Autonomy and Resistance in Chiapas: Indigenous Women’s Rights and the Accords of San Andrés

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The 1994 uprising led by the EZLN (Ejército Zapatista de Liberación Nacional) in the southern Mexican state of Chiapas is often portrayed as a major opposition movement to economic liberalization in Mexico. Although this is clearly the case, demands for autonomy and indigenous rights were at the core of the first phase of negotiations between the Mexican government and the EZLN. These negotiations resulted in an accord on indigenous rights and culture signed on February 16, 1996. In the following paper, the concept of autonomy will be explored and the accords analyzed. Main attention will be given to the question whether the demands of indigenous women and women’s rights had been included in the accords. Feminist research has shown that women’s participation in armed struggle erode traditional gender roles (Isaksson 1988; Schamanek 1998). Research on the guerilla movements in Central America provided evidence that women were told that the national liberation struggle had priority over women’s liberation. (Luciak 2001; Shayne 2004; Kampwirth 2004) “Revolutionary movements do not in and of themselves pose challenges to patriarchal structures, especially at the micro level of the family.” (Shayne 2004, 8) But the temporary suspension of traditional gender roles and women’s experiences during revolution lead to women’s organizing and sometimes the emergence of feminism in the aftermath of war. This paper will review those theses in the case of the EZLN. My analysis will conclude with comments on why the negotiations failed and why the EZLN and
several indigenous organizations are not satisfied with the “ley indígena” (indigenous law) passed under the government of President Vicente Fox.

The precarious relationship between the State and the indigenous peoples in Chiapas

There are several root causes that explain why the uprising took place in Chiapas and not any other of the 32 Mexican states. Despite its enormous wealth of natural resources, at the beginning of the 1990s, Chiapas was plagued by widespread poverty: 34 percent of the rural population did not have electricity, 70 percent of the children were undernourished, 78 percent did not have access to health care, 42 percent did not have running water, 43 percent did not have sanitation, 50 percent lived in houses with no cement foundation, 30 percent of the population over 15 were illiterate. These figures are even higher if we look at indigenous communities living in the Chiapas region of Selva Lacadona, where the uprising started and the EZLN has its base of support. In the Selva, there was hardly any sanitation, 62 percent did not have running water and 95 percent did not have electricity.

The marginalization of the indigenous population is striking in spite of government policies. Indigenismo is the name of the official policy designed to integrate indigenous peoples into the Mexican nation. Those policies, developed with the advice of anthropologists, assumed that the lack of integration is the reason for the indigenous population’s precarious situation.

Subsequently the Instituto Nacional Indigenista (INI) identified certain cultural characteristics as impediments to modernization and the successful integration of the indigenous population. (Maihold 1986; Favre 1998; Sánchez 1999) Indigenismo dictated by the state followed the philosophy that the indigenous peoples had to leave behind certain cultural characteristics in
order to become part of the Mexican nation and modern Mexican citizens. (Bonfil Batalla 1987)
It was not until the 1970s that this assimilationist ideology finally started to be questioned by
critical anthropologists. A constitutional reform in 1992 can be read as the end of indigenismo.
Article 2 now recognizes the pluricultural composition of Mexico (Constitución Política de los
Estados Unidos Mexicanos, texto vigente). ii

In 1974 the state of Chiapas decided to organize an Indigenous Congress to commemorate the
birthday of Fray Bartolomé de las Casas. Admitting that it had no direct relations with the
indigenous communities, the Chiapanecan governor Manuel Velasco Suárez requested the
diocese of San Cristóbal de las Casas to organize this event. The demands, which had been
collected on this occasion, resembled the demands put forward by the EZLN in their First
Declaration of the Selva Lacandona (Collier 1994, 63).

