmad Sitton, op. cit., p.254.

⁵⁰ Shohut and Stams [1994:-47-79]. Cited in Nahla Abdo, op. cit., p.29.

Chapter 3

Policies Exerted Over Indian Peoples From Colonial Times in Mexico

As seen in the previous chapter, the state's indigenist policies have been designed since the invasion to assimilate and/or wipe out Mexican Indian peoples. At the same time, they have created negative images and stigmas over them. While the policies have changed over time, the underlying intent has not, and it has resulted in a massive human rights violation and an ongoing political instability. Indians' response has been not only physical rebellion but also symbolic competition and symbolic reversal. The former asserts the superiority of the minority and points out the inconsistency of the dominant society's, values and practices; the latter intends to highlight self-determination, self-government and autonomy (see Chapter 4) and uses 'cultural genocide' as the concept to describe the objective of indigenist policy (seen in the previous chapter). Despite the Mexican state's attempt at assimilation, Native peoples have survived and have resisted policies in various ways. At the community level, there has been a historical record of cultural resistance, defence of their languages, education, religious and medicinal practices, exchange of goods and decision-making processes. There has been ongoing armed resistance to neo-liberal policies. These policies have led to higher levels of organisation among Indian communities since the 1970's.

The present chapter is divided into three main sections that reflect the policies exerted over Indian peoples since colonial times in Mexico. First, comes the disruption and invasion of Meso-American civilisations. Second, the chapter refers to the colonial period and the treatment of the Indians, property rights such as land rights, and the colonial implications for Native cultures. Third, the indigenist policies of the nation-state from Independence to present times are analysed in terms of Indian rebellions, the Mexican Revolution and the Constitution of 1917. The reforms to Articles 4 and 27 of the Constitution are also analysed within the framework of the policies of

recent and current Mexican governments versus Indian positions. From the latter, this chapter shows that the capacity for self-determination among Indians still exists despite five hundred years of imposed colonial patterns and indigenist practices. Before Europeans' arrival, civilisations were flourishing in Meso-America, exercising self-determination among them.

3.1 General Notes on Meso-America Before the Spaniards' Invasion

Within the Meso-American civilisation, there existed several cultures that were well developed, exercising well-defined political, social, cultural and religious functions. Before the Mexica-Nahuas or Aztecs were settled in the centre of Mexico, large organisations and cultures were already developed, such as the Otomi-Teotihuacans, the Otomi-Toltecs, the Olmecs, the Zapotecs, Mixtecs and others. The Mexicas developed their culture by incorporating the cultural traditions and social and economic patterns from these older cultures.¹

The Triple Alliance² that had been established among the Mexica, the Tepaneca and the Acolhuas, controlled the whole area. The Mexica-Nahua culture was the strongest, particularly by 1519. The State of the Triple Alliance Mexica-Nahua, became the dominant one in Meso-America before the Spaniards' arrival. Its dominion generated a military, political and economic hegemony over other states in the area. The Mexica-Nahua state (the *Señorío*) controlled the economic system through a tribute collection programme, which consisted of demanding products from different states as payment to the dominant state.³ The Mexicas were aware that they were not to destroy the local institutions and respected the privileges of the other states. For example, tribute was paid in *granos* (grains), *mantas* (dresses) or in personal services, but the Mexica rulers did not demand that the local people leave their lands nor did they destroy their social or political organisations which had existed prior to their arrival and dominance.

The council of the Triple Alliance elected the main *Tlatoani* (in Mexica, it means ruler of the Meso-American state who received orders from the Council), who was in charge of the Executive Power and was also Chief of the Confederation Army. It must be noted that the states were autonomous, each having its own political organisations and its own *tlatoani* and *tlatoque* (plural of *Tlatoani*). They also each had a military-religious leader: the *huey tlatoani*, who exercised power together with the military governors: *cuauhtlatoque*, *tlacatecameh* and tribute collectors, the *calpixque*, who were named by the state's council.

The political organisation at that time in other regions was very like that of the Mexicas'. Taking a closer look at the political structures, ranging from the smallest to the most complex, we shall see that the smallest political unit was the *calpulli*, or group of families living in one small locality. A number of *calpulli* (*calpultin*) had a Council in which every *calpulli* was represented by a chosen leader. Every Council dealt with local disputes and problems independently. A representative of the Council was named as the *Tlatoani* who received orders from the Council; one or more persons were selected, sharing the religious and military power with him. Often, a state was composed of a group of *Calpultin* with its own territory and a certain degree of independence. Boundaries between states were marked by zones where people were not allowed to live.

Moreover, those who were rivals of the Triple Alliance, like Tlaxcala Huejotzingo and Michoacán, were completely independent states from the Mexica-Nahua state.⁴ The organisations of these Meso-American nation-states differed in some aspects. However, the brief description of the Mexica-Nahua is an example of the developed structures and the degree of cultural sophistication that the Native nations of Meso-America such as the Mayas and others had before the Europeans' invasion.

3.1.1 Disruption of Meso-American Civilisation. 1519 -1540

The arrival of Hernán Cortés at Vera Cruz in April 1519, marked the beginning of 21 years of battle between the Spaniards and the Natives. The fall of Tenochtitlan in August 1521 in Central Mexico was, in the eyes of the Native peoples, an invasion by the Europeans that disrupted the existing political, social, cultural, religious and economic systems.

By means of several expeditions, the Spaniards went out in all directions from Tenochtitlan, destroying the way of life of all the different cultures they encountered along the way. When the Spanish became rulers in the Mexica *Señorio*, they sent military expeditions through Michoacán to Colima, in the West; to the Huasteca in the North; Southeast to Tehuantepec and beyond, controlling them temporarily. During this territorial invasion, the Spaniards forced the Indian Armies to act against other Indian peoples. The target here was to destroy and erase the Indian warrior vocation within the colonial regime. Rebellions and resistance broke out all over the country, including territories of the Tlapanecs, the Zapotecs and Mixes from the area of Oaxaca, and the Chichimecs among others. The Purépecha *Señorio* in Michoacán was defending its sovereignty when, in a struggle, the ruler Calzonci was executed by the Spaniards in 1530.⁵

The Spaniards were voraciously searching for gold, silver and tributes and the last thing they considered was the respect that the Indian way of life deserved. Their aim was to determine the numbers of the Indian populations and exterminate them so as to control the resources of every corner of the country.⁶ In general, the period from 1524 to 1530 was very difficult for the old Native rulers who remained in power. They fought among themselves as well as against the Spanish *encomenderos*.⁷

At the beginning of the Spanish invasion, and because of the religious doctrines imposed at the time, the Indians were considered as beasts with no souls and no spirits. The Spanish did not

understand the Indian religion and spirituality, which was based in a love for the natural elements in connection with the Universe. Ironically, the Spaniards called this 'pagan life', even though Indians were wisely handling both civil and ritual calendars, interconnecting the corresponding activities. One of the main goals of christianisation was to change Indigenous political systems and to introduce the Spanish language to create dominion over Indian peoples. Felipe II set up punishment for those who persisted in using their own languages. Around the eighteenth century, the learning of the Spanish language became compulsory, and laws were passed forbidding the speaking of local Indian languages.⁸

Attempts to christianise the Indians were justified on the grounds that they were savage neophytes and devil-worshippers. This was the argument of the Spaniards towards the Crown, which served as the means to justify the devastation. The indigenist policies of the clergy and the state established the evangelisation towards Indians. When, by the end of the sixteenth century, the Vatican and the Crown of Spain recognised them as human beings, they became vassals with restricted capacities legally imposed that stated that the Indians must remain under a tutelage regime.⁹

After the initial period of invasion, the process of exploitation continued. The Spaniards eliminated many *Señorios*. The Indian political hierarchy was destroyed in this period, together with other important aspects of their diverse and rich cultures, such as indigenous spiritual practices. Deaths due to diseases coming from Europe also led to cultural decline in Meso-America.

In those towns which survived the initial period of destruction, the style and urban setting of the Indian cities, towns and *calpultin* were altered and displaced to suit the clergy and the Spanish authorities. Cortés distributed almost the entire Native population of Meso-America by way of the *encomienda* (an assignment of Indians who work to serve the Spanish grantee with

tributes and labour; also the area of the Indians so granted). Thus, all the communal lands were acquired by the *encomenderos* (holders of an *encomienda*)¹⁰ destroying even the smallest community unit, the *calpulli*. Native peoples were quickly assimilated as a result of the *encomiendas*. Their culture, religion, political, economic, social systems almost disappeared completely. In this way, each Native lord (Tlatoani or governor) with his respective people were placed under the protection (*en depósito*) of the *encomendero*, whose mission it was to transform them into Christians and vassals for himself and the Spanish King.

The assimilationist process developed by the Spaniards became brutal and oppressive. The *encomiendas* were designed in such a way that they could take full advantage of the indigenous states. One, two or more *encomiendas* were set up in one Native state, or conversely, a number of states could be under the regime of one *encomienda* controlled by one *encomendero*.

These *encomiendas* often changed ownership, especially in the first decade of the invasion and beyond. After 1550, the *encomiendas* were put under the jurisdiction of a royal magistrate. One such jurisdiction was the Marquesado del Valle, in Oaxaca (1529), ruled by Hernán Cortés.¹¹ It consisted of twenty-two separate *encomiendas* and the right to their tributes, lands, vassals, income, pastures, and water and with it the privilege of exercising civil and criminal jurisdiction and appointing magistrates.

In other places, such as Valle Matlatzinca (Valle de Toluca), the *encomiendas* were under a crown inspector called *corregidor* who collected tributes (taxes) from the peoples for the Kingdom of Spain. The *corregidor* was like the King's magistrate and could exercise justice, exerting his own mandate. Under their own radical practice of justice, the Native population declined and the cash value of the tributes followed.¹²

To compensate for barbarities committed against him, the Spanish Crown gave the descendants of Moctezuma some *encomiendas* in perpetuity (like the ones Cortés had acquired). However, the Native *encomenderos* did not take part in the Spanish governmental apparatus.

3.2 The Colonial Period. 1541-1821

The real impacts of the procedures carried out towards Indian peoples during the period of colonisation were varied. Native people were oppressed and inhibited from exercising self-government, and the procedures enabled the Spaniards to take advantage of the Native people and use them as *carne de canon* (cannon fodder) to become independent of the Spanish Crown. This, however, was done without modifying the Native peoples' status, thus perpetuating their status as a 'problem' for the national state of Mexico, which even today, advocates modernisation policies and the application of assimilationist, indigenist, colonialist, imperialist and co-optionist methods toward the indigenous peoples. This has resulted in the desired outcome as far as the government is concerned: the systematic diminution of the indigenous population.

Indigenist theory argues that in the policy implemented towards Indian peoples from the sixteenth to the seventeenth century, there existed a generous consideration that recognises the humanity and freedom of Natives. It also argues that colonial oppression did not completely destroy the civilisation of the Indian cultures.¹³ However, what in fact did happen was that the disruption caused by the invasion created chaos. It obviously did not respect the freedom nor the humanity or the property of indigenous peoples as peoples: neither did it allow for their own maintenance and administration of their governmental institutions.

From 1519 to 1821 (Colonial period) and all through the Independence period, from 1821 to 1910, the policies applied towards indigenous peoples in Mexico have been very similar. During the Spanish period, there was a cultural shock between the Europeans and the Native cultures,

which produced a resistance and permanent struggle from the latter. On the other hand, Spanish administration generated an ideological, practical and institutional attitude in order to dissipate and destroy indigenous institutions and populations.

One can distinguish contradictions in the history written by the invaders themselves. At the same time they were praising the Indians for their tremendous capability, the Spanish were trying to disqualify the indigenous civilisations by arguing they were barbarous and idolatrous.¹⁴

As Zavala and Miranda point out, the methods applied have appeared in various modalities which ought to be studied in the context of the period. This is characterised by Christian paternalism of the Austrian Dynasty in the sixteenth and seventeenth centuries. The Illustrated Despotism (*Ilustrismo*) of the Bourbons was present in both the eighteenth century and the egalitarian regime in the nineteenth century.¹⁵

It should be noted that during the colonial period, the overall indigenous population decreased. This was partly due to disease and lack of food supply (as discussed below). However, many other factors were combined to reduce the overall indigenous population: Indian people were sacrificed during the war against the Spaniards. Slavery and inhuman conditions in the mining system were also determining factors. The price for an Indian slave during this period was lower than that for an African or even for the beasts of the Antilles. When the first stage of the invasion was over, the Indian rebellions offered the Spaniards a new opportunity to obtain slaves. In 1530, the Crown had attempted to impede the enslavement of Native people with a *Cédula Real* (law issued by the Crown of Spain to be applied in the colonies). But the invaders did not apply the instructions coming from the kings of Spain, who were simply justifying the growing status of the kingdom of Spain. This took place even though some positions against slavery and defence of Native freedom were put forward by men such as Las Casas, Vasco de Quiroga, Fray de Sumarraga and P. José Acosta.¹⁶

The political history of the new Spanish rulers never took into account Indian political structures and Indian nobility was considered in a minimal way. The imposed government was divided horizontally into five branches. These were: the civil administration, the judicial, the military, the *hacienda* (large estate or exchequer) and the Church. In the beginning, Cortés held almost all of the responsibilities. The first Spanish government in Meso-America was set up with the establishment of a municipal council at Vera Cruz in 1519. The council elected Cortés as the Governor and Chief of Justice of the country (New Spain). These titles were confirmed in a *Cédula Real* ¹⁷ on October 15th, 1522. The municipal system was a deliberate imposition of a European model over that of Indian peoples.¹⁸

Little by little the Spanish rulers imposed their political system called the Viceroy Government which did not acknowledge Native governments or governors. All the positions of authority were given to the Spaniards by the King of Spain soon after the invasion. For example, the King ordered in 1527 that the municipalities (*ayuntamientos*) should be separated by political boundaries.

New Spain was ruled in the beginning by royal governors and deputies until 1529, when the first *Audiencia* (a colonial high court and council of state under a Viceroy or captain general, or the area of its jurisdiction) was established. After 1535, the Viceroy was in charge of the government, while the *Audiencia* was the supreme tribunal, not only for New Spain but also for Guatemala and New Galicia (the current State of Jalisco in Mexico).

Some changes arose when, in 1550, a *Cédula Real* by the Spanish Crown ordered all the *encomiendas* to be assigned to one *corregimiento* (district). By 1570 this order had been instituted throughout all the country. The *corregimientos* were distributed as sinecures to Spanish residents of the capital towns and the political authority to rule the *corregimientos* was in hands of the

Alcaldes Mayores (royal governors of the districts). Around 1550, the terms *corregidor* and *Alcalde Mayor* were synonymous, for they had identical functions.

At the beginning of the Spanish invasion, some principal Indian communities like the *Señorio de Tlaxcalan*¹⁹ were allowed to maintain their internal government with certain stated modifications, but were supervised by the Spanish authorities. However, during the first part of the invasion, they eventually lost even this limited status.²⁰

The greatest political fractionalisation of New Spain was reached in the 1570s, when there were seventy *alcaldías mayores* and over two hundred *corregimientos*.²¹ Towards 1600, when there was a very reduced Indian population gathered in fewer settlements, certain *corregimientos* were eliminated. In the 1670s and 1680s there was a general consolidation and adjustment of boundaries between the *alcaldías mayores*. Some of them strove to be called *Gobiernos* like the ones in Tlaxcala, Puebla, Acapulco and Vera Cruz Nueva, but they were under the subordination of the Viceroy and the 'Audiencia'. In 1786, the colonial government was recognised by the Spanish Crown. At this time, there were 116 civil jurisdictions in New Spain which were divided into nine *intendencias*. The *alcaldías mayores* were re-designated as *partidos* or *subdelegaciones* ruled by *subdelegados* who had similar functions to the *alcaldes mayores*. It can thus be seen that during the three centuries of the invasion, Mexico was split into many different political divisions.

The ecclesiastical division, the fifth branch of the Spanish Government's apparatus, had considerable political and economic influence. The Church had designated its own subdivisions of provinces through the diocesan boundaries. The Franciscans, the Dominicans, and Augustinians had a particular and distinctive division of New Spain into a number of different provinces. Thus, each set of boundaries divided up New Spain differently. Their influence was so great that ten bishops and archbishops served as Viceroys of New Spain. However, their main role was the

conversion and persecution of the Native people everywhere. They frequently condemned Indian rebels to death.²²

The main policy applied by the Spanish Crown towards Indian peoples in Mexico, was a disposition to allow them to be free to change residence, but to keep them separated from the rest of the Spanish population. The second policy literally stipulated that they should gather and be reduced into towns of European style.²³ The establishment of *reductos* or *poblaciones* was one of the main elements of the Spaniard indigenist policy during the Insular Period.²⁴

These two policies were in contradiction with each other, because the Spaniards were living in many of the big cities of Indian population and Indians did not have the freedom to change places, but rather, were drawn into European-style houses. The latter strategy allowed for the imposition of Christianity and the better control of their religious practices and beliefs.²⁵ It also enabled the Spanish authorities to easily impart the European educational system to all the Indian people cornered in such a way. Besides, the Europeans did not respect the Indian towns or cities and destroyed the traditional systems of life. When the Crown realised this, it determined to stop it, but it was too late. Spaniards, negroes and mulattos were in the main Indian cities. For this reason, the Viceroy referred to the *Cédula* of 1581. They were opposed to those Spaniards who ill-treated the Indian people living in their own cities. However, this did not work because the freedom of the Indian people was never accomplished. Viceroy Mendoza²⁶ refers to the fact that there were many extortions from and disturbances against Indian people because they were not respected. Mendoza asked the King of Spain for their freedom,²⁷ referring to the pragmatic Sanction of 1480 that had been applied to give freedom to the vassals in the Peninsula, Spain. So in theory, the freedom of residence was set up through legal terms, but in practice, it did not offer such a right. Additionally, Indian people were obliged to pay tributes to the Crown of Spain.

Another law implemented in this period stated that the Indian people could not leave the congregations or gatherings. This represents the main indigenist Spaniard policy because it allowed political-religious control. In this sense, the congregation was forcibly created, provoking the burning of towns, the fleeing to uninhabited regions and individual and collective suicides.²⁸ But during some periods, such as around 1605, the system was less oppressive, for in that year it was stated that the congregation must be voluntary.

The *Leyes de Indias* which were benign and humanitarian were never implemented by viceroys or by the lower authorities because these laws favoured the Indians.²⁹

In theory, the Crown's policy allowed the Indians to have local authorities (municipal administrators) and the general and provincial sectors were to be left under the governance of the Spaniards. But the reality was that the indigenous governments were suppressed and indigenous authority disrupted. The Viceroy Mendoza, for example, named governors and ordinary Mayors for the indigenous peoples a little after he assumed authority. In some conglomerates (*reductos*) the Indian Chiefs continued governing their peoples in the local level, but this only went on for a couple of years after the invasion.

3.2.1 Property Rights: Land Rights

The Spaniards' material voracity was manifested in the means they used to acquire power and wealth. The Indian peoples' desire to maintain and administer the land was never respected. The colonisers were constantly invading and taking away land from the Indian people. On the other hand, the Indian vision about the land was, like today, the means to satisfy their needs or for other functions such as ritual practices. The Spaniards' concept of land was individualist, whereas the Indian vision was communal and was against individualism.³⁰ The policies based on the constitution of the colonial regime regarding land issues, created conflicts such as agrarian struggles among Indian communities. The economy of Indian people during the colonial period was

disturbed because they were used in order to satisfy the Spaniards' needs. There existed only one law, *Ordenanza No.10*, (1609) which referred to Personal Service,³¹ stating that those Indian people who were treated as slaves in personal services, should be given the time to care for their own piece of land. It must be noted, however, that in 1551, a *Cédula Real*³² included in the *Recopilación de las Indias* had stated not to forbid the Indian people to breed cattle. But the reality showed that the regulation and the practice of it were never in accord. This generated social and economic differences between Indian people and Spaniards, in favour of the latter. In commerce, the Indians had a legislated right to sell their fruits and products - but some restrictions were imposed; and the commerce of their products overseas was completely monopolised by the Spaniards. Additionally, the products for the internal local market-places, *tianguis*, were prioritised for European settlers; indigenous peoples only had access to the left-overs.

For this reason, insurrection and indigenous rebellions were very common during this period. Most of them were against the Spanish domination. The biggest and most important rebellions towards the Spaniards happened in New Galicia in 1541, in Chiapas during 1712 and in Yucatan, almost fifty years later (1761). In reaction to these insurgencies, and to the hundreds of minor indigenous rebellions that arose through the three decades of invasion, the Spanish government mounted great military campaigns. The fact that there was not a single year during the colonial period in which there were no insurrections reflects the constant indigenous resistance and their permanent struggle to recover self-government.

With the European invasion, the population of Indian people decreased not only because of the battles against the Spaniards, but also due to the sicknesses brought by them, for which the Native people had no natural immunity.³³ All through the three hundred years of the Spanish Colonial domination, there were two main epidemics that resulted in thousands of deaths among indigenous populations. One was known as the "*matlazahuatl*s" or "*tifus exantemáico*" (typhus)

and the other was smallpox.³⁴ The Indian population was estimated to be around eighty-five million in Meso-America and Arido-America at the time of the Spanish arrival. Three decades later, a considerable number of Native communities and regions had completely disappeared. After the big smallpox epidemics, and under the Royal commands stated in 1551 and 1558, the surviving Native people were drawn into communities created by the Spaniards.³⁵ Many Indian people were forced to become slaves and thousands were taken to perish in the Antilles, while others died in Mexico due to the brutal treatment and forced labour exacted by the Spaniards.³⁶ Subsequent epidemics during the following centuries resulted in the count of perhaps two million people of predominantly Indian blood by the year 1800, representing half of the total population. The other half were mainly mestizos; Spanish creoles accounted for less than 5% of all the population.³⁷

Furthermore, the application of the policies affecting Indian peoples resulted in an extreme abuse of power because the policies were modified arbitrarily by the colonisers for their own sake, disobeying the *Cédulas Reales*.³⁸

The Crown's attempt to benefit the Indian people was manifested in the various *Cédulas* that were published during the colonial period which turned the Mexican Indian people into vassals of the King of Spain. The *Cédulas* of 1697, the *Cédula* of 1725 (Feb., 12), 1766 (Sept., 11) and 1768 (Jan., 16) were very alike, stressing the same point about the benefits to Indians,³⁹ such as to work freely in the *encomiendas*, to produce and sell their traditional supplies in markets called *tianguis* and were also allowed to administer their own laws of civil and criminal justice although always limited to an inferior level.

After being recognised as human beings (end of sixteenth century) Native peoples were distinguished from other segments (*españoles-criollos*, *criollos-mestizos* and *negros*) by social statutes. This status (established at the end of the seventeenth century) caused undesirable conditions for indigenous peoples on a permanent basis, although the policies of the Crown of

Spain implemented in New Spain were supposed to aid the Natives and curb the abuses of the colonisers. Attempts to diminish the repercussions of the invasion and colonisation by creating *Cédulas Reales* in favour of the Native population failed after a short period of time. The Crown began to allow for arbitrariness by changing the *Cédulas Reales* in favour of colonisers, creating a negative impact on Indian institutions to the extreme of literally annihilating the *calpultin*.⁴⁰ For example, around 1550, an order was sent by the Crown of Spain to the Viceroy of Mexico which enabled him to oblige the Native people to work for the Spaniards if the voluntary policy was not sufficient to satisfy the Spaniards' activities.

The Native peoples' legal status regarding liberty and property given by the Crown was mishandled by the colonisers, who were demanding indigenous labour for their new enterprises. It can be determined from this that there existed a separation between the law and its practical and reliable applicability. On the scales of social justice, "the voracity for wealth and power ended up weighing more than the feeling of Justice."⁴¹

The indigenist legislation was based mainly on the Royal or central legislation, which collected and ratified the dispositions of the Viceroy and the Audience dealing with the problems in the colony. The Crown ratified the determination of those dispositions. The colonial politics were dictated by the Viceroy or by the Audience for the application and execution of the Royal Laws and regarding the gaps left by the latter. The jurisprudence of the tribunals, council of the Indies, and the Audience collected the interpretations given to the laws, regulations or orders related to the Natives. Ancient indigenous customs, which were to be observed by mandate of the Royal Crown on August 6th, 1555, were transgressed because of the adaptation regarding the Catholic religion and Spanish laws imposed upon the Indian peoples.

The means to 'defend' the Indians were in the hands of the Viceroy Governors, Audiences, *Corregidores* and *Alcaldes Mayores* and there was a special Magistrate set up. Norms were

established with regards to abuses to Indian people that had been carried out throughout the colony.

In reality, however, the Indigenous Jurisdictional Sector did not exist and the Spanish Jurisdictional Sector was affected by the Viceroy, who received the Indian people through the General Audiencias, creating confusion regarding his competence on serious Indian matters. This produced conflicts between the Viceroy and the *Tribunal* (the General Jury) with consequent damage to the Indian people.⁴²

The fictional protection by the state of Spain through the application of assimilationist policies to Indian people produced a tutelary regime. This treatment reduced their degree as human beings to an even more degrading status than the initial category nominated by the Crown of Spain. The immediate consequence of this was that the Indian peoples' possibility of exercising their own ways of governance was completely disregarded. The growth of the big *haciendas* by encroaching on the Indian communities and populations is a constant factor. It generated prolonged judicial processes by Indians to recover their lands through the *litigios* (land claims) before the Crown and Viceroy, where the traditional authorities were acting as representatives of Indian peoples' interests. The protection of indigenous rights was compromised by the inevitable support the Crown gave to the colonisers. This support enabled the penetration and growth of the European society in the religious, political and economic fields.⁴³

3.2.2 The Bourbon Dynasty

The Crown's indigenist ideologies were formulated during the Austrian Dynasty in the eighteenth century (the Austrian House Dynasty refers to the royal family that was governing Spain during this epoch) by using paternalistic Christianity as a fundamental basis. This religious system sanctified the stratification of social classes, supposedly for their own benefit, reducing the Indian population to the lowest degree and condition in the supposed hierarchy of human beings.

