

# **The Dialogue of San Andres and the Rights of Indigenous Culture**

By The Indigenous Revolutionary Clandestine Committee--General Command of the Zapatista Army of National Liberation and the advisors of the EZLN, February 1996 (The committee of advisers were convoked by the EZLN to bring a national perspective to the issues being resolved in the San Andres peace talks in 1996. It consists of more than 100 national community leaders)

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## **1. Indigenous rights and the national dialogue**

The first phase of negotiations with the federal government has ended, the one which deals with the theme of Indigenous rights and culture. What are the characteristics of this negotiation? How does the EZLN conceive the dialogue in San Andres? First of all, the Zapatistas have converted what was supposed to be a negotiation between two distinct parts into an open dialogue, inclusive and participatory, face-to-face with all of society and with the participation of the broadest parts of public opinion with any potential involvement in each theme. The political trajectory of the EZLN has been to conceptualize itself as a force NOT destined for disappearance or surrender within the negotiations, as the government has tried to characterize it to public opinion, but as an armed organization, with a strong social base, which is in transition to conversion into a national political force. This force will grow to construct an ample and inclusive path with all Mexicans, a force which will open up spaces where other voices, other steps, and other hearts can walk. The EZLN has been accompanied in this process, since the end of the first phase of the war, by a civil society with a growing commitment to new forms of political relationships, and with its attitude has parted the waters in a historic ... in recent national history, placing the EZLN in the immediate future; it is the first time that an organization of the opposition, and in this case, in rebellion, against the established order has included society in its entirety in a negotiation which has as its final goal, a transition to democracy.

Although it is the EZLN which negotiates, the recognized party by the federal government, the EZLN believes that the present government, immersed in a crisis which has increased its authoritarianism--has all other avenues of dialogue with society closed. Only armed force and the growing moral authority of the Zapatistas have obliged the government to accept a negotiation and in this sense, the EZLN's capacity as a national facilitator has been expressed in the different working group in the National Indigenous Forum held in January of 1996. Little by little, accompanied by a majority of indigenous organizations, the Zapatistas have included on the negotiating table of San Andres, demands which come from every corner of the Mexico which has been denied and

buried. The following thematic working groups on democracy and justice, and social well-being and development, will broaden even more the participation of urban sectors and others impacted by the economic, political and social life of the country..

In order to avoid generalized violence, and contribute to a peace with justice and dignity, the Zapatistas have done everything possible so that the demands of the Mexican people can be given voice in the singular access bridge with a government which has lost legitimacy and control, which piece by piece, sells the sovereignty of the nation and which turns deaf ears unto the cries of devastation imposed on a society by neo-liberal politics imposed by outside intervention. The first theme of this negotiation which deals with indigenous Mexico, has been accompanied by the awakening of the consciousness of indigenous people. However, the EZLN does not consider itself its head or vanguard, but a part of this movement. Although the EZLN is primarily indigenous, and has its own conceptions about the themes of this phase (autonomy, rights, territorial rights, self-determination, women's rights, etc.) it has not imposed these conceptions on the thematic working groups; not on its invited guests nor on its advisors. The EZLN has instead opted for including the broadest range of demands, and some of them contradict each other or are being debated or are in construction , but they now confront the government delegation, as well as Mexican society in its totality. San Andres now projects itself as a space for a National Dialogue, the forum for expression so necessary for the Mexican people to construct a new national project. Throughout the negotiation, the EZLN has been gathering and synthesizing these diverse opinions in order to commit the government to a resolution of the undignified misery lived by the indigenous peoples of this country. Although the government has refused to accept the autonomy of these peoples in its totality, the EZLN retains autonomy in the context of a much broader and diverse national struggle, as part of the autonomy of civil society in general. The EZLN is perfectly clear that indigenous autonomy by itself will not end this ancient regime, and that indigenous autonomy will be a possibility only when the people of Mexico have autonomy, independence and liberty.

In terms of reforms to Article 27, and the need to actualize and recuperate the original spirit of Emiliano Zapata-- something rejected by the government, the EZLN knows that this reform will depend on the correlation of forces and will be one of the principal tasks of a new political and social order.