It was not until recently that the Selva Lacandona began to be settled. After the 1930s, the state
distributed land to peasants from Chiapas and other Mexican states. New communities were
founded ever deeper into the Selva (Leyva and Ascencio 1996). Many peasants who received
new land in the Selva Lacandona came from the highlands of Chiapas. That explains why the
EZLN has also strongholds and political and social support in the highlands (Aubry 1994). In
1972, the Mexican President Luis Echeverría recognized the historical land rights of the
Lacandons, the original Indian population of the Selva. The government wanted to resettle 37
villages of newly established communities who lived in that area. Seventeen villages resisted this
plan. Many communities did not possess land titles for their own land. The lengthy process to
achieve land titles was complicated. The anthropologist George Collier (1994, 47) identified 27
steps in the process of legalization of land titles that involved 22 different state institutions and an
average processing time of two years. In Chiapas, the registration process took even longer: on average, seven years. Twenty-five percent of all outstanding applications came from Chiapas (LeBot 1997, 66). Furthermore, the Chiapas Governor Absalón Castellanos (1982-1988) distributed inalienable land titles (*Certificados de inafectabilidad*) to private property owners. At the end of his governorship, 70 percent of private property was exempt from land distribution (Harvey 1995: 224). The Mexican corporatist system repressed any attempt by peasants to organize independently. The favorite strategy of the federal and state government was cooptation. When this tactic failed, the state used open violence and repression. (Harvey 1999)

These examples indicate that the indigenous communities experienced the state primarily as a form of oppression. On the other hand, the Catholic diocese was highly influential in the region. The Bishop of San Cristóbal, Samuel Ruiz, was an advocate of liberation theology’s call for the church to actively help the poor. Therefore, he educated catechists and the pastoral work “encouraged a collective process of reflection about the social, political, and economic circumstances in light of Biblical readings” (Castro Apreza 2004, 198). Samuel Ruiz saw the existing economic model and urban environment as dangerous for the indigenous collective identity. Those external influences would erode indigenous identity. (Meyer 2000) I would argue that this is a very idealized and static vision of indigenous identity. However, it is important to note that the catechists’ work contributed to a politicization among the indigenous communities.

During the rule of Governor Patrocinio González Garrido from 1988-1993, state repression increased dramatically. Any demonstration of discontent was criminalized as threatening the public order. Every action that impaired the functioning of state institutions was labeled rebellion. (Collier 1994, 127; Tello Díaz 1995, 146) The fundamental political instability of Chiapas is
reflected in the number of governors in Chiapas since Mexican independence: 160 governors between 1825-1995; on average, governor’s were in office only for little more than a year. Only 34 governors had been elected. The others were interim and provisional governors imposed by the federal government. (*El Tiempo* 7.-14.11.1996)

On January 1, 1994 the EZLN took control of San Cristóbal de las Casas and several regional cities. In their First Declaration of the Selva Lacandona, they declared war on the Mexican government and the Mexican army and demanded the resignation of the Mexican president Carlos Salinas de Gortari. The declaration listed 11 central demands related to work, land, housing, food, health, education, independence, freedom, democracy, justice and peace. The EZLN pointed out that the majority of its members are indigenous. But they also made clear that they asserted their claims for the Mexican people. The most violent confrontations between the Mexican army and the EZLN took place in the Chiapas town of Ocosingo. According to official data, seven soldiers, 59 Zapatistas and 27 civilians died (Russell 1995, 22); however, many believe there were more victims. The EZLN’s campaign against poverty and for democracy had national significance; thousands of Mexico City residents demonstrated for an end to military attacks on the EZLN. This led to a unilateral ceasefire by the government on January 12, 1994 and to negotiations in the Cathedral of San Cristóbal de las Casas. The EZLN put forth 34 demands. The government responded by proposing social programs. After consultations with their base of support, the EZLN rejected the governmental offer and negotiations broke down for the following year. When dialogue resumed, the first issue dealt with indigenous rights and culture. The participants tried to specify the indigenous demands for autonomy and established various working groups. One of them dealt exclusively with indigenous women’s rights. This phase of the negotiations ended with the only accord reached between the government and the
EZLN, the Accords of San Andrés, named after the Indian village where the negotiations took place. The accords tried to establish a new relationship between the indigenous peoples and the state and to recognize the rights of indigenous peoples.

