

# Frozen Negotiations: The Peace Process in Chiapas

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## Introduction

The Chiapas peace process remains one of the pending challenges of Mexico's democratic transition. Centuries of unequal treatment have left many rural and indigenous communities without effective access to rule of law and with a sense of political and economic exclusion despite the advent of free and fair elections. The conflict thus highlights the challenges inherent in transitioning from a system based on semi-authoritarian corporatist rule to a competitive liberal democracy. When past practices have created vast economic inequalities, developed an ethnically stratified social structure, and undermined the rule of law, citizens may not trust elections alone to redress their grievances. Many indigenous citizens in Chiapas, therefore, continue to support the Zapatista rebellion as their best hopes for addressing their concerns. At the same time, the 2000 Mexican elections have also gone a long way toward generating a greater degree of legitimacy for the federal and state governments in the eyes of many citizens in Chiapas, and this has allowed for the partial distension of the conflict. However, absent more active measures from the government and the rebels to come to terms with the legacies of the past, the conflict will linger on in an unstable *détente*. While this situation is far better than the open hostilities of the past, it also belies the promise of a fully democratic society in which all citizens feel equally included in the political process.

More than a decade has passed since the armed uprising in Chiapas took place. The mostly indigenous Zapatista National Liberation Army (EZLN) burst into San Cristóbal de las Casas and several smaller towns on January 1, 1994, declaring war on the federal government. In Mexico, this uprising spurred a period of considerable political and intellectual debate around the slow transition to democracy, deepening poverty in the countryside, and the place of Mexico's indigenous peoples within the nation-state. The federal government offered a cease-fire on January 12, 1994, and the EZLN accepted. Two rounds of peace negotiations followed; however, neither has produced durable agreements that could lead to a lasting peace in the state of Chiapas, and the parties no longer maintain official contact.

Renewed civil war has now become unthinkable, but the major causes of the conflict remain unresolved and the conditions in many of the indigenous communities in Chiapas continue to deteriorate in the context of the stalemate. This is not to say there

have been no changes on the ground: both Mexico's democratic transition and the conflict itself have helped reshape social and political relations in Chiapas, reduced the influence of local landowners and ranchers, and created a partial redistribution of land in the state. However, poverty remains endemic, land rights are unresolved, discrimination persists, and political processes lack consensus among key groups.

The federal government argues that it has done what it could to resolve the conflict and has opted for a strategy of political containment of the Zapatistas. Meanwhile, the Zapatistas argue that the federal government has not lived up to its negotiated agreements and have set about on a path of consolidating autonomous municipalities within their zone of influence. This impasse has created an unstable situation in the eastern half of Chiapas that we call "armed peace."<sup>1</sup> Under armed peace open hostilities between the EZLN and the federal government are no longer likely, but the root causes that gave origin to the conflict remain unresolved and tensions simmer among various groups in the region. The conflict is no longer a standoff between government and guerrillas, but among several armed groups—Zapatistas, sympathizers of various political parties, and independent organizations—that each have zones of influence under their control. The instability of this situation—which prior to 2000 was manipulated by federal and state authorities—produces occasional outbursts of violence among the groups as they vie for influence and control on the ground, and it undermines the hope for development in the region. Formal patterns of landholding and democratic governance structures function alongside informal arrangements that grant different groups quotas of territory, power, and influence. Within this context, the state government has become a broker that seeks to negotiate among the various groups on the ground, without the possibility for reaching a long-term, formal settlement of the conflict.

This situation is not sustainable in the long term and it undermines the promise of Mexico's democratic transition. While the country as a whole has moved toward free elections that decide governing authorities and attempts to consolidate rule of law, the zone of conflict in Chiapas remains mired in a series of informal arrangements that govern political authority and property rights within specific territorial extensions. We argue that both sides need to address the prospects for peace proactively or risk a continued deterioration of living conditions in Chiapas. Peace processes seek to end armed confrontation by addressing at least some of the root causes—political, social, economic, and institutional—that underlie insurgencies.<sup>2</sup> They are often the only way that the government and groups supporting (and opposing) armed insurgencies can address grievances eluding resolution otherwise. Peace processes seek to restore conflict to the political rather than the military arena, through the creation of new institutional channels for conflict resolution and the pursuit of meaningful change. Therefore, peace processes implicitly recognize that transitions to free and fair elections alone may not always be sufficient to resolve the problem of inclusion in a democratic polity when past

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<sup>1</sup> See also Cynthia Arnson, Raúl Benítez Manaut, and Andrew Selee, *Chiapas: Negociación, paz y cuestión indígena. Debates a inicios del siglo XXI*, in Cynthia Arnson, Raúl Benítez Manaut, and Andrew Selee (editors), *Chiapas: perspectivas sobre la negociación y la paz* (Mexico City: UNAM, 2003).

<sup>2</sup> Cynthia J. Arnson, editor, *Comparative Peace Processes in Latin America* (Stanford, CA: Stanford University Press, 1999).

authoritarian systems have generated vast inequalities of wealth and access to political participation.

However, the Chiapas conflict is, in many ways, unlike other civil conflicts in Latin America and it requires a peacemaking effort that is also substantially different. The Zapatistas are a local force and have never had an ability to threaten the survival of the Mexican government militarily; rather, their strength has largely been in the political resonance of their demands with a broader national and international audience. This resonance has diminished with the advent of free elections, however, as more and more Mexicans have found that they can channel their demands through the existing political system. The Zapatistas continue to find support in pockets of rural and indigenous Mexico, but polls show that most Mexicans are cautiously optimistic about their political system<sup>3</sup> and, therefore, less receptive to demands made outside the political system. Indeed, the conflict may have aided the democratic transition itself by forcing President Carlos Salinas to pursue more rapid political reforms in 1994 than he otherwise might have as a means of reducing support for the Zapatistas. The result, however, has been that the perceived legitimacy of the federal and state governments has, in fact, risen, while that of the Zapatistas has declined.

