

# **A State Denying Its Roots: Ten Million Indigenous People**

by Jorge Alonso, Envio

When President Fox took office, his government appeared to be interested in resolving the conflict in Chiapas. Within months, it sent Congress a bill based on the proposal drafted by the legislature's Harmony and Peace Commission (COCOPA), which the Zapatistas accepted as a fair reflection of the San Andrés Accords. When Congress distorted the bill, eliminating essential sections, Mexico's indigenous peoples and the Zapatista Front for National Liberation (EZLN) rejected the reform. The EZLN has since kept silent, but many indigenous municipalities called on the Supreme Court to intervene, filing constitutional appeals against the mutilated indigenous law.

As the country awaited the Court decision, thinking that Zapatista influence had waned, one of the Zapatistas' lessons sent up shoots in the Valley of Mexico itself. The community of Atenco, after forcing the government to abandon its plan to turn their land into an airport, announced that it was establishing itself as an autonomous municipality. Autonomy is the form that Zapatista communities have used to consolidate their resistance. The goal is to build grassroots power with direct autonomy, egalitarian relations and community management of its own health, education and production projects. The Supreme Court has now spoken. Its September 6 verdict shot down expectations that had grown over the long months leading up to the decision, again revealing that the Mexican state is actively opposed to the country's indigenous peoples.

## **Military harassment, tension, uncertainty**

In June, the group led by Bishop Samuel Ruiz, which was once the National Mediation Commission for talks between the government and the Zapatistas, called a nationwide meeting to find new strategies for peace, democracy and full respect for human rights in Chiapas. Ruiz urged people to act to prevent violence. This Forum for Peace was held in early July, with over 3,000 participants representing 285 organizations from all over Mexico and abroad. Participants blamed the Mexican state's refusal to recognize indigenous rights and its continuing counterinsurgency campaign for the growing tensions in Chiapas. They argued that a productive dialogue could not take place until conditions for a just peace had been established. The autonomous Zapatista communities denounced the constant and growing harassment by paramilitary groups and the army that have created a climate of tension and uncertainty, and identified this as part of a phase brought on by the US counter-insurgency doctrine.

## **Plan Puebla-Panama: Not a single step**

Democratic Revolutionary Party (PRD) leader Cuauhtémoc Cárdenas charged that people within the shadowy circles of public power were encouraging and supporting the paramilitary aggression against the communities as well as illegal land seizures in an attempt to divide people. The scholar Pablo González Casanova called on the Supreme Court to reject the reformed indigenous law as unconstitutional. He proposed using dialogue and negotiation to ensure fulfillment of the San Andrés Accords and demanded that not a single step be taken in the Puebla-Panama Plan until the indigenous communities' land rights were recognized. Bishop Ruiz said that civil society in Chiapas understands

perfectly well that peace is not a gift but rather a conquest. He described President Fox as a weak leader and interpreted the Zapatistas' silence as the result of their disappointment in the government's actions.

## **Against militarization and paramilitarization**

The forum was a symphony of different voices calling on the government to resolve the conflict. The government secretary in Chiapas recognized this and encouraged the federal government to change its position on the indigenous law. The forum concluded with a series of accords. It called on people to continue pressuring the government to give the three signs of good will demanded by the Zapatistas as a condition for returning to talks. It urged them to pressure the Supreme Court to issue a verdict favorable to the indigenous peoples. It demanded a comprehensive demilitarization of the communities that would deal with both militarization and paramilitarization by dismantling and punishing paramilitary groups, creating conditions to allow displaced people to return to their homes, freeing prisoners of conscience and rebuilding the social fabric. It called for the establishment of dialogue mechanisms and avoidance of the logic of war. It urged people to fight government plans that divide and disorganize the communities and to support the autonomy of the Zapatista communities. It also called for the fostering of a new political culture based on respect for the diversity of Mexican cultures.

## **"We don't want to stop being indigenous"**

On August 9, the International Day of Indigenous Peoples, in an event attended by President Fox, Mexico's indigenous peoples demanded that the government and society assume the commitment of recognizing indigenous peoples and communities as subjects of public law. "We don't want to stop being indigenous, we want to stop being poor," one speaker emphasized. According to a study by the National Population Council, poverty has grown in a third of indigenous communities in recent years, and over half have seen no economic growth. Fox replied that his government was seeking to break with the past's paternalistic, authoritarian traditions, and offered a relationship based on dialogue.