The Accords of San Andrés

From the beginning of the negotiations, autonomy and indigenous rights had been seen as complementary to a better representation of indigenous peoples within the Mexican political system. The EZLN Comandante David symbolically expressed this position with his self-introduction in the first meeting with the government: “David, Tzotzil, hundred percent Chiapanecan, hundred percent Mexican...”. EZLN (1994) also called itself, in the First Declaration of the Selva Lacandona, an “organization of Mexican citizens, who are in their majority indigenous”. During their first press conference Comandanta Ramona unrolled the Mexican flag and, at this point, the government’s representative, Manuel Camacho Solis, hurried to grab the other end of the flag to pose for the photographers. (Moreno Toscano 1996)

The EZLN was very eager to demonstrate the relationships between the regional, national and global levels of political and socio-economic problems. Their refusal to fight for formal state power gave rise to their characterization as postmodern guerillas. Those were some of the reasons why they achieved worldwide support from social movements and NGOs. The effort by government representatives to limit negotiations to issues directly related to Chiapas was undermined by the EZLN pointing out that Chiapanecan problems cannot be solved without addressing the national problems.
After the first round of negotiations failed in June 1994, almost a year passed before the government and the EZLN could agree on a new model for negotiations and resume dialogue. The Mexican Congress passed a law to create a framework for that dialogue. Omissions in the law led to problems later in the negotiation. For example, the law stipulates that the dispositions of the law do not impede security forces to execute their responsibilities. (Álvarez 2000, 185) Hence, there was no possibility to appeal against military maneuvering in the Selva Lacandona. The government presented those operations as necessary activities to guarantee internal security but the EZLN perceived the military operations as threatening acts and aggression. The law also did not mention the judiciary. The negotiations often were slowed down when the police arrested persons, accused of being EZLN members. This was also contrary to the law itself, as the law suspended all apprehension orders against EZLN members. In the year 1995 alone, “more than 860 social activists had been imprisoned, and forty had been assassinated”. (Kampwirth 2004: 151) This illustrates the double strategy of the government to negotiate and to impose pressure upon the Zapatistas at the same time. The law also failed to mention the Comisión Nacional de Intermediación (CONAI), the mediation led by Archbishop Samuel Ruiz. This led to a situation where the CONAI was actually acting in a judicial vacuum and the government could concede or revoke the mediation its confidence at its discretion.

On February 16, 1996, the government and the EZLN reached agreement on the issue of indigenous rights and culture, called the Accords of San Andrés. The EZLN was not totally satisfied with the result. In the accords, they insisted on mentioning their unmet demands. For example, they complained about the lack of a new reform of the Mexican Constitution article 27. This article had been one of the main achievements of the Mexican Revolution and guaranteed fair land distribution. In 1992, under the presidency of Carlos Salinas, Article 27 was changed
and stopped land reform. The EZLN further denounced the lack of a time frame for the implementation of the accords. Finally, they pointed out that the measures to improve the conditions for indigenous women would not be enough to change their situation.

The Accords of San Andrés called for a new relationship between the state and the indigenous peoples. They promised better participation and representation of the indigenous peoples on the national level. Whereas, in the preceding years, the government had measured development on the basis of increased export levels and democracy was measured on the basis of fair and free elections, the accords provided a different definition that emphasized the need for a just and less unequal society.

Indigenous peoples were defined according to ILO Convention No.169:

“(a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.
3. The use of the term "peoples" in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.”

(ILO Convention 169)

The Accords gave the communities more weight as they are defined as political entities. The communities will be free to organize themselves within districts and with other districts in order to coordinate their actions as indigenous peoples. The corresponding authorities will transfer resources so that the entities can administer their assigned public funds. The states legislatures are responsible to determine the functions that may be transferred. The criticisms included concern about the enduring role of the state in implementing the accords. Whereas autonomy would imply less involvement of the state, many of the accord’s provisions again assign a central role to state: “The state has to take care that…”, “The state guarantees…”, “The state will account for…”. Many administrative rights are given to the local level but as Hector Díaz-Polanco (1996b, 37), adviser of the EZLN in the negotiations, observed correctly essential for autonomy is political and not administrative decentralization.