Because of this, it has become difficult to conceive of the same kind of national peace process that took place in El Salvador, Guatemala, or even Colombia at different points over the last fifteen years, or even a restarting of the previous Chiapas peace processes that involved high-profile discussions between the insurgents and the federal government. Instead, Chiapas needs a proactive peace dialogue through which the government and the indigenous communities can address the root causes that gave origin to the conflict and negotiate the terms of a new bargain for the communities that provides a stable, long-term agreement on the nature of political authority and boundaries of property rights. This will require addressing several of the demands that have been raised by the Zapatista uprising and by other social organizations in the state: access to land, credit, and use of natural resources; protection from arbitrary violence; and the possibilities of some form of political self-determination for indigenous communities. Moreover, it will require a serious national debate about the rights of Mexico's indigenous peoples in the nation-state, a debate that originally came to the forefront of public concern during the Chiapas peace process but has been left largely unresolved.<sup>4</sup> The Chiapas conflict is complex and multidimensional. This dialogue will need to include all of the major actors in the state and cannot be done without them. Imagination, perseverance, and political courage will be necessary to move from the current stalemate of armed peace towards the consolidation of a democracy that holds the promise of equal inclusion for all citizens.

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<sup>3</sup> See Marta Lagos, "A Road with No Return?" *Journal of Democracy*, Vol. 14, No. 2, April 2003, pp. 163-73, especially the chart of the Latinobarómetro survey on p. 165.

<sup>4</sup> Mexico's indigenous people make up 8 to 15 percent of the Mexican population, depending on which calculations are followed. The Mexican presidency uses the figure of ten million ("Quantification of the indigenous population of México", Office for the Development of the Indigenous People of México (<http://indigenas.presidencia.gob.mx>, May 24, 2003). The National Institute of Statistics, Geography, and Computing (INEGI) counts 8.6 million; The National Council on Population (CONAPO), 9.1 million, and The National Indigenous Institute (INI), 10 million. The variation depends in large part on which criteria are used in the calculation.

## The Origins of the Conflict

Indians make up over 25 percent of Chiapas' 3.2 million inhabitants and 63.5 percent of those who live in the conflict zone in the eastern part of the state, a region of 650,000 inhabitants that roughly corresponds to the Catholic Diocese of San Cristóbal de las Casas.<sup>5</sup> This area comprises three distinct sub-regions—the Selva Lacandona, the Highlands, and the North—each with different ethnic compositions, patterns of land tenure, and social histories. Together these three sub-regions comprise one of the poorest areas in Mexico. At the outset of the conflict, over seventy percent of the inhabitants earned less than minimum wage; 40 percent of those 15 or older had never been to school; and perhaps as many as two-thirds had no electricity, drinking water, or sanitation services in their homes.<sup>6</sup> Moreover, the indigenous communities of eastern Chiapas lived for decades under a semi-feudal pattern of landholding where most of the communities were reduced to subsistence agricultural and seasonal migration to large plantations, while those small producers with enough land to generate profits generally had uncertain land titles and were forced to fight constant battles with large landowners over the limits of their property. This led to constant bouts of violence between small producers and landowners over land and between agricultural workers and landowners over wages and rights on the plantations.<sup>7</sup> To complicate the situation even more, the pattern of economic production and political power in Chiapas was ethnically differentiated to a degree even greater than elsewhere in Mexico, where indigenous communities had little access to economic resources or political representation.<sup>8</sup>

However, poverty, discrimination, and violence alone do not explain why thousands of indigenous peasants chose to declare armed rebellion on the government of Mexico in 1994.<sup>9</sup> As dramatic as these indicators are, the indigenous communities had suffered poverty, discrimination, and violence for nearly five centuries before the rebellion. These conditions are, of course, the root causes of the Zapatista uprising, but profound changes had to occur before thousands of indigenous people and often entire communities moved from everyday forms of resistance and local struggles over land and resources to support for an armed insurgency.

The changes that nurtured the rebellion can be found in the complex interplay of state policies and economic transformations that took place beginning in the 1970s in Chiapas, and the particular ways in which the indigenous communities responded to these. This included the development of new communities in the Selva Lacandona,

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<sup>5</sup> **Andrew to provide cite**

<sup>6</sup> John Womack, *Rebellion in Chiapas: An Historical Reader*, New York: The New Press, 1999, p. 11.

<sup>7</sup> Neil Harvey, *The Chiapas Rebellion: The Struggle for Land and Democracy*, Durham: Duke University Press, 1998.

<sup>8</sup> Florencia Mallon traces the different patterns of ethnic relations in Mexico's periphery and center in Mallon, Florencia, "Indian Communities, Political Cultures, and the State in Latin America, 1780-1990." *Journal of Latin American Studies*, 24 (Supplement): 35-53, 1992.