The assigned category refers to the Indigenous people as being the “feet of the body of the Republic.” Their conception was that although Indian people must be treated with great consideration, they must not be allowed to quit their niche nor be raised to the superior classes. Even if those statutes meant that the Indian people obtained some kind of recognition from the state in Spain, it itself undermined their status, enabling the colonisers to enslave them and exploit their properties.

During the Bourbon epoch in the eighteenth century, the imperial powers implemented ideologies of the Austrias which stated that a big monarchy or imperial dynasty could embrace or withhold provinces that had different laws and customs. Thus, the Spaniards took advantage of this theory to exert their power over many Indian populations. Even more, the assimilationist and centralist positions were also implemented by them because they offered advantages for exploiting natural resources. The establishment of uniformity and hegemony with respect to languages and customs of the Indians was the key factor underlying their ideology.⁴⁴

Spain participated in this voracity by imposing a tax amounting to the fifth part of the tributes and the merchandise produced by the Indian peoples and the colonisers.

As rulers of the Spanish state in the eighteenth century, the Bourbons modified the mode of production in its colonies. In New Spain they increased the taxes, promoted the intensification of production and strengthened the military services of the state of Spain, which for the creoles, meant taking advantage of the so-called ‘feet of the Republic’, treating the Indians as slaves. The Bourbons maintained the assimilationist policies towards Indians introduced by their predecessors, and considered the Indians as vassals, with some civil rights. But these relative ‘protectionist’ policies were soon undermined by the colonisers for their own benefit.

The limited ‘protection’ instituted in the eighteenth century by Spain was buried by the creoles’ system of *haciendas* which had the real intent of using the Indian people as the colonisers’

private slaves. By this time, Indian property and the population had been considerably reduced. The latter were pushed by the *hacendados*⁴⁵ to become indebted in advance through the *Sistema de Raya*.⁴⁶ One of the ways to oblige the free Indian people to work, was the system of indenture which was mainly practised in the *haciendas* (exchequers). The *hacendado* implemented this system by lending money in advance and placing the Indian in legal and economic dependence. The Spanish Government implemented important measures to limit the amount of legal debts by issuing several *Cédulas Reales*. But in reality the debts were never limited, nor were they eradicated. The Indians were not allowed to leave the *hacienda* without paying their debts.

Debt peonage was also adopted to force Indian into work in the mines.⁴⁷ This work was described in the indigenist discourse of this period as voluntary. The Spaniards used the same system as that for the *haciendas*, using the *Sistema de Raya* to endebt them and their descendants. The punishment of Indians who worked in the mines was not monetary but took the form of heavy work, beatings, mutilations or death. This meant that the Ilustrismo did not bring any benefits; on the contrary, the Indians were extremely exploited. By the end of the colonial regime, in 1821, Spaniards were still carrying hand-cuffed prisoners with chains around their necks from the northern provinces to the capital of New Spain, Mexico-Tenochtitlan. Some of these slaves were placed in the *haciendas* and others were sent to La Habana, Cuba, to work in the Fortifications.

As slavery increased, Indian rebellions against Spaniards, in pursuit of self-determination, also augmented. In fact, in the eighty-nine years following the colonial period, there was not a single year without Indian insurrections.⁴⁸

The methods and treatment of the Indian people in this late colonial epoch constitute the precedent for similar patterns and consequent disruptions that are seen in the Independent period (1820-1910).

3.3 Independent Mexico. (1820 - 1910)

Indigenist ideology took a new form in the period following the wars of Independence from Spain. The French ideology of egalitarianism in the post-revolution period affected Spanish ideas regarding policy-making towards Indians in the 'New World'. The ideas proposed by some liberals sought to abolish the *Castas* (the different social groups that were distinguished by the Spaniards) and Indian tribute and tried to benefit the Indian people who no longer possessed properties. By 1810, the regency exempted the Indian people from paying tributes, and provided them with the land as well as allowing them to vote (considering Articles 24 and 25 of the colonial Constitution) to choose provincial creole deputies to negotiate Indian demands in the courts.⁴⁹

However, these political and economic dispositions lasted only a short time, because of the revolutionary movements for independence in Mexico and the Spanish revolution in 1820.⁵⁰ The liberal thesis that inspired the revolution in France (1789 to 1799) was the basis of the conspiracy against the Spanish state in the Indies at the beginning of the nineteenth century.⁵¹

The intellectual authors of independence belonged to social groups who had been increasingly dominant throughout the last decades of the colonial period. As Romero explains, political independence only favoured those who promoted it: the merchants, the clergy and the military who were creoles holding second category posts (because they had been born in New Spain).⁵² The merchants wanted to increase their business, which was being threatened by the peninsular monopolists. The clergy needed to maintain their political power and the military wanted to hold state power.⁵³ These sectors were thus attempting to expand their own privileges and never truly considered levelling-out with the rest of the population. Thus, Indian people did not obtain any benefit from the Independence movement and were once again seen as the 'feet of the Republic'. They were even referred to as the state's 'symptomatic problem' because they were seen as a handicap to economic growth and modernisation.

One of the main elements of change that independence brought was in the status of Indian peoples who changed from being slaves in the *encomiendas* to peasants in the *haciendas*. With the new liberal economy policy, Indians became in touch with the capitalist system using cash value through the *Sistema de Raya* where they were paid for the work. However, the liberals took advantage of the *Sistema de Raya* in order to tie Indians into forced labour. Furthermore, the new political composition of the new nation-state split Native territories even more, endangering their integrity as nations.

It can be argued that the political status of Natives remained the same as in colonial times, as they were ignored in the constitution of the nation-state and thus left outside of the decision-making processes. The perpetuation of indigenist policies did not change due to the fact that the political class exerted the same assimilationist patterns and the continuation of stigmatisation over Indians persisted even though the Crown was seeking the implementation of some beneficial policies for Indians, and during the transition toward the Independence War (1810 - 1821), some measures were adopted in favour of Indian peoples and *castas*. When Father Hidalgo (Leader of the Independence movement) declared the abolition of slavery and the exemption of tributes, he was pursuing some benefits to establish a balance between *opulencia* (referring to the high bourgeoisie and aristocratic social classes) and 'indigence'. However, it must be remembered that thousands of Indian people died and were used as 'cannon fodder' by the creoles, who, after the Independence War, repeated similar methods and policies to undermine indigenous peoples even more. During the independence movement, the creoles invited the Indians to rebel against the *hacendados* (the peninsular Spaniards) and the Crown of Spain. Thousands of Indian people became involved in the independence movement led by the creoles in the hope that they could become free and exercise self-government with independence and autonomy. However, after the independence was declared, the 'new' rulers fell into the same indigenist position setting the Indians

outside of the composition of the nation-state, reflected in the constitution, where the Indians were completely ignored. The revolutionaries' views about the Indians did not differ substantially from those of their predecessors. The stigmatisation of the Indians continued. Indians were seen as unworthy persons and treated as infants under the tutelary regime. One of the main reasons for independence in the eyes of the Spaniards born in New Spain (creoles), was that they could only hold second category posts; thus they took advantage of the support of the clergy to rebel against the Crown. Both creole groups took overwhelming advantage of the Indians to empower their movement, claiming they would provide the best living conditions for the Indians and their communities. As a consequence, thousands of Indian people were killed during the independence movement. The outlook and policies for indigenous Mexican peoples were, once more, indigenist and assimilationist: the system of tutelage, co-optation and homogenisation were being widely practised, thus maintaining the patterns of slavery, and intention to eradicate the Indian cultures altogether.

The general dispositions from the insurgents and even more from the Spanish Courts⁵⁴ established social and civil equality between Spaniards, Indian people and mestizos and the abolishment of slavery. Hidalgo and Morelos made a decree of these dispositions in 1810 and 1811 respectively. The Constitution of Apatzingan in October 22nd 1814⁵⁵ and the same kind of dispositions issued by the Spanish Courts in 1811, 1812 and the last in 1820 are some examples of the policies elaborated regarding civil equality that were never accomplished.

Once Agustín Iturbide assumed power as the Emperor, he created the *Plan de Iguala* (February 24th 1821), in Article 12 of the Monarchy Constitution which referred to the equality between Indian people, Black people and Europeans as citizens of the Monarchy in New Spain.

The Constitutions which set up the states of the republic, the law proclaimed by Santa Anna (in the reform to Constitution of 1824), and the centralist laws declared in 1835, established

restrictions to civil rights. For example, if a person was a domestic servant, then she lost her civil rights. In the same constitution, it was declared that in order to become a deputy, a senator, a president or a member of the municipality, the person had to own property, thus denying the participation of Native peoples (and many others) from the very start. Of course, these laws did not mention Indian peoples at all, thus nullifying their participation. The Constitution of 1857 eliminated some of these restrictions but, in practice, there were strong and persistent denials of the rights of Indian peoples.⁵⁶

The general evaluation of independence is expressed by some critical creoles of the epoch. Once Guillermo Prieto stated, “independence converted us into the Indians’ *gachupinos* ” (oppressors; *gachupinos* is a pejorative name given to the Spaniards by the Natives). He was referring to the creoles and a certain sector of mestizos. For Carlos Matías de Bustamante, the situation of the Indians had worsened with Independence.⁵⁷ The positivist Agustín Aragón, claimed that with Independence, the Indians had merely changed tutors and the Congressional tutor did less than had the Viceroy or Crown tutors.⁵⁸ Independence perpetuated the Indians’ limited possibilities of being recognised as peoples with the right to exert political, economic and cultural control over their lives.

Arguing in favour of equality, the liberal indigenist policy tried to erase the charges on the Indians (such as tributes and others) and the ‘privileges’ that were meant to favour them during colonisation but which, in fact, had made them suffer. This generated a new stage of individualism which was counter to the Native way of living, making the community system become radical once again in an attempt for survival exerting autonomy outside the law.

During the thirty-five years of the *Porfiriato* (the regime of dictator Porfirio Díaz, 1876-1911), liberal individualism reached its maximum intensity.⁵⁹ Porfirio Díaz, arguing for modernisation, introduced industrialisation⁶⁰ to the country, which he said was in the interest of

‘progress for the nation’ and specifically, for the benefit of the Indians. In the eyes of the Porfiriato, the Indians represented a drag on Mexico’s progress. During the Porfiriato, the Indian peoples continued under the regime of tutelage and a hidden slavery.⁶¹ The Indians were still working in the *haciendas* during the dictatorship and the landowners were using the *Sistema de Raya*. This means that the old methods were reinforced, for the strategies were modified and improved and became professional. Needless to say, the fundamentals behind them were identical.⁶²

Regarding property, the target of the policy in independent Mexico was to eradicate the Indian communal properties. The rebellions and opposition from Indians did attempt to stop this process.⁶³ However, new property laws declared the dismantling of Indian territories and resources, reducing them to private property.⁶⁴ For example, the federal government set up a *Campaña Desamortizadora*. The law of November 27th, 1824, contained a statute on this matter. Afterwards, the states imitated the federal measure. This statute becomes more clear in the *Ley de Desamortización* (June 25th, 1856) which declares the elimination of Indian Communal property and small agricultural property. Through the issuing of a circular, Miguel Lerdo de Tejada, Minister of Economy at the time,⁶⁵ promoted and reasserted the disappearance of indigenous communities. More of these circulars set the federal government to activate the *desamortización* of the Indian communal lands and *ejidos*, arguing that the Indian people were indifferent. Even Maximiliano (emperor of Mexico imported from Austria), who was trying to ‘benefit’ the Indians, followed liberal policies, because he supported the *desamortización* of Indian communal lands.⁶⁶

Liberal agrarian policy during the dictatorship of Porfirio Diaz brought further disruption of the communal Indian lands. During his regime, and from 1877 to 1910, the majority of confiscated lands belonged to the Indians. The lands were handed out freely and the *deslindadoras* companies (which delimited the land) took advantage of this situation, taking 51.8% of the land. A

meagre 1.66% was given to poor farmers. This shows the big difference created in favour of the individualistic liberal policies.⁶⁷

The indigenist policy during the independence period held, at least in theory, to an egalitarian model, setting up small family property that would work as a capitalistic enterprise. However, the development of capitalism and the strengthening of *latifundismo* provoked the disappearance of communal Indian property. Also, liberalism promoted the equality of the Mexican citizen in the name of natural rights.⁶⁸

There were three important results arising from indigenist policies: the first was to see the Indian as a historical element which could contribute to the formation and modernisation of Mexico. This inevitably denied the ancestral rights for self-government, systematically eliminating the Indian institutions in a process of homogenisation. The second factor is the conception of the Indian as a labourer. Indigenist policy was set up to deny the Indian the right to work freely, allowing hidden slavery in the *haciendas*. Through the Constitution of 1857, 'work-freedom' was declared, but this was not for the Indians, who were asked to continue working in personal service. As a consequence of the confiscation of Indian communal lands, the regime produced *latifundismo*, (latifundia). To strengthen it, the landowners applied the colonial method of service through debts that were imposed on Indian people. In other words, this meant modern slavery through the use of the *Raya* system in the *haciendas*. The third factor was the attitude towards the Indians as individuals. I am referring to both the concept of 'person' and, more importantly, to the political ideology of the liberals. Like in the colonial period, Independent Mexico treated the Indians as an inferior race. As an example, the Spaniards (creoles) named themselves *gente de razón* (people of reason), as if the Indians were beasts. As a consequence, Indians were minimised in the spiritual sense, historically and intellectually. The general results of the indigenist policies were to reduce the Indians in numbers and to name and marginalised them as a 'minority'; determined not to deal

with them, the Spanish tagged them as the 'Indian problem'. In contemporary Mexico the nation-state has perpetuated the same methods.⁶⁹ Another result was the general proletarianisation of the Indian population due to their loss of their communal properties and the extermination of some Indian cultures, as well as exacerbated oppression.⁷⁰

In addition, the implementation of the General Education Policy during the Porfiriato was to impose Spanish as the official language. Garcia Cuba⁷¹ estimates that in 1877, 38% of the Mexican population spoke Native languages. The census of 1895 showed a decrease of half of this figure, representing 16.6% of the total population, and by 1910 it had been reduced to 12.93% . The 'success' of the indigenist policies is reflected in these numbers. Forty-four years later, this success was recognised by González Navarro, who pointed out that linguistic assimilation had surely contributed to national unity.⁷²

3.3.1 Indian Rebellions

The policies imposed by the state of Mexico were not met passively by the Indian peoples. As a response against hegemonic power, hundreds of upheavals arose all over the country throughout the century of Independent Mexico. Political instability was particularly marked from 1821 through to 1876. It was only when the Indians, through rebellions, shook independent Mexico, that the Indian 'problem' was addressed by the state. But this was done primarily by suffocating the rebellions with military strategies. In fact, rebellions have marked the historical resistance and the struggle to recover self-government.

In the North of Mexico where Indian peoples were struggling for autonomy, since they had been the least touched by the colonisers, the nation-state was promoting methods used in colonial times against the so-called 'barbarian' Indians. Jails and military colonies were established, and religious missions were sent to 'civilise' the Indians. Furthermore, some governors

from states like Chihuahua, Sonora and Durango promoted a barbaric measure around 1849 that paid the Indian hunters for each death or for each prisoner. In the latter case, they were sent to serve in the *haciendas*, particularly in Yucatan.

On July 19th, 1848, president Jose Joaquín Herrera of Mexico decreed that new military colonies were established along the recently redefined border with the United States of America in order to colonise in a western style that ensured national territorial integrity. In the state's view, this was done because Indian peoples of the northern region of Mexico did not have the sense of being part of a national structure. Such an imposed structure denied the Indians' exercise of autonomy within their territories which did not coincide with the boundaries established by the state. The ideology set up during this period was to eliminate ancient Indian institutions. As a result many Indian rebellions arose⁷³ which the federal government repressed through military missions. The rebellions were constant and some were very strong. The Mayas (1847-1853) and Yaquis (1885-1909)⁷⁴ declared separatist wars for autonomy. The chiefs of the insurrections by the Yaquis were Juan Banderas, followed by Cajeme 1875-1887 and Tata Hiata 1887-1901 all of whom maintained an almost uninterrupted struggle.

Two other important rebellions took place in La Sierra Gorda by the Otomí-Ñahñu. As noted above, there was not a single year during this period (from 1821 to 1910) in which Indian rebellions did not occur. These were mostly due to the abuses against the Indians who were seeking self-government and autonomy. The indigenists argue that the rebellions were the result of disputes over land, minimising the Indian struggle and thus justifying the methods applied. Of course, the *desamortización* of the Indian communities was an important factor in the rebellions, but it was not the main factor. Rather, the principal cause of such conflicts was the lack of recognition of self-government by the state.

The federal government's response to the rebellions was to repress them militarily. The reaction against Indians did not allow for dialogue or negotiations. For example, the revolt called the Sierra Gorda de Xichú in Central Mexico led by Eleuterio Quiroz in 1848 ended with his execution in December 6th, 1849.

The Mayan rebellion in 1840 was not a war of *Castas* (Mayas against creoles) as the government named it, but rather it was a separatist movement with intentions of becoming independent from Mexico. Thus, the state used military forces and the persuasion of the clergy to pacify the situation. The federal government used methods such as deportation to remove the Maya people. The deportations were not only for war prisoners, but for peaceful Indian people. The creole government of Yucatan was selling and sending Maya people to Cuba to work in the sugar plantations and to serve as slaves.⁷⁵ Even though the federal government had agreed to suspend the traffic of Indians in 1849, the traffic of Indian people had increased. Even children were sold. Other recommendations and denouncements were made on May 13th, 1860 by deputies against the slavery of the Indians. Benito Juárez, on May 6th, 1861, decreed that the traffic of indigenous peoples of Yucatan⁷⁶ was forbidden. The fight was declared over on June 1st, 1904, when the Mayas were defeated, but still, on January 20th, 1909, another rebellion had sprung up.

The Yaqui war, which took place mainly in the current state of *Sonora*, was concluded around 1904 but still, in 1908, Díaz was informing the congress that some skirmishes were taking place in the state and that the Yaqui prisoners were being sent to Yucatan. The Census of 1900 registered that eighty-five Yaquis had been sent to Yucatan, and by 1910, 2757 Yaqui prisoners had been forcibly taken there. But according to a North American journalist, the reported Yaquis that were sent to Yucatan added up to eight-thousand.⁷⁷

The methods applied by the nation-state crushed the Indian rebellions, creating confusion by trying to extinguish the desire for self-government. However, the latter concept has remained

and Indians have built an opposition ideology around it, using symbolic competition⁷⁸ as an ideological strategy against indigenist methods. In this sense, the state's political liberal ideology has been challenged by Indians through rebellions.

3.3.2 Mexican Revolution and Constitution of 1917. Political Transition: From the Mexican Revolution to Today's Mexico: A Retrospective of Events From the Indian Perspective.

The Porfiriato Regime had imposed authoritarian practices which did not allow the rest of the aristocracy to share power. This fact, linked to the indigenist methods applied, created conditions for the Indians to rebel against the nation-state, which in turn provoked the aristocrats to fight for more participation in politics.

Two parallel Indian rebellions occurred during the revolution (1910-1919) due to poor conditions of the people in a struggle to recover self-determination and land. One was led by the Nahua-Mexica Emiliano Zapata (in south-central Mexico) and the other was led by Francisco Villa, leader of the Indian peasants in the north of Mexico. However, Villa's agrarian programme differed in a number of ways from that of Zapata. In south-central Mexico, lands were distributed among peasants immediately after confiscation. On the other hand, Villa's decree stated that the confiscated *haciendas* should remain under state control until the revolution was over (although he did pass some over to his lieutenants during the period in question). These two approaches to agrarian programmes differed because the population in the north was comparatively smaller and the economy was more focused on cattle-grazing which required a more complex administration. Thus, Villa resolved to sell the cattle to the USA to secure arms and ammunition for the revolutionary army; revenues from the *haciendas* were to finance the revolutionary actors, such as soldiers, orphans, widows and used to restore usurped village lands later. In Zapata's revolutionary region, where the population was more dense, action was in response to threats of hunger, so there

was immediate distribution of agrarian lands to Indian peasants. Nevertheless, both agrarian programmes created a strong movement seeking justice through the demands for an agrarian reform.

This circumstance favoured the revolutionary movement, and, at the same time, was capitalised by the aristocracy. Francisco Madero, a member of one of the richest families in the North of Mexico, sought the national presidency on a platform of “effective suffrage, no re-election”. He established the *Plan de San Luis*, which skilfully embraced the Agrarian Reform. However, once he assumed power in June, 1911, he maintained the same social, political and economic structure as the *Porfiriato* regime. This meant that power only changed from one set of hands to another. As Bautista points out, the Zapatistas separated from Madero because he failed to accomplish the agrarian postulates of the *Plan de San Luis*, because Madero did not fulfil his promises to strengthen small property in coexistence with the big *haciendas*. He was being loyal to his class origins.⁷⁹

During the Revolution, the Zapatista movement maintained its struggle because the new rulers did not honour their promises of agrarian reform and political rights for Indian peoples.⁸⁰ The social situation had not changed for indigenous peoples. The revolutionary aristocratic governments led by creoles Madero, Huerta and Carranza created new ‘null conditions’ for Indians by not recognising them in the political structure of the nation. In this case, the Federal Constitution of 1917 created the *ejido*,⁸¹ through Article 27, allowing the inclusion of Zapatista Movement demands, but president Carranza denied and nullified completely the recognition of self-government and self-determination for Indian peoples. He argued the need for national unity, allowing the aristocracy to continue to hold political power. The assassination of Zapata (1919) and Villa (1923) by the federal state represented the termination of the revolutionary phase, and the burial of true reform, which would have been the recognition of self-government for Indian

peoples. From this, the oligarchic 'revolutionary family' was born, drawn into the *Partido Nacional Revolucionario* (PNR, National Revolutionary Party) which, in 1938 was transformed into the *Partido Revolucionario de Mexico*, (PRM, Revolutionary Party of Mexico).⁸²

With the expansion of monopoly capitalism in Mexico by creoles, from 1940 to 1970, when the military Casta was excluded from the PRM, (and hence from the political arena), the financial aristocracy became the permanent ruling 'family' and remains so today. The 'revolutionary family' (referring to the 'new' governing aristocratic class) became represented within the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) in 1946, by transformation of the PRM.

The local and regional Indianist movements were struggling not only for land but for self-determination and the defence of their natural resources. The creoles' co-optation method was used to weaken Indian efforts; some parallel organisations were created by the Federal government which included representatives of Indian communities. The Indian Supreme Councils in the States of the Mexican Republic were funded and included in the National Peasant Confederation (CNC) an organisation of the Party-state.

The practice of indigenism was institutionalised during the 1940's. President General Lázaro Cárdenas (1934-1940), created the Autonomous Department of Indigenous Affairs⁸³ which later became the *Instituto Nacional Indigenista*, INI. With the INI actions Indian organisations became even weaker during the post-Cárdenas period.⁸⁴ The main strategy was to co-opt intellectual and Indian leaders into the INI programmes. This provoked serious limitations to Indian self-organising. The INI promoted a paternalistic and tutelary regime which was systematically imposed through methods of destruction, integration, assimilation, and *ethnophagia*.⁸⁵ The creole revolutionary family, applying the indigenist ideology brought by their Spanish ancestors, has imagined the Indian peoples to be a social problem as they have not been

effectively integrated into the state. These 'minorities' have not been emancipated, but have been reduced in numbers by the state. The tendency of indigenist policy is to diminish the numbers of Indians, arguing that the mestizos are now a majority in the country. By 1910, the census classified 20% of the population as 'white'; 37% as Indians and 43% mestizos.⁸⁶

In reality it is not that the Indian population has declined so much, but rather that most of the Indian people adopted a mestizo identity due the influence of hegemonic ideology within civil society and the policies exerted by the nation-state which recognised relatively better conditions for the latter. So, the indigenist policy implemented through the INI has imposed the tags 'indigenous' and 'non-indigenous', recognising as Indians those who speak the language and who live in an Indian community. Within the Indianist ideology, in contrast, a person is Indian not only because he speaks the Native language, but also because he or she lives within the Indian patterns of culture and has a particular way of thinking; it implies those who have been oppressed for five centuries and who do not have the right to be represented in any way in the nation-state. From this, it can be stated that the majority of mestizos are Indians, not only because they have not had representation but also because they have mostly Indian blood.

Still, the indigenist position treats the Indians as *menores de edad* (children) and as ignorant people, creating a hidden racism, not only from the whites, but from the mestizos toward the Indian population as well.⁸⁷ It is clearly reflected in the narrow vision of indigenist Aguirre Beltrán when he states, 'The Indian does not recognise himself as a member of a nation, an abstraction that overfills the conceptual world that embraces the narrow culture which he has as a patrimony'.⁸⁸

The INI applied specific programmes involving education, health, agriculture, justice, financial credits, communications; all were applied in order to integrate Indian cultures into an homogenised society without self-identity. These coercive methods deny any possibility for self-

government, and destroy the basis of Indian cultures, not only as communities, but as nationalities⁸⁹ within Mexico.