The advisers of the EZLN proposed different concepts of autonomy. A group of advisers from Oaxaca and Zapatistas favored communal autonomy, which is not territorially defined and can be extended through association with other communities. This form of autonomy was also recognized in the Accords of San Andrés. Others were in favor of a “regional autonomous regime.” Apart from the three official levels of governance–the district, the state and federal level–this regime would constitute a fourth level of governance within the Mexican Constitution. This would guarantee assignment of resources and official recognition. It would be defined by a political and territorial base, its own jurisdiction, an autonomous government, and clearly
assigned competencies (Díaz-Polanco 1998, 207). Hector Díaz-Polanco (1998), who propagated this concept, held that communal autonomy would lead to fragmentation. It also excludes mestizos, whereas pluri-ethnic and regional autonomy would include everybody living in a certain territory. That the accords do not talk about autonomous districts, but about districts that are by majority indigenous, shows, according to Díaz-Polanco, that it is an ethnic solution.

Another EZLN advisor during the negotiations, Luis Hernandez Navarro (1997) criticizes Díaz-Polanco for presenting his concept of autonomy as the most advanced, as an ideal instead of one concept among others. Hernandez Navarro identifies the differences mainly in different perceptions of autonomy: autonomy as a process (as favored by indigenous peoples in Oaxaca and the Zapatistas in the Selva Lacandona) or autonomy as a territorial base with a regime or pre-established structure (preferred by the Asamblea Nacional Indígena Plural por la Autonomía, ANIPA iii and Regiones Autónomas Pluriétnicas, RAP iv). The autonomy as a process is sometimes seen as an acknowledgment of existing practices. (Gómez 1997) Indigenous communities are often marginalized and therefore take care of their own affairs. Therefore, autonomy means recognition of an already existing self-government. It is seen as a possibility to build autonomous structures from the bottom-up. Since 1994 communities supporting the EZLN try to consolidate their autonomy. “These townships are part of a process; they are not homogenous or exclusively indigenous, and all regions do not follow one model.” (Forbis 2004, 235) Those autonomous regions do not accept government funds, in order to avoid being co-opted by the government.

Other achievements reached in the accords included:
• indigenous candidates allowed to participate in elections without being necessarily affiliated with a political party;
• the selection of representatives and authorities according to common-law norms;
• the acknowledgement of traditional practices such as the recognition of voluntary service to the community (cargo system);
• the recognition of internal normative systems and their authorities, as well as norms and procedures to deal with internal conflicts, whenever they are recognized by the state and not in contradiction with the Mexican Constitution or international human rights conventions;
• multicultural and bilingual education;
• codifying discrimination as a felony;
• compensation for indigenous peoples if natural resource exploitation affects their habitat;
• all social, economic, political programs carried out jointly with the indigenous peoples—i.e. involved in the planning, the implementation, and the evaluation of the programs;
• and, an unspecified commission to elaborate proposals for a new demarcation of the districts in Chiapas. (The accords did not specify the composition of this commission, which caused problems later when the Zapatistas were not included.)

**Indigenous Women’s Rights**

In this section, I will analyze the demands of indigenous women and whether those demands had been taken into account in the accords. This analysis will be based primarily on the documents produced during the negotiations and secondary literature. It is not possible to reproduce every discussion in the negotiations and therefore will only cite examples. After a description of the
daily lives of women in the Selva Lacandona, I will try to give a general idea of the demands. Then, I will examine which demands had been included in the accords.