<sup>9</sup> Theda Skocpol, *Social Revolutions in the Modern World*, Cambridge, UK: Cambridge University Press, 1994.

largely outside the corporatist control of the Party of the Institutional Revolution (PRI) but in constant conflict with non-indigenous ranchers; the government's increasing withdrawal from support for small-scale agricultural production and land redistribution; a series of sudden economic shocks that damaged the prospects of small agricultural producers; and the increasing use of violence by the government to repress protests that arose amid these crises. Together these factors helped aggravate the already precarious conditions of the indigenous communities, created a new set of demands around rights, land, and economic development; helped generate new forms of social organization; and led to a sense of indigenous consciousness around their demands. The lack of institutional space for expressing these demands within the political system led many of the indigenous communities to join a small rebel group, already in the Selva Lacandona, which became known as the Zapatista Army of National Liberation (EZLN).

The 1970s were a period of deepening of divisions in the traditional communities of the Highlands and of intensified struggles for land in the North of Chiapas, as population pressures and the inequitable distribution of land created pressures for new solutions. The administration of President Luis Echeverría (1970-76) responded by encouraging migration to the Selva Lacandona, a wooded mountainous area of Chiapas near the Guatemalan border. Some settlement of this area had taken place since the previous century, but the population of the area doubled in the 1970s with encouragement from the government concerned about mounting tensions in the Highlands and North.<sup>10</sup> However, despite government support for resettlement, few land titles were granted to the new communities that were formed by settlers into the Selva, and settlers lived in constant competition with wealthy ranchers over the boundaries of their landholdings. This generated frequent bouts of violence as ranchers hired private security forces to terrorize settlers in the Selva Lacandona, much as *latifundistas* did in the North of Chiapas to quell protests by agricultural workers on the plantations.

In the 1950s and 1960s, state authorities of the ruling PRI had found effective ways of incorporating the indigenous communities of the Highlands within their corporatist control by co-opting the leaders of the communities and backing their leadership in return for loyalty. Leaders in return guaranteed their communities some degree of autonomy and access to political influence and state resources in return for maintaining their authority.<sup>11</sup> This arrangement worked fairly well as a means of political control in the Highlands, where communities were ethnically and linguistically homogenous and leaders could wrap themselves in the mantle of pre-established hierarchical authority structures. In the Selva Lacandona, however, the communities that developed were generally young, multi-ethnic, and multilingual, generally comprising

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<sup>10</sup> The population of the Lacandona doubled in the decade 1970-80 and increased 56 percent more in the following decade, to reach a total of 120,000 in 1990. See Xochitl Leyva and Gabriel Ascencio, *Lacandonia al filo del agua*, Mexico: Centro de Investigacion y Estudios Superiores en Antropología, 1996, p. 69. The population remains overwhelmingly young, with only 4 percent of inhabitants over the age of 50 in the mid-1990s. Harvey, *The Chiapas Rebellion*, 1998, p. 64.

<sup>11</sup> Jan Rus, "Comunidad Revolucionario Institucional." In *Everyday forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico*, edited by Gilbert M. Joseph and Daniel Nugent. Durham: Duke University Press, 1994.

settlers with ties to several different communities in the Highlands.<sup>12</sup> In the absence of traditional authority systems or a strong government presence, the communities developed new forms for governing themselves, usually involving communal assemblies and a rotating *cargo* system.<sup>13</sup> The minimal government presence in the Selva meant that settlers developed their own meritocratic systems of self-government largely at the margin of the corporatist system.<sup>14</sup> Where government presence was least strong, local forms of political organization appear to have become strongest.<sup>15</sup> Moreover, the multiethnic character of the new communities of the Selva Lacandona reinforced a sense of pan-indigenous identity, different from the monolingual and monoethnic communities of the Highlands and North of Chiapas. Tzeltal, instead of Spanish, became the *lingua franca* among different ethnic groups in parts of the Selva Lacandona and helped reinforce a pride in indigenous identity as well.<sup>16</sup>

In the vacuum created by the weak state presence, the communities also developed a series of second- and third-order associations that sought to negotiate with the government for state benefits for agricultural producers, to guarantee land titles, and to defend settlers against the encroachment of ranchers. A state government-sponsored Indigenous Congress in 1974 provided the first spark for organization in the Selva and helped develop a common discourse around indigenous concerns, though it failed to produce a lasting organizational structure.<sup>17</sup> The seeds of organization had been sown by this Congress, however, and by the late 1970s, the communities of the Selva had succeeded in establishing several producers' associations. With the support of the Catholic Diocese of San Cristóbal and several Maoist organizers who had arrived at the invitation of the Diocese, these associations joined together in 1980 as the Unión de Uniones (later ARIC-Unión de Uniones). This became the major association (with changes in structure and name) uniting the communities of the Selva until the 1994 uprising. The Unión de Uniones was particularly successful at negotiating federal government support for the production, processing, and marketing of coffee. Unlike the Highlands and the North, where most indigenous inhabitants were subsistence farmers or wage laborers, the settlers of the Lacandona engaged in cattle ranching and coffee

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<sup>12</sup> Leyva and Ascencio, *Lacandonia*, pp. 95-103, and Xochitl Leyva, "Sociedad y cultura en la Lacandona," in *Chiapas: los problemas de fondo*, edited by David Moctezuma Navarro, Mexico: Universidad Nacional Autónoma de México, 1994.

<sup>13</sup> The cargo system is a rotating, hierarchical leadership structure present in many indigenous communities through which leaders take turns assuming key roles within community governance.

<sup>14</sup> Leyva, "Sociedad y Cultura" and Womack, *Rebellion in Chiapas*, p. 19.

<sup>15</sup> Leyva and Ascencio, *Lacandonia*, p. 179; Hernández Castillo, Rosalva, "Diferentes maneras de ser indio en Chiapas: nuevos sujetos sociales, sus migraciones, conversiones y rebeliones," in *Chiapas: los problemas de fondo*, edited by David Moctezuma Navarro. Mexico: Universidad Nacional Autónoma de México, 1994.