The Zapatistas are perfectly clear that the present regime has enormous limitations and limited capacity to resolve problems which now escape its possibilities of gestation and control. The Zapatistas consider as well, that present negotiations occur in an environment of complete uncertainty and that they are sitting at a table with a government which represents the final phase of an antiquated regime, a party- system state which is criminal and corrupt, and which pretends to perpetuate itself by any means, or minimally shift power to right-wing forces, in obedience to the bi- partisan scheme recommended all the way from the United States.

Within this context the Zapatista struggle has represented since 1994 an obstacle for those who have already decided to sell the nation to moneyed interests, and with their presence and constant political initiatives have radically altered the placement of all the political and social forces in motion in the country. The EZLN is a factor for change and hope, particularly for the poorest and smallest, and has decided to convert itself into an impulse for a radical transformation of all social relations. The EZLN intends to change from the bottom up the general configuration of the system, including its bases of reproduction, promoting, together with many of other forces which struggle in the same sense, the substitution of a party-system state for a political and social order based on democracy, where those who rule, rule by obeying, and where a legitimate government which operates by the rule of law can exist.

The Zapatistas aspire as well and have given voice to this aspiration since 1994, to reclaim the supreme interests of the nation and the legitimacy which has been undermined by government authoritarianism, thus establishing the basis for the collective elaboration of a New Constitution, with a legal structure reinforced by a broad and representative democracy: for this reason the Fourth Declaration of the Lacandon Jungle of January 1, 1996 proposes the creation of a political force with a different notion of power and its public exercise, the Zapatista Front for National Liberation, which will, organizationally deal with the fall of a regime which is precipitous in its dissolution.

This first phase of negotiation is contained within a national conception of the conditions of the country, with a clear intent to propel the substitution of the neo--liberal economy which jeopardizes humanity and creates global disorder. San Andres has its own dimensions within that, it is a point of departure but in no way a final point or goal. San Andres is the space for a much broader strategy of profound transformation of relations among Mexicans. The conclusion of the actual phase is a continual point of a growing struggle where the principal actors are not seated at the negotiating table, but responding to the common rhythm of a negotiation which the EZLN has made into a dialogue of a new kind, supported by diverse sectors of the social spectrum, which reflect the rich and diverse character of Mexican civil society.

## **II. Two strategies for negotiation**

The conclusion of the Indigenous Rights and Culture, makes it necessary to evaluate the development of the dialogue between the federal government and the EZLN, in order to avoid the obstacles which have disabled it and limited the scope of the agreements.

The new dialogue, made possible thanks to the mobilization of civil society, should have as its objective the formulation of a new jurisdictional frame work and the definition of a political relationship which can satisfy the legitimate causes of the uprising. This obliges the parties to participate with an open disposition to the solution of the profound problems being discussed, which will benefit all the indigenous peoples of Mexico and a

national society which seeks a democratic existence.

Nevertheless, hopes for the achievement of a just and legitimate solution have lessened in various important moments of the process, due to the repeated government actions and attitudes which have made negotiations arduous.

During the entire process of dialogue, the government has sustained and increased its military presence in the conflict zone, and has ordered its armed forces against the indigenous population, in a strategy of low-intensity warfare which has been amply denounced by national and international civic society. In addition government representatives have sustained their racist and insulting attitudes towards Zapatista delegates, and they have mocked and ridiculed their intelligence. The federal government has violated its own Law for Concordance and Pacification, and has restricted the constitutional guarantees for free transit for EZLN members. These problems began in San Miguel, when the government delegation assumed an arrogant and prepotent approach to the Zapatista delegation. During this first phase the government attempted to impose the lowest level possible, e.g. limiting items for discussion to the state of Chiapas. The EZLN, through the integration of advisors, invited guests, and active leaders and members of the indigenous movement in Chiapas and the nation, as well as intellectuals, academicians, and recognized participants in institutions tied to the indigenous community and communication media. The result was significant; the quality of this input was on the Zapatista side and in addition; a significant amount of indigenous people invited by the government itself agreed that such a debate would not have been possible before the Zapatista uprising of 1994. Once this dike broke, the government strategy fell, and this allowed positive results which gave rise to optimism.