Women living in the Selva Lacandona work hard. In the 1990s, 90 percent of the families living in the Selva Lacandona cooked with wood, 95 percent did not have electricity, 62 percent did not have running water and the majority did not have any sanitation. Sixty-one percent of the houses had only one room and a kitchen. (Lagunes 1997, 72-76) Women get up early to grind corn and make tortillas, they look for wood to make fire and cook, they do laundry at the river, they take care of the children, they often also work on the field or horticulture, they make handicrafts, and much more. To work 15 hours and more a day is normal. This means women carry a greater burden of the workload and are negatively affected by the gender-specific division of labor. According to official data, 86 percent of women in Chiapas are economically not active (Carlsen 1999, 31). This illustrates the invisibility of and lack of payment for women’s work. Women are also unfavorably affected by the bad socio-economic conditions. Women spend approximately 3 to 5 hours every day to grind corn and prepare tortillas. (Lovera and Palomo 1997, 36)

Frequently, women are not allowed to choose their partners and are forced into marriage. Women are seen as bearers and transmitters of culture, whereas men monopolize the relations to the outside world. As a consequence, women often do not speak Spanish. Women are also seen as preservers of indigenous identity. Therefore, they still wear traditional cloths. The embroideries of their blouses show which region they come from. If women work outside the house, they do this only for a short period of time. When women work as domestic workers or agricultural laborers, they are frequently confronted with racism and sexism outside of their communities. They suffer a triple oppression. They are discriminated against as women, as indigenous peoples,
and as poor. Gender, class and ethnicity are therefore the relevant categories for an analysis of the discrimination of women (Millán 1997, 212). It is necessary to examine the intersectionality of gender, class and ethnicity in order to understand the situation of indigenous women. Laura Carlsen (1999, 36ff) identifies important differences between the demands of indigenous women and liberal feminism. She identifies as the first difference the important role of the indigenous family as a productive unit, which produces for subsistence. The second differences between indigenous women and liberal feminism are different delimitations between the public and the private sphere and between productive, reproductive and cultural work. The third difference is the indigenous women’s daily struggle for survival.

The indigenous community has been presented as a harmonious entity. But behind this image hide strictly hierarchical gender relations. Women are excluded from politics. In the community assemblies, which had been often portrayed by anthropologists as exemplary for their democratic character, women are often not allowed to participate. The gender-specific division of labor reproduces women’s exclusion from politics. Practical problems that hinder women’s participation in politics in the Selva include their responsibility for childcare, the relatively high costs to travel to assemblies and a 16 hours workday also called “triple jornada” (triple workday). (Eber 1998, 96)

The percentage of women participating in the EZLN was estimated at around 30 percent (Carlsen 1999, 52). Women make up half of EZLN’s base of support. This proportion is not higher than in other guerilla movements in Central America. There are several studies (Luciak 2001, Shayne 2004, Kampwirth 2004) that provide evidence that women’s participation in armed struggle transformed prescribed gender roles. This also holds true for the EZLN; joining the organization
implied for many indigenous women a step towards emancipation from their parents or their husbands (Rovira 1996; Lovera and Palomo 1997; Kampwirth 2004). Although there is not gender equality within the EZLN, the organization provided more space for maneuvering. Many women learned to read and write. Women were able to earn respect and recognition from their fellow combatants, the gender-specific division of labor eased, they were free to take their own decisions, and to choose their partners. However, it is not only women participating in the politico-military structures of the EZLN that play an important role for the women’s movement in Chiapas. Women in the communities and their daily struggle to consolidate indigenous autonomy or their dedication to productive projects played an equally important role to mobilize and politicize women. (Rovira 1996; Eber/Kovic 2004) “However, the women of the base have not received as much notice as the insurgentas, and although accounts of insurgent life are important, they have tended to be taken as a statement of all Zapatista gender relations.” (Forbis 2004, 239) Guiomar Rovira (1996) published a book, Mujeres de maiz, in which women get the opportunity to advance their views and finally appear as protagonists. This book together with the books by Sara Lovera and Nellys Palomo (1997) and by Christine Eber and Christine Kovic (2004) show the many ways that women resist domination. It seems necessary to mention that in some regions, women already started to organize themselves prior to the emergence of the EZLN. (Kampwirth 2004: 119) Sometimes they worked together with urban women’s organizations from San Cristóbal de las Casas. (Eber/Kovic 2004)