<sup>16</sup> Leyva and Ascencio, *Lacandonia*, p. 101.

<sup>17</sup> Jesús Morales Bermúdez, "El Congreso Indígena de Chiapas: un testimonio," *Anuario 1991*, Tuxtla Gutiérrez: Instituto Chiapaneco de Cultura 1992; and Antonio García de León, "La vuelta del katun: Chiapas a veinte años del Primer Congreso Indígena," in *Chiapas*, volume 1, México: Era, 1995.

production, which meant that credit, transportation, and farm inputs were key matters of concern.<sup>18</sup>

The ascension of Carlos Salinas de Gortari to the presidency (1988-94) marked an important change in the state's relationship with indigenous communities in a number of ways. Salinas sought to restructure and "modernize" the Mexican state by eliminating a range of supposedly inefficient public programs and replacing them with alternative approaches. Programs that provided support to small rural producers were scaled back in favor of support for medium and large producers who could produce for export. New funds, largely from the sale of state enterprises, were then channeled to poor communities through the newly created Solidarity program with a scheme of state-community co-financing. Under this restructuring, credit for small producers was slashed dramatically and Inmecafe, the government's agency for the purchase of coffee at guaranteed prices, was eliminated. In 1985, an average of 20.4 percent of small producers received credit for planting; by 1990, it had fallen to 12.7 percent. Producers in the Highlands and Selva Lacandona received even less than this. With the elimination of Inmecafe, coffee producers were left at the mercy of middlemen who often paid less than market value for the harvest. At the same time, coffee prices on the world market plummeted to half their previous value in the absence of an agreement on pricing by coffee-producing countries. By the early 1990s small coffee producers had suffered an estimated 70 percent loss of income. Many small producers in the Lacandona were no longer profitable and found themselves forced into subsistence agriculture.<sup>19</sup> At about the same time, the state government also cancelled a series of credits for small cattle ranchers and forbade logging in the Selva Lacandona, sharply undermining two alternative sources of income for small producers.<sup>20</sup> State policy and market shifts combined to undermine the already precarious existence of Chiapas' small indigenous producers.

The funds channeled through Solidarity were supposed to have made up for the reduction of other programs, but failed to do this. Chiapas received the highest allotment of Solidarity funds in Mexico and the Selva Lacandona received the highest allotment *per capita* in Chiapas.<sup>21</sup> However, only 12 percent of the Solidarity funds actually went to support producers. The remaining funds went for short-term welfare (48.3 percent) and infrastructure (39.7 percent). Out of 8,824 Solidarity committees, 7,474 were dedicated to non-producer programs. The credit available to small coffee producers in Chiapas through Solidarity in 1993 was still 13 percent below what had been available through Inmecafe in 1988.<sup>22</sup>

The Salinas administration also ended Mexico's long-standing program of land reform, which had emerged after the Mexican Revolution of 1910-20, through an

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<sup>18</sup> In the early 1990s around 60 percent of income for indigenous peasants in the Cañadas area of the Selva Lacandona (the most populated and the strongest base of EZLN support) came from coffee, even though more land was used for cattle ranching within the communities (Leyva and Ascencio, *Lacandonia*, p. 140).

<sup>19</sup> Harvey, *The Chiapas Rebellion*, pp. 175-76.

<sup>20</sup> Womack, *Rebellion in Chiapas*, p. 22.

<sup>21</sup> Solidarity invested 48.9 percent more *per capita* in the Lacandona than it did in the rest of Chiapas. CIACH, *Para entender Chiapas: Chiapas en cifras*, Mexico: Centro de Información y Analisis de Chiapas, 1997, p. 21.

<sup>22</sup> Harvey, *The Chiapas Rebellion*, p. 184-85

amendment to the Constitution.<sup>23</sup> This change in policy effectively ended the hope that many indigenous communities held of being able to settle outstanding land claims or expand to include adjacent areas. At the time of the change, a quarter of all unresolved land petitions in Mexico were from communities in Chiapas and many communities were on land that had multiple titles.<sup>24</sup> The cancellation of land reform not only left many communities with unresolved claims and frustrated the aspirations of the younger generations who dreamed of obtaining land, it also created a break with the ideology of land reform that had been a symbolic pact between indigenous communities and the state. Agrarian reform had been a centerpiece of "Revolutionary Nationalism," the ideology that appropriated symbols of the revolution in order to build a symbolic link between popular sectors and the state. With the constitutional changes in favor of private property, many peasants felt the state had turned its back on its long-standing commitment to provide land as a social commodity to those who needed it and could work it, the centerpiece of the Mexican Revolution of the early twentieth century.

The Salinas administration used a carrot-and-stick approach to implement these policy changes. His government demonstrated a greater willingness to negotiate with non-PRI popular organizations than previous administrations, and the federal government created several new programs to supply requested funds for projects to those organizations willing to negotiate.<sup>25</sup> At the same time, the state tightened the screws on those organizations that refused to negotiate, making it increasingly difficult--and dangerous--to protest through non-official channels. Violence in Chiapas escalated dramatically in the 1980s and 1990s. The Unión took advantage of the openings created by this strategy to negotiate a deal with federal authorities for subsidized food stores and access to credit. At the same time, killings of indigenous leaders continued at a rate roughly similar to the previous administration and the state became increasingly involved in containing social protest. Faced with unrest over the worsening conditions in the state and the unresolved land claims, the Chiapas government reformed its penal code to require permission for public marches and meetings, thus restricting one of the major forms of organized social protest. In its first three years of operation, the official National Human Rights Commission received 2,160 complaints of rights violations against regional and federal authorities in Chiapas out of a total of 3,387 complaints nationally.<sup>26</sup> At the same time that economic conditions worsened because of market

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<sup>23</sup> For a discussion of these changes, see Cornelius, Wayne A. and David Myhre, *The Transformation of Rural Mexico: Reforming the Ejido Sector*, La Jolla: Center for U.S.-Mexican Studies, 1998.