## **Thousands of displaced**

In recent months, charges of stepped-up military pressure in Chiapas have increased. Many feel that the situation is similar to when the Institutional Revolutionary Party (PRI) held all power in the executive branch and fear that war is in the air. Civil organizations have charged that the peace accords of late 2001 and early 2002 promoted by the executive branch were nothing but show, because injustice and impunity persist. There have been reports of aggression against the municipalities in resistance virtually every day. Among the reports was a charge that airplanes and helicopters had dropped flies over houses in Zapatista communities, leading to an outbreak of diseases. The Fray Bartolomé de las Casas Human Rights Center reports that the dirty war has forced some 12,000-14,000 people to flee their homes and charges that the military has an agreement to harass the communities.

## **San Juan Diego or San Andrés?**

The Catholic Church hierarchy has not shown much sensitivity to indigenous demands. In his visit to Mexico, the Pope emphasized that "Mexico needs the indigenous people." While in Guatemala he asked for justice for the indigenous people of Guatemala and all of the Americas. Some interpreted

these words as a call to the Mexican Church to take a stand on the side of indigenous peoples.

The Coalition of Autonomous Indigenous Organizations of Ocosingo described those promoting the canonization of Juan Diego as active opponents of the indigenous movement. In an open letter to the Mexican Bishops Conference and the Pope, they asked that priority be given to another campaign that would be much more important than this canonization: advocating for compliance with the San Andrés Accords. The Assembly of Indigenous Migrants of the Federal District also sent the Pope a message describing the abuse and repression they have suffered. In bidding the Pope farewell, President Fox told him that his visit had left a renewed commitment to work for indigenous peoples, the poor and the dispossessed, respecting their customs and traditions.

## **Focal points of instability**

National organizations have continued to support the Chiapas communities. In the first week of August, the Zapatistas sent several caravans filled with food and medicine to the conflict zone. International organizations have also continued to follow the evolution of the situation. Rodolfo Stavenhagen, the United Nations special representative for indigenous peoples, described prospects for peace in Chiapas as very difficult under present circumstances. Representatives of Amnesty International visited Chiapas in mid-2002, investigating the militarization and paramilitarization.

In August, the European Union's executive commission said that Mexico's Congress had failed to respond to indigenous demands and described the problems facing indigenous peoples and the lack of peace in Chiapas as two focal points of instability in Mexico.

## **Development programs that divide the communities**

The International Civil Commission for the Observation of Human Rights released the report of its visit to Mexico at the end of July. It concluded that the constitutional reforms approved in 2001 do not fulfill the demands of the indigenous peoples.

The commission also pointed out that development programs focused on poverty were often discriminatory, were not aimed at fostering the community's holistic growth and were used as forms of electoral proselytizing. Given the breakdown in talks and the failure to comply with the San Andrés Accords, these plans are a less obvious form of counterinsurgency, very effective in dividing the communities and further damaging an already battered and fragile social fabric. The commission also discussed Plan Puebla-Panama, which threatens to turn indigenous lands into the target of large economic interests. The commission called for establishing forms of support for production that are not used to create divisions or as a counterinsurgency tactic.

## **The Court refuses to hear evidence**

Challenging the indigenous law before the Supreme Court proved to be a hard course. It was difficult to hold a dialogue with the justices because they rejected the expert witnesses and other evidence that the indigenous plaintiffs tried to present in support of their arguments.

The federal government took a somewhat mixed position on the appeals. The President's legal

representative asked the Court to decide against the indigenous communities. He maintained that the law does not violate International Labor Organization (ILO) Convention 169, which he claimed refers just to legislative measures below the rank of constitutional reforms, requiring that the opinion of indigenous people be considered only in local constitutions and secondary legislation. The Attorney General's Office appeared to side with the President's Office, but did ask the Court to define the reach of international treaties when they conflict with constitutional provisions.