On March 8, 1993, one year before the initial armed uprising of the EZLN, the Zapatistan women succeeded in convincing the EZLN’s central political command to accept in their political program a Revolutionary Law of the Women (Ley Revolucionario de las Mujeres). It demanded the following rights for women:
• The right to participate in the revolutionary struggle;
• The right to work and a fair salary;
• The right to choose freely how many children they want to have;
• The right to participate in politics;
• The right to education;
• The right to chose their partners freely;
• An end to violence against women;
• The right to occupy positions of leadership and military rank within EZLN;
• The right to leisure time;

This “Revolutionary Law” is a proposed policy and many of the demands still must be met. There is still a huge difference between the revolutionary law of the women and the reality in the EZLN and the villages. Yet, “in the long history of guerilla politics in Latin America, the personal had never been analyzed in such explicitly political terms.” (Kampwirth 2004: 113)

During the negotiations on indigenous rights leading to the Accords of San Andrés, different thematic groups were formed. A group on indigenous women’s issues called for more radical changes than other groups. They asked for a complete transformation of society based on a new social, cultural, political, and economic model, for a renegotiation of the external debt and a revision of the NAFTA agreement. Public expenditures should be designated for indigenous women and military expenditures should be transferred to health and educational programs. They demanded to end birth control by the state and to set up programs, which provide information on sexuality, reproduction and health. Mechanisms to distribute alcohol in the communities should be dismantled, as alcohol is a major cause for domestic violence. The political participation of
indigenous women in the autonomous project has to be guaranteed. They pointed out that democracy already starts in the family. (Lovera and Palomo 1997, 301-324) Indigenous women want to preserve their culture, but they also want to eliminate cultural practices that affect, exclude, hurt and discriminate against them (Hernández Castillo 1998, 133). For example, in some indigenous traditions women do not have the right to inherit land. Hence, women pronounced themselves against such practices, because they exclude them from access to land (Millán 1998, 30). This is also a reason why the working group on women’s issues opposed the reform of constitutional article 27 in 1992. As women represented only 17 percent of the owners of ejidal land (Carlsen 1999, 34), the reform and the end to land redistribution reinforced the patriarchal control of agricultural land. This reform on the national level institutionalized those figures.

Further demands elaborated by indigenous women in the dialogue of San Andrés but also in countless NGO meetings were to choose their partners freely, to end domestic violence, to participate in politics, to gain better access to education and health, to achieve a new division of labor in the household, so that women could also hold political or religious positions, the right to own land which also implies a reform of constitutional article 27, to gain access to credits, to enforce respect for human rights, and the demilitarization of Chiapas. (Lovera and Palomo 1997; Jaidopulu Vrieja 2000, Hernández Castillo 1998 und Millán1998)

As mentioned previously, only some of those demands were later included in the Accords of San Andrés. The accords did provide for special measures for the education of indigenous women. They further specify that all development plans should give priorities to decisions of women and emphasize the necessity to develop mechanisms to promote the participation of women in politics
and development (Acuerdos de derechos y cultura indígenas 1998, 74). The accords also call for measures to support women in education and at work (Acuerdos de derechos y cultura indígenas 1998, 75). Those demands in the Accords of San Andrés were not mentioned in a legislative initiative proposed by the COCOPA (a Commission representing the Mexican Congress, which took part in the negotiations). This legislative initiative only mentioned women twice. First, the indigenous justice systems have to respect the dignity and integrity of women. Second, equal participation of women has to be secured in the election of the communal authorities. In spite of this limited response to their concerns, women still decided to support this initiative.