<sup>24</sup> Stephen, Lynn, "The Cultural and Political Dynamics of Agrarian Reform in Oaxaca and Chiapas," In *The Future Role of the Ejido in Rural Mexico*. Edited by Richard Snyder and Gabriel Torres, La Jolla: Center for U.S.-Mexican Studies, 1998, p. 18.

<sup>25</sup> Salinas seemed intent on creating a parallel network of state-community alliances that would incorporate many of the new independent organizations and bypass the outdated official corporatist organizations like the National Peasant Confederation (CNC). See Wayne A. Cornelius, *Mexican Politics in Transition: the Breakdown of a One-Party Dominant Regime*, La Jolla: Center for U.S.-Mexican Studies, 1996, p. 54.

<sup>26</sup> Harvey, *The Chiapas Rebellion*, p. 171-73; and Margarita Nolasco, "Etnicidad y movimientos campesinos," in *Chiapas: los problemas de fondo*, edited by David Moctezuma Navarro, Mexico: Universidad Nacional Autonoma de Mexico, 1994.

conditions, the old channels of political mediation collapsed as repression increased and producers' programs vanished.

In 1988 the ARIC-Unión de Uniones signed an agreement with the federal government to moderate its demands for land in return for government support to create productive enterprises. As the organization moderated its demands, however, many indigenous peasants were becoming increasingly radicalized. A new organization, the EZLN, had been founded in Chiapas in 1983 by the National Liberation Forces (FLN), an urban guerrilla movement from the north of Mexico. Many residents of the Selva joined the EZLN because of the protection the armed group afforded to the communities in their struggle against the ranchers (Sánchez 1998: 34)<sup>27</sup> As coffee prices dropped dramatically in the early 1990s and violence against indigenous peasants increased, the EZLN's membership grew. In 1993, the EZLN called for a vote, community by community, on the option of declaring war against the state. Many communities refused to go along with the armed struggle, but many others felt that all other options had been exhausted. Feeling they had sufficient support to proceed and with a strategic date approaching, the EZLN made the decision to prepare for war.<sup>28</sup>

On January 1, 1994, the day that the North American Free Trade Agreement entered into effect, masked guerrillas from the indigenous communities of Chiapas took over five towns in eastern Chiapas and declared war on the Mexican government. The promise of modernity that the entrance into NAFTA signified contrasted dramatically with the reminder of the unresolved issues of Mexico's poorest and most marginalized communities.

## **From Civil War to Armed Peace**

The Zapatista uprising can be seen from at least three different perspectives, as Rodolfo Stavenhagen has observed.<sup>29</sup> It is, first, a conflict between a group of armed indigenous peasants formed as part of the EZLN who declared war on the Mexican government. Second, the conflict is also a long-standing struggle over land, resources, personal security, and citizenship rights between poor peasants and the state. Finally, it is a conflict between indigenous communities who have sought to preserve their own sense of identity and history and a largely non-indigenous society that has largely marginalized them politically and economically. The formal peace processes that emerged after the Zapatista uprising largely responded to the first perspective of conflict—a negotiation between the armed rebels and the government—but it had as its backdrop the long-term struggle of indigenous peasants for inclusion, respect, and development, on the one hand, and for self-determination and self-preservation, on the other.

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<sup>27</sup> Membership was multiple, however. Some leaders of the ARIC-UU were also leaders in the EZLN, including at one point, the ARIC-UU's president.

<sup>28</sup> This process is described in detail in Womack, *The Chiapas Rebellion*, pp. 34-35; and Leyva and Ascencio, *Lacandonia*, pp. 174-81.

<sup>29</sup> Rodolfo Stavenhagen, "Mexico's Unfinished Symphony: The Zapatista Uprising," in *Mexico's Politics and Society in Transition*, edited by Joseph S. Tulchin and Andrew D. Selee, Boulder: Lynne Rienner, 2003.

Over the years after the uprising, the demands of the Zapatistas, the nature of their alliances, the goals of the government, and the context that both operated in have shifted dramatically.<sup>30</sup> The changing understanding that both sides have had of their goals and their relationship to other actors in Mexican (and international) society has shaped the nature of the peace process and the actions of each outside of the peace process. The changing nature of Mexican democracy has also transformed the issues on the table and political spaces in which each side operates.<sup>31</sup>

### *The First Peace Process: Conversations in the Cathedral*

The armed uprising lasted only twelve days, from January 1-12, 1994 and claimed approximately 145 lives.<sup>32</sup> The first declared objective of the Zapatistas was to reach Mexico City and defeat the “illegitimate government of Carlos Salinas de Gortari.” The EZLN listed a series of other demands for that were a compendium of long-standing grievances of the indigenous communities of Chiapas, but also found echo in broad sectors of Mexican society outside of Chiapas: work, land, housing, food, healthcare, education, independence, liberty, democracy, justice, and peace.<sup>33</sup> Within the Salinas administration, there was a significant internal debate on how to respond to the rebellion, but the “pro-negotiations” wing of the administration, led by Foreign Minister and former Mexico City Mayor Manuel Camacho Solís, prevailed. The government declared a cease fire on January 12, and this was quickly accepted by the EZLN, starting the first phase of the peace process. Known popularly as the “Conversations in the Cathedral,” the negotiations were held in the Cathedral of San Cristóbal and mediated by Bishop Samuel Ruíz. The EZLN was represented by its public spokesperson, *Subcomandante* Marcos, accompanied by several indigenous commanders, while the government delegation was led by Camacho.