During the 1940's, the INI created the now extinct *Departamento de Educación Indígena* (Department of Indigenist Education), the *Departamento Autónomo de Asuntos Indígenas* (Autonomous Department of Indigenous Affairs) and the *Dirección General de Asuntos Indígenas* (General Direction of Indian Affairs). It established residential schools for indigenous people and established bilingual-bicultural education, tending to create individual and occidental patterns as well as the teaching of Spanish as the official national language. Through the *Misión Cultural* (Cultural Mission) and *Escuela Rural* (Rural School), the federal government carried out an educational policy to integrate indigenous people to the national life, homogenising and crushing the Native cultures. Indian people resisted, managing to maintain their languages. In 1938, these activities became part of the Indigenist Department, and in 1942, they were re-established within a new programme, supposedly offering a better way of life for the Indian Communities.

In the period of President Avila Camacho (1941-1943) a new educational policy was established, called the *Unidad Nacional* (National Unity) which sought the definitive integration of Indian peoples. It did not take into account the different cultures and languages, but used the slogan: "To give all Mexico one language".

During the decades of the 1930s and 40s, various experiments were carried out to test indigenist methods for integrating Natives to the European way of life, through education in indigenous communities. For example, the House of Indian Incorporation was created in 1932 with the purpose of studying the process of Indian assimilation.⁹⁰

In 1944, with the National Campaign Against Illiteracy, the educational policy changed and The Literacy Institute for Monolingual Indigenous Peoples was created because it was discovered, that if the Indigenous person was taught how to write his own language first, the

process of literacy in Spanish was accomplished more quickly. As the indigenist Aguirre Beltrán mentioned, the methods had to be tough, to demolish once and for all the Indian languages⁹¹ without any respect for the Indian personality. So, the INI, later on, initiated a systematic process of assimilation, with the intention of creating a folkloric image around indigenous cultures, damaging the dignity of the root of the nation.

From this, it can be said that the indigenous populations have resisted through the centuries, but that in the present century, they have been threatened in a more sophisticated way, placing them in a position of struggle to survive. Ironically, such struggle has led to an Indian strengthening in the last decades as a response. In order to fulfil self-determination in all orders, Indians are challenging the state through political, cultural, and organisational resistance within a national scope. In Jhappan's theory of symbolic politics, this strategy is referred to as symbolic reversal, symbolic competition and opposition ideology, community building and routinisation of conflict.⁹² (See Chapter 1). These forms of resistance are both political and cultural. They can be seen in contestations around treatment of illness, as well as more obvious struggles over control of the land.

Indigenist policies have minimised the pre-colonial medicine referring to it as primitive or traditional medicine and replacing the age-old knowledge with more 'civilised' or eurocentric allopathic methods. However, high quality Indian medicine has survived not only in the Indigenous communities but in the modern cities too. Furthermore, other advanced aspects in arts and sciences, like medicine, were truncated and undervalued throughout the colonial period. The same process has been exerted by the creoles during the independent Mexico and in contemporary Mexico, periods in which the status of indigenous peoples has been alike. In seeking to impose new Western values within indigenous communities, the indigenist action has altered values and social

aspects of the cultures affected. Indigenist authorities have seen these results as “alagadores” (to be praised for).⁹³

Changes in land tenure instituted by the PRI have also shaped the form of Indian resistance. During the last years of the Porfiriato, with 15,160,369 inhabitants, the land was distributed as follows: 120 million hectares were held by Spaniards and creoles; 47,968,814 hectares were in hands of owners of *deslindadora* companies⁹⁴ and 32,031,000 hectares were held by foreigners (not Spaniards), Mexicans who were living in other countries, by individual mestizo owners, indigenous communities and the State. This gives an approximate total of 200 million hectares altogether.⁹⁵ Very little land was assigned for Indian communities, showing that the land had been seized by Spaniards and other foreigners during the last four centuries. Evidently, the seizing of land has been done in a particularly intense and sophisticated way in the last few decades.

Article 27 of the Mexican Constitution of 1917 declared the rights over the land for Natives and Mestizos, creating ‘*el ejido*’ to return stolen property to the Indian peoples, using three methods: 1. restitution (by returning original Indian land); 2. *dotación* (by giving land that replaces the original one), and 3. amplification (by providing additional land to communities).⁹⁶ However, the execution of the Agrarian Reform was slow and in fact, was never completed. During the Cárdenas period land return was greater, (18 million hectares of land were distributed to almost twelve thousand villages in this period, which is equivalent to 9% of the 200 million hectares referred above).⁹⁷ However, this was done to co-opt Indians as a state strategy to minimise the possibilities of Indians’ self-determination. Cardenas’s implementation of the reform was contradictory because the agrarian law favoured landowners, who could retain a considerable portion of their *hacienda* before *ejidal* distribution; the *hacendados* obviously kept best quality and irrigated lands.

Cardenas's hidden agenda was to create new institutions to implement indigenist policies in pursuit of homogenisation and disruption. Thus, the majority of indigenous communities received little advantage from the Agrarian Reform. A main strategy for disruption was to give some communities more land (or land of better quality) than others, so conflicts within indigenous communities as well as between neighbouring ones arose. This strategy was intended to impede the strengthening of the Indians' organisational capacity. Furthermore, peasants received land through governmental hands and were automatically tied to the *Departamento Agrario* which applied indigenist practices in favour of the state's capitalist goals. It is well known that in the 1940s, the Mexican nation-state had created a solid framework to enable large private properties to increase in size and number.⁹⁸

For the reason exposed above, the revolution nullified the principle of self-determination, in spite of the fact that many Indian people died in the process of the revolution. It can thus be argued that, just like in the 19th Century, when the independence movement took place, Indian people were manipulated in the interests of the oligarchic and aristocratic classes, including the military, the clergy and the new creoles.

3.4 Neoliberal Reforms in the 1990s

Although the revolution, as such, did come to an end, Indian rebellions persisted. The search for agrarian reform and political representation was repressed in the quest for the capitalist model and westernization imported by the PRI during the 1970s. Since then, the repression has taken other shapes, such as the seizing of land.

Since the beginning of the 70s, when the neoliberal positions began to be implemented in Mexico, individualism and oppression have become even more tangible, particularly as violations of human rights to Indian populations, the poorest of the poor, became more apparent. These

models are the new version of neo-colonisation and dependency, allowing the transnational corporations to exploit natural resources and, as in the epoch of the *haciendas*, to co-opt indigenous peoples to work in degrading conditions in favour of the new highly-demanding productive systems (like the *maquilas*). This has increased migration to the cities and disruption in the Indian populations.

The early 1990's were a period of well defined Indian struggle as a response to neoliberal policies. President Salinas de Gortari favoured the demands of international markets (as did his predecessor Miguel de la Madrid). Salinas made changes in the Mexican Constitution without consulting the people. The amendments to Article 27 (1992) regarding privatisation of the *ejidos* negatively affected Indian communities, while amendments to Article 4 (1992), which mainly deals with the recognition of the pluriethnic composition of the country, favoured them in a relative way. As in the Cárdenas' period, Salinas granted the Indians a doubtful presumptive recognition, which, on one hand tried to distract attention from the implementation of the negative amendment of Article 27 in the Constitution. On the other hand, Salinas did not give legal recognition to Indians to exercise self-government.

Indians' demands for justice and denunciation of repression became radical and undermined state indigenist policy. 'Participatory indigenism', which was created to offer government posts to some critical anthropologists, was strongly criticised by the newer national Indian organisations.⁹⁹ Even organisations such as the National Coordination of Indian Peoples (Coordinadora Nacional de Pueblos Indios, CNPI) which was originally promoted by a governmental indigenist programme, demanded that the National Indigenist Institute, INI be dismantled. The autonomous Indian organisation National Coordination Plan of Ayala (Coordinadora Nacional Plan de Ayala, CENPA) was created in 1979 to promote self-government, and was sustained by Indianist ideology. Other organisations such as Independent Front of Indian

Peoples (Frente Independiente de Pueblos Indios, FIPI) arose and became stronger during the 1980's. The policy exerted during this decade, was to exclude Indian communities from the national agenda. The INI continued promoting the so-called 'integral development' of indigenous communities. Their programme consisted of: teaching Spanish; changing the traditional cultural values; trying to demolish the Native cultures; imposing Westernization. As Bonfil Batalla has stated regarding the official action of *indigenismo*, the policy is an attempt 'to bring about the disappearance of the Indian'.¹⁰⁰

On April 7th 1989, Salinas established in the National Palace the National Commission of Justice for Indigenous Peoples, appointing intellectuals, anthropologists, jurists, bureaucrats and indigenists, who thereafter decided the major indigenist policies to be applied for his sexenium.¹⁰¹ The draft of Article 4 was prepared by the Commission, and one year later, in 1990 the final draft was sent to the lower Chamber of Congress by Salinas for approval. Later on it was added to the Mexican Constitution as follows:

The Mexican nation has a multicultural composition originally based on its indigenous peoples. The law shall protect and promote the development of their languages, cultures, uses, customs, resources, and specific forms of social organisations and shall guarantee their members effective access to the state jurisdiction. In the trials and agrarian proceedings to which they are a party, their legal practices and customs shall be taken into account as established by law.¹⁰²

This paragraph was inserted on January 28th, 1992. Even if it is a relative advance for Indian rights, since Indians were partially recognised for the first time, it has its limitations. It represents the indigenist governmental vision of all Indian peoples; recognising solely cultural rights, and excluding political, economic, judicial, educational, historical, and territorial rights. These rights must be recognised if they are to be substantial.

In the instance of article 27 regarding privatisation of the *ejidos*, the amendment makes reference to the integral protection of indigenous groups - and not 'peoples'¹⁰³ - nor does it

recognise self-determination, but offers instead 'protection' under a tutelary regime. Also, the mechanism permitting the *ejidal* communities to recover communal status is not mentioned. Furthermore the agrarian spirit of article 27 was slaughtered with the Salinas reform. The process of privatisation of the *ejidos*, and of the communities, is justified in the neoliberal modernising project because both the *ejidos* and the communal property systems are seen as barriers to modernity.

As Fernández Souza points out, there is an inherent contradiction in the article. On the one hand, while it states that "the law will protect the integrity of indigenous groups",¹⁰⁴ there is no form of property which specifically relates indigenous peoples to the property itself. On the other hand, it is impossible that a law could protect the integrity of indigenous land because this property can be privatised by Constitutional mandate. From this it can be argued that the current indigenist governmental policies and resolutions, based on a neoliberal project and in response to Indian resistance and struggles, have combined partial concessions with ingenious strategies in the process, creating confusion in the Constitution. While Indian rights were partially recognised in Article 4, these same rights were undermined with the reform of Article 27.

3.4.1 Policies of Current Mexican Government and Indian Position

In the Salinas Presidential Sexenium (1988-1994) there was an apparent official attitude which was in fact very superficial with respect to the Indian demands for dialogue. The presidential administration addressed Indian Affairs with a great deal of rhetoric, rather than recognising some good initiatives for indigenous peoples.

In 1994, the most crucial year of Mexico's contemporary history, January 1st was to become particularly controversial, as it was the day that the North American Free Trade Agreement (NAFTA) was to come into effect. Mexico was supposed to awaken as a member of the First World. The Indian uprising in Chiapas showed that the recent indigenist policies

concerning indigenous peoples have threatened their existence and denied social, political and cultural rights, referred to in Chapter 2. As a response, on January 19th, the federal government created the National Commission of Integral Development and Social Justice for Indigenous Peoples (CNDPDIJSP) as a reinforcement to their control of Indian struggles. The control action has been carried out by INI since its creation in 1948. The Commission, like the INI itself, has been questioned by the Plural Group of Indian Leaders (formed in 1993), because the Group considers that the Commission is framed into the old indigenist colonising action that excludes the direct participation of Indian peoples and organisations.

The federal government has been reproducing the old indigenist schemes through INI and more recently by the CNDPDIJSP that has produced a tutelary system with manipulation and intermediaries. This has led to the subsequent oppression, injustice, human rights violations and an impediment to political participation for their own development that would lead to the recognition of self-government for Indian peoples as 'peoples'. (See Chapter 4).

The Zedillo (1994-2000) administration has agreed to a relatively poor process of negotiations creating limited spaces to attend to the political agenda of Indian Affairs. The National Forum of Consultation on Rights and Indigenous Participation carried out by Federal Institutions (Sedesol, INI, Local governments and the CNPDIJSPI) is an example, giving voice to Indian peoples but controlling information and participation. Also, the federal government's position with respect to the Autonomous Indian Forums has been one of negligence towards Indian people's voice. As Soberanes¹⁰⁵ expressed, "it is not enough to reform the Constitution and the laws; this only represents the starting point of the new relation between government and indigenous peoples."¹⁰⁶ He argues that the relation between nation-state and indigenous peoples must recognise self-determination as an important part of Indian identity rather than an

integrationist model that nullifies the culture and sense of self of each of the Indian peoples of Mexico.

When President Zedillo studied the Minutes of the National Forum, he recognised the fact that the autonomy of indigenous peoples is not a contradiction of democracy nor would it affect national sovereignty. He committed himself to:

Promote the necessary Constitutional Amendments before the Union Congress, to specify and guarantee the rights of Indian communities, to state the equality of the indigenous Mexicans with their compatriots, to acknowledge their way of social representation and to reaffirm the states' commitments towards their communities.¹⁰⁷

In the Zedillo speech, it can be noted that the policies supported by the nation-state are a replication of the ancient way of establishing tutelary relations with the Indians.

In the talks with the EZLN, the federal indigenist position has been to diminish the national agenda of the neo-Zapatistas to a local political agenda which only embraces the State of Chiapas.

The paternalistic approach is reaffirmed when, at the end of his speech, Zedillo states:

...the INI will become a normative organism of national outreach. Also, this organism will have to surpass the actual operative limitations and will account with a clear federalist orientation which is integral, participatory, plural and inclusive.¹⁰⁸

Of course, this position is a skilful 'palliative' reasserting Mexican indigenism regarding tutelage, without touching the question of real power or recognising self-determination.

The same day that the Presidential speech took place, there appeared a declaration from Subcomandante Marcos (spokesman of the EZLN) saying that, once again, the military presence in Chiapas does not allow for dialogue for peace and justice with dignity. With the most recent EPR (Ejército Popular Revolucionario) Indian uprising in June 1996, in Guerrero, the federal position has been to deny their presence as a guerrilla movement by granting no concessions in the nation-state's political arena. The EPR attacks the bankers' voracity, demands the Indian peoples' autonomy, agrarian distribution, the elimination of latifundia, unemployment insurance and the

like.¹⁰⁹ The recent facts in Mexico are that, at the same time the PRI-government is calling for talks with the EZLN, they have increased their military presence in Chiapas, Guerrero and other states where there are Indian rebellions. In doing so they have threatened the general Indian population.

Governmental repression of Indian communities has been systematically set up as in the outstanding cases of Aguas Blancas, Guerrero and Tepoztlán, Morelos¹¹⁰ where Indian people have been harassed and several assassinated. Díaz Polanco reported that 870 assassinations had occurred from 1982 to 1989 and most of this violence was directed against Indians. As the UN Human Rights Office reported concerning the first 60 days of the Salinas de Gortari administration, 34 citizens were killed in political and social conflicts.¹¹¹ The repressive regime in Mexico has mainly targeted the Indian population. As Tresierra states, “repression is one more card in the deck of indigenism”.¹¹² The typical nation-state resolution of popular movements, and more specifically, Indian movements, combines partial concession with repression,¹¹³ affecting the relation between Government and Indian peoples’ rights.

The nation-state must come to a more mature stage in its conceptualisation of indigenous peoples and their affairs. It must reconceptualise the historical facts regarding the relationship between the nation-state and Indian peoples, which means eliminating indigenist policies from its programmes and from the Constitution. Unless this is done, there is a high probability that in the near future the Indian reaction will be manifested through uprisings which, considering the military oppression in the country, could result in a serious civil war that would tear the country and its people apart.

The nation-state must open a real space, therefore, for the exercise of power by indigenous peoples for themselves, recognising the Indian proposals, which exert Indian governance beyond their small fragmented communities and towns. The nation-state must

recognise that its indigenist theories have been demolished after a long history of Indian resistance to them.¹¹⁴ Indigenism should be expunged.

The key factor for this relation between the nation-state and Indian peoples is the creation of pluriethnic regions¹¹⁵ embodying self-determination, and exerting autonomy, where not only Indians will be represented but mestizos as well. The creation of these regions must be accompanied by a recognition of political representation for Indian peoples in the federal government the Executive, Legislative and Judicial bodies. This recognition and representation must be extended to local governments and municipalities as well.

3.5 Conclusion

This chapter has shown the range of policies used by the colonisers to dispossess indigenous peoples and to strip them of their cultures, traditions, economic, political and social rights, and their identities as discrete nations. These policies have continued in different forms but with the same underlying purposes from the invasion through the Mexican Revolution and even to the most recent reforms to the Constitution in the 1990s.

However, Indian resistance throughout the five centuries of colonisation, shows that the capacity for self-government still exists. The existence of 14% of Native population in Mexico, representing the hemisphere's largest indigenous population, supports this argument. With the support of Indianismo ideology, Indians confront the cultural genocide and ethnophagia as well as the historical indigenist policies forcibly applied through centuries.

The Mexican government is beginning to show signs that it is recognising the rights and existence of Indian peoples. But it must be stressed that this has been due to a permanent struggle by Indian organisations across the country. Both the armed movements that are rebelling and the Plural Group of Indian Representatives have been key factors in initiating the talks with the Federal Executive. But a most important factor is the creation of the National Assembly for Indian

Autonomy (ANIPA) that was born of the Plural Group. The concept of self-determination is beginning to be recognised, as well as autonomy and the right to free association (even if it is only on paper). In some places, the Indian right to practice and apply the concepts of 'peoples' and 'territory' is being exercised, as is their legitimate right to political representation at a municipal, regional, and state level, which is the basis of political pluralism. The following chapter seeks to explain how this shift in the state's approach to indigenous policy has come about, by analysing the political struggles of the indigenous peoples in recent years, as well as the key elements of indigenous political discourse, self-determination/self-government and sovereignty.

Endotes - Chapter 3

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² See Valliant, The Aztecs of Mexico, (Penguin Books, Great Britain, 1950), p. 105.

³ See Frederick Peterson, Ancient Mexico: an Introduction to Pre-Hispanic Cultures, Second Edition (George Allen and Unwin Ltd., London, 1961), p. 103. The state-level organisation had been an outstanding characteristic of Mesoamerica during the past thousand years before the invasion. In the valley of Mexico, it was already established in the year A.D. 1. For more information, refer to Richard E. Blanton, Stephen Kowaleski, Gary M. Feinman, Laura M. Finsten, Ancient Mesoamerica, a Comparison of Change in Three Regions, (Cambridge University Press, Canada, 1993), p.204.

⁴ See Peter Gerhard, A Guide to Historical Geography of New Spain, (Cambridge University Press, Great Britain, 1972), introduction, pp. 3-6.

⁵ Ibid. pp. 3-6.

⁶ Bernal Díaz, The Conquest of New Spain, (Penguin Books, England, 1988), pp. 189-413

⁷ See William H. Prescott, The Conquest of Mexico, (International Collectors Library, New York, 1934), pp. 36-387.

⁸ See Archivo General de la Nación Mexicana. Reales Cédulas, Duplicados T. 166 fols. 185 - 190 v. Se Manda a Cumplir, en México, a 6 de septiembre de 1770, cited in Silvio Zavala y José Miranda, "Instituciones Indígenas en la Colonia", in Alfonso Caso et. al., op. cit., p. 94.

⁹ See Margarita Loera y CH. De Esteinou, Calimaya y Tepemaxalco. Tenencia y Transmisión Hereditaria de la Tierra, en Dos Comunidades Indígenas. Epoca Colonial, (Cuadernos de Trabajo del Departamento de Investigaciones Históricas, Instituto Nacional de Antropología e Historia, México, 1978), p. 36.

¹⁰ See Keen/Wasserman, A History of Latin America, Third Edition, (Houghton Mufflin, USA, 1988), p.66.

¹¹ Ibid. p. 66.

¹² Pedro Carrasco, "The Mesoamerican Indian During the Colonial Period", in Betty Bell, Ed., Indian Mexico: Past and Present, (Latin American Center, University of California, Los Angeles, 1967), p.75.

¹³ Silvio Zavala y José Miranda, op. cit., pp.62-83.

¹⁴ Bernal Díaz, op. cit., pp. 189-413.

¹⁵ Silvio Zavala y José Miranda, op. cit. pp. 29-112.

¹⁶ Ortiz, Las Casas, Pensador, Político, Historiador y Antropólogo, La Habana, 1949. pp. 11, 27-32.

- ¹⁷ About *Cédulas Reales* to Hernan Cortés, see Hernan Cortés, *Cartas y Documentos*, (Editorial Porrúa, Madrid, 1963), pp. 381-600.
- ¹⁸ See Pedro Carrasco, "The Civil-Religious Hierarchy in Mesoamerican Communities: Pre-Spanish Background and Colonial Development", *American Anthropologist* No. 63, 1961: 483-497, and Charles Gibson, *The Aztecs Under Spanish Rule: a History of the Indians of the Valley of Mexico, 1519-1810*, (Stanford University Press, California, 1964).
- ¹⁹ See William H. Prescott, op. cit., pp. 71-112
- ²⁰ See Ross Hassig, *Mexico and the Spanish Conquest*, (Longman, London and New York, 1954), pp. 105-106 and p. 151-152.
- ²¹ Peter Gerhard, op. cit., p.14.
- ²² Ibid., p.14.
- ²³ Pedro Carrasco, (1967), op. cit., pp. 72-86.
- ²⁴ Silvio Zavala y Jose Miranda, op. cit., p.39.
- ²⁵ Buenaventura says that: "The evangelization would not be efficient nor stable among Indians if their reduction into *poblaciones* (villages) did not take place beforehand; this was an essential first step for a further actions." In Fray Buenaventura, "Aportación Indigenista, Cultural y Civilizadora del Misionero y Asimilación Por Parte del Indio Venezolano", in *Seminario de Historia de America*, (Universidad de Valladolid, Estudios Sobre la Política Indigenista Española en México, Valladolid, 1977), p.109.
- ²⁶ Ibid., p. 39
- ²⁷ The Viceroy had to make formal petitions to the Crown of Spain regarding any policy change or major endeavour.
- ²⁸ Silvio Zavala y Jose Miranda, op. cit., p.40
- ²⁹ Jesús Romero Flores, *Comentarios de la Historia de México (1821-1861)*, (Libro Mex Editores, México, 1958), p.262.
- ³⁰ Margarita Loera y CH. de Esteinou, op. cit., p.34.
- ³¹ Ibid., p. 44.
- ³² For further information of *Cédulas Reales*, refer to Archivo General de la Nación de México. Also to Archivo Histórico Nacional, Madrid, Cedulaario Indico, cited in Silvio Zavala y Jose Miranda, op. cit., p.45.
- ³³ Pedro Carrasco, (1967) op. cit., pp. 72-86. See also, Ramón Menéndez Pidal, *El Padre Las Casas. Su Doble Personalidad*, (Espasa Calpe S.A., Madrid, 1963), p. 265.
- ³⁴ See Richard Boyer, "Mexico in the Seventeenth Century: Transition of a Colonial Society", in Peter J. Bakewell, op. cit., p.90.
- ³⁵ See Pedro Carrasco, op. cit., p.75.
- ³⁶ Keen/Wasserman, op. cit., pp. 78-80 and p.85.
- ³⁷ Peter Gerhard, op. cit., p. 7.
- ³⁸ See Jose Miranda, *Vida Colonial y Albores de la Independencia*, (Secretaría de Educación Pública, Sep-Sentetas No. 56, México, 1972), p.44.
- ³⁹ See Archivo General de la Nación de Mexico. Reales *Cédulas* Como Duplicados. T. 129, fols. 22-25. Biblioteca Nacional de Mexico, Manuscritos, Reales Ordenes y Providencias de Gobierno Respectivas a Ambas Americas, t. 16. No. 360, fol. 263, cited in Zavala, Silvio y José Miranda, (1954), op. cit., p.94.
- ⁴⁰ Silvio Zavala y José Miranda, op. cit., p. 32. Also see Margarita Loera y CH. de Esteinou, op. cit., p.122.
- ⁴¹ José Miranda, (1972), op. cit., p.44.
- ⁴² Silvio Zavala y José Miranda, op. cit., pp. 62-83.
- ⁴³ Ibid., p.32.
- ⁴⁴ Silvio Zavala y José Miranda, op. cit., p.107.
- ⁴⁵ See James Lockhart, "Encomienda and Hacienda. The Evolution of the Great Estate in the Spanish Indies", in Peter J. Bakewell et. al., Eds., *Reading in Latin America*, Vol. I. The Formative Centuries, (Duke University Press, 1988), pp. 67-83.
- ⁴⁶ The *Sistema de Raya* was a system that allowed for a daily credit for whatever the Indian person needed to eat and to dress. He could obtain these goods only in the *Tienda de Raya* (Line Store). Every Sunday,

when the wage was paid, the debts that he had incurred during the week were discounted and this debt was gradually accumulated to the extent that it was impossible for him or his descendants to pay it back.

⁴⁷ D.A. Brading and Harley E. Cross, "Colonial Silver Mining: Mexico and Peru", in Peter J. Bakewell, op. cit., pp. 129-156. Also, Keen /Wasserman, op. cit., pp. 80-85 and Daniel Reff, Disease, Depopulation and Culture change in Northwestern New Spain, 1518-1764, (University of Utah Press, Salt Lake City, 1991), pp. 21, 24, 52-53.