More concrete measures on women’s issues were stipulated in the accords’ third document, which directly addressed the situation in Chiapas. This document mentions specifically that rights and mechanisms have to be established in order to guarantee the participation of women in politics and development (Acuerdos de derechos y cultura indígenas 1998, 82). One chapter on the conditions, the rights and the culture of indigenous women (Acuerdos de derechos y cultura indígenas 1998, 89f) clearly states that cultural practices should respect the dignity and human rights of indigenous women. It promises labor rights for women working in unprotected positions, for example as domestic workers. This chapter also announces a tighter penal law in cases of sexual offenses, as well as public and domestic violence against indigenous women. The Accords of San Andrés also promise to (finally) fulfill international treaties such as the ILO Convention 169, the CEDAW (Convention on the Elimination of all Discrimination Against Women), the Declaration of the Human Rights Conference in Vienna, and the accords of the UN Conference on Population and Development in Cairo.
Contrary to Central America, women’s organizing started right from the beginning, which led to mobilization and politicization of indigenous women. “The apparent openness of the organization (EZLN, P.P.) to criticism by external feminists was just one measure of the difference between this guerrilla uprising and the many uprisings that preceded it.” (Kampwirth 2004: 114) The thematic group on indigenous women’s issues had analyzed the exclusion of indigenous women and had been able to articulate demands during the negotiation process. But hardly any of the demands concerning the special needs of women were later incorporated in the Accords of San Andrés. It turns out, that again women’s issues were considered as an add-on, as secondary issues of autonomy. In its official discourse, the EZLN successfully combined different levels–local and global, capitalist system and Mexican corporatist system–to criticize the exclusion of indigenous peoples. But the exclusion of women is not persistently analyzed in the official communiqués of the EZLN as result of hierarchical gender relations, reproduced and supported by communities, state and capitalist systems. The EZLN did not suppress or postpone recognizing women’s rights as did some guerilla movements in Central America, but it also did not make women’s rights a top priority.

**The Indigenous Law passed in May 2001**

Women’s rights are again hardly mentioned in the Indigenous Law passed by the Mexican Congress in May 2001 advocated by the newly elected president Vicente Fox as a fulfillment of a campaign promise to solve “the Chiapas problem”. Again women are mentioned in relation to the internal normative systems and the selection of communal authorities. Additionally, one paragraph addresses specifically the situation of women. Official authorities on all levels of governance have the obligation “to promote the incorporation of indigenous women into
development, through the support of productive projects, the protection of women’s health, the creation of incentives to favor women’s education, and their participation in the decision-making related to communal life.” (Gazeta Parlamentaria 2001) This law was rejected by the EZLN and several indigenous organizations because they claim that the new law fell short of the agreements reached in San Andrés.

Hotly debated issues are still the concession of collective rights and the recognition of indigenous normative systems. “The Indian movement seeks the different exercise of rights in order to ensure access to universal rights.” (Hernández Navarro/Carlsen 2004, 459) The final goal is full citizenship. The Indigenous Law was passed unanimously in the Senate. In the House of Representatives, only one party, the PRD (Partido Revolucionario Democrático), voted against it. Two-thirds of the Mexican states ratified the law and it came into effect. Significantly, states with a very high percentage of indigenous population voted against ratifying the new Indigenous Law.

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This was the socioeconomic situation at the beginning of the 1990s from Romero 1994, Topitas 1994, and Russell 1995. The data is rounded.

Karen Kampwirth (2004, 126) draws attention to the fact that exactly the same year indigenous peoples “lost their right to make claims to land through the reform of Article 27”, which ended land reform.

ANIPA is composed of different indigenous organizations and has hosted several meetings to discuss solutions to the problems of indigenous peoples and the concept of autonomy.

Indigenous organizations which seized the territory of the INI in San Cristóbal de las Casas and advocated pluriethnic regional autonomy in Chiapas.

For more information on the discussion of autonomy within the indigenous movement see Purkarthofer 1998.

The exclusion of women in the political realm does not only hold true for the community level. The constitution of 1917 was certainly one of the most advanced at its time especially in areas such as agrarian legislation and labor rights. However, in 1947, women first gained their right to vote on the district level and, finally, in 1953 won the right to vote in state and federal elections. Today only 22.6 percent of all representatives and 17.2 percent of all senators are female.

Translated by the author

The following states voted against ratifying the law: Oaxaca, Chiapas, San Luis Potosi, Baja California Sur, Sinaloa, Morelos, Estado de Mexico, Hidalgo, Zacatecas, Guerrero.