The negotiations in the Cathedral lasted until June 1994, with agreement on several, but not all of the Zapatista demands. The government tried to keep the discussion focused on the Zapatistas’ local concerns, while the EZLN insisted in reaching agreement on national issues of democracy and development. The conversations eventually broke down when the Zapatistas’ base communities failed to ratify the first agreements reached in March 1994 because they did not include many of their key demands.<sup>34</sup> In reality, the negotiations broke down because the Zapatistas and the government each had different ideas about the scope and dimensions of the issues on the table. The Zapatistas wanted a national solution to their demands on economic and political reform, while the federal

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<sup>30</sup> Guillermo Trejo, “Apuntes sobre la naturaleza mutante del conflicto en Chiapas,” in Arnson, Benítez, and Selee, *Chiapas: Negociación, paz y cuestión indígena. Debates a inicios del siglo XXI*, op. cit..

<sup>31</sup> Raúl Benítez has defined this as “negotiations without solution,” in Raúl Benítez Manaut, “Chiapas: Crisis and Disruption of Social Cohesion: Challenges for Negotiations in the Twenty-first Century,” in Moufida Goucha and Francisco Rojas Aravena, editors, *Human Security, Conflict Prevention, and Peace*, Santiago de Chile: FLACSO-Chile and UNESCO, 2003, p. 219.

<sup>32</sup> Neil Harvey, “The Peace Process in Chiapas: Between Hope and Frustration,” in Arnson 1999.

<sup>33</sup> EZLN, “Declaración de la Selva Lacandona,” January 2, 1994, in *EZLN: Documentos y comunicados, Vol. 1*, México: Era, 1995, p. 35.

<sup>34</sup> For the Zapatista response, on June 10, 1994, see EZLN, “Respuesta a la propuesta de paz del supremo gobierno,” in *EZLN: Documentos y comunicados*, pp. 260-67.

government was willing to grant a series of state-level reforms. The approaching national elections and the assassination of the PRI's candidate for president, which threw the national political scene into confusion, further undermined the peace process and deflected the government's attention. The Zapatistas were at a high point in public support and had high hopes of reaching better terms with a new government after the August elections. The government as a whole appeared to be losing support rapidly, and Camacho saw his own political base undermined by the swiftly changing currents of Mexican politics.

As a result, in the second half of 1994, the nature of the peace process changed. As the Zapatistas waited for a new government to take over, they strengthened their ties to Mexican and international civil society groups. At the beginning of August, they hosted the National Democratic Convention, which brought thousands of supporters to the Selva Lacandona for a major convention around the EZLN's demands. Shortly thereafter, the leading opposition candidate for governor of Chiapas formed a parallel "government of resistance," with Zapatista support, after he narrowly lost what was considered by many to be a less than transparent election. In November 1994, Bishop Ruíz created the National Intermediation Commission (CONAI) to serve as an intermediary organization for a second round of peace negotiations once the new national government took over.<sup>35</sup>

#### *Breakdown of the First Peace Process*

The first stage of the peace process collapsed completely on February 8, 1995, however, two months after Ernesto Zedillo assumed the presidency of Mexico, when the government attempted a short police and military campaign to capture Subcomandante Marcos. The campaign failed and generated a substantial backlash in Mexican public opinion, which remained overwhelmingly favorable to the demands of the EZLN.<sup>36</sup> The government ultimately suspended the arrest orders against Marcos and other EZLN leaders, and the Mexican Congress approved the Law of Dialogue, Conciliation, and Dignified Peace. This law set the blueprint for a new peace process, created a Congressional Commission for Concord and Peace (COCOPA) to participate in the process, and granted immunity from prosecution to Zapatista leaders as long as the peace process was not officially suspended.

#### *The San Andrés Peace Process*

A second round of peace negotiations started in October 1995 in the Chiapas municipality of San Andrés Larraínzar. This was the period of most intense negotiations

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<sup>35</sup> See Miguel Álvarez Gándara, "La Comisión Nacional de Intermediación y la solución negociada al conflicto en Chiapas," in Cynthia Arnsón and Raúl Benítez Manaut, editors, *Chiapas: los desafíos de la paz*, Mexico City: Miguel Angel Porrúa, ITAM, and Woodrow Wilson Center, 2000, p. 183. For detailed information on the CONAI and the negotiating positions of the parties in the conflict, see also Comisión Nacional de Intermediación (CONAI) *Archivo Histórico Enero de 1994-Julio de 1998*, CD, Editorial SERAPAZ, México, 2002.