## **The judicial branch's scope of authority**

On August 6, the Supreme Court considered the issue of whether or not it had the authority to hear the appeals filed by the indigenous communities. In early August, representatives of indigenous communities met and issued a statement that the executive branch had merely pretended to respond to indigenous peoples demands but had failed them; that the legislative branch had shown no respect for established procedures in legislating on indigenous matters and had not represented the will of the indigenous people; and that the judicial branch now had the opportunity to redeem the Mexican state by doing justice to indigenous people, even though it had refused to accept the evidence they presented. The indigenous representatives demanded that the Supreme Court listen to indigenous people and fulfill its historic responsibility by issuing a positive verdict on the constitutional appeals they had presented. It called on the Court to recognize ILO Convention 169 as the supreme law of the land, and oblige the state to respect the San Andrés Accords. The statement was quite clear in warning that an unfavorable verdict would undermine the confidence that indigenous people had placed in the Court, and asked civil society to watch over the Court's actions.

The indigenous movement knew that a favorable decision by the Court would bolster their fight. They also knew, however, that an unfavorable verdict would not discourage but rather radicalize them.

## **Paramilitary operations heat up in August**

While the indigenous movement awaited the Court's decision, the situation in the Zapatista region became increasingly troubled. It is worth reviewing recent events. In the autonomous municipality Ricardo Flores Magón, paramilitary groups supported by the army tried to capture a community member and attacked seven EZLN support bases. Chiapas newspapers launched a campaign against the support bases, distorting what had happened.

Indigenous people in the Las Abejas group warned of the presence in neighboring communities of members of the armed group that had massacred their companions in Acteal in 1997. The federal government failed to act on 27 arrest warrants issued against members of this paramilitary group, who were now rearming. Several material and intellectual authors of the Acteal massacre remain free, and people fear a similar massacre could occur again.

A Zapatista was killed in early August. The authorities wrote it off as an accidental hunting death, but the EZLN demanded an investigation. Later, several PRI members led by a congressional representative attacked Zapatista bases that had set up a roadblock to prevent the export of precious wood and the entry of alcohol and drugs into the communities. Observers described the attack as the largest paramilitary operation since the Acteal massacre. It is clear that the old paramilitary groups have

been reactivated and new ones created.

## **"Are they trying to kill us one by one?"**

On August 20, seven of the autonomous municipalities in rebellion (Olga Isabel, Che Guevara, 17 de Noviembre, Vicente Guerrero, 1 de Enero, Miguel Hidalgo and Lucio Cabañas) issued a statement denouncing three murders and accusing the paramilitary groups, businesspeople, ranchers, state security, police, municipal governments and the state and federal powers of triggering the violence. They insisted that impunity is unacceptable. Several days later another violent incident took place, with deaths and injuries. The Zapatistas denounced it as a paramilitary ambush, while the authorities attributed the violence to inter-family conflicts. The same day, in another autonomous municipality, a paramilitary group murdered a Zapatista. The EZLN argued that the paramilitary groups' actions under army protection reveal a concerted, well-planned campaign, and that the government is ultimately responsible for it. "Are they trying to kill us one by one?" one person wondered.

## **Paramilitary siege, community conflicts and drugs**

Local human rights organizations labeled the authorities' claims that the violence stems from inter-community conflicts as a cover-up and described them instead as part of a counterinsurgency campaign. They also reported large-scale army mobilizations, which military authorities dismissed as normal troop movements.

At the end of August, COCOPA announced that it would investigate the troop movements and the killing of Zapatistas. After a week-long visit to Chiapas, the UN's special representative for internally displaced people said that the problem of displaced people in Chiapas was multifaceted and had surpassed the state's capacity to handle it, but emphasized that this did not exempt the Mexican government of its responsibility for achieving peace. The special representative identified three main causes of displacement: the siege by paramilitary groups, community conflicts and violence related to drug trafficking.

At the end of the month, NGOs charged that former members of the army and public security forces were among the paramilitary groups that continue to act with impunity in Chiapas. The state government, however, insisted on viewing conflicts in the communities as the result of "everyday" problems, denying that they were political in nature, and attributed the deaths to accidents or conflicts over land. It emphatically denied the presence of counterinsurgency groups or any increased military presence in the state. The state attorney general of Chiapas claimed that criminal gangs were responsible for the deaths. In Congress, the PRD proposed an agreement to halt the growing violence against the Zapatistas in Chiapas, but the President's National Action Party (PAN) and the PRI rejected it.