⁴⁸ See Moisés González Navarro, "Instituciones Indígenas en México Independiente", in Alfonso Caso et. al., op. cit., p. 148.

⁴⁹ See Vasco de Puga, Provisiones, Cédulas, Instrucciones de Su Majestad..., (México, Segunda Edición por José María Sandoval, 1878-79, Vol.1).

⁵⁰ Keen /Wasserman, op. cit., pp. 166-168.

⁵¹ Antonio Pompa y Pompa, Orígenes de la Independencia Mexicana, (Ediciones del Banco Industrial de Jalisco, S.A., Guadalajara, 1970), p.15.

⁵² The main charges were held by peninsular Spaniards.

⁵³ See Jesús Romero Flores, op. cit., p. 9-10

⁵⁴ See Vasco de Puga, op. cit., and Diego Encinas, Provisiones, Cédulas, Capítulos de Ordenanzas..., (Re-edición en facsimil de Ediciones Cultura Hispánica, Madrid, 1945).

⁵⁵ See Carlos María Bustamante, La Constitución de Apatzingán, (Empresas Editoriales, S.A., México, D.F. 1960), pp. 178-214.

⁵⁶ See Romero Flores, op. cit., Chapter XX.

⁵⁷ See Carlos María Bustamante, El Nuevo Bernal Díaz del Castillo, O Sea, Historia de la Invasión Anglo-Americana en México, (México, 1949), p.114 and Carlos Díaz Dufoo, "La Revolución Industrial", en México, Su Evolución Social, (México. Tomo 2. 1901), p.134, cited in Moisés González Navarro, op. cit., p. 116.

⁵⁸ See Agustín Aragón, El Territorio de México y Sus Habitantes, and México y Su Evolución Social, (México. Tomo 1, vol. 2, 1990), p.30, cited in Moisés González Navarro, *Ibid.*, p. 117.

⁵⁹ See Charles A. Hale, "Jose Maria Luis Mora and the Structure of Mexican Liberalism", in Peter J. Bakewell, John Johnson, Meredith D. Dodge, Editors, Readings in Latin American History, Volume II (Duke University Press, Durham, 1985), p.30.

⁶⁰ See Alan Knight, op. cit., pp. 22-23

⁶¹ "The political view among the political nation was at best paternalistic, at worst domineering and racist.", See Alan Knight. The Mexican Revolution, Vol.1 (University of Nebraska Press, USA, 1990), p7.

⁶² María Gloria Trujano Fierro y Marco Antonio Anaya Pérez, "El Porfiriato: 1876 -1911", in Aurora González, Ed., Los Díaz Sin Tregua 1876-1970, Centuria de Luchas Populares, (Centro de Investigaciones Agrarias, Agronómicas y de la Agricultura, México, 1991), Capítulo 1.

⁶³ José Miranda, (1972), op. cit., p. 70.

⁶⁴ *Ibid.*, pp. 69,70.

⁶⁵ Moisés González Navarro, op. cit., p.126.

⁶⁶ *Ibid.*, p.127.

⁶⁷ *Ibid.*, p.130.

⁶⁸ As stated in Ley Juárez and Ley Lerdo.

⁶⁹ Refugio Bautista Zane, "El Movimiento Revolucionario de 1910-1920", in Aurora González, op. cit., p.19.

⁷⁰ The 1857 Constitution denied Indian corporations to acquire or administer their tenancy *-bienes raíces-*. See Jose Miranda, (1972), op. cit., p. 70.

⁷¹ Moisés González Navarro, op. cit., p. 136.

⁷² *Ibid.*, p. 136.

⁷³ Alan Knight, Vol. I, op. cit., pp. 153-155.

⁷⁴ María Gloria Trujano Fierro, op. cit., pp. 64-67.

⁷⁵ *Ibid.*, p.66.

⁷⁶ See Moisés González Navarro, op. cit., pp. 143-166 and also Barbara Angel, "Mayan Resistance to Creole Domination in Nineteenth Century Yucatan (1847-1910)", in Ron Bourgeault et. al., 1492-1992:

Five centuries of imperialism and resistance, (Fernwood Publishing, Socialist Studies, Halifax, 1992), p. 135-152.

⁷⁷ See John Kenneth Turner, Bárbaros de México, New York. 1911, p.7, cited in Moisés González Navarro, *Ibid.* p.163.

⁷⁸ Radha Jhappan, "The Language of Empowerment: Symbolic Politics and Indian Political Discourse in Canada", (Ph.D. dissertation, unpublished, The University of British Columbia, 1990), pp. 190-243.

⁷⁹ See Refugio Bautista Zane, *op. cit.*, pp. 77- 89.

⁸⁰ The essence of the Zapatista movement was the restitution lands for Indians and the recognition of self-government. See Ramón María Herrera Contreras, "El Indio y Su Acceso a la Propiedad Individual de la Tierra", in Fray Buenaventura, *op. cit.*, 261-274. This paper also refers to how the constitution of 1824 considered the Indian as a *menor de edad* (a child) (p.261).

⁸¹ *Ejido*- "organisation and concept brought by the Spaniards." See Defensa de Nuestra Palabra. La libre Determinación de Los Pueblos Indios (Consejo de Defensores de Anahuac, Consejo Supremo de Pueblos Indios, Coordinadora Nacional de Pueblos Indios, CNPI, Mexico, 17 de Agosto de 1994), p.4.

⁸² Both the PRN and the PRM became, in 1946, the State party Partido Revolucionario Institucional (PRI, Institutional Revolutionary Party) which is governing under a hidden authoritarian regime camouflaged in a democratic regime. This revolutionary family represents the creoles of the contemporary era in Mexico.

⁸³ Alvaro González P., "El Sexenio Cardenista 1934-1940", in Aurora González, *op. cit.*, pp.180-205.

⁸⁴ Jose Alfredo Castellano Suárez, "Expansión del Capitalismo Monopolista en México, 1940 a 1970", in Aurora González, *op. cit.*, 206-241.

⁸⁵ Julio C. Tresierra, "Mexico: Indigenous Peoples and the State", in Donna Lee Van Cott, Ed., Indigenous Peoples and Democracy in Latin America, (Saint Martin Press, new York, 1994), p. 200.

⁸⁶ Gonzalo Aguirre Beltrán, "Instituciones Indígenas en el Mexico Actual", in Alfonso Caso et. al., *op. cit.*, pp. 176-177.

⁸⁷ See José Miranda, (1972), *op. cit.*, p.68.

⁸⁸ *Ibid.*, p.177.

⁸⁹ The concept "nationalities" must be seen as regions and not in terms of sovereignty risks to the Mexican Nation. See Donna Lee Van Cott, in Donna Lee van Cott, *op. cit.*, p.11. Also see Chapter V of this thesis.

⁹⁰ See María Gloria Trujano Fierro and Marco Anaya Pérez, *op. cit.*, pp. 46-47.

⁹¹ See Gonzalo Aguirre Beltrán, "Instituciones Indígenas en el Mexico Actual", in Alfonso Caso, ed. *op. cit.*, p. 255.

⁹² Radha Jhappan, *op. cit.* (1990).

⁹³ *Ibid.* p. 244

⁹⁴ The deslindadora companies were allowed to be created in 1883. See Miranda, *op. cit.*, p.71.

⁹⁵ See María Gloria Trujano Fierro, *op. cit.*, pp. 46-47

⁹⁶ See Gonzalo Aguirre Beltrán, "Instituciones Indígenas en el Mexico Actual", in Alfonso Caso, Ed., *op. cit.*, p. 204.

⁹⁷ Keen/Wasserman, *op. cit.*, Chapter 12. p.297.

⁹⁸ *Ibid.*, p.298.

⁹⁹ See Julio C. Tresierra, *op. cit.*, p.196.

¹⁰⁰ *Ibid.*, *op. cit.* p.200.

¹⁰¹ Marcos Matías Alonso, "Anteproyecto Consejo Consultivo Indígena", (Unpublished, 1992, Mexico), p.2

¹⁰² Constitución Política de Los Estados Unidos Mexicanos. (Editorial Porrúa, México, ISTA, 1996), p. 12.

¹⁰³ 'Peoples' has a specific meaning , according to international law that enables them to have special rights, such as cultural, linguistic, and historical ties and a common wish to be together. But the fundamental difference between 'peoples' and 'groups' is that the former have the right to self-determination, while "ethnic groups may only enjoy minority rights". See Donna Lee Van Cott, *op. cit.*, p.14. Also refer to doCip, (Indigenous Peoples' Center for Documentation, Research and Information, No. 13 March/ April, Geneva, 1996), p.9 .

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- ¹⁰⁴ See Fernández Souza. La Jornada del Campo. Año 4 No. 40, México, martes de septiembre de 1995: 2.
- ¹⁰⁵ Jose Luis Soberanes is Director de Investigaciones Jurídicas de la Universidad Nacional Autónoma del Estado de México. In charge of elaborating the Memory of the Consultation.
- ¹⁰⁶ Roberto Garduño Espinoza, "Justo Deseo de Etnias Para Elegir a Sus Representantes, Dijo el Ejecutivo", La Jornada, internet, México, 23 de mayo de 1996, p. 2.
- ¹⁰⁷ Ibid., p.2.
- ¹⁰⁸ Ibid., p.2.
- ¹⁰⁹ See Guillermo Correa y Julio César López, "Ni el EZLN Ni Nosotros Somos los Unicos Grupos Armados en México", Proceso, No. 1032, México, 11 de agosto de 1996, p.26.
- ¹¹⁰ See Luis González Souza, "De Soberanías y Autonomías", La Jornada, México, 22 de Mayo de 1996.
- ¹¹¹ See Raúl Monge, "Informe de las ONGs a la CIDH-OEA.: En México No Hay, Ni Se Respeta la Ley", Proceso No. 1029, 21 de julio de 1996, p.10.
- ¹¹² Cited in Julio C. Tresierra, op. cit., p.204.
- ¹¹³ Crescencio Bastida Muñoz, "Civil Society: Its Efforts for Transition to Democracy", (Unpublished, 1996, Canada), p.22.
- ¹¹⁴ See Pablo Gómez, "El Poder y los Indios de México", La Jornada, Opinion, México, 24 de mayo de 1996.
- ¹¹⁵ See Chapter 4.

Chapter 4

Self-Determination in the Americas: A Multi-Level Approach. The Current Mexican Indian Struggles

As was seen in the previous chapter, Indian peoples of Mexico have suffered oppression due to the disruption they suffered throughout the process of colonisation and the subsequent imposition of indigenist policies by successive regimes. In order to survive as peoples, Indians have used a range of political strategies, including civil and sometimes armed resistance. In addition to this armed resistance their struggle has taken the form of, but more typically in the long-range symbolic competition, symbolic reversal, community-building, and routinization of conflict. Their aim has been and is to achieve self-determination.

This chapter focuses, therefore, on the strategy of community-building by which diverse indigenous peoples have forged political alliances by stressing their common political interests, both at the national level within Mexico, and increasing at the international level within Americas and beyond. While there is considerable variation in the conceptualisations and operational forms envisaged by different people as appropriate to their specific needs and circumstances, the major common goal of indigenous peoples has congealed in the concept of self-determination.

Self-determination can be seen as the right to govern with freedom and autonomy. For centuries, the political status of many ethnic groups and tribes in the Americas has been eroded by invasions of their cultural space. They have suffered oppression, ethnocide and destruction of their traditional ways of governing and living. This has meant a continuing struggle to recover the right to establish their own political structures.

The 1990s have witnessed a turn in the tide of the struggles of indigenous peoples. The year 1992 marked the rebirth of indigenous movements, especially in the Americas, where

indigenous peoples have long resisted and survived oppressive attempts to govern them. But it must be remembered that some peoples have disappeared.

In Mexico, twelve million people are officially considered to be indigenous people, which implies 14% of the total population of the country. They are the poorest of the poor and, moreover, their political right to self-government has been denied. Throughout the history of Mexican oppression of indigenous peoples systematic subjugation has been applied in such a way that their participation in decision-making structures has been nullified.

Instead of respecting indigenous people, the state has applied assimilationist policies which have endangered the survival of Natives as a distinct people. Nevertheless, in Mexico, indigenous peoples' struggles for recovering basic political and human rights has led to two streams of action. One is the armed defence performed by the new Indian Zapatista Movement (Ejército Zapatista por la Liberación Nacional) which began in 1994 with the declaration of war against the Mexican federal government. This was considered a last resort in response to the lack of democratisation in the country. Given the imbalance of military forces, armed struggle quickly switched to diplomatic tactics as the EZLN has been holding peace talks with the government since February 1994. The second stream has involved a long-term process with a diplomatic disposition to achieve self-determination. This approach was initiated by indigenous leaders who are seeking dialogue with the local and federal governments. They seek negotiations which allow for the recognition of indigenous people in the Mexican Constitution as part of the nation. This is represented today by the Asamblea Nacional India Plural por la Autonomía (ANIPA).

This chapter first discusses the concept of self-government and related concepts such as self-determination and sovereignty. Secondly, it situates indigenous peoples' struggles in a historical context in the American continent. The latter is linked to a description of the events in the global political arena regarding indigenous peoples' issues, highlighting the significance of 1992.

Thirdly, the chapter analyses the Indian struggle for self-determination in Mexico involving both peaceful mobilisations and armed rebellions by the National Indian Assembly for Autonomy (ANIPA) and the Zapatista National Liberation Army (EZLN) respectively. The agreements about Rights and Indigenous Culture between the federal government and EZLN representatives are also presented, followed by a general analysis.

4.1 Self-Government

Indigenous peoples from around the world who are under the rule of colonisers, are struggling to recover their territories and autonomies. There are three different levels of and approaches to self-determination that can be distinguished as Assiers and Hoekema have mentioned.¹ The three distinct levels of self-government are reflections of the different indigenous struggles.

The first dimension exists at the local and communal level. It is a struggle to be recognised in a modest project of self-government, which proclaims autonomy on a municipal basis. Various communities within a 'singular culture' join together in order to create a small jurisdiction, recognised by the dominant state. The second level is a strong struggle where various indigenous peoples from within a state are fighting to be collectively recognised as part of the nation, and to achieve distinct legal status in the national constitution. Thus, they are working towards creating a pluralistic, pluri-national and multi-ethnic state. The third level refers to autonomy in the form of radical self-government or secession. It also makes reference to indigenous peoples who want to obtain power in their own territories, creating new states and their own forms of government outside of the existent state. For this reason, the demarcation of jurisdiction is the key to obtaining sovereignty.

The second level, that of a legal constitutional status, will be the one which the present chapter will try to reaffirm for the Mexican case. This level, which accords with various positions originating with indigenous peoples, relates to a struggle that aims to achieve self-government within the state. It refers to internal rather than external self-determination.² By using routinization of conflict strategies, Indian peoples of Mexico are negotiating a new political relationship with the state which tends toward the recognition of Indian self-government at a constitutional level.

Indigenous peoples from the American Continent have definitions of self-government that resemble each other. This is reflected in their actions and political relations with their respective governments. The desire to achieve self-government in Canada for indigenous peoples is the same as that in Mexico. Peoples from both countries aim at governing themselves as they wish, sharing powers within the state, preferring to be recognised rather than pursuing independence.³ However, we must be aware that many of the indigenous peoples are separated by political borders; for example, the Saami people, now in Norway and Finland, Mohawks in Canada and the USA; Inuit in Russia, Canada, U.S.A. and Greenland; Kikapoo in USA and Mexico; and Maya in Mexico and Guatemala.⁴ These peoples face special difficulties in creating a state with the characteristics of level-two government; however, this matter will not be dealt with in this thesis.

4.1.1 Self-Determination

The concept of self-determination embraces the following:

- (i) self-affirmation, meaning the right of the peoples to proclaim their existence and to be recognised as distinct peoples;
- (ii) self-definition, which consists in the faculty of determining who are the members who constitute these peoples;
- (iii) self-determination, which indicates the right to define the territorial limits;

(iv) self-organisation, which is the recognition of the peoples' power by the state, which forms the basis of self-government;

(v) self-management, or the faculty of the peoples to manage their own matters; to govern and manage themselves with freedom, within the framework of their jurisdiction.⁵

From the above, it can be argued that political autonomy is one way to exercise self-determination and to achieve political unity. Natives have united behind self-determination as a political symbol. The goal is to routinize the conflict and seek the resolution and the recognition by the state of Indian self-determination.

The right to self-determination regarding indigenous peoples, according to international law, made its first appearance in the 1991 draft of the declaration of the UN World Group of Indigenous Peoples (WGIP) which stated that by virtue of this right "they freely determine the relationship with the states in which they live in a spirit of coexistence with other citizens and freely pursue their economic, social and cultural and spiritual development in conditions of freedom and dignity".⁶ Like self-government, self-determination may be 'internal'. This refers to internal political and economic organisation of a people, without necessarily affecting existing external relations.

4.1.2 Sovereignty

The concept of sovereignty is similar to self-determination in its use and meaning. Sanders (1995) refers to internal and external sovereignty.⁷ Internal sovereignty is paramount power over all within the domain of the sovereign power's actions (i.e. authority over all persons, things and territory). External sovereignty means independence from control by any other sovereign power. It is the power that governments exercise in entering into treaties and in creating international law.

The struggle of most indigenous peoples is not for external sovereignty, but rather for self-determination, which does not necessarily imply the independence of the peoples from the constituted state. In the indigenous peoples' perspective, the concept of sovereignty is linked to and differs from self-government, autonomy and self-determination. However, they are all considered essential for the integrity, survival and development of Native peoples.

The concepts of self-government and self-determination which Indian leaders use on the basis of Indian nationalism are usually used because they have a significant meaning of symbolic competition. In this sense, Indians act from an opposition ideology vis-à-vis the nation-state; other concepts such as 'inherent historical rights' and 'sovereignty' are used to make reference to the pursuit of self-determination and in order that indigenous peoples be collectively recognised within a nation-state with a distinct legal status.

4.2 Historical Context: Indigenous Peoples' Struggles in the Americas

Indian peoples' struggles to recover self-determination have existed since the European invasion. Although the Mexican case is historically specific as seen in previous chapter, it is not utterly unique. The policies pursued by Europeans in the Latin-American territories were similar in their purposes and styles, even though each case has its own specificities.

The indigenist policies imposed by the Latin American states were essentially assimilationist, aimed at the integration or incorporation of the indigenous peoples into the nation. They were generally very like those pursued in Mexico. With the implementation of these policies, indigenous peoples of America have traditionally been victims of human rights violations. The colonial states (Spain, United Kingdom, France and others) and, later, the republican states, have all been responsible for atrocities that range from genocide to political exclusion, including social and economic discrimination.⁸ Furthermore, after the 1940s, indigenist policies were

institutionalised by the states. In this sense, the governmental indigenist policies have continued to threaten the existence of the Native cultures, imposing economic and social development policies which destroy indigenous cultures and exploit Indian land resources.

These integrationist policies have endangered Native cultures for several centuries. In response, indigenous peoples have intermittently declared wars against nation-states, but without complete success. Rather, as the struggles for independence in Mexico and Colombia show, they have been utilised by other mestizo or colonialist groups who want to seize power. More recently, Native peoples have developed new strategies for survival. Toward the end of the last decade and in the beginning of the 1990s, their permanent struggle has proved fruitful. They have enhanced processes by which some of the governmental constitutions have partially recognised the existence of indigenous peoples' rights. In this context, countries like Brazil (Chapter VIII of the Constitution of 1988), Colombia, Mexico and Nicaragua can be mentioned.

As a result of perpetual indigenous resistance to oppression, imposition of euro-western values and practices, language, religion, integrationist policies and denial of ancestral rights over their territories, a strong Native identity and power has emerged. Over the last two decades, a process of rebirth of indigenous nations has begun which has taken on an international dimension. Around the 1970s, an international movement of indigenous peoples of the Americas, the Arctic and the South Pacific formed networks; indigenous peoples' organisations were founded⁹ developing Pan-Indianismo. By 1977, the International Indian Treaty Council, based in USA, achieved consultative status in the Economic and Social Council of the United Nations (ECOSOC). By 1996 the number of indigenous organisations in ECOSOC had grown to twelve, all with consultative status. Of these, only two are based in the Southern Hemisphere. None of them are from Asia or Africa.¹⁰ This is a point that should be considered elsewhere, for it is important to

note that in Asia and Africa there are hundreds of indigenous and tribal groups, so the fact that none of them have a permanent consultation status in ECOSOC must be examined.

In the past five years, the UN system has become an important platform for indigenous peoples to air their concerns, enhancing and changing the traditional politics of exclusion by one of inclusion. Their struggle has resulted in the establishment of the United Nations Working Group of Indigenous Peoples (UNWGIP) in 1982, as a subgroup of the United Nations Human Rights Commission. This group is made up of five experts, who have been reviewing government policies on the protection of human rights of indigenous peoples. They are also submitting recommendations to the Sub-Commission for the Prevention of Discrimination and Protection of Minorities as well as to the Human Rights Commission which must send them to the ECOSOC, then to the third Committee and finally to the General Assembly. The Draft Declaration on the Rights of Indigenous Peoples presented by the UNWGIP emphasises, among other things, the right of indigenous peoples: to be free and equal to all other individuals; to freely determine their relationships with states and their political status; to freely pursue their economic, social and cultural development; to have access to their lands, territories and resources; and to maintain their distinct identities and characteristics.¹¹

As a result of this Draft, the Commission on Human Rights, through Resolution 1995/32 of United Nations, requested the establishment of a Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with operative paragraph 5 of General Assembly resolution 49/214 of December 23rd, 1994.

Also, as a result of indigenous peoples' historical movements, the UN has recently mandated that indigenous populations should be recognised as 'peoples' according to the terminology of international Human Rights Convention (Article 1). Previously, they were called minorities.¹² According to Article 1, "All peoples have a right to self-determination". From this,

other tools have been adopted in favour of the rights to self-determination: Convention 169 of the International Labor Organization (ILO), the Draft of the Inter-American Declaration on the Rights of Indigenous Peoples¹³ and the Draft of the United Nations Declaration on the Rights of Indigenous Peoples in 1995. These instruments embrace the concept of self-determination as a political right for indigenous peoples.

The Draft of OAS, Art. XV on the Right to Self-Government, Management and Control of International Affairs, states:

1. States acknowledge that indigenous peoples have the right to freely determine their political status and freely pursue their economic, social and cultural development, and that accordingly they have the right to autonomy or self-government with regard to the internal local affairs, including cultures, religion, education information, media, health, housing, employment, social welfare, economic activities, land and resource management, the environment and entry by non members and to the ways and means for financing these autonomous functions.
2. Indigenous populations have the right to participate without discrimination, if they so decide, in all decision-making at all levels, with regard to matters that might affect their rights, lives and destiny. They may do so through representatives elected by them in accordance with their own procedures. They shall also have the right to maintain and develop their own indigenous decision-making institutions as well as equal opportunities to access to all national fora.¹⁴

Indian peoples' organisations have used symbolic politics and, in this way, have challenged international states' fora by strengthening their political strategies at the international level. Such actions have produced some useful instruments such as ILO Convention 169; the establishment of UNWGIP in 1982, and their recognition by the UN as peoples and of the right to self-determination. Such strategies have thus positively contributed to changing the world's acknowledgement of their rights.

4.2.2 The Significance of 1992

In 1989, indigenous peoples of the American continent agreed to support the campaign known as '500 Años de Resistencia Indígena y Popular' (Five Hundred Years of Indigenous and Popular Resistance). This event was a manifestation of opposition to the 500-year invasion by Europeans since Columbus' arrival in the Americas. To the Native peoples of the Americas, the European invasion represented one of the major crimes in the history of humanity.

In 1991, it was clear that 1992 would be a rallying point for a new shift in the indigenous movement, a result of the talks and shared thoughts regarding the new phase that must begin:

For indigenous peoples, 1992 must not be a year of simple rhetoric, of superficial speeches, full of lies and masking the truth. For us, 1992 must be a year of deep reflection that must happen in the spheres of governors, political people, religious defenders, scientists, social scientists, intellectuals and, it must also happen amongst the hundreds of millions of men and women in whose veins there runs the Indian blood that they feel ashamed of.¹⁵

The year 1992 marked a remembrance of five hundred years of controversies. Colonial governments were preparing to celebrate five centuries of the so-called 'discovery of America'. At the same time, Native peoples were prepared to reject these festivities with an organised campaign of resistance.

The governmental campaigns, all under the name, '*V Centenario del Descubrimiento de America*' (Fifth Century of the Discovery of America), were supported by the European Community and governments from the Americas. The re-negotiated perception of 1992's historic significance was marked by activities, campaigns, international fora to raise the issues of indigenous people and the re-thinking of history. It is clear that, with the support of the Spanish Crown and governments from 111 countries and 23 international organisations, '*EXPO Universal 92*' took place to celebrate the 'discovery' of the American continent.¹⁶ The celebration of the European invasion of the Americas meant humiliation to the indigenous people that are still alive.

But this celebration was shadowed by the indigenous people's campaigns and world-wide actions of solidarity. The campaign in Europe, 'Unmask '92' became one of the major factors countering mainstream festivities. Indigenous leaders travelled around Europe and other parts of the world at the end of 1991 and during all of 1992 showing and sharing their own realities. Global civil society became aware of Native peoples' contemporary conflicts and the facts of historical resistance.