<sup>36</sup> The military campaign is described in Andrés Oppenheimer, *Bordering on Chaos: Guerrillas, Stockbrokers, and Mexico's Road to Prosperity*, Little, Brown and Company, Boston, New York, 1996, Chapter 3 "Chiapas: Opera and Revolution", pp. 37-60.

between the Zapatistas and the government. The negotiations consisted of four actors: the government, the EZLN, the CONAI, and the COCOPA. In May 1995 the EZLN and government agreed to negotiate six accords around different issues. The first would be around the issue of “Indigenous Culture and Rights” with negotiations starting in November. The EZLN had frequently been accused in private by other indigenous organizations of neglecting issues of indigenous rights in favor of broad political demands and alliances with non-indigenous sectors of society.<sup>37</sup> The intervening months, however, had seen the strengthening of the indigenous movement in Mexico and the simultaneous weakening of the non-Indian coalition that had provided outside political support to the EZLN. This seems to have been a significant contributing factor to the EZLN’s assumption of indigenous rights as the starting point for negotiations.<sup>38</sup>

The negotiations of San Andrés between the government and the EZLN took place between November, 1995-January, 1996. The EZLN itself was represented this time by *Comandante* David, an indigenous leader from the Highlands, and a delegation made up entirely of indigenous leaders from the Zapatistas’ base communities. The government delegation was headed by Marco Antonio Bernal, representing the Interior Ministry. The EZLN also invited over a hundred outside advisors, many of whom were representatives of indigenous communities and organizations throughout Mexico.<sup>39</sup> The talks became an important forum where indigenous rights could be discussed, systematized, and negotiated. In January 1996, before the last round of negotiations, the EZLN hosted the National Indigenous Forum, which brought hundreds more indigenous representatives to Chiapas to debate the framework for an eventual agreement.<sup>40</sup> The main debate among Zapatistas and their allies involved two alternative proposals for a framework of autonomy. The Oaxacan delegates largely supported a proposal that prioritized communal autonomy, while another set of organizations grouped in the National Indigenous Association for Pluriethnic Autonomy (ANIPA) preferred their model of “pluriethnic autonomous regions.” The Forum finally decided for the communal approach as a negotiating strategy, but left open the door for those indigenous communities that wanted to create Autonomous regions by associating.

In February 1996 the EZLN and the federal and state governments signed the San Andrés Accords. They set a framework for constitutional changes that would recognize

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<sup>37</sup> For example, Zapotecan leader Aldo González stated “We wondered why, if the EZLN is made up mostly of indigenous persons, they did not take into account this question [indigenous rights]” (Bermejillo 1998: 110).

<sup>38</sup> Yvonne LeBot, *Subcomandante Marcos: el sueño zapatista*. México: Plaza y Janés, 1997, p. 93.

<sup>39</sup> A full list of the advisors invited can be found in EZLN, “Comunicado del EZLN, Octubre 2,” and “Comunicado del EZLN, Octubre 3,” both in *Mujeres y hombres sin rostro III*. México: Servicios Informativos Procesados, 1995.

<sup>40</sup> Womack, *Rebellion in Chiapas*, pp. 304-8. The most famous exchange between supporters of these two different positions was on the pages of the magazine *Masiosare* between ANIPA advisor Héctor Díaz Polanco (October 6, 1997) and EZLN advisor Luis Hernández Navarro (September 5, 1997). The debate is also summarized in “Foro Nacional Indígena,” published in *Acuerdos de San Andrés*, edited by Luis Hernández Navarro and Ramón Vera Herrera, México: Era, 1998; and Héctor Díaz Polanco, *Indigenous Peoples in Latin America: The Quest for Self-Determination*, translation by Lucia Reyes, Boulder: Westview Press, 1997.

differential collective rights for indigenous groups within clearly specified territorial boundaries, in accordance with the standards set out by the International Labor Organization Treaty 169 (ILO 169) on indigenous rights.<sup>41</sup> This was a long-standing demand from a number of indigenous organizations in Mexico, which had fought for official recognition of indigenous rights in hopes of winning respect for their own political and social practices and ensuring better access to services and natural resources for communities that had long been marginalized;<sup>42</sup> however, ironically, the Zapatistas were relative newcomers to the debate on indigenous rights.<sup>43</sup> The government and the Zapatista delegation sparred over a number of concepts. The Zapatistas insisted on the use of the word “peoples” to designate indigenous groups (as in ILO 169) and to a broad definition of self-determination over territorial extensions; the government preferred an approach which granted limited self-government rights and recognized communities.<sup>44</sup> Despite these differences, the government and Zapatistas reached an agreement that largely endorsed the EZLN’s position, but left open some issues for interpretation and misinterpretation.

The differences between the government and the Zapatista delegations reflected a fundamental philosophical difference between the two sides: the government saw the concept of indigenous rights as a means to incorporate indigenous individuals more fully into the political and economic process, within the existing legal framework. The Zapatistas and their allies, on the other hand, sought an agreement that would recognize customary authority within indigenous communities, as long as this was consistent with national human rights practices, and allow indigenous peoples to have collective rights over resources and public policy decisions within territorially defined areas. Since the 1970s, many of Mexico’s indigenous organizations, like others in the hemisphere, had moved away from attempts to improve conditions for their communities by accessing more resources and promoting indigenous political participation. Many felt that years of following this route had failed to yield results. Instead they advocated for a regime of differential rights where they could preserve their identity and have greater leverage over decisions that affected their communities. Many indigenous leaders and scholars argued that differential rights might be the only way to protect individual rights of minority groups effectively and to protect cultural differences of the country’s first peoples.<sup>45</sup> The

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<sup>41</sup> See Adelfo Regino “Los indígenas ante el conflicto chiapaneco” y Magdalena Gómez “Chiapas: el estado de derecho y la legitimidad”, in Cynthia Arnson and Raúl Benítez Manaut (editors) *Chiapas. Los desafíos de la paz*, op. cit. Mexico was the fourth country to ratify ILO No. 169 in 1990.