The second phase of the working group on Indigenous Rights and Culture did not have the same results. Again, the problem came from the government side. It refused to recognize previous agreements, it ridiculed the Zapatistas, as well as other participants in the Dialogue. It placed the debate, once again, on a local level, and refused to acknowledge input of those not present. It rejected a previous agreement to recuperate the original spirit of Article 27 of the Constitution and the rejection of neo-liberal politics. It also attempted to reduce the definition of an indigenous nation, for example, to a "village" and to reject key concepts like self-determination.

Between phases 2 and 3, i.e., between November of 1995 and January of 1996, the government reinforced its scheme to "shrink" Zapatismo and its allies. Not only did it do this within the dialogue but by using military and political encirclement as a matrix. The government delegation then argued that the EZLN had no ideas or definitive proposals for the negotiation process.

By then it was evident, that there was an immense imbalance in media access and these were utilized to misrepresent and twist Zapatista proposals and ideas, and magnify government positions. Nevertheless, the majority had such intense and extensive

interests, that it hurdled the information barrier, and opened its heart and ears to the daily messages of the EZLN delegates and their advisors.

Just as the National Plebiscite for Peace and Democracy of August 1995 forced the government to give a new impetus to the negotiations, the National Indigenous Forum of January 1996 gave the third phase a new turn, even after the invasion by military tanks against Oventic and La Realidad at the end of December. The National Indigenous Forum, during this last phase of the Working Group, had a primordial importance. It represents one of the most significant steps, organizationally and in terms of programmatic definition which the national indigenous movement has made in the past decades. In spite of the governmental strategy outlined above, the third phase recovered finally the dimensions of the original Zapatistas proposal. The indigenous question as a national issue. In addition the expression of the indigenous movement in the national forum of 1996, opened lines of definition which took form in the three documents which were the final product of the working group.

### **III. The struggle for indigenous rights**

#### **Declaration:**

The Indigenous Revolutionary Clandestine Committee--General Command of the Zapatista Army of National Liberation and the advisors of the EZLN, in accordance with point 1.5 of the procedural guidelines make the following pronouncement in regards to the minimal accords of San Andres:

The fundamental demands of indigenous people have not been completely fulfilled in the actual phase of negotiation. Therefore, in spite of our agreeing to these minimal accords with the Supreme Government in this first Working Group on Indigenous Rights and Culture, we pledge our continual struggle to achieve these demands; we call upon a broader mobilization of civil society in general, social organizations, and the representative sectors of the indigenous movement.

Specifically we will promote the needs and demands reflected in the agreements expressed through the National Indigenous Forum held January 3-8 of 1996 in San Cristobal de las Casas; in phase 1 and 2 of the Working Groups on indigenous rights and culture in San Andres Sacamch'en de los Pobres and in response to the results of the vote by Zapatista communities in regards to Working Group 1 on Indigenous Rights and Culture in the month of February 1996. We will seek out an ever-increasing political participation, from the ground up, which is not restrained by an electoral arena, and which makes possible a reversal in the correlation of forces.

There are omissions we wish to point out.

In order that there be a solution to the national agrarian problem it is necessary to reform Article 27 of the General Constitution of the Mexican United States. This article should recover the spirit of the struggle of Emiliano Zapata summarized in two basic demands:

the land should be owned by those who work on it, land and liberty.

This reform should contain the recommendations elaborated by our delegation throughout the second phase of the negotiations. It should guarantee territorial integrity to indigenous peoples, based on the understanding that territory is constituted by the totality of the lands in which they reside. There should be integrity of communal and ejidal land. The incorporation of the norms in the 169th Convention of the OIT in agrarian legislation. Access to land by women and men who do not have it, through inheritance and restitution. The break-up of plantations in order to satisfy the agrarian necessities and a prohibition of land ownership by mercantile companies and banks. In the documents of agreements and minimal commitments between the EZLN and the federal government neither regional nor municipal autonomy is recognized. It is not enough that indigenous communities have the right to associate in municipalities in order to coordinate their actions. It is necessary to have autonomous structures which, without excluding the non-indigenous would exist as autonomous structures of government and break with centralism.