In a letter written to King Juan Carlos of Spain, the opposition ideology of Indian people in Mexico is expressed:

They [the Spaniards] imposed religion, language and customs in the most horrific ways; they massacred our cosmogony and cosmology. How can we name you, when you call yourselves "civilised" and you even want to carry out a Universal Festivity to celebrate your atrocities?
For all this, we are totally opposed to the celebration of the so-called Fifth Centenary and to any other action which may celebrate the tremendous injustices done against our peoples and nations.¹⁷

In the present decade and especially since 1992, there has been a rebirth of indigenous activism. When five hundred years of subjugation were re-conceived as five hundred years of indigenous resistance in the Americas, indigenous peoples in the Americas and elsewhere came together, **mostly** by creating networks on the issue of self-determination as a response of Indian struggle. For **example**, the General Assembly resolution 47/75 of 14th December, 1992, the Vienna Declaration and Program of Action, part II, paragraph 28, added momentum to the discussion of indigenous peoples' issues. It was in this same year that their concerns formed part of the agenda of the United Nations Conference on Environment and Development (Earth Summit) in June 1992. At the Earth Summit, states acknowledged the need to recognise indigenous peoples' values, territories, traditional knowledge and subsistence rights. At the Kari-Oca Conference, held in May 1992 in Rio de Janeiro, parallel to UNCED, six hundred and fifty indigenous representatives from around the world adopted a declaration committing themselves to following the traditional knowledge of their ancestors which also refers to self-determination.¹⁸

By June 1992, the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention 169, 1989) was ratified by Bolivia, Colombia, Mexico and Norway. It is important to add that the Nobel Prize for peace was given to Guatemalan indigenous human rights leader Rigoberta Menchu Tum in this same year. Further meetings of indigenous peoples took place in 1992. The Journey for Peace and Dignity united peoples from North and South, all converging in Teotihuacan, Mexico, restoring communication among communities from Alaska to Chile. Solidarity towards indigenous peoples became stronger and international fora were held concerned about the existence of disruption and threats upon indigenous peoples. Many activities gained momentum as a result of indigenous peoples' mobilisations. For example, in 1992, the Charlottetown Accord proposed to enshrine Canadian Aboriginal Peoples' inherent right to self-determination. This accord which included many other constitutional issues apart from Aboriginal self-government, was rejected in a national referendum, but had it been passed, it would have created a third order of government within the Canadian federation. This would have allowed indigenous self-governments to implement their policies, and other governing rights, which they are forbidden to do under the current system of Canadian Government.¹⁹ The right to self-determination is key to indigenous peoples' survival.

After 1992, the indigenous peoples' movement had moved beyond the face of the traditional resistance, which implied that struggle for self-determination was carried out separately. The movement called for the achievement of self-determination world-wide, linking Indian peoples within nation-states and overseas. Indigenous people who were not recognised as such before this point, became aware of their political place in the world and declared themselves Native people with rights to freely determine their ways of government.

4.2.3 1993 and Beyond

As a result of the indigenous mobilisations and the support of civil-society and major groups that took place in 1992 around the world and, more specifically, in the Americas, the UN proclaimed the year 1993 as the 'International Year of the World's Indigenous People' under the heading *Seeds of a New Partnership*.²⁰ This gave birth to the UN decade of the World's Indigenous Peoples that was announced and initiated on 10th December, 1994.

This political success was transcendental for indigenous peoples who had been demanding recognition of their ancestral rights for self-determination for centuries. Of course, the majority of the states where indigenous peoples live see it as a threat to their sovereignty and territorial integrity.

For the most part, however, the movements of indigenous peoples work to achieve 'internal' rather than 'external' self-determination in the spirit of a political re-negotiation of relations with nation-states by routinizing the conflicts, which includes indigenous ways of governing. This is notably different from ethnic groups who are fighting for independence like those in former Yugoslavia, and Palestine. The cases of the Kunas in Panama and the Miskito in Nicaragua, demonstrate that the achievement of 'internal' self-determination is possible within the colonial states.

Other peoples in other regions of the world, like the Inuit that live in communities across the Arctic in Canada, Greenland, Alaska and Russia, have had to adapt their traditional modes of self-determination to systems of government that are new to them. However, as a result of organisation and using the community-building strategy and persistent claims for self-determination, Inuit in Canada will have responsibility for their own territory. Nunavut will be created in 1999 as a federal territory.²¹ Another outstanding case in Canada is the restoration of jurisdictions in Manitoba to First Nations Peoples Governments, enabling them to control their

lives through the determination of their own economic, social and cultural priorities.²² Self-determination in Canada, approved since 1986 by the federal government, can be achieved through a number of avenues, each to be negotiated by the local community, individual bands, groups of bands, tribal councils, treaty groupings or other regional entities. The resulting structures must conform to the established principles, jurisdiction and Institutions of Canadian political system.²³

In August 1993, Sweden initiated a process which brought indigenous peoples closer to reaching their goals of self-government.²⁴ They followed the lead of regions like Finland and Norway that had recognised indigenous peoples' rights for self-determination back in 1973 and in 1989 respectively.

In the Americas the process has lately become considerably strengthened. The draft of the Inter-American Declaration on the Rights of Indigenous Peoples, shows us that the process is gaining legitimacy. The UN has also become a key player in supporting conferences for indigenous peoples world-wide. This has enabled further approaches to raising awareness related to indigenous peoples' issues in the recent years.²⁵ They have helped to raise the issue of indigenous peoples at the international level and with the public in general. The UN has taken into account aspects like self-determination and recognition of indigenous peoples and their struggle for dignity. With the international decade of the World's Indigenous Peoples (1995-2004) proclaimed by the General Assembly in its resolution 48/163,²⁶ the UN, governments and significant groups have committed to generate the promotion and protection of their human rights. The importance of these instruments and declarations resides in the fact that the nation-states eventually recognise Indian peoples' self-determination rights and implement them in their Constitutions.

These international events described above have strongly influenced the Mexican Indian movements. By building a community of interests and forging international alliances, Indians of Mexico have strengthened their struggle. The strategies of symbolic competition and opposition

ideology have been used to reinforce Indian nationalism and the concept of self-determination. The creation of armed and peaceful organisations in Mexico reflects the efforts to unify national Indian political organisations beyond separate interests. By using community-building, Indians are noticeably achieving political unity within Mexico.

4.3 The Contemporary Struggle for Self-Government in Mexico: Armed and Peaceful Struggles

In Mexico, the struggle for self-government and dignity has become stronger during the present decade. There have been peaceful mobilisations by national organisations like the Plural Group (Grupo Plural) and the Indian National Assembly for Autonomy (ANIPA), as well as armed rebellions as the EZLN (a neo-zapatista movement) and the Popular Revolutionary Army (EPR). The Zapatista uprising strengthened the struggle for self-government and raised the demand for autonomy as the main reform necessary to build a new relationship between indigenous peoples and the nation-state.

The EZLN and ANIPA are major groups in the country that are seeking autonomy and self-government for indigenous peoples. It should be noted, however, that the EZLN, through the 1994 declaration of war against federal government, has used arms as a last resort, while ANIPA remains committed to peaceful methods.

These two distinct movements represent the contemporary Indian struggle for self-determination and the level of political organisation that Indians have reached in the 1990s, showing that the liberal political ideology (exerted by the state) is challenged by Indians. In a symbolic competition strategy, Natives have adopted a militant political posture which is intended to routinize conflict in order to successfully accomplish the state's recognition of their right to self-

determination. A closer account of the positions of both groups is offered in order to give a wider view of differing Indian methods to achieve recognition by the dominant society.

4.3.1 The Ejército Zapatista por la Liberación Nacional (The Zapatista Army for National Liberation)

The poor conditions into which Indians of Chiapas have been marginalised throughout history and the accentuation of their critical situation in the last decade (due to the state's reform of Article 27 of the Constitution and the NAFTA accord) led Indians to declare war on the Mexican state. This was a last resort in the hope they would be taken into account by the nation-state, seeking self-determination as an inherent right by demanding democratisation of the country.

In the early hours of the New Year, January 1994, approximately three thousand men and women of the EZLN blocked the Pan American Highway between Tuxtla Gutiérrez, the capital of Chiapas, and San Cristóbal de las Casas. They also blocked the road to the Ocosingo Municipality, thus declaring war on Mexico's authoritarian ruling party, the Partido Revolucionario Institucional (PRI) and to the Federal Government and military Forces. They took four Municipal buildings: San Cristóbal de las Casas, Altamirano, Ocosingo and Las Margaritas.

In San Cristóbal de las Casas, the major municipality in this area, the occupation was commanded and led by Major Ana María and her troops, but Comandante Felipe and Subcomandante Marcos spoke for the rebels, declaring that their war was an ultimate but justified measure, because of lack of justice, democracy, liberty, work, health care, education, shelter and basic human rights.

The rebels chose to initiate their war on January 1st when the North American Free Trade Agreement (NAFTA) was planned to come into effect: they chose this time as a warning to the Mexican government that they were not to leave indigenous peoples out of the decision-making

structures. Subcomandante Marcos emphasised that the elected government ought to be rejected, on the grounds that there had been fraudulent election procedures. Furthermore, he called for the instalment of a transitional government to ensure democratic voting procedures in the August 1994 presidential elections. This was called for through the Declaración de la Selva Lacandona (The Lacandona Jungle Declaration) and in it, it was stated that the Constitution must be renewed to incorporate the recognition of indigenous self-determination and participation in the decision-making process and to open a path for democratic processes in the country as a whole. Additionally, it must be noted that the demands did not exclusively focus on indigenous issues, thus differing from earlier Native uprisings.

Comandante Felipe was the person who revealed the origins of the Zapatista Army for National Liberation. "We are the product of five hundred years of struggle." This statement recalls the moment when the Spanish people arrived in the Americas in 1492 and invaded this so-called 'New World'.

The Lacandona Jungle Declaration is a document that highlights the continuing cruel exploitation of the indigenous peoples throughout Mexican history.²⁷ The Laws of the Mexican Revolution refer to: shelter, work, land, health, education, democracy, liberty, peace, independence and justice, which are not implemented in the Indian regions.

Ever since the struggle to improve their living conditions began, back in 1980, women have played an important role. They were pushed to create their own organisation since the very beginning. So, today, they represent over 30% of the Zapatistas.²⁸ Out of the nineteen members of the 'Comité Clandestino Revolucionario Indígena -Comandancia General del Ejército Zapatista de Liberación Nacional', CCRI-CG (Clandestine Revolutionary Indigenous Committees- General Command of the Zapatista Army for the National Liberation), most of them, named *insurgentes*, are of young age. But the main goal is that the indigenous movements in Mexico search for a base

from which to defend themselves, generating collective action, demanding indigenous rights and autonomy. The EZLN and government began peace-talks by February 1994; ever since, they have had problems because Mexican Army presence has increased, thus peace talks have been intermittently interrupted since they began. EZLN's strategy has been to socialise their demands. Beyond Indian issues, the Zapatistas attempt to call attention of civil society by demanding a fully democratic process in the country as a whole.

After just twelve days of hostilities with the Mexican Army, the EZLN²⁹ agreed to peace talks with the federal government. The Zapatista movement decided to lead the way in the peace talks with the support of national and international civil society and specifically of local indigenous communities as well as national Indian mobilisations. Its strategy has been to raise awareness within civil society calling on supporters to organise themselves in different organisations like the National Democratic Convention (CND). The Fourth Declaration of the Lacandona Jungle of the EZLN on January 1st, 1996 ratified the decision to fight with arms for political change in Mexico and called upon civil society to create a political force with those members who do not desire to take public positions in working towards political transition in Mexico. This political force has become a front, named the FZLN (Zapatista National Liberation Front).

Another strategy of the EZLN at the beginning of 1996 proposed the creation of an Indigenous National Permanent Forum. Its objectives were to achieve the recognition of indigenous rights and to act as a space for the operation of indigenous organisations which work for the benefit and well-being of Native peoples.³⁰

More than six hundred Zapatistas built *Aguascalientes*,³¹ where the first Convención Nacional Democrática, CND, was held in August 6th, 1994. More than six thousand delegates and observers from hundreds of organisations around Mexico, all of them united by the Zapatista call, were present at this convention which took place in the Lacandona Jungle, in San Cristóbal de las

Casas. The first day of the CND began with a series of round tables, which dealt with five different issues. These were: 1. The transition to democracy and the illegitimacy of the PRI.; 2. Peaceful ways towards a democratic transition; elections, civil resistance and defence of the popular will; 3. Constructing a new nation; 4. The eleven points of the January 1st, 1994 Lacandona Jungle Declaration; 5. A constitutional congress on a new Constitution.

The strongest themes included the recognition for the need for autonomy of Mexico's Indian peoples, the modification of Article 27 of the national Constitution which allows the privatisation of the *ejidos* (communal lands, i.e., the selling of lands), and the new drafting of the federal Constitution to insert indigenous rights.

The introduction given at the 'I Convención Nacional Democrática' by Subcomandante Marcos was very clear and strong. The Zapatista soldiers marched between the delegates and the grandstand, and were then followed by young women and men bearing sticks with white binding, representing a symbol of their search for peace. Delegates continued discussing themes of cultural autonomy and the tolerance of differences, as well as dignity and justice. This convention proved the possibility of incorporating all ethnic groups into the democratic agenda. When the army invaded the Zapatista territory in February 1995, the CND network³² produced large-scale protests in the whole of Mexico, co-ordinated actions in fifteen cities within the United States of America and Canada, as well as demonstrations in Europe and in Central America. The Zapatistas have been able to unify a wide range of organisations, thus creating a political coalition mainly in Mexico.

At the second meeting of the CND in October 1994, the Zapatista movement became more distant from the CND. This was because many grassroots groups that are involved in the CND were working more for the elections, supporting the left-wing Partido de la Revolución Democrática (PRD) (Democratic Revolutionary Party), headed by Cuauhtémoc Cárdenas. The

EZLN disagreed with the strategy because the Zapatistas do not support a specific political party; even more, they do not support the system of political parties as the only way to legitimate democracy. But in the long run, the Zapatistas have continued working with the CND, not only because it has backed the EZLN, but also because the CND has been a main actor in the definition of democracy in Mexico.

Within this struggle, different events have been organised, such as the ‘Convenciones Estatales Democráticas’, (CED) (Democratic State Conventions). But the main conventions were the Convención Nacional de Mujeres (CNM) (Women’s National Convention) and the Convención Nacional India, (CNI) (National Indian Convention).

In the fall of 1994, five different regions of Chiapas declared themselves ‘autonomous multi-ethnic regions’, including fifty-eight municipalities that represent 50% of the state, guaranteed in Article 30 of the Constitution.³³ The declaration does not mean the separation or splitting-up of Mexico. In some areas there would be alternative governing systems, consisting of elected community parliaments and regional councils. The Mexican government, however, argues that it threatens national integrity. The federal government has sent the military and created conflicts supporting the so-called *guardias blancas*³⁴ in order to neutralise this proposal. Moreover, conflicts between political parties in this region have become part of the scene. Human rights violations have increased towards Indian organisations as well as civil society NGOs. The wave of terror has produced deaths, torture and massive arrests.³⁵ The rule of law in Mexico is deteriorating. Indian organisations are concerned about the police and military presence in the Indian regions of the country.³⁶ These state instruments of oppression are producing violence, violation of individual guarantees as well as of collective rights and human rights violations in general. For this reason, the Indian organisations are asking for the immediate “expulsion of military and police forces” from the regions. One of the main demands of the Indian Congress

declaration 'Nunca Más un México Sin Nosotros' (Never Again a Mexico Without Us), was the de-militarization of the Indian zones of the country and the cessation of the repression of the Indian organisations as well as the general social organisations. The process of militarization throughout the country is observed in four main aspects: the display of troops in cities, towns, roads and highlands; the transfer of public security functions to army officials; the increase in expenditure on weapons (warfare equipment), transport and training; the increase in the training of troops and officials in foreign military schools or the hosting of foreign military staff in Mexico.³⁷

4.3.2 The Asamblea Nacional India Para la Autonomía, ANIPA (National Indian Assembly for Autonomy). The Peaceful Struggle

Inspired by the success of the EZLN, ANIPA was created on April 10th, 1996. ANIPA was formed by the Plural Group of indigenous representatives which emerged in the wake of the Chiapas uprising. The latter group was constituted by writers, intellectuals and leaders who were members of various indigenous organisations. It is a strong Indian organisation seeking self-determination, acting parallel to the EZLN. One of its leaders, Margarito Ruiz, who is a Tojolabal and a spokesperson, said that these autonomous indigenous regions, mentioned above, must be extended everywhere in the country where their indigenous brothers still exist. For this to happen, it was considered convenient to push for new reforms to the Mexican Constitution in order to establish the recognition of these regions' autonomy.

ANIPA was born from a long process and was supported by all the groups from the Plural Group of Indigenous Leaders.³⁸ ANIPA includes indigenous intellectual leaders, tribal representatives and 250 organisations of indigenous peoples from across Mexico. Additionally, it counts on the support of advisors and intellectuals with expertise on indigenous populations and *Indianismo* thought.

ANIPA represents the interests of the majority of indigenous peoples in Mexico. Through peaceful methods (routinizing the conflict), dialogue and consultation are used as key strategies in the processes of seeking autonomy for Native peoples. ANIPA has used dialogue, calling together indigenous organisations to achieve its main objective: the creation of Autonomous Pluriethnic Regions (RAPs) through decree initiatives. It organises different commissions with the purpose of speaking with federal and local governments, and promoting a pact of unity and national alliance amongst indigenous peoples.

The first meeting of ANIPA took place in the Federal Congress on April 10-11th, 1995, in Mexico City. It was the first time in the history of the Union Congress that this was allowed, for political participation has been traditionally prohibited for indigenous peoples. From that point, there have been a number of assemblies, celebrated in Cajeme Territory of Yaqui Tribe, Sonora (Assembly II, May 1995), in Tlaxicaco, Oaxaca (Assembly III, August, 1995), in Valle de Jovel, San Cristóbal de las Casas, (Assembly IV, December 1995) and in Chilapa, Guerrero, (Assembly V, April 1996).

Since its creation, this group has questioned the creation of the National Commission of Integral Development and Social Justice for Indigenous Peoples (CNDIJSJ) by the federal government. This commission was created and installed very soon after the EZLN armed movement arose in Chiapas State. It was composed of forty experts, none of whom were indigenous people, and therefore was not representative of them. For this reason, the Plural Group considers that the commission is framed in the old indigenist-coloniser paradigm. The Plural Group supported instead the creation of the Consejo Nacional de Pueblos y Organizaciones Indígenas (National Council of Peoples and Indigenous Organisations, CNPOI). This group facilitated interaction with the state and federal institutions to build new relations between indigenous peoples and the nation, thus eliminating indigenist schemes that have been enhanced by tutelage,

manipulation and intermediaries. Such situations have limited the participation of indigenous peoples as subjects (as opposed to objects) of their own development and historic destiny.³⁹

The CNPOI was eventually diminished by the state; it was dissolved by the end of 1994 because its objectives of creating new relations with the state were stalled by former president Salinas, when the organisation was not given further appointments and the talks for agreements were stopped. Furthermore, the CNDIJSPI had continued with its co-optation tactics which endangered the existence of the CNPOI. After all, ANIPA was being created with the specific purpose of creating a national Indian organisation with a specific project: to achieve self-determination by using the strategy of routinizing the conflict, seeking stable agreements through the creation of a fourth level of government.

After the Zapatista uprising, the indigenist state policies became more accentuated. The creation of CNDIJSPI denotes that indigenist actions were undertaken all over Mexico to handle the 'Indian problem'. ANIPA has seen this fact as a major problem in the process of renegotiating indigenous peoples' relationship with the state. In ANIPA's view, the indigenist position of the state has been set to weaken Indian struggles for self-determination through co-optation of Indian leaders and by providing a series of material goods to Indian communities.

Additionally, ANIPA is supporting peace talks between the Zapatistas and the federal government and has sent advisors in order to strengthen the reconciliation process. At the moment there is no agreement between the federal government and ANIPA, since the Plural Group decided to stop the talks with the governmental representatives at the end of 1994 (through the CNPOI). Nevertheless, ANIPA put forward a proposal which is being presented in the peace talks between the federal government and the EZLN. The proposal will eventually be presented in the Union Congress for its consideration, but no date has been established yet. There exists a possibility of establishing direct negotiations with the federal government. In this sense, the state should

recognise not only the armed EZLN from Chiapas but give equal weight to peaceful nation-wide initiatives (such as the ANIPA position) within a democratic process.

In the four national assemblies organised by ANIPA during 1995, ANIPA has been revising the decree initiatives for the creation of the RAPs. This will be thoroughly discussed in Chapter 5. The last revision of this document took place in the final meeting in Chilapa, Guerrero, in April 1996. Once the reviewing process of the decree initiative was finished, the ANIPA agreed to produce another document related to the process of peace in Chiapas. ANIPA agreed to support the peace talks and take part in the historical transition to a new level of government (fourth level) for indigenous peoples of Mexico.⁴⁰

The Zapatista movement is working to gain support of civil society for transitions to democracy in Mexico and at the same time is raising the Indian issue on the national political agenda. At this point both organisations have reached a consensus in sharing general commitments towards indigenous self-determination. The approach of both organisations was very clear in the Indigenous Forum (called for by the Zapatistas). At this 'Foro Nacional Indígena', Table 1, which was dealing with the issues of community and autonomy, supported the work of ANIPA. Since then, there has been reciprocity. At the fifth Assembly of ANIPA⁴¹ (May 1st, 1996) they were supporting each other. At the discussion table in San Andrés, Chiapas, Mexico, two working documents were presented. The official one came from the CNDIJSPI and the other one was presented by the ANIPA. From this, it can be seen that the Zapatista movement and ANIPA are working in partnership to achieve self-determination.

4.4 Table 1 on Rights and Indigenous Cultures

Within the peace talks process between the EZLN and the federal government, the San Andrés Agreements from Table 1 (Mesa 1) on Rights and Indigenous Cultures were signed on February 16, 1996. Other discussion tables are lacking in the negotiation process regarding issues

on democracy, justice, development, welfare, women's rights and others. However, the advancement of the signed documents of Table 1 represents a key step for the development and perspective of Indian peoples of Mexico.

The dialogue for 'Mesa 1' (Table 1, on Rights and Indigenous Cultures) lasted 11 months, fifteen months from the time the conflict took place. From it, there was an agreement, signed in the second part of the Resolute Plenary of Table 1.

After that, the legislative commission (COCOPA) (Comisión de Concordia y Pacificación del Congreso de la Unión; Commission of Accord and Pacification of the Union Congress) handed the initiatives of constitutional reforms to the Legislative and Executive Powers which had resulted from Table 1. These proposals should have been debated in the sessions beginning the 20th of March, 1996 in the Union Congress,⁴² which was not accomplished due to intermittent suspensions of the dialogue.

In general terms, the agreements referred to important advancements in relation to the fundamental demands of national Indian movement in the last decade. What is important is the acknowledgement of self-determination reflected in the documents signed by the EZLN and the federal government. This is a political factor of great potentiality. However, it must be clearly noted that the government did not accept autonomy as a regime because, in the state's view, it represents the risk of creating a 'nation-state within another'. However, the written agreements imply the possibility of the practice of autonomy at the communal, municipal and regional levels. The government's position was to try to diminish the Zapatistas' demands by excluding both the reform of Article 27 of the Constitution and the creation of RAPs through the setting of a fourth level of government. (See Appendices 1 and 3).

These basic agreements between the government and the EZLN on Table 1 had to be discussed in national fora of debate (such as the ANIPA assemblies) and in the national decision-

making bodies (the Senate and the Union Congress). The agreements were a material for the dialogue with peace and dignity, in terms of Procedure Rules and the Law for Dialogue, Conciliation and Peace with Dignity in Chiapas and the agreements are integrated to the Agreement of Accord and Pacification with Justice and Dignity.

According to many commentators, the governmental delegation has adopted a deceitful position during the process, of negotiation. As Carlos Puig points out, 'it sees its opponent as being too small, it tolerates it, it allows it to blabber on, and looks to the ceiling while it talks'.⁴³ The delegation implements a low-intensity war to undermine the position of Indian negotiators and advisors. For example, the governmental offer is focusing on the local rather than in the national scope of the problem and on poor welfare policies rather than policies that really address the root of the crisis. Such terms were rejected by the EZLN.

The dialogue did result in some important changes as stressed in the Pronouncement of the EZLN Advisors, written after the agreement was signed. However, the core of the ANIPA proposal is still lacking (such as the creation of RAPs at a fourth level of government). Such points must be treated in the negotiations of the remaining tables such as Table 2 about Justice and Democracy.

Even though the results were not totally satisfactory, the Zapatistas, ANIPA and other indigenous organisations in the country advanced significantly towards the community-building strategy by which the Indian movement became more unified and representative. This movement has become one of the main socio-political actors in Mexico. The conjunction of their proposals has elaborated a unified program of struggle that embraces the most advanced experiences and aspirations of the country's indigenous communities. Also, they have created awareness among civil society in Mexico regarding the historical rights of indigenous peoples by placing their struggle in the centre of the national political agenda. Civil society has supported Indian peoples' struggles by being solidarious and demanding for a more democratic state.

The San Andrés Agreements signed and reached with the federal government in Table 1 do not resolve the totality of indigenous demands nor does this mean that the peace accord is to be signed yet. As a consequence, the most important goals have not been achieved in this phase. These were: (i) the creation of the fourth level of government, as proposed by ANIPA, and (ii) the recognition of the legal pluralism of the nation.