## **"The world is watching"**

Human rights organizations called on the governor of Chiapas to stop encouraging impunity by denying the existence of armed groups tied to the PRI. They interpreted the increasing violence as an effort to stop the Zapatista communities' autonomy process and a first step towards clearing away the

obstacles to Plan Puebla-Panama. The Miguel Agustín Pro and Fray Bartolomé de las Casas human rights centers along with other civil society organizations made an urgent call to the people of Mexico and national and international civil society to mobilize to stop the confrontations, harassment and killings in indigenous communities, the continuing displacement of people and the renewed violent actions by paramilitary groups under the protection of the Mexican army.

"The world is watching," warned human rights activists from international organizations in Paris, Geneva, Barcelona, Madrid, the United States and Canada. Prominent figures from 18 countries, including José Saramago, Manuel Vázquez Montalbán and Giulio Girardi, called for continuing international support for the Zapatistas' cause. In response to President Fox's second report on the state of the nation, the FZLN demanded an end to the repression. In a speech at the Sustainable Development Summit in Johannesburg, Fox remarked on the need to respond to indigenous peoples.

## **Voices of hope and alarm**

In mid-August, the Attorney General's Office arrested 25 members of the Peace and Justice paramilitary group responsible for several dozen killings. Among those arrested was one leader, a former military officer, who had weapons used exclusively by the army. In defiance, the group named new leaders. The Attorney General's Office then detained the group's main financial supporter, a former mayor.

The PRI in Chiapas justified the existence of armed groups under its protection and called for freeing the people who had been detained. NGOs praised the government's action but said that other paramilitary groups remain untouched.

Zapatista support bases raised cries of alarm over possible new attacks at the end of August as security forces, taking advantage of the general confusion, threatened to capture Zapatistas, increasing tension and fear in the northern part of Chiapas. Bishop Ruiz commented on the relevance of the Supreme Court decision in this context, pointing out that a verdict in favor of the appeals presented by the indigenous municipalities would provide a basis for putting these problems to rest.

## **Supreme Court decides against indigenous people**

These hopes proved to be in vain, however. On September 6, the Supreme Court threw out all the appeals filed by the indigenous groups. Eight justices even voted against hearing them, while three voted to hear them but concluded that the law was valid. With this decision, the Court demonstrated its incompetence to resolve the more than 300 appeals. It dismissed all of them together, whether they had been correctly presented or not.

The justices maintained that they had followed proper legal criteria and were not authorized to act in place of the legislative branch. They explained that they decided not to discuss the irregularities in the procedures used to pass the indigenous law so that they would not be accused of judicial activism or of trying to make the Court a supreme power above the other branches.

Although some lawyers felt the Court acted correctly, the indigenous people's lawyers condemned the verdict. The lawyer representing the Adelfo Regino Montes indigenous community noted that the Supreme Court justices had refused to listen to the indigenous plaintiffs, accepting only written

testimony, and thus did not have the evidence on which to base a just verdict.

## **A dangerous precedent**

The Court's interpretation of constitutional norms was an extremely conservative one, with serious implications. If neither the procedures used in legislating nor reforms made to the Constitution are subject to judicial control, legislators are free to reform the Constitution at will, committing all sorts of irregularities, and no one can intervene to set them straight. In other words, it makes no difference whether constitutional reforms are made correctly or not. This position ignores democratic principles such as the separation of powers and the system of checks and balances.

Another indigenous lawyer, Francisco López Bárcenas, argued that by refusing to hear the appeals and thus choosing the easy way out, the Supreme Court had not only failed the indigenous people but had also failed to assume its responsibility to ensure compliance with the law. He stressed that indigenous people were not asking for favors, they were urging that the constitutional order be restored. They knocked on the last door in search of constitutional recognition, after Congress turned its back on them by passing the law and the President did the same by signing it into law. López Bárcenas said that the verdict demonstrated the failure of institutions and politics and the state's incapacity to transform itself.

## **The essence of the appeals**

Other lawyers pointed out that the appeals had not asked the Court to judge the content of the indigenous law, much less modify it or point it in a different direction, but only to review the legality of the procedure used to reform the original bill. In particular, they argued that Mexico has signed an agreement—ILO Convention 169—which forms part of the Constitution itself via its Article 133. The convention establishes that indigenous people must be consulted on legislation that affects them, and the appeals showed that the required consultations had not taken place.