The demand for autonomy of the indigenous peoples of Mexico, in a regime which simultaneously includes communal, municipal and regional levels is expressed within phases 1 and 2 of the negotiation table at San Andres Sacamch'en de Los Pobres, as well as in the National Indigenous Forum. This autonomy should include the recognition of the territory of indigenous peoples and the establishment of their own governments, so that these communities may make decisions about their economy, about the administration of justice and control of their own security, as well as define their agrarian regime and solve conflicts on their own terms. Autonomy implies as well the recognition of indigenous rights, in a regime which is jurisdictionally plural, and where applicable norms to autonomy may co-exist with those applicable to all Mexicans. The re-distribution of jurisdictional power remains to be done in all arenas, especially the political one.

However, autonomy does not imply that the government is free from responsibility in these instances. Indigenous peoples should retain the rights to public compensation funds and others which correspond to them, if and when they are exercised according to their plans and government structures. This autonomous regime implies constitutional reforms as well, at least within articles 3, 4, 43, 73, 115 and 116. Another grave omission is the problem of justice: that the viability of the rights and guarantees, not only of individuals, but of the collective well-being of indigenous peoples exists as well. The indigenous peoples should be able to have their own government because only in this way can they have ample jurisdiction over their territories and only then can they impart justice based on their justice systems. This would constitute a system of judicial pluralism. The struggle against inequality should be a matrix of a new political culture which can allow all national cultures to flower and endure in the acknowledgment of its own base. This would also permit the prevention of any form of racism and especially pernicious forms of ethnocentrism.

The right of the indigenous peoples to access to means of mass communications (print, radio and television); both public and private should be given. In order to achieve this a percentage of space in this media should be assigned to indigenous peoples and they should have the right to decide the content, use, management administration and purpose of these spaces.

The State should guarantee indigenous peoples the use of channels for the transmission and reception via satellite of information, voice and image, as well as the means necessary to achieve this goal.

In regards to the triple oppression suffered by indigenous women (because they are poor, indigenous and women) there are demands for the construction of a new national society with another economic, political, social and cultural model which includes all women and all Mexicans. Among the public resources which belong to the indigenous peoples there should be a special consignment for women, administered and managed by them. This will give them the economic capacity so that they can begin their own productive projects, guarantee them potable water and enough food for everyone, and allow them to protect health and improve the quality of housing.

In all the reforms of the Constitution which are made, women should be included specifically, thus eliminating any official discrimination against them.

We demand as well that in accordance with international conventions, ratified by the World Conference of Women in Peking, the rapes perpetrated in the conflict zones should be considered war crimes and punished as such. Women demand a re-distribution of the public budget, transferring what are now military costs towards costs of health and education programs.

Women should have full participation in all the arenas of autonomy without any limiting internal or external condition.

At the end of the actual phase of negotiations, we believe that only the broadest social mobilization can give body to these fundamental demands. This will be achieved only by carrying forward an independent organization, which should evolve as a primary task of the National Indigenous Forum, which should cover all the regions of the country.

### **BROTHERS AND SISTERS:**

An unjust and criminal political system, the Mexican political system, has obliged a group of citizens, primarily indigenous to take up arms in order to be heard and to call attention to the grave problems suffered by the indigenous peoples of Mexico. The political option of dialogue and the solution to the principal demands of the Mexican people will not come from the Supreme government, but from civil society, from social and political independent organizations. A new peace, the one needed by us Mexicans, the one we deserve, will come from ourselves, from our own initiative, and our own hope.

The dialogue of San Andres completes a phase. The struggle for the recognition of indigenous rights continues. Its path will open alongside other paths, alongside other Mexicans who carry the same banners, the ones which seek democracy, liberty and justice and the same aspiration: national liberation.

Democracy!

Liberty!

Justice!

From the mountains of the Mexican Southeast:

Zapatista Army of National Liberation

Mexico, February 1996

For the committee of advisors of the EZLN for a just and dignified peace