On the other hand, it can be observed that the relative ‘maturity’ of the federal government to deal with indigenous peoples’ issues has allowed for some positive achievements in favour of indigenous historical struggles. The recognition of indigenous peoples in the Constitution, as recognised in Article 4 of the Constitution, is an important step forward. However, the right to self-determination in a constitutional framework of autonomy is still in process and should be recognised through the Law Initiative regarding indigenous peoples.

The process to carry out these agreements is through the creation of the Verification Commission of Follow-up and through debate in the Union Congress within the process of the Political Reform. The Congress has to agree about the procedures and terms by which these agreements are going to be included in the Mexican Political Constitution.

The EZLN demanded that the integration of the Commission for Follow-up and Verification be made up of autonomous representatives, rejecting public employees. The agreements that resulted from Table 1 about Rights and Indigenous Culture would be included in the Law Initiative about Indigenous Peoples that would be discussed by the Union Congress.

After having signed the San Andrés agreements, the legislative commission, COCOPA (Commission on Concordance and Pacification of the Union Congress) presented, on November 29th, 1996, their final version of their proposals for constitutional reform on Rights and Indigenous Cultures to both the EZLN and the federal government. The EZLN accepted this version because it substantially implies the content of the agreements and because it was COCOPA’s ultimatum to

Zapatistas -“take it, or leave it”. The government did not accept this version and presented a counter proposal to the initiative of December 20th, 1996. The President’s counter proposal weakens the previous agreements even more by changing substantial terms. For example, COCOPA’s initiative recognises the community as an ‘entity of public right’; whereas the Executive considers them as ‘entities of public interests’, thus denying the Indian right to form part of the organs of the state.⁴⁴

4.5 Conclusions

As we have seen self-determination has become a political symbol for indigenous peoples in the Americas which has been strengthened in the last decade through a successful process of symbolic contestation. Governments have been forced to respond to these demands. In Mexico, the federal government has apparently espoused the goal of self-determination and has pushed the EZLN into the government’s game of policy-making by defending COCOPA’s initiative. In my view, the Zapatistas’ acceptance of COCOPA’s initiative is not going to solve the fundamental problem of Indians’ lack of representation and self-determination. This is because Indian autonomy at a communal level (as COCOPA’s and federal government initiatives promote) would not be able, by itself, to give solutions to the big problems of Indian peoples, but rather, would integrate them legally in an indigenist, ethnocentric way due to the lack of representation of Indians in the Congress.

Thus, what is going to solve the problem of lack of representation at all levels, is the legal recognition and the creation of the Fourth Level of Government for indigenous peoples which would facilitate transition to democracy in Mexico. The country would thus become stronger from its roots with its own model of democracy which included the power for self-determination for Indian peoples, thus eradicating the historical marginalisation to which they have been subjected.

On the other hand, there is a potential risk to worsen the current situation if the federal government continues with its traditional indigenist position. This could lead to national instability with a consequent civil war that would endanger national integrity.

It can be concluded that the move toward self-determination is a long-term process and the proposals coming from the indigenous peoples in the negotiations had moderate success. The intention of the federal government to implement a limited reform reducing the solution to a regulatory law of Article 4 of the Constitution failed, as well as the idea of negotiating a local agenda with the EZLN in Chiapas.⁴⁵ The government's proposals failed because the government did not take into account Indian peoples' proposals.

It was recommended by the EZLN and government representatives that the Commission for Follow-up and Verification takes the Mutual Accord Manifesto as a foundation for the constitutional and legal reforms. This ought to be done because the manifesto is the most complete document and is more specific from the jurisdictional point of view. The results of this process of negotiation are reflected in the new policy towards indigenous peoples stated in words of the President of Mexico on May 23rd, 1996: "...in general, the policy is changing. The autonomy of Indian peoples, expressed in the National Consultation about Rights and Indigenous Participation does not contradict democracy. It will not contradict democracy, it will not effect national sovereignty. It will not be the carrier of anachronisms nor exceptions to the right of the state".⁴⁶

In sum, if all that was agreed and not agreed upon is taken into consideration, it can be seen that there is a substantial advancement in the struggle of indigenous peoples. However, there is still much work to be done for the achievement of the creation of RAPs which create the basis for self-determination. The complete proposal of the ANIPA for the creation of a fourth level of government, is presented in the next chapter in counterpart with the government's proposals.⁴⁷

The EZLN and ANIPA have used strategies of symbolic politics to reinforce their struggle. EZLN has, above all, attempted to routinize the conflict through peace-talks with the government in an attempt to achieve recognition and stabilisation of conflict. This has been shown through the achievement of concrete agreements between Indian peoples and the nation-state and a new relationship between Indian and federal government and the dominant society.

Endnotes - Chapter 4

¹ Maivan Clech Lam, "The Legal Value of Self-Determination: Vision or Inconvenience?", in Essays on Human Rights and Democratic Development. Paper 5, (International Center for Human Rights and Democratic Development, Montreal, 1996), pp.79-142.

² Ibid., pp. 79-142.

³ Interview by telephone with Margarita Gutiérrez and Antonio Hernández, members of Asamblea Nacional Indígena Plural por la Autonomía (ANIPA), May 28, 1996. See also Pauline Comeau and Aldo Sanity, The First Canadians, (James Loriner & Company Ltd. Publishers, Toronto, Ontario, 1995), p.71.

⁴ See Guillermo Correa, "Jose del Val, del Instituto Interamericano Indigenista: los Acuerdos en Chiapas son Demagogia, un Paraíso Jurídico Ajeno a la Realidad", Proceso, No. 1008, 26 febrero 1996, pp. 12, 15, 17. See also Joseph Jude, "Peoples of the Arctic", National Geographic, Vol. 163, No. 2, February 1983, pp. 145-223.

⁵ This approach of self-determination concept was discussed in the process of peace-talks between the EZLN and the Mexican federal government. See also Luis Hernández Navarro, "San Andrés para Principiantes", La Jornada, Mexico, February 20, 1996, p.8.

⁶ International Working Group of Indigenous Affairs Yearbook, 1991: 149-156; 5. See Willem J. Assies, "Self-Determination and the 'New Partnership' ", in W. J. Assies and A. J. Hoekema, Ed., Indigenous Peoples Experiences with Self-Government, (IWGIA and University of Amsterdam, Copenhagen, 1994), p. 59 and see also Maivan Clech Lam, op. cit., p.114.

⁷ Joe Sanders, "First Nations Sovereignty and Self-Determination", in Frank Cassidy, Aboriginal Self-Determination, (The Institute for Research on Public and Olichan Books 1991), pp. 186-196. See also Rodolfo Stavenhagen, "Indigenous Rights, Some Conceptual Problems", in W.J. Assies and A.J. Hoekema, op. cit., pp. 9-29.

⁸ Rodolfo Stavenhagen, op. cit., p.40.

⁹ Willem J. Assies, op. cit., p.32.

¹⁰ Indigenous People's Participation in the Follow-Up Mechanisms to UNCED, (U.N., New York, January 29th, 1996).

¹¹ See Report on its Forty-Sixth Session E/CN.4/ 1995/2 and E/CN.4/Sub.2/1994/56. Resolution 1995/45: Draft United Nations Declaration on the Rights of Indigenous Peoples, (Sub-Commission on Prevention of Discrimination and Protection of Minorities, U.N., New York, 1995).

¹² See Article 27 of the International Convention on Political and Cultural Rights, (United Nations, N.Y., 1995).

¹³ See Draft of the Interamerican Declaration on the Rights of Indigenous Peoples. Approved by the IACHB of the OAS at the 1278 session held on September 18th, 1995.

¹⁴ See Art. 15, Draft of the Inter-American Declaration on the Rights of Indigenous Peoples, 1995, p.7.

¹⁵ Alejandro Swaby Rodríguez, "Nada que Celebrar, Mucho que Lamentar", (Campaña Continental 500 Años de Resistencia Indígena, en Nombre de las Organizaciones Indígenas de Talamanca, Talamanca, Costa Rica, 1992).

- ¹⁶ Mindahi Crescencio Bastida Muñoz, "Humillación Indígena", El Universal. Ed. Estados, Mexico, 11 de marzo, 1992, pp. 8, 6.
- ¹⁷ Mindahi, Datzó, Thay (C.C.O.T.), "Carta al Rey Juan Carlos", El Universal. Ed. Estados, Mexico, 18 de enero, 1992, p. 8.
- ¹⁸ My experience; Declaración de Kari-Oca y Carta de la Tierra de los Pueblos Indígenas. Conferencia Mundial de los Pueblos Indígenas Sobre Territorio, Medio Ambiente y Desarrollo, Brasil, Mayo, 1992. See also Seeds of a New Partnership: Indigenous Peoples and United Nations, (United Nations, New York 1994), p. 64. See Declaración de Bogota, (Colombia, October 1989). See also, Declaración de Xelaju, (Guatemala, October 1991). See also "500 Años de Resistencia Indígena y Popular, Mensaje de las Comunidades Indígenas de America".
- ¹⁹ Radha Jhappan, "Inherency, Three Nations and Collective Rights: The Evolution of Aboriginal Constitutional Discourse from 1982 to the Charlottetown Accord", International Journal of Canadian Studies, Spring-Fall, 1993, pp. 225-259. See also Paulin Comeau and Aldo Santin, op. cit., pp. 84-85.
- ²⁰ Seeds of a New Partnership, op. cit.. Also see Willem J. Assies, op. cit., p.31.
- ²¹ See Rhoda Innuksok on behalf of Inuit Circumpolar Conference, "Inuit and Self-Determination: The Role of the Inuit Circumpolar Conference", in W.J. Assies and A. J. Hoekema, Eds., op. cit., pp. 195-202. See also Willem J. Assies, op. cit., pp. 31-71.
- ²² See The Dismantling of the Department of Indian Affairs and Northern Development. The Restoration of Jurisdictions to First Nations Peoples in Manitoba and Recognition of First Nations Governments in Manitoba. Framework Agreement, (December 7, 1994).
- ²³ James S. Frideres, Native Peoples in Canada. Contemporary conflicts, (Prentice Hall, Canada Inc., 1993), p.454.
- ²⁴ Seeds of a New Partnership. op. cit., p.68. Also Indigenous Peoples International Decade 1995-2004, (U.N., New York, December, 1994).
- ²⁵ Conferences which took place in 1993: -Claiming Our Future in Darwin Australia;-2nd Conference of the World Alliance of Indigenous and Tribal Peoples of the Tropical Forests in Iquitos, Peru; -First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples held in Whakatane, Aotearoa (New Zealand); -Indigenous People: The Way Forward in Kuala Lumpur, Malaysia.
- ²⁶ Indigenous Peoples, International Decade 1995-2004, (U.N. Department of Public Information, Reproduction Section, NY DP/1608/HR., Dec. 1994).
- ²⁷ See John Ross, "Rebellion from Roots: Indian Uprising in Chiapas", Common Courage Press, 1995.
- ²⁸ The main demands of indigenous women is the political participation in the decision-making processes, as well as better conditions of living for their children and themselves. They ask for space of freedom in their relationship with their counterparts.
- ²⁹ Crescencio Bastida Muñoz, "Civil Society in Mexico: Its Efforts for Transition to Democracy", (Unpublished, Canada, 1996), p.15.
- ³⁰ It was an agreement at the Foro Nacional Indígena, held in San Cristóbal de las Casas, in January, 3-8, 1996, stated in the final document.
- ³¹ Aguascalientes was the place in the Lacandona Jungle where the Zapatistas built accommodation facilities for people who attended the First National Democratic Convention.
- ³² Worker Unions, Students, Women's organisations, intellectuals, etc., who total approximately 250. See "Introduction" of this thesis.
- ³³ See June Nash, "Latin America Research Review: The Reassertion of Indigenous Identity", University of New Mexico, Volume 30, No. 2, 1995.
- ³⁴ Guardias blancas are groups of armed civilians who are paid by landowners (hacendados) supported by local and federal governments, creating disruption among Indian communities.
- ³⁵ "Continúan Detenciones de Indígenas Loxicas". Liga Mexicana de Derechos Humanos (LMDH), internet, Mexico, 16 de octubre de 1996. See also "Comunicado", LMDH, Internet, Mexico, D.F., 9 de noviembre de 1996.
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³⁷ Miguel Concha, "Militarización", internet, from Monique Lemaitre, List Mexico 2000. Saturday, November 2nd, 1996.

³⁸ The First Asamblea Nacional India Plural por la Autonomía (ANIPA) was convoked by indigenous Federal legislators (members of the Plural Group of Indigenous Representatives). The General Council of Pluriethnic Autonomous Regions of Chiapas, the Group of Support of Indigenous Regional Autonomy, the Mexican Commission of Defence and Promotion of Human Rights and the Secretary of Human Rights and Indian Peoples of PRD. It took place in April 10th, 1995.

³⁹ See Grupo Plural de Dirigentes Indígenas, "Pueblos Indígenas: Hacia una Nueva Relación con el Estado y la Sociedad", Documento de Trabajo, Mexico, D.F., 2 de septiembre de 1993, pp. 1-23.

⁴⁰ Iniciativas de Decreto para la Creación de las Regiones Autónomas I, II, III, and IV and Documento de la V Sesión de ANIPA, (Chilapa, Guerrero, abril de 1996).

⁴¹ See Foro Nacional Indígena, "Documento Final, Comunidad y Autonomía: Derechos Indígenas", San Cristóbal de Las Casas, Chiapas, (3 al 8 de enero de 1996), p.11.

⁴² Jose Gil Olmos and Helio Henríquez, "Las Pláticas sobre Democracia y Justicia Empezarán el 20 de Marzo", La Jornada, El País, 12 de marzo, 1996, p. 10. See also, Luis Hernández Navarro, "San Andrés Para Principiantes", La Jornada, February 20, 1996, p.4.

⁴³ Carlos Puig, "Documento de Circulación Restringida: Objetivos Ocultos, Presiones, Estrategias y Cerco Negociador del Equipo de Bernal en Chiapas", Proceso, No. 1008. 26 de Febrero, 1996, p.20.

⁴⁴ See "Cuadro Comparativo de la Iniciativa de la COCOPA y las Observaciones del Ejecutivo", fuente: Cuerpo de Asesores del EZLN. La Jornada, lunes 13 de enero de 1997.

⁴⁵ See Luis Hernández Navarro, op. cit.

⁴⁶ Garduño Espinoza, Roberto, "Justo Deseo de Etnias Para Elegir a sus Representantes, Dijo el Ejecutivo", La Jornada, (internet), 23 May, 1996.

⁴⁷ See also Carlos Puig, op. cit., pp. 20-21.

Chapter 5

An Indian Proposal for Self-Determination in Mexico. The Need for a Fourth Level of Government

Chapters 3 and 4 show how the federal government is trying to manage the so-called 'Indian Problem' by pushing for partial constitutional reforms. In my view these reforms are not enough, though they represent the starting point of the new relationship between Indian peoples and the nation-state. ANIPA's promotion of a project for self-determination by and for Indian peoples represents an attempt to routinize the conflict between Indians and the state. This chapter explores the Indian proposal for self-determination in Mexico and the need for a fourth level of government in order to stabilise conflicts which have been accentuated during the last decade due to Indian guerrilla movements.

The chapter consists of three parts. First, it will account for the recent amendments to constitutional Articles 4 and 27 regarding indigenous peoples due to partial governmental concessions and the consequent indigenist proposal to reform Articles 4 and 115. Second, it presents the importance of the Indian project for the creation of autonomous regions by ANIPA, as a result of the Indian peaceful movement, based on Indianist thought. Third, it considers conclusions beyond proposals in order to compare both Indian and government's proposals and analyses the need for a Fourth Level of Government as an important factor to achieve self-determination by and for Natives in Mexico.

The initiative to create autonomous regions is based upon the urgent need to resolve the ongoing national-ethnic conflict, which has recently become more acute. The urgency is the result of the Indian rebellions of the EZLN (1994) and of the EPR (1996)¹ among other armed Indian guerrillas.²

ANIPA's initiative supported by the EZLN seeks the establishment of a constitutional-legal framework that recognises the right of indigenous peoples to exert autonomy as an expression of self-determination and to cancel the state's indigenist practices and avoid further destructive violence. With the creation of a Fourth Level of Government by and for indigenous peoples, that is recognised by the nation-state, national unity will be ensured, as will the survival of Indian cultures. This fourth level is based on a decree initiative to reform and add Articles 4, 53, 73, 115 and 116 of the Political Constitution of the United States of Mexico. These constitutional reforms would constitute legal recognition of Indian autonomous regions as the basis of the fourth level of government.

The Mexican political system is currently divided into three governmental tiers: the Federal, State and Municipal levels. The Federation's supreme power is divided into three branches: the legislative, the executive and the judicial.³ (See Articles 49, Cap. I, para.1). Likewise, the powers of the states are divided into executive, legislative and judicial, as stated in Article 116, para.2. The Municipality has legal personality, in which there is no intermediate authority between it and the government of the respective state. Hence, it has its own powers, such as the authority to establish police rules and government observance within the respective jurisdictions. Also, it is allowed to manage its own patrimony in accordance with the law (Article 115).

It must be noted that even though three tiers of government are set in the Constitution, Indian peoples are not recognised in it. Thus, they are excluded from the federal, state and municipal autonomous levels of government. This has exacerbated the continuing struggle to recover and exercise their autonomy in favourable conditions.

5.1 Indigenous Peoples' Struggles for Self-Determination

Aboriginal peoples have generated their own practices in terms of social, cultural, political and economic matters, as a result of a protracted and frequently violent process of attempted constitutional reform in the Mexican state. Those practices provide Mexico with its cultural wealth and ethnic plurality. The indigenous peoples have long struggled to maintain and enrich the diversity which is the principal characteristic of the Mexican people as a whole. This struggle has been against those who have worked hard to construct a fictitious and excluding *mestizo* or *criollo* state in which to segregate Aboriginal peoples.

Historical experiences of Indigenous peoples differ depending on the regions but, in almost every case, they have managed to preserve their forms of “*de facto*”⁴ autonomy by election of their own authorities and the like. In some areas of the country, like the ones inhabited by Aboriginal tribes in the north of Mexico, these authorities show a great vitality and are an important seed for the development of an autonomous regime within the framework of a new democratic nation to which most Mexican people aspire.⁵ In effect, autonomous practices have been exerted by Indians outside the law while resisting assimilation. The autonomy is seen by Natives as the inherent right which has been exerted in resistance.

Until now, the struggles for autonomy have been taking place in precarious or difficult conditions, advancing in counter-current to the liberal ideology which searches for homogeneity. The liberal state imposed a territorial division upon the country in such a way that aboriginal peoples remained excluded. From the nineteenth century until today, the formation of municipalities and other entities of the republic has been done in a disorderly manner, and in accordance with the individual interests of regional and local *hacendados* (landowners). It was in this way that aboriginal peoples were not accounted for in the federal organisation. This historical

error must be corrected. The Mexican state cannot and must not continue to be politically structured under the false assumption that indigenous peoples do not exist. To correct this injustice, it is necessary to reject the project of a homogeneous state. In its place, a new project for the nation must be born as well as a new Constitution, both of them sustained on a renewed federalism, in which aboriginal peoples are to be an organic part.

In a weak attempt to resolve the 'Indian problem', the nation-state has granted partial rights to indigenous peoples as a result of Indian struggles. But this has been done within the indigenist paradigm that does not recognise the autonomy of Indian peoples. Such response is reflected in the amendments to Articles 4 and 27 of the Constitution; however, it must be noted that they are still not under formal juridical regulations because there is no specific legislation to implement the rights recognised in the Constitution. This kind of governmental approach is seen as a cunning contemporary model for continuing with indigenist policies toward the Indians.

On the other hand, the Indian struggle for self-government is seeking to strengthen Mexican unity rather than Mexico's fragmentation. The federal government argues fragmentation of the country in reference to the Indian project for self-determination as an excuse to deny their demands.

5.2 Amendments to Articles 4 and 27 of the Constitution Regarding Indigenous Peoples

The Mexican political system which supports the neo-liberal model changed the amendments explained in Chapter 3 in order to create conditions for the so-called modernisation of the country. The federal government amended both articles within an indigenist strategy. This was achieved first, by giving partial recognition to Indian peoples of Mexico, thus diverting their attention in order to facilitate the amendment to Article 27, which resulted in reverse consequences as Indian peoples' lands were embedded in the market economy.

The amendments to Articles 4 and 27 of the Mexican Constitution refer to indigenous peoples in general terms. The amendments to Article 4 recognise mostly Indian cultural rights and the pluriethnic composition of the state; however, they do not recognise the right of self-determination. Indians' legal and political status are not mentioned.

In the paragraph added to Article 4 (January 28th, 1992) the indigenist position of the state is evident. This article refers to a regulatory law to legislate cultural rights, but it is a law that does not exist at all. This signifies the continuation of indigenist policies. Even though the formal acknowledgement exists, there is not a constitutional application of the intended amendments due to the lack of the regulatory law referred to above. Furthermore, it limits the legal acknowledgement of their customs, practices and traditions including judicial and agrarian procedures. What is also seriously lacking is the legal entrenchment of the definition and implications of the legal concept of 'pueblos' (peoples).

The amendments to Article 27 of the Constitution⁶ were ostensibly to protect the lands of indigenous groups; however, there is no mention of indigenous peoples. The article does not stipulate the mechanisms to recover communal rights. In this sense, the communities that have the *ejido* as a form of land tenancy (also known as *pequeña propiedad* [small property]), can not manage this 'integral protection'.

Furthermore, Article 27 does not mention the agrarian reform necessary to return the Indian lands. Rather, the distribution of the land was cancelled in Salinas's mandate (1988-1994). To enhance agricultural investments, Salinas reformed Article 27 in response to the neoliberal project. The former president eliminated the most important *ejido* characteristics: the inalienable, *inembargable* (unable to be confiscated) and imprescriptible rights (not subject to prescription, i.e., that the title of ownership may not be claimed).

Salinas's government wrote a new Agrarian Law that regulates Article 27's reform. These reforms put an end to the Indian right to land claims and redistribution of land and allowed for the privatisation of *ejidos*. The latter can be rented or sold, thus jeopardising the integrity of Indian communities.⁷

The amendments to these articles denote the legal gap between the formal legislation and the continued indigenist policies of the state. Power relations have not been modified and the state has again excluded Indian peoples from political power.⁸

5.3 Indigenist Proposal. Indigenous Peoples' Development. Preliminary Project to Reform Articles 4 and 115

The preliminary project to reform Articles 4 and 115 is a governmental initiative that does not take into account Indian proposals. This project is an anticipated partial answer to the demands of indigenous peoples, but one with an indigenist point of view. Even though it considers legal recognition of Indians, it does so on a local community level rather than recognising them as peoples. The state sees the proposal of autonomous regions as a threat and associates it with projects of separatist movements. As was stated by ANIPA members in a 1995 press conference "the state is afraid to discuss autonomous regions, because they believe that this demand aims at the fragmentation of the country or that it is related with separatist movements."⁹ In my view, the states' position is only a strategy to avoid and deny an inherent right of self-determination to indigenous peoples. (See Appendix 2 regarding the government's proposals to amend Articles 4 and 115).

Article 4¹⁰ suggests an acknowledgement of indigenous political organisations as well as their customs and practices in the federal and local judicial processes. In the proposed reform to Article 115, 'the Indian community' is provided with legal recognition as a body of public interest,

rather than as a body of public right.¹¹ The Article acknowledges the community as a “unity of political organisation of peoples that occupies a defined geographic territory which is permanently inhabited by Indians of the same culture and social organisation, and whereby they recognise themselves as part of the national society by identifying their origins with pre-Columbian societies.”¹²

5.4 Project of Initiative for the Creation of Autonomous Regions by ANIPA

As we have seen, since 1994, indigenous armed rebellions by EZLN in Chiapas as well as other peaceful Indian movements have highlighted the ethnic heterogeneity question. They have reinforced the demand for self-determination as the basis of a new relationship between Indian peoples and the state. The demands of all indigenous organisations go well beyond the indigenist proposals made by the state (as referred to above).

By 1994, as a consequence of the neo-Zapatista input, other Indian organisations sought to strengthen their demands for self-determination. During this year, Indian organisations gathered to talk about self-determination and autonomy issues.¹³ Indianist ideology as a symbolic politic brought about the discussion of autonomy in an open way. The peace talks established self-government as the key to achieving a new relationship between Indian peoples and national society.¹⁴ However, it was in 1995 when the Indianist movement projected concrete initiatives for autonomy and self-government¹⁵ as well as a position that surpassed the indigenist proposal. The proposal of creating RAPs (Pluri-ethnic Autonomous Regions) through the creation of a fourth level of government in Mexico, is based on results of discussions between Indian peoples as well as central elements of Agreements of San Andrés between EZLN and the federal government. This initiative seeks to amend articles 4, 58, 73, 115 and 116 as proposed by ANIPA (see Appendix 3), which acts as an umbrella of Indian organisations.

The Indian project for the creation of Autonomous Regions in a framework of self-determination seeks the cancellation of indigenism because it makes autonomy impractical. In this way, *Indianismo* sees indigenism as an obstacle to carrying and exercising self-determination (see Chapter 2). The indigenist model can not offer any practice of autonomy; rather, it sets the framework for a paternalistic model which threatens the existence of Indian cultures. As Díaz Polanco states, indigenism and autonomism are antithetical and irreconcilable,¹⁶ thus the maintenance of indigenism makes autonomy impracticable.