Another point questioned in the appeals had to do with the fact that several of the state legislatures that approved the reforms did not do so with the necessary two-thirds vote, an obvious violation of procedure.

## **In the annals of history**

In response to the Court's argument that Congress is not subject to judicial control, lawyers responded that the justices had made an extremely narrow interpretation of constitutional norms. Because the congressional representatives participated in the constitutional reform as state authorities, their actions must therefore be subject to the law and the Constitution. For this reason, the Court does have the authority to review their actions.

Specialists in indigenous law complained that the verdict had not been a judicial but rather a political one. They said that the Supreme Court has made a decision that will go down in the annals of history as a blatant measure against indigenous peoples and in doing so, has set itself up as another obstacle blocking recognition of indigenous rights.

The appeals were a challenge for the Court. With a correct interpretation, the Court would have opened up new possibilities. In commenting on the Court's failure to do so, several people noted that the justices are no strangers to the influence of congressional leaders and often meet with them in their

private offices.

## **Another ingredient in the tension**

The federal government again took an ambivalent position in response to the Court's decision. The President's legal advisor, Juan de Dios Castro, said that the decision was cause for rejoicing because it showed that the institutions work. The Government Secretary stressed that the indigenous issue was a priority for the President and that Fox would continue to work to establish a new relationship with indigenous peoples. The Commissioner for Peace in Chiapas, however, said that the Court's action threw one more ingredient into the tense Chiapas situation.

The head of the government office for indigenous affairs, Xóchitl Gálvez, said that the Court had fallen short in its analysis of the appeals and that the decision would make the peace process more difficult. In the first few weeks after the decision, the fear that armed movements would reactivate was clearly growing. It was not until September 23 that Fox, in a meeting with indigenous communities that criticized the government for not respecting the San Andrés Accords, promised to seek new political agreements to improve the indigenous law, although he warned that as long as the law stood it would have to be respected. He urged people to see it as "a step ahead."

## **Five centuries of oppression... and still counting**

PAN and PRI legislators were visibly pleased by the verdict and announced that the time had come to draft the law's specific regulations. They said it is now up to state congresses to define the legal framework best adapted to the indigenous peoples who live in each state.

The PRD took a very different position. The party's president said that peace in the indigenous communities remains a pending task and predicted new outbreaks of violence. PRD legislators argued the need to "reform the reform" and announced that they would soon present a new bill that includes the main points of COCOPA's proposal. The coordinator of the PRD bench urged the Zapatistas to make another trip to the capital to reopen the door to dialogue that the Court had closed, while Mexico City's PRD mayor said that the Court had made a mistake in ratifying the law approved by Congress.

Cuauhtémoc Cárdenas recognized that in the course of Mexican history, the Supreme Court has seldom taken a stand on such a high-profile issue with such an impact on political life. He said that while the Court's decision left many pending questions, there was no doubt but that it would rekindle five centuries of oppression, exploitation, inequality and discrimination, once again offending ten million Mexicans and tearing open the social wound that prevents Mexicans from uniting in their diversity.

## **A "racist and arrogant" verdict**

Several COCOPA members, fearing that the open wound would aggravate the situation in the conflict area, called on the commission to act rapidly. Even PRI members of the commission saw the need to resume talks to analyze the appeals filed against the law by the indigenous communities. Some proposed that new legislation be introduced, although the correlation of forces makes it unlikely that anything would come of such an effort.

Solidarity groups in Spain, Switzerland, Austria, Italy and Germany protested over the Court's

decision, describing it as racist and arrogant. Human rights organizations in Europe and the United States demanded that the indigenous legislation be revised in line with the San Andrés Accords, and described the law as an obstacle to renewing the peace process and resolving the conflict in Chiapas.

Portuguese writer José Saramago and Argentine writer Ernesto Sábato published an open letter in the daily newspaper *La Jornada* describing what the Court had done to indigenous peoples as another "blow of disdain." They said that the Mexican state sees indigenous peoples as the "internal enemy." The state, "which has shown so few signs of national self-respect in response to the degrading political and economic intervention from abroad, has used its judicial force against the weakest members of the Mexican nation."