The Indianist initiative for the creation of Autonomous Regions in Mexico is an effort to promote new relations between Indian peoples and the nation-state with peace and justice. This would give birth to a truly Mexican democratic model; one emerging from its Indian roots. Consequently, were the state to accept the project, it would be acknowledging its historical debt with regard to Indian peoples; a debt due to the historical implementation of ethnocidal indigenist policies.

This initiative,¹⁷ prepared by ANIPA and supported by 250 Indian organisations from all over Mexico (as FIPI, Consejo Indio Permanente (CIP), AJAGI A.C., Consejo Guerrerense 500 Años and Organización Nación Purépecha), goes beyond partial recognition of Indian peoples; rather, it acknowledges autonomy as a practice of self-government within the Mexican nation. In terms of creating Autonomous regions as part of the federal organisation, it would establish a basis for the resolution of the great economic, social and political problems facing indigenous peoples. At the same time, the autonomous regime would undoubtedly come to strengthen the unity and integration of the indigenous nations as well as favour harmonious coexistence and democracy among the socio-cultural components of the Mexican peoples.

The form of autonomy which is proposed by Indian people is founded in the principles of national unity, diversity, and equality of all Mexican people. More specifically, it recognises the

plurality and fraternity among all Indian people and the equality among all groups of aboriginal and non-aboriginal identity that co-exist in the diverse regions of the country. It does not seek to separate, but rather to harmonise and co-ordinate; it does not seek to create privilege, rather, it recognises the legitimate historical rights of the aboriginal peoples.

As is well known, the colonial regime and the former aboriginal policy of the independent epoch dispersed the aboriginal population, destroying forms of socio-political co-ordination of the ethnic population. This is one of the difficulties which can not be resolved adequately at a communal level. Therefore, a regional organisation of the aboriginal peoples is required, which would be allowed to put into practice the urgent development plans such a population requires. The main protagonists of such a process of development should therefore be the autonomous governments of each region.

Indianist reformers seek to create a framework in which diverse social groups settled in each region may live in harmony and develop under clear democratic norms and without exclusions. This overall objective can only be reached in a regime of 'inclusive' autonomy, which guarantees equality of opportunity and of treatment of all Mexican people who are residents of each of the respective regions.

Meanwhile, regional autonomy would cancel all the unwritten laws, which have threatened the existence of Natives, by giving legal recognition to Indian self-determination and would be superior to the diverse practices that provide privileges to some Mexican people above others, for reasons of a supposed ethnic or socio-cultural superiority. Simultaneously, it would create the institutions and precepts for the representation and participation of all members or residents of the plural regions of the country. This is an unalterable condition that enables the implementation of a democratic life in the territories where the aboriginal peoples are living. It would fuel democracy in the nation as a whole and renew the federal pact.¹⁸

Thus, the spirit of Indian Autonomy aims to benefit all peoples. Self-determination does not imply an ethnocentric cleavage in the nation, rather, it recognises the differences which exist and seeks national cohesion. It also includes a renewed vision of gender, where women demand the suppression of 'uses and customs' that oppress and limit their lives.¹⁹ The Indian initiative to reform Article 4 states the ensured promotion, and participation on equal terms, of indigenous women.

In general, the Indianist initiative offers a common framework of autonomy for pluriethnic regions. However, more specific concepts and modalities have to be taken into account in order to fit different Indian realities. First, Article 4 must recognise the plurinational composition of the Mexican state rather than just a pluri-ethnic one. Also, the indigenous idioms ought to have official national recognition instead of merely regional recognition.

Even though the proposal refers to the configuration of pluriethnic regions at the national level, the future regime of autonomy in Article 135 should take into account binationality. Inter-state regions of monoethnic composition around the borders with the USA, Guatemala and Belize open the possibility of binationality regarding Indian nationalities that were disrupted by the division of nation-states. Besides the proposal to create Autonomous Regions within the established states, there should be a modality that includes the formation of Autonomous Regions whereby, given the appropriate conditions, the region would embrace different nation-state territories. ILO Convention 169 regarding Indian rights for self-determination may be a good instrument in this respect especially now, because Guatemala has recently signed peace agreement and ILO Convention 169.

Reforms to Constitutional Article 4 in ANIPA's proposal²⁰ consist of establishing the right for Indigenous peoples to hold autonomous regimes, based on their political-historical rights and also the recognition of institutions and legal practices of Indian peoples. The law ought to establish

the means to co-ordinate these practices with the national legal system. Another addition in ANIPA's initiative to this article is the penalty for racial discrimination towards Indian people and in general.

Proposed reforms to Article 115 give substance to creating a Fourth Level of Government through the pluriethnic regions with autonomous governments addressed as Autonomous Regions. This new territorial distribution of power, would mean political decentralisation and management as well as use of economic and financial resources. Thus, federalism would become heterogeneous.²¹

As part of the proposal of autonomous regions, indigenous organisations want to ensure that they are represented in the Union Congress, and have proposed an amendment to Article 53, regarding procedures for electing representatives. According to the proposal, the number of Indian deputies in the Congress should be determined in accordance with the percentage of Indian population in Mexico. It should also ensure that at least one deputy represents each culture. Furthermore, the election criteria should not be linked to political parties.

The proposed reforms to Article 73 refer to the fact that the Federal Congress has the duty to acknowledge the proposal to constitute Autonomous Regions. It should therefore open the possibility for Indian people and their assistants to participate in the expedition of these laws, thus the positive outcome of the process would be ensured.

Article 115 is set up as a general disposition for establishing the Autonomous Regions. The disposition corresponds to their organisational functions and competencies, where the Regional government constitutes the highest authority of each region. This regional government would seek fair representation, e.g., the presidents of the municipalities which are part of the Autonomous Regions would take part in the Regional government. The Executive representatives of the government would be named from the Regional government. The executive members would be in

charge of representing and administering the autonomous regional government. It is important to state that the municipalities and Indigenous communities that are to be part of the Autonomous Regions, will have autonomy in agreement with the Regional Government. Co-ordination between municipalities and communities with the Autonomous Region would be required to establish respective competencies of the municipalities.

In this sense, the Autonomous Regions are considered to represent the Fourth Level of Government in the political-territorial levels of the state. As a new territorial level of government, the Autonomous Regions would occupy a level that is in-between the Municipal and the state governmental levels of the Mexican federation.

The general powers of the autonomous regional governments will be regulated in the preceding Law of Autonomy, once it is established and approved. The Autonomous Laws have to guarantee the autonomous organisation in the Region, as well as the co-ordination of its respective municipalities and communities, which are to become part of the Region in a gradual way.

The powers and jurisdictions of the municipalities in the Autonomous Regions will be established in Article 115 as well as in the future Law of Autonomy and also those specified in section IX of the Indianist initiative (see Appendix 3).

The powers of Indian communities are based mainly in the self-decision-making processes and in relation with the corresponding municipalities. Additionally, their jurisdiction is related to the Autonomous Region of which they are to be part. The jurisdiction to be included in the regulatory Law of the Region should also refer to the communities set up. It is worth adding that the initiative establishes the right of the communities to set up their own autonomous governments freely, in accordance with their uses and customs.

Referring to *mestizos* or *creoles* who live in Indian communities, the initiative foresees their political participation within the Regions. The initiative expresses democratic practices

without exclusions. These democratic practices would sum to the pluriethnic concept where Indians became part of heterogeneous component.

The missing details regarding the functioning of Autonomous Regions ought to be considered in the Law of Autonomy. This statute would have to be approved by the Union Congress. The approval should imply a fair number of indigenous representatives, relative to the percentage of indigenous people in the country.

The initiative represents the fruit of an open discussion about autonomy by and for indigenous people through analysing the experience of Indian peoples in five assemblies (1. Mexico City, 2. Sonora, 3. Oaxaca, 4. Chiapas, 5. Guerrero) during 1995 by ANIPA acting as an umbrella that pursues Indian peoples' common goals. Natives of Mexico do have different interests, e.g., the Yaquis in the North (Sonora) seek to strengthen an autonomous tribal organisation by managing self-government, whereas Mayas in Southern Mexico (Campeche, Yucatan, Tabasco, Quintana Roo and Chiapas) seek to rebuild their civilisation by holding self-determination. In this sense, ANIPA represents consensus of different organisations which have constructed a community of common political interests and which are dedicated to establishing stable parameters in a renewed relationship with the Mexican state. Consultation and debate are key factors to strengthen this initiative among Indian people. In this sense, the Indian movement is seeking that autonomous regimes be the foundation of an authentic democratic process. This means that none of the proposed transformations will derive from indigenist impositions through state policies.

With the recognition and the consequent implementation of this initiative from Indigenous peoples, the state has an opportunity to mend the historical denials of Indian rights, and at the same time, to enable the transition to democracy in Mexico. The state would become stronger because it would include its roots. The even distribution of power is a key factor to the eradication of poverty and marginalization that have accrued over the previous five centuries among indigenous peoples.

However, if the state undervalues this initiative and responds with military repression (as it has been doing until now) national integration is put at risk. The state has to analyse and recognise the open initiative and the historical right for self-determination for indigenous peoples. The Indianist initiative is an opportunity to build a state with multinational characteristics where the democratic model prevails, but with its own proposals, that come from the roots.

5.5 Rationales for the Proposed Model

The need for a fourth level of government in Mexico is justified on different grounds. First, in the context of international law, all peoples have the right to autonomy. Mexico recognised indigenous peoples as peoples when the federal government signed ILO Convention 169 in 1990²² which describes indigenous people's rights. Secondly, since Indian peoples have been the objects of exploitation, genocide, ethnocide and alienation, the state has recognised that there needs to be a process of de-colonisation through the creation and implementation of a level of government that mends these former practices. Thirdly, the country has a multiethnic and multicultural composition that is not represented by any organ of government. Thus, there is an obligation to create a specific governmental level where the different ethnic nationalities are represented, rather than a mestizo-creole state which applies indigenist homogenising practices. Fourthly, Mexico needs a new national project where indigenous peoples are taken into account.

The autonomy and sovereignty that indigenous peoples are seeking does not imply separation or secession; rather, it is within the sphere of a broader interpretation of Mexican nationalism. None of the Indian peoples wish to secede from Mexico, but neither do they want to have laws in which they had no input imposed upon them. The acknowledgement of different forms of autonomy (consistent with the conditions of different Indian peoples) would establish precisely the powers of each autonomous entity at a communal, municipal or regional level within the Fourth

Level of Government in the nation-state. Therefore, the original mestizo-creole pact that founded the Mexican state would be replaced by a pact among all Mexicans; where the mestizos and creoles became one element of the pluriethnic diversity of Mexico. The nation would then share a common national project. Fifthly, the nation-state was founded and based on liberal thought which tried to establish a homogeneous order, one law and one unique power in the plurality. Therefore, federalism was a fiction, because it did not respond to the social and cultural differences that comprise the country. An authentic federalism would have to re-accommodate the levels of authority and responsibility of the entities that form the nation, in order to correspond to its real diversity. With the creation of the Fourth Level of Government, there would be a transfer from the homogeneous and centralised state to a state that respects the existence of plurality. Also, the legal order would concern itself with respect for differences rather than adherence to a vision of formal equality which in practice has produced inequality. Finally, democracy embraces diversification of power as well as a democratic model that is forged from the needs of the nation. As long as Indian peoples are being obliged to obey laws and authorities that they themselves have not produced, they are excluded from democracy. Thus, a real democratic system should recognise indigenous peoples' demands for self-determination in which they could be able to create and participate in self-determination projects of their own. A new level of government would allow them to be part of the nation, sharing powers with the nation-state. There would be a balance, in which Indian people would become people with full rights.

5.5.1 A Criticism of Both Initiatives

The ANIPA project initiative and the indigenist proposal mentioned above (shown in Appendices 2 and 3) vary in scope and in content. Five National Indian meetings have come to consensus of agreement regarding the former initiative, whereas the indigenist proposal of INI is

the result of a closed seminar. The former is not a complete Indian proposal but reflects the aspirations of indigenous peoples for self-determination at the regional level. The indigenist proposal is a governmental proposal, the content of which refers to the partial recognition of indigenous peoples, reflected in a legal recognition of communities of public interest rather than the recognition in a wider sense as peoples with the right to exert self-government.

The recognition of autonomy in the regions according to the government's proposal purportedly obliges the state to assume a democratic process through the decentralisation of power. Conversely, implementing communal autonomy might well have a major negative impact on indigenous peoples, as they would still not be powerful enough to resist local and national powers. The government of a homogenising nation-state would imply the persisting exploitation of Indian labour and resources. The communal autonomy proposed by the federal government is a 'solution' that avoids modifications in the national and local structures of power. Besides, it does not guarantee Indian peoples' participation in the higher regional and national administrations of development because the community system is only recognised as of public interest rather than of public right. Furthermore, it does not clearly establish the duty of the state to guarantee the territorial basis for the survival of these peoples.²³

The deeper problems of indigenous peoples regarding education, health, services, work, production and housing go beyond the communal scale. For example, it could be difficult for each community or municipality to formulate and apply its own programmes of education (bilingual, bicultural), health (with the application of traditional medicine) and so on. Thus, neither the community nor the municipality could efficiently assume those powers because they should be applied from the regional level.

In this sense, in order to find a solution to the marginalisation of indigenous peoples, regional development programs are required. Thus, they could define and decide their own

development in co-ordination with the municipalities and communities that were to be part of the respective autonomous region.

As Araceli Burguette has pointed out, participants in the first five assemblies of ANIPA, concluded that the INI's proposal is limited, because the acknowledgement of the community does not go far enough toward creating a new relationship between indigenous peoples and the nation-state.²⁴

On the other hand, even though the ANIPA proposal is advanced relative to the government's, it does not take into account Indians who live in the cities, or those who are migrants; nor does it consider those who do not have land or live in regions where they are minorities. Pérez Ruiz denotes that currently, there is not a single municipality in Mexico without Indian population, "30% live in 1,971 municipalities," where 30% corresponds to the Indian people living in these municipalities, referring mostly to big cities and big municipalities.²⁵ It does not acknowledge those that are single communities like the Chichimecas, in Guanajuato. To accommodate these particular cases, more models should be taken into account.

However, the indianist proposal could be applied in giving legal status to those communities that are on their own and cannot be part of an Autonomous Region, for example, the Kiliwa ethnic group (estimated at 200 people) who lived isolated in Baja California Sur²⁶ or the Tlahuica in Mexico State (approximately 350 people). Such modality should be considered for those that do not meet the conditions because, for example, they lack neighbouring communities. Or, the communities could be in co-ordination with Autonomous Regions relatively close by. A third option would be to create a bureau of national co-ordination of Autonomous Regions and Autonomous Communities.

In addition to these issues, some general consideration should be given to matters beyond the recognition and implementation of the Fourth Level of Government. For example, Article 27

ought to be reformed in such a way that it clearly states that the Indian territories exist as collective properties. Hence, this article should not simply try to rescue its 'revolutionary spirit' of inalienable, imprescriptible and inembargable rights.

The nation-state needs a new Constitution, in which indigenous peoples are taken into account. The re-foundation of the state within a real federalism, would contribute to the transition to democracy. Decentralisation of power is key for the stabilisation and democratisation of the country. Thus, besides the recognition of Autonomous Regions, the Constitution ought to state as well the inclusion of indigenous peoples in the federal and local powers in the legislative, executive and judicial branches. The Constitution must ensure Indian participation in the Union Congress with deputies and senators. In the executive branch, it must require the creation of a national secretary of Indian people managed by them, as well as enabling this at the local levels. In terms of legal power, it should enable the designation of Indigenous Judges in the national, local and regional levels.

5.6 Conclusions

With the indigenist proposal that gives legal recognition to the communities of public interest by reforming Articles 4 and 115, the state wishes to continue with its indigenist practice under the 'autonomous' rhetoric.

ANIPA's initiative, which gives legal recognition to Indian peoples in a regional base through the Fourth Level of Government acknowledges communal, municipal and regional approaches where autonomous communities and municipalities are the bases for the creation of autonomy at a regional level. This would go a long way towards resolving the relationship between indigenous peoples and the nation-state. With the creation of Autonomous Regions as Fourth Level of Government, indigenous peoples would be recognised as who they are. It is an advanced

proposal, though not finished yet, that would help in the transition to democracy in Mexico with peace and dignity. In this way, self-determination of indigenous peoples does not weaken the nation-state, but enriches it, especially as Indian autonomy does not imply separatism, but would improve the Federal Pact.

Experience has shown Indians that struggle for land²⁷ alone is insufficient without the modification of power relations between Indian peoples and the nation-state. Furthermore, the acknowledgement of indigenous rights ought to include legal instruments for a different territorial design that responds to their self-development. It also puts an end to the existing mechanisms that reproduce the domination and exploitation of the Indian population.

If the state responds with more repression and militarization it could lead to more Indian rebellions or a civil war, endangering the country's unity. It is in the federal government's interests to continue the peace talks with the rebel armed groups. But the nation should give equal treatment to peaceful mobilisations like the ANIPA conglomerate. This would allow for a real democratic change and could lead to a reform of the state. In the new relation of nation-state and indigenous peoples, the former should implement a process of de-colonisation and bury indigenism.

The process of reforming several articles in the Mexican Political Constitution could lead to **granting** recognition to indigenous peoples, thus implying the reformation of the state. Indian peoples could then be represented in federal and local powers and have their own legal recognition with the creation of Autonomous Regions, within the Fourth Level of Government. With the recognition of the Fourth Level of Government, the Mexican state would have begun to pay back the terrible social, economic and historical debt. In this sense, there must be a social and economic contribution to the autonomy of indigenous peoples. Otherwise, there is a high risk that they will only be self-managing misery. However, there is not a unique formula for indigenous peoples to

organise themselves with regard to administration and legal matters. Other ways must be sought and scholars should approach new perspectives beyond paradigms.

The exercise of the fundamental right of autonomy is the guarantee of preservation and development of Indian peoples. In this sense, the demand for autonomy and self-determination are basic demands. Self-determination is not a 'new, created or given' right by the state. It is, in fact, an inherent right; a historical right and therefore, it must be recognised considering that self-determination existed prior to the creation of the existing state.

The strategy of using symbolic politics has allowed Indians of Mexico to come into agreement in order to achieve a common project for self-determination. EZLN, ANIPA and other Indian organisations are attempting to re-negotiate the place of indigenous peoples vis-à-vis the state by means of a constitutional amendment. The routinization of conflict strategy used by Indians has been key for such negotiation with the state.

Endnotes - Chapter 5

¹ The EPR declared the war against the state through the Manifiesto de Sierra Madre Occidental on June 28th, 1996. In the document, they stress the need for an elaboration of a new constitution and demand Indian peoples' autonomy as well as an agrarian reform. Additionally, they demand the elimination of *latifundios* and also unemployment insurance. The manifesto is translated from Nahuatl language: the second most spoken language in Mexico. See Guillermo Correa, "Unos 500 Dirigentes Sociales han sido Detenidos u Hostigados con el Pretexto del EPR: Mirón Lince", *Proceso*, No. 1043, 27 de octubre de 1996, Mexico. pp. 27-28.

² See Guillermo Correa y Julio César López, "Ni el EZLN ni Nosotros Somos los Unicos Grupos Armados que Existen en Mexico", *Proceso*, No. 1032, 11 de agosto de 1996, Mexico. pp. 22, 24-27.

³ The Legislative Power is the constitutional body, which is divided into Cámara de Diputados (Deputies Chamber) and Cámara de Senadores (Senate Chamber). (See Article 50 of the Mexican Constitution). The Executive Power is represented by the President of the United States of Mexico. (See Article 80 of the Constitution).

The Judicial Power is deposited in the Supreme Court of Justice; in an Electoral Tribunal, in the Collegium Tribunals, in Unitary Circuits, in District Judicature and in a Council of Federal Judicature. (See Article 94 of the Constitution).

⁴ *de facto* means operating in fact, rather than *de ley*- by right of law.

⁵ Una Propuesta hacia la Autonomía. Regiones Autónomas Pluriétnicas. Consejo Ejecutivo del Consejo General de las Regiones Autónomas Pluriétnicas de Chiapas. Mexico, 1994.

⁶ It is worth noting that in the current Constitution there does not exist a specific form of Indian property of land. The only indirect reference was the acknowledgement in Article 27 of the communal property that in many cases belonged and still belong, to the Indian population. See Jorge Fernández Souza, "Derechos

Indios y Territorialidad”, La Jornada del Campo. Año 4. No. 40. Mexico: martes, 26 de septiembre de 1995. p.1.

⁷ When the reform to the article was announced, the Comité Clandestino Revolucionario Indio (CCRI, Indigenous Revolutionary Clandestine Committee) carried out a referendum to figure out if they should take up arms or not. See Thomas Benjamin, Chiapas, Tierra Rica, Pueblo Pobre. Historia Política y Social. (Grijalbo, México, 1995), pp. 278-283.

⁸ See “Documento de Trece Organizaciones. La Autonomía Como Nueva Forma de Relación Entre los Pueblos Indios y la Sociedad”, Nacional Ojarasca, No.38. Noviembre-Diciembre: 26.

⁹ Elena Gallegos, “El Anteproyecto de Reforma Indígena. Relega de los Indios”, El Universal, Sábado, 23 de septiembre, 1995.

¹⁰ Article 4 (the proposed changes to the actual paragraphs have been underlined): “The Mexican nation has a pluriethnic composition originally based in its indigenous peoples. The following are recognised and their development will be promoted: their languages, cultures, uses, customs, natural resources and specific forms of social and political organisation and their normative system of conflict resolutions. The effective access to the state’s jurisdiction will be guaranteed to their integrates. In all federal and local judicial processes which they form part of, their practices and juridical customs will be taken into account.

¹¹ Article 115. Reform, Proposal (The underlined phrases are the amendments proposed).

“The states will adopt, for its interior regime, the republican form of government, representative and popular, having the Free Municipality as the base of its territorial division and for its administrative and political organisation. Regarding the Indigenous community, its own forms of social organisation and authority posts systems will be respected. It shall be provided with the possibility of accessing to the programming of physical resources for the determination of priority projects for its development. Likewise, its growing participation will be guaranteed in the municipal administration in accordance with the following basis:

I....

II. Both, municipalities and indigenous communities will have juridical personality as bodies of public interest and will manage its patrimony as states the law.

There are subsequent additions regarding the latter in paragraphs III, IV, V and VI in “Desarrollo de los Pueblos Indígenas”. See “Anteproyecto que Reforma los Artículos Constitucionales 4 y 115”, 1995.

¹² “Desarrollo de los Pueblos Indígenas”, Anteproyecto de Reforma a los Artículos 4 y 115 Constitucionales. Perfil de la Jornada, 22 de septiembre, 1995, p.3.

¹³ Examples are, the Consejo de Organizaciones Indias y Campesinas de Oaxaca (COICO, Council of Indian and Farming Organisations of Oaxaca) through “Declaración de Oaxaca de Pueblos Indios”, in May, 1994; the Indigenous National Convention through “Declaración de la Montana de Guerrero”, in Tlapa, December 16-18, 1994 with participation of Indian organisations from all over Mexico.

¹⁴ See Document of Thirteen Organisations, “Autonomy as a new relationship between Indian Peoples and national society,” in Ojarasca, No.38, op. cit.

¹⁵ See as reference to this initiative: “Declaration of State Council of Indigenous and Peasant Organisations (CEOIC)”, San Cristóbal de las Casas, October 12th, 1994. The pluriethnic regions of Chiapas are declared. Later on, the Executive Council of the General Council of Autonomous Pluriethnic Regions in Chiapas is formed and it carried out a proposal towards Autonomy, in April 1995.

¹⁶ Hector Díaz Polanco, “El Debate Sobre la Autonomía III,” La Jornada, October 27th, 1996. Internet source.

¹⁷ See “Proyecto de Iniciativa de Decreto para la Creación de Regiones Autónomas”, prepared by ANIPA, Mexico: mayo, 1996 (Appendix 3)

¹⁸ The complete initiative of the ANIPA for the creation of Autonomous Regions is presented in Appendix 3.

¹⁹ See Hector Díaz Polanco, “El Indigenismo Simulador IV,” La Jornada, October 28th, 1996. Internet Source.

²⁰ The addition of Indigenous Peoples’ rights in this article of the federal constitution, within the chapter of individual guarantees, later on should be incorporated in the local constitutions of the federal entities.

²¹ Mindahi Crescencio Bastida Muñoz, "Hacia una Nueva Forma de Participación de los Pueblos Indios en el Estado Mexicano", Foro de Consulta de Derechos y Participación Indígena. (Toluca de Lerdo, 17 de noviembre, 1995), p.1.

²² In accordance with Constitutional Article 133 the 169 ILO Convention became part of the Mexican normative system.

²³ Maya Lorena Pérez Ruiz, "Reconocer los Derechos de los Pueblos Indígenas de Mexico", La Jornada, (Miércoles 29 de noviembre, 1995), p.5.

²⁴ Araceli Burguette Cal y Mayor, "Cronica de un Diálogo por la Paz en Chiapas. Autonomía Indígena", La Jornada del Campo, (México, miércoles, 1 de noviembre de 1995), p.4.

²⁵ See Maya Lorena Pérez Ruiz, "Reconocer los Derechos de los Pueblos Indígenas de México", La Jornada del Campo, 29 de noviembre, 1995, p.5.

²⁶ See Guillermo Bonfil Batalla, Utopía y Revolución. El Pensamiento Político Contemporáneo de los Indios en América Latina, (Ed. Nueva Imagen, México, 1981), p.427.