Danielle Mitterrand expressed sadness over a verdict that she called "a blow to indigenous hope." She pledged to go on accompanying the Zapatistas and defending their just cause.

In response to these and many other declarations by internationally prominent figures, PAN legislator Diego Fernández de Cevallos, one of the main promoters of the indigenous law, scoffed that "a Frenchwoman and two Portuguese men [sic] issued statements taking positions pre-established by Marcos." He arrogantly remarked that Congress could not be expected to draft a law "to please a bishop [referring to Samuel Ruiz] or a guerrilla."

## **A Church of varied opinions**

The Catholic hierarchy did not speak with one voice. Bishop Onésimo Cepeda, tied to economic and political power groups, defended the Court. The bishop of San Cristóbal de las Casas first called on people to respect the Court's decision, but then said that the law could be improved. In the indigenous region of Istmo, Bishop Arturo Lona summed up the feelings of the priests who work nearest to indigenous people: "May God help us, they've given us the coup de grace."

A spokesperson for the bishops said that indigenous peoples deserve recognition of their culture and autonomy and that Mexicans cannot go on living in a country divided by racism and discrimination. Samuel Ruiz reaffirmed his work with groups promoting peace. The priest in Ocosingo lamented the Court's verdict, which he described as a "serious and dangerous" decision that risked "leading the Zapatistas to desperation. Injustice has been reaffirmed, and the indigenous people continue to be excluded" he said, arguing that the Court had failed to grasp the indigenous issue, which goes far beyond the conflict in Chiapas.

As the days passed, it seemed that support for the Pope's statements in Mexico was gaining ground among the bishops. The Social Pastoral Commission proposed a national dialogue on the legal situation of indigenous peoples and their economic and social conditions, without discriminating against anyone. And in the Congress of the Mayan Pastoral, four bishops called for the recognition of their autonomy.

## **Outpouring against the court ruling**

Many other Mexicans also questioned the Court's decision. Writer Elena Poniatowska described it as a "truly infamous act." Activist Rosario Ibarra de Piedra accused the Court of having "served the executive branch." Former rector of the Mexican National Autonomous University, Pablo González Casanova, lamented that the Court had not had the "sensitivity" to issue a verdict that would contribute to a solution, instead practicing "colonial blindness." Philosopher Sánchez Vázquez said that the immediate consequences of the decision would favor the agenda of Plan Puebla-Panama through "the redistribution of the national territory."

Writer Carlos Montemayor felt that the Court had chosen "not to confront the predominant racist ideology among the legislators or the blindness and indifference of the executive branch." Luis Villoro wrote that the Court's decision had demonstrated "the inability of the three branches to resolve a crucial national problem" and had unveiled "an excluding democracy" and a state "blind to differences and to any plurality other than that of political parties."

Other intellectuals felt that the Court had lost an opportunity to show that the branches of government are independent, and had revealed the backwardness of political society. A letter signed by artists, intellectuals and members of civic organizations denounced that just as during the 71 years of the PRI regime, the current Mexican government's institutions are not on the side of the Mexican people but rather serve their own interests as well as those of large transnational capital and the US government.

## **Humiliated, frustrated, betrayed**

The first response of the indigenous communities was that they had been humiliated, offended, hurt and deceived. They felt betrayed. The hopes they had placed in the courts had been frustrated. They trusted in the legal course of action but had been defrauded. Now they understood that the Court received their appeals only for the sake of show, but had no desire even to hear them, much less attempt to do them justice.

Another major concern was that just as legal channels had been closed to them, it seemed that a peaceful approach was being closed off as well. Some groups went so far as to say that the verdict was the equivalent of an invitation to generalized violence, thus proving that the path chosen by the EZLN in 1994 was the right one. After having been legally and politically excluded, many indigenous peoples wondered what path was left them. They were unwilling to keep putting up with internal colonialism or the indignity to which they had been condemned. Nonetheless, though violent responses might have been predictable, the indigenous movement decided instead to take the path of resistance and nonviolence.

## **The next steps**

The indigenous people now have several ways to go. One immediate solution could be an appeal to international law. Many indigenous organizations announced that they would challenge the verdict through the Inter-American Human Rights Court, the United Nations and the ILO since the indigenous reform violates international treaties on indigenous rights. Another solution is to press for a legislative solution, to make Congress go back and legislate in accord with the San Andrés Accords.

A third, quite plausible path is to insist on compliance with ILO Convention 169. The Mexican state signed it so it should be the law of the land. Furthermore, it contains the principal demands of the San Andrés Accords. If President Fox demanded that the provisions of this convention be fulfilled, an important step would be taken towards the recognition of indigenous rights and peace.

## **"We're a people without a state"**

Writer and specialist in indigenous issues Miguel León Portilla summed up the current state of affairs. The indigenous people, he said, have struggled to survive for the past five centuries, dispossessed, marginalized, discriminated against, pariahs in their own land. The Zapatista uprising forced the Mexican state to talk with them. A key point of the San Andrés Accords was the recognition of indigenous peoples as subjects of public law who enjoy autonomy in their own respective territories

and are entitled to benefit from their resources. They also have the right to representation in legislative bodies and to preserve their languages and cultural differences. Congress distorted the San Andrés Accords, however. Now, with the Court's verdict, the indigenous peoples had once again been legally discriminated against and left marginalized.

Many indigenous groups responded with mobilizations and protest. On September 9, members of the National Indigenous Congress, the National Association of Democratic Lawyers, the Mexican Jurists Union, the Civic Alliance and other civic and human rights organizations rallied outside the Supreme Court to express their rejection of the justices' decision. The next day, hundreds of indigenous sympathizers of the Zapatistas marched in San Cristóbal de las Casas, announcing that they had gotten the Court's message that neither dialogue nor negotiation are useful in addressing marginalization in Mexico. A Mixtec leader put it this way: "The indigenous people of Mexico are a people without a state."

## **The Zapatistas' total silence and thundering repudiation**

The EZLN has not spoken on the Court's decision. It issued its last statement on the law in April 2001, and its last statement on any issue in October 2001, after the assassination of human rights defender Digna Ochoa. After that, silence, but it is a far cry from that in the saying, "silence is consent." It rather expresses a thundering repudiation of the lack of respect for signed agreements. To back up their silence, the Zapatistas have also reinforced 22 control points in their area of influence to block the government's efforts to defeat them by dividing the communities. Indigenous sympathizers of the EZLN said that at least 62 communities in the Zapatistas' area of influence were upset with the Court's verdict. Feeling that the resolution revealed the racist face of the state, they called on other municipalities in the conflict zone to declare their autonomy.

## **For a nonviolent solution**

Indigenous groups in Morelos, Michoacán and Oaxaca prepared to block roads and take public buildings to protest the Court's decision. Indigenous people from Queretaro, describing the governor of their state as an obstacle to their progress, announced that they would join the demonstrations against the Court's decision. Members of the National Indigenous Congress declared that they would file appeals to block application of the indigenous law in their territories.

The indigenous peoples are not grouped together in a single movement. Some of the more radicalized ones could opt for routes that are not peaceful. Most of the indigenous groups, however, have spoken in favor of nonviolence and continuing mobilizations to win recognition of their rights and their autonomy.

In a national meeting of indigenous peoples held in Guerrero in mid-September with delegates from the Federal District, Oaxaca, the state of Mexico, Sinaloa, Campeche, Yucatán, Sonora, Michoacán, Quintana Roo, Chihuahua, Morelos, Guerrero and Chiapas, people saw the need to bring the dispersed indigenous movement together within a project for a multicultural nation. One of the meeting's conclusions was the Declaration of Chilpancingo, which proposed unifying the Mexican indigenous movement. This resolution was sent to the National Indigenous Congress, which was holding a Traditional Medicine Forum.

## **Community norms and strength**

In the wake of the Court's decision against indigenous peoples, three things are clear. The state acted against the interests of indigenous peoples, the new legislation has not brought peace, and indigenous peoples will continue to fight for their collective rights and municipal autonomy.

One indigenous leader put it this way: "President Vicente Fox deceived the indigenous people, Congress mocked our initiative and the Supreme Court put an end to our last hope."

The Court's decision opens another stage in the indigenous peoples' fight. They have seen that the three branches of the Mexican state will not allow them to rebuild their communities in the framework of the national legal order, so they will now promote autonomy in accord with their own norms. They have been pushed up against a wall but will not cave in. Instead, they will call up their communities' strength to confront the state and its repressive institutions.