²⁷ Land is seen by the Indians as a sustain for self-determination, well-being, productive processes and as a sacred entity.

Chapter 6

General Conclusions

This thesis has shown how Indians have used some of the political strategies predicted by the model of symbolic politics. They have been struggling to recover self-determination since they lost this right five centuries ago. As a reversal response of the denial through history (first by the Spanish Crown and later on by the nation-state), they have used political strategies that go from rebellions to the use of symbolic politics through a range of political organisations such as ANIPA and EZLN. *Indianismo* has been developed and strengthened as a political ideology of opposition which goes against the ideology of the dominant society and its institutions. Indians have been able to construct communities of political interest in response to indigenist policies which have oppressed Indians.

The state's exertion of indigenism has generated misery and marginalisation of Indians. Furthermore, it has denied their existence, and has aimed at westernisation to change their values. Due to these practices, Indians have been excluded from the nation-building and decision-making processes. These facts have led them to be left out of the federal organisations. In the present, as in the past, the government's response to their legitimate mobilisations has been a military one. In spite of this, Indian peoples have kept the exercise of autonomy at a communal level, though outside the law. Showing the capacity and resistance and as a political reversal response, Indians have opposed the dominant society through *Indianismo* which reasserts Indian values, philosophies and communal ways of living.

The struggle for land has not been enough: Indians' experiences have taught them so. They are attempting to negotiate the historical gap created due to the denial by means of construction a new political relationship with the state. They are seeking to be recognised in the Constitution

through the creation of a fourth level of government which would allow them to exert autonomy within the self-determination framework.

The use of a community-building strategy has allowed Mexican Indians to come together despite their differences, creating an Indian nationalism which, in the last decade, has allowed them to create consensus and strengthen their struggle vis-à-vis the state. Thus cultural events and gatherings have been key factors which have created a common sense of community beyond specific tribal/national and ethnic identities. While two political tendencies have emerged represented by the EZLN and ANIPA respectively, they are united by a common demand of recognition of Indian self-determination by the state.

Despite the continuous oppression by the dominant society, Indians have survived in resistance. This shows that there still exists capacity to exert self-government. In an opposition ideology, they have used symbolic politics to strengthen their demand to have self-determination be recognised as an inherent right.

Pan-Indianism has allowed Indians to come together and share ideas, using symbolic reversal and symbolic competition to strengthen *Indianismo* as an ideology which has created awareness not only among Indians, but also within civil society and the state through fora at different levels. In addition, a process of recognition by international organisations (e.g. OAS and UN) concerning indigenous peoples' rights for self-determination has occurred. In the specific case of Mexico, this has allowed for a new approach in the relationship between indigenous peoples and the nation-state.

The Mexican Indian struggle has been reinforced by other cases where indigenous peoples have shifted their relationship with the indigenist states. Norway, Panama and Finland are but a few examples; such current experiences have brought a new approach regarding Indian affairs. In

routinizing conflict, Indian peoples are seeking to establish this new relationship which leads to conflict resolution.

Indigenist policies have been designed and applied by the state to assimilate and homogenise Natives. These have resulted in an ongoing political instability and Indian resistance. The latter have rebelled through armed mobilisations in order to contest the indigenist practices which imply denial of inherent Indian rights. The most important factor is that, as a strategy in using symbolic politics, Indians have created a common goal.

The inconsistent values and practices of the indigenist state have been criticised by Indian leaders in an opposition ideology. This has led them to rethink democracy and the new relationship between Indian peoples and dominant society. This reversal response, however, has been partially fruitful because of continued indigenist practices which have produced instability in the country. To co-opt opposition, the current federal government is using a sophisticated method to perpetuate indigenism for the denial of Indian peoples' rights. However, the use of symbolic politics has allowed Indians to come into agreement and has come to reinforce their struggle for self-determination. In this sense, the state is pushing for limited inclusion, whereas Indians are seeking the recognition of their rights.

The Indianist position seeks the organised participation of Indian peoples in the national decision-making processes, planning and development and has tried to eradicate discriminatory policies. But if the indigenist practices persist, the mutual relationship will become more violent. In this respect, the state should not only seek partial recognition but rather full recognition in the Constitution, taking into account spiritual, social, political and economic rights. This would enable Indians to escape from the current situation of marginalisation and poverty. Therefore, the state has to de-colonise the nation, building a new nation from the roots and compensate Indians with distribution of national income. This would eradicate the historical denial and permit a multi-

national nation which would change power-relations between Native peoples and the state, enabling an integral development.

The rebirth of Indian struggle in the last decade has allowed Indians to become the main focus of the national agenda by assuming a political posture of resistance through militant strategies. Through Indian armed rebellions and unified political organisations the federal response has been to grant concession with repression and to use a cunning presumptive recognition. Salinas's reform of the Constitution aimed at partial recognition of Indian peoples and at the same time, to implement a negative amendment which weakens the property rights of *ejidos* because these properties can be privatised by constitutional mandate. Furthermore, while President Zedillo's government began peace talks, the state has increased military presence in national Indian regions and peace talks have been intermittently suspended. This in fact will create more violence and instability in the country, instead of resolving the conflict.

The state should come to a more mature state in the relationship between Indian peoples and the former, taking into account the historical facts, and indigenist policies must be eliminated. Unless this is done, there is a high risk that Indian reaction will become more radical through further uprisings which, considering the military repression in the country, would result in a serious civil war that would affect other sectors and tear the country and its people apart. Therefore, the nation-state must open a real space of recognition for self-determination. For this, indigenism must disappear by the elimination of all policies directly and indirectly related to it.

Indian resistance throughout five centuries of colonisation shows that the capacity for self-determination still exists. Even more, the strength acquired in the last two decades has created a common Indian identity through national organisations. In response, the Mexican government has had to begin to recognise the existence and rights of Indian peoples due to their permanent struggle.

As a solution to these problems I support ANIPA's proposal of the creation of a Fourth Level of Government where Indians would be represented at a national level (executive, legislative and judicial) and exert autonomy regionally within a self-determination framework. In this proposal, the creation of Pluri-ethnic Autonomous Regions (RAPs) is a key element. This process would facilitate the transition to democracy in Mexico. There would be a transfer from the homogenous and centralised state to a state that respected and legally recognised the existence of plurality. Thus, the political reform to strengthen federalism in the country must seek a democratic model that is forged from the needs of the nation. The ANIPA proposal should be reinforced for the creation of RAPs by taking into account not only the creation of pluri-ethnic regions, but also considering Indians who live in the cities or those who are migrants and those who do not have land or live in regions where they are minorities.

The creation of a Fourth Level of Government would bring transition to democracy in Mexico and shift the power relations between Indian peoples and the nation-state, putting an end to the existing mechanisms that produce domination and exploitation of Natives.

These proposals represent the culmination of a prolonged process of renewal of Indian peoples' organisations over the last several decades in Mexico. By engaging in parallel processes of symbolic reversal, symbolic competition, community-building and routinization of conflict, Indians have begun the process of rejuvenation in all aspects and have begun to develop self-ideology vis-à-vis the nation-state.

Appendix 1

The San Andrés Agreements Signed by the EZLN and the Mexican Government on Rights and Indigenous Cultures in February, 1996

A. The Federal Government, through its delegation, manifests its acceptance of these documents.

B. The EZLN, through its delegation, manifests its acceptance of these documents in relation to the questions that led to its creation during the session of this second part of the Resolute Plenary, that took place on February 14th, 1996. These documents also relate to proposals for additions and/or substitutions or the elimination of them in the text, in accordance with the results of the consultation carried out by the EZLN, and it expresses the following:

1. The delegation of the EZLN insists in pointing out the lack of solution to the national agrarian problem and also insists on the need to reform Article 27 of the Constitution, which must recover the spirit of Emiliano Zapata, summarised in two basic demands: the land belongs to the one who works on it, and Land and Liberty. (Document called "Proposals made together by the Federal Government and EZLN and which they commit to send to point 1.4 of the Rules of Proceeding", p.11, part 5, 'Legal and Constitutional Reforms', incise B.)

2. Referring to sustainable development, the delegation of the EZLN considers that it is insufficient that the government sets indemnisation to indigenous peoples for the damages caused on their lands and territories once the damage has occurred. It is necessary to develop a policy of true sustainability which preserves the lands, the territories, and the natural resources of the indigenous peoples. In sum, it must see to the social costs implied in the development-projects. (Document called "Statement made together by the Federal Government and the EZLN, which they will send to the sessions of debate and national decision", p.5, in the subtitle "Principle for a new relation", incise 2).

3. In reference to the issue of the Situation, Rights and Culture of Indigenous Women, the delegation of the EZLN considers that the actual points of agreement are insufficient. The triple oppression of those who are poor, indigenous and female justifies their demand for the construction of a new national society, with another economic, political, social and cultural model which includes all Mexican women and men. (document 3.2, “Actions and Measures for Chiapas, Compromises and Proposals in conjunction with the governments of the Federal State and the EZLN”, p.9).

4. In general terms, the delegation of the EZLN consider it necessary that, in each case, the time and deadline by which the said agreement must be put into practice must be made explicit. For this, the indigenous peoples and the corresponding civil authorities must agree on the schedule for the agreement’s implementation.

5. Regarding the warranties of full access to justice, the delegation of the EZLN considers that the need to appoint some interpreters in all court processes which follow indigenous persons cannot be ignored. This will ensure that the interpreters are explicitly accepted by the persons being processed and that they know the language, the culture and the indigenous jurisdictional system. (Document 2, “Proposals made between the Government and the EZLN which they commit to sending to the sessions of national debate and decision, corresponding to point 1.4 of the Rules of Procedure”, p.6. subtitle: “Warranties of Full Access to Justice”).

6. The delegation of the EZLN considers indispensable legislation to protect the rights of migrants, be they indigenous or non indigenous people, who are within or outside of national frontiers. (Document 1, “Manifest by the Federal Government and the EZLN which they will send to the sessions of national debate and decision”, p.5, point 8, subtitle: “Protecting Indigenous Migrants”).

7. In order to strengthen the municipalities, the delegation of the EZLN considers that explicit commitments are needed from the government to guarantee access to infrastructure, capacity-building and adequate economic resources. (Document 2. “proposals made together by the Federal Government and the EZLN and which they commit to send to the sessions of national debate and discussion corresponding to point 1.4 of the Rules of Proceeding,” p.3).

8. Regarding means of communication, the delegation of the EZLN considers that it is necessary that access to true, timely and sufficient information of the government's activities is guaranteed. Also, the access of indigenous peoples to existing means of communication is to be under warranty, as well as their right to have their own means of communication (radio transmission, television, telephone, written press, fax, communication radios, computers and access to satellite). (Document 2 "Proposals made together by the Federal Government and the EZLN and which they commit to sending to the sessions of national debate and decision corresponding to point 1.4 of the Rules of Proceeding", p.9, point 8: "Means of Communication").

C. In relation to the parts of the documents that are referred to in incise B, both delegations agree that in the opportunity they identify by common accord during the dialogue, they will seek concerted efforts in the negotiation of the said documents.

D. The parties will ensure that these three documents that go together with this one, arrive at the sessions of national debate and decision as well as to other pertinent sessions. The other three documents have agreements and commitments reached by the two Parties.

E. Both parties assume the commitment to send this present Resolution to the sessions of national decision and debate and to the corresponding sessions in Chiapas State. This is done in the understanding that the stated points in incise B shall also be taken into consideration by these sessions, as a resulting material of the dialogue.

San Andrés, Chiapas, Mexico, February, 1996.

Pronouncement of EZLN Advisors Regarding the Document on Conjunctive Proposals

The following were agreed to by the government and the EZLN:

- 1.- Reforms made at the constitutional level to recognise the political, social, juridical, economic and cultural rights of indigenous peoples.
- 2.- The recognition of the right to self-determination and autonomy for indigenous peoples in the Mexican Constitution.
- 3.-The return of municipal status, and consultative processes with the communities and indigenous peoples.
- 4.- The strengthening of the municipalities where indigenous populations are a majority.
- 5.- The recognition of Indian peoples' internal normative systems for the solving of conflicts, as well as specific organisational forms with the objective of including indigenous peoples in the positive right of Mexico (in the Mexican Political Constitution).
- 6.-To designate their community and municipal representatives according to traditional indigenous customs and uses.
- 7.- To incorporate mechanisms within local and federal laws for the participation of indigenous peoples in the process of developmental planning at all levels.
- 8.- The participation of indigenous peoples in the electoral processes without necessarily being affiliated with the intervention of political parties.
- 9.- That municipal agents or similar posts be designated by the peoples and communities in accordance with their customs.
- 10.-Protection for indigenous migrants implementing inter-institutional policies regarding work, education, and health both in the communities of origin and in the zones that host them.
- 11.-Preference will be given to indigenous communities obtaining concessions for the management of natural resources.
- 12.-The compensation to the indigenous communities and peoples when the extraction of their natural resources harms their habitat and threatens their cultural reproduction.
- 13.-The creation of a position the known as ombudsman of communication.
- 14.-That the referendum and the plebiscite [that are yet to occur] are to be moved to Table 2 of Democracy and Justice.
- 15.-Autonomy at a community level and the association of various municipalities like indigenous communities in order to carry out regional actions.

The following were not accepted:

- 1.- The regime of autonomy (which refers to the community, municipal and regional level.)
- 2.- The Autonomous Indigenous Municipality.
- 3.- The reform to Article 27 of the Constitution. The amendments only propose a law that is part of the rules of part VII, although, in this case, they do not mention Art. 27 either. These issues were moved to the Table of Well-Being and Development.
- 4.- A proposal to consider the Autonomous Community as an additional level in the government structure.
- 5.- The 'competencies' (the federal government does not admit that the communities and the municipalities working as associates can have functions and independent capacities which differ from those of the municipality, of the federal entity or of the state).

San Andrés, Chiapas, Mexico, February, 1996.

Source: "Los Primeros Acuerdos de Sacam Ch'en. Compromisos, Propuestas y Pronunciamientos de la Mesa de Trabajo 1: Derechos y Cultura Indígena". Ce-Acatl. Revista de la Cultura de Anáhuac. Número Doble Especial 78-79. Del 11 de marzo al 19 de abril de 1996.

Appendix 2

Preliminary Project to Reform Articles 4 and 115 of the Constitution. A Proposal for Constitutional Reform Presented by the Mexican State.

(Extract from the proposal for Constitutional Reform presented by the state in September 1995).

Article 4 (The italicised phrases are amendments proposed)

“The Mexican nation has a pluriethnic composition originally based in its indigenous peoples. The following *are recognised and their development will be promoted*: their languages, cultures, uses, customs *natural* resources, specific forms of social and political organisation, and their *normative systems of conflict resolution*. Effective access to the state’s jurisdiction will be guaranteed to their members. *In all federal and local judicial processes in which they are involved*, their practices and juridical customs will be taken into account.

Article 115 (The italicised phrases are the amendments proposed).

“The states will adopt, for their internal regime, a republican form of government that is representative and popular, having the Free Municipality as the base of its territorial division and for its administrative and political organisation. *Regarding the Indigenous community, its own forms of social organisation and authority posts systems will be respected. It will be provided with access to the planning process of physical resources for the determination of priority projects for its development. Likewise, its growing participation will be guaranteed in the municipal administration according to the following basis:*

I....

II. *Both, municipalities and indigenous communities will have juridical personality as bodies of public interest and will manage their patrimony in conformity to the law.*

According to the normative that must be established by the states’ legislatures, the municipalities will have the faculty to issue police and good governing dispositions as well as regulations, circulars and to administer dispositions for general observance within their respective jurisdictions; *respecting, in the case of indigenous communities, their faculty to regulate their internal life within the frameworks of respect to fundamental rights, and of co-ordination with*

municipal, local and federal structures. In any case, the communities will be able to elaborate communal statutes which will be approved by the same communities and presented at the municipal level, which will only intervene when it has fundamental elements to question the communal status totally or partially. In order to diminish controversies, local legislation will regulate the creation of juries.

III. The municipalities will be in charge of the following public services; the states will concur when it is necessary or when the laws state so:

- Drinking water and sewage system
- Public lighting
- Sanitation
- Central markets and supplies
- Cemeteries
- Pig slaughter
- Streets, parks and gardens
- Public security and transit
- other services that local legislatures may determine according to social, economic and territorial conditions of the municipalities, as to the financial and administering capacities of them.

The public services that indigenous communities can provide by communal work will be compensated in proportion to the amount the municipality spends in these matters. All proceeds will be credited to the communal budgets.

IV. The Municipalities will administer their 'hacienda' freely. *Internally, the municipalities will be obliged to distribute the resources in common agreement with the indigenous communities that form the municipality.*

V. Under the terms stated by the federal and state laws, the municipalities will have the faculty: to formulate, approve and administer territory demarcation and plans for development at the urban, municipal, *rural and communal* levels; to participate in the creation and administration of their territorial reserves; to control and look over the use of land in their territorial jurisdictions; to intervene in the regulation of urban land tenancy; to offer license and permits for constructions;

and to participate in the creation and administration of ecological reserve areas affected.
Indigenous communities will participate in this case.

VI. When two or more urban centres situated in municipal territories of two or more federal entities form, or tend to form, a demographic or cultural continuity, the Federation, the federal entities and the respective municipalities *and the indigenous communities involved* will plan and regulate, in a united and co-ordinated way, the development of the referred centres that lie within their competence; federal law as well as *the uses and customs of the indigenous communities involved*.

Perfil de La Jornada. México, 22 de septiembre, 1995.

Appendix 3

DECREE INITIATIVE WHICH REFORMS AND ADDS ARTICLES 4, 53, 73, 115 AND 116 OF THE POLITICAL CONSTITUTION OF THE UNITED STATES OF MEXICO FOR THE CREATION OF AUTONOMOUS REGIONS.

Presented by the National Indian Assembly for Autonomy (ANIPA).

Article 1. The first paragraph of Article 4 of the Political Constitution of the United States of Mexico [shall be] amended, as follows:

“The Mexican Nation has a pluriethnic composition, which is sustained originally in its aboriginal peoples. In order to protect and promote the integrity and development of its territories, lands, languages, cultures, management (uses), customs, natural resources, cultural patrimony, and specific forms of social, economic and political organisation, a regime of regional autonomy is to be established within those states of the federation that have a pluriethnic composition. The regime [shall] will be established within the terms that both the Law of Autonomy and the present Constitution establish, in order to strengthen the national unity and integrity. The indigenous peoples [shall be] are guaranteed effective access to the state’s jurisdiction. The state guarantees the right to integrity as peoples and the dignity and identity of aboriginal peoples. Any form of discrimination towards the culture, aboriginal institutions and customs [shall] will be considered a punishable by the law. The law [shall] will establish the forms of co-ordination between the indigenous institutions and legal systems and the national, legal, political and administrative systems. Likewise, the law [shall] will promote and assure the participation and equality of the indigenous woman. In the autonomous regions, the aboriginal languages shall also have official

status. The right to autonomy of the indigenous peoples does not abrogate any of the rights and responsibilities which correspond to them as Mexican people.”

Article 2. Article 53 of the Constitution [shall be] is amended as follows:

“In each of the federal entities, one or more Autonomous Indigenous Regions [shall] will integrate to form the purpose of electing the deputies for relative majority in the Union Congress.

“The electoral districts that correspond to the Autonomous Regions shall form a special electoral district for the election of deputies of proportional representation for the Union Congress.”

Article 3. Section XXIXX is added to Article 73 of the Political Constitution, as follows:

“Article 73. The Congress has the right to:

XXIXI, examine the proposals to constitute Autonomous Regions and to expedite the laws on the matter, in accordance with the statement [to be] established in Section IX of Article 115 of the Constitution.”

Article 4. The introductory paragraph and the first paragraph of Section I of Article 115 of the Constitution is reformed, as follows:

“Article 115. For the previous regime, the states shall adopt the republican form of representative and popular government, having as a basis of its territorial division and of its political and administrative organisation, the Free Municipality and Autonomous Regions, in conformity with the bases that follow:

“I. Each municipality shall be administered by a House of Commons popularly elected and there shall not be any intermediary authority between this one and the Government of the state. In those sections of the territory where there are aboriginal settlements, Autonomous Regions shall be

established as the population that inhabits them shall demand. These Autonomous Regions shall be established as a territorial government in terms that the present Constitution shall establish.”

Article 5. Section IX is to be added to Article 115 of the Political Constitution in the following terms:

“IX. The Autonomous Regions shall have juridical recognition as a territorial body and as a form of political and administrative organisation, as well as a patrimony of its own. The inhabitants of the Autonomous Regions shall be able to exercise the political, administrative and cultural autonomy as well as the cultural heritage, in order to strengthen the communities and the municipal institution.

“The Autonomous Regions shall be able to integrate themselves with the union of the municipalities, communities or peoples. Depending on the internal composition of its population, the Autonomous Regions shall be able to be pluriethnic or monoethnic.

“Each Autonomous Region shall have an internal government, whose maximum authority shall be the Regional Government, elected in a democratic fashion, in accordance to the uses and customs of the said regions, and in the terms that the Law of Autonomy establishes. In the Regional Government, all the aboriginal peoples of the region must be represented and in the respective cases, the non-aboriginal population too.

“The Municipalities embedded within the Autonomous Regions [shall] will be integrated, in each given (specific) case, in accordance to the pluriethnic principle which the previous paragraph makes reference to, and municipal presidents [mayors] may be able to form part of the respective Regional Government, when the latter decides that it must be so.

“[The responsibility for] the administration and representation of the Autonomous Region shall fall to the Executive Government, which [shall] will be named and formed by the Regional

Government [who are selected from] its membership. The Law of Autonomy [shall] will guarantee the [existence of, and process of] autonomous organisation, as well as the co-ordination of the municipalities and the communities which form part of the respective Autonomous Region.

“The proposal to constitute Autonomous Regions must be founded in the expression of the desire of the majority of the population in the respective territorial circumscription, through an organised plebiscite determined by the local uses and customs. The Union Congress [shall] will examine of the desire of the population to constitute itself as an Autonomous Region and shall create the resolution and the proceedings to establish these regions. Likewise, the Congress [shall] will determine the Autonomous Regions’ [duties] competencies on political, economical, social, cultural, educational and judicial matters, as well as the management of resources and the natural environment which shall be transferred to the local governments. In any case, the Autonomous Regions shall be competent in order to:

“a) Establish laws for the use, preservation, control and defence of their territories, natural resources and natural environment.

“b) Establish and execute the plans and programs of economic, social, cultural and educational development of the region, as well as to elaborate, submit for a consensus and execute public policies in its jurisdiction.

“c) Administrate the Autonomous Funds for Compensation, which by law shall be assigned for the development of the autonomous regions, attending to the needs of the municipalities and communities of its jurisdiction.

“d) Set norms on the exercise of the public services and expenditures of the federation and the states of the region, as well as their own incomes and expenditures and ensure that they are accomplished as the duty states.

“e) Administrate and provide internal justice in those matters that the law determines, in accordance to the institutions and the judicial practices of the peoples.

“f) Examine and in any case, to approve the designation of with jurisdiction in the regions.

“g) Examine and in any case, to approve the designation of the agents of the Public Ministry and of the Judicial Police of the region with competence in the regions.

h) Examine and in any given case, to approve the designation of the preventive police with authority in the regions.

i) Set laws to apply the legislative dispositions on matters of the penal, civil and administrative proceedings, that are applicable to the regions, in accordance with the uses and customs of the peoples.

“The constituted autonomous regional governments may have gradual access to the competencies which correspond to them, if the Regional Council were to decide to do so. In addition to the competencies [duties] of the Autonomous Regions that may establish the Constitution and the Autonomous Law, those regions may have access to other competencies through agreements with the federal government and the respective governments of the states of the federation.

“The autonomous municipalities that may be part of a given Autonomous Region, shall enjoy all the prerogatives and faculties which the present article of the Constitution establishes and additionally, it shall enjoy those which the Law of Autonomy establishes, and in any case, it shall be competent to:

“a) Elect its authorities and houses of commons in accordance with its ethnic composition, uses and customs.

“b) Co-ordinate its public policies, plans and programs with those of government and the respective Autonomous Region and with those of the rest of the municipalities that constitute the region.

“The communities and peoples that form part of some Autonomous Regions shall be competent to:

“a) name their governments, authorities and representatives, in accordance with their uses and customs;

“b) Promote their own forms of political, economic, social and cultural organisation;

“c) Elaborate and apply plans and programs of use, protection and defence of their territories and lands.

“d) Decide internally about the preservation, distribution, use and management of all resources.

“e) Participate, in co-ordination with the respective regional government, in the elaboration of the plans and educational programs of the communities or peoples, watching over their implementation, as well as ensuring that an intercultural education is given at all levels.

“f) Promote the use, recovery, and continuance of indigenous languages in all areas of cultural, social, economic, political and administrative life.

“g) Co-ordinate activities with the government of the Autonomous Regions and with the respective municipality, to encourage the development and well-being of their population (and communities) as well as the defence of their culture and resources.

“In all the aspects that are not reserved as competence of the Autonomous Regions, the respective local and federal laws shall be applicable and, in any given case, the municipal orders as well.”

Article 6. A fourth paragraph is to be added to Section II of Article 116 of the Political Constitution, in the following terms:

“In order to guarantee the representation of the Indian Peoples in the legislation of the states, the population of each of the Autonomous Regions that may have been established by the Union Congress, in the terms contained in Section IX of Article 115 of the Constitution, shall have the right to elect at least one deputy for each region, and to integrate a territorial autonomous circumscription for the election of the representatives by the principle of proportional representation which has been established for its specific case.”

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