<sup>42</sup> For further discussion of the genesis of the indigenous movement in Mexico, see Jorge Hernández Díaz, “Etnicidad y nacionalismo en México: una interpretación,” in *Etnicidad, nacionalismo y poder: tres ensayos*, Oaxaca: Universidad Autónoma “Benito Juárez,” 1993.

<sup>43</sup> The Zapatistas had mentioned “independence” among their initial demands; however, it received little systematic treatment from the EZLN until the extensive contact between the Zapatistas and other indigenous organizations during the San Andrés negotiations. For an extensive discussion on this, see Andrés Aubry (**Andrew Selee to provide cite**) in *Tierra, libertad y autonomía: impactos regionales del zapatismo en Chiapas*, edited by Shannan L. Mattiace, Rosalva Aída Hernández, and Jan Rus, Mexico City: CIESAS, 2002.

<sup>44</sup> See [www.ezln.org/san\\_andres/cuadro010430.html](http://www.ezln.org/san_andres/cuadro010430.html).

<sup>45</sup> For further discussion of the theoretical grounding for indigenous rights, see the following works: Stavenhagen, Rodolfo, “Indigenous Rights: Some Conceptual Problems,” in *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America*, Boulder: Westview Press, 1996; Will Kymlicka,

government and other scholars argued that the route to inclusion should be through protecting individual rights exclusively and ensuring equality among indigenous and non-indigenous Mexicans. Cultural differences would thus be a question of private preference, not public policy. The question of philosophical approach remains central to the ongoing debate in Chiapas, as well as to the larger debate on indigenous rights in Mexico.<sup>46</sup>

### *The Collapse of the San Andrés Peace Process*

Between March 1996 and December 1997, after the signing of the San Andrés Accords, the peace process collapsed. The COCOPA turned the signed agreement into a proposed law, but the government refused to submit it to Congress in an effort to avoid the political and legal debate over the concept of “peoples.” At the same time, local political authorities and landowners began an intense counterinsurgency campaign against the Zapatistas and their supporters. More than a dozen paramilitary groups came into existence determined to combat the Zapatistas and their sympathizers in local struggles over power. In many cases, these groups were formed around nuclei of non-Zapatista communities that felt threatened by the Zapatista uprising; however, increasingly, these groups showed signs of connections with local landowners and local political leaders, and a few well-organized groups developed complex regional networks with close ties to prominent state politicians. While there was no concrete evidence of federal involvement in forming the paramilitary groups, the army, which was deployed throughout the conflict zone, clearly tolerated their presence and rarely acted against the paramilitaries.<sup>47</sup> The paramilitary attacks culminated with the Acteal Massacre on December 22, 1997, when forty-five women, children, and older people from an organization close to the Catholic Church were assassinated inside a church by the paramilitary group with close ties to state police and local PRI political leaders. The Acteal Massacre brought renewed attention to human rights violations in Chiapas from

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*Multicultural Citizenship*, Oxford, UK: Oxford University Press, 1995; Deborah Yashar, *Contesting Citizenship: Indigenous Movements and the State in Latin America*, Cambridge, UK: Cambridge University Press, forthcoming; Willem Asies, Gemma van der Haar, and André Hoekema, eds., *El reto de la diversidad*, Zamora, México: El Colegio de Michoacán, 1999, and, for Mexico specifically, López Barcenas, Francisco, *Entre lo propio y lo ajeno: el sistema electoral consuetudinario en el estado de Oaxaca*, México: Editorial Ce-Acatl, 1998; Luis Hernández Navarro, “Ciudadanos iguales, ciudadanos diferentes,” in Hernández Navarro and Vera, *Los Acuerdos de San Andrés*; Guillermo May Correa, “El conflicto indígena y su solución está en Chiapas y en todo México,” in Arnson, Benítez, and Selee, eds., *Chiapas*.

<sup>46</sup> The state of Oaxaca has already implemented two separate constitutional changes at the state level that recognize certain specific rights for indigenous communities. See Moisés J. Bailón Correa, “Sistemas de dominio regional y autonomía indígena. Estructura histórica y coyuntura política en el reconocimiento de los derechos indígenas en el estado de Oaxaca” (México: Comisión Nacional de los Derechos Humanos, May 2003); and Lourdes de León Pasquel, coord., *Costumbres, leyes y movimiento indio en Oaxaca y Chiapas* (México: CIESAS-Miguel Ángel Porrúa, 2001).

<sup>47</sup> Between 1996 and 1998, at least 17 paramilitary groups operated in the conflict zone. The best known were Paz y Justicia, Los Chinchulines, Movimiento Indígena Revolucionario Antizapatista (MIRA), and Máscara Roja. See Womack, *The Chiapas Rebellion*, p. 56, and *Chiapas: la guerra en curso*. Mexico: Centro de Derechos Humanos Miguel Agustín Pro Juárez, 1998.

national and international organizations and led to the removal of Mexico's Secretary of the Interior, Emilio Chuayffet.<sup>48</sup>

With the beginning of paramilitary attacks, the Zapatistas chose to break off the negotiations with the government, which had now moved onto the second round of negotiations on "Democracy and Justice." In this new context, the EZLN chose to maintain a strategy of silence. They pursued increasing alliances both with other indigenous organizations and international groups that opposed globalization and "neoliberalism." In the discourse of the Zapatistas they increasingly identify the government with an international trend toward neoliberal policies. Meanwhile, the Zedillo administration abandoned any attempt to pursue peace in Chiapas, opting for a strategy of military and political containment.<sup>49</sup> By December 1997, President Zedillo officially declared that he would not submit the COCOPA Law for a vote; the Acteal Massacre had taken place; and the peace process had clearly reached an impasse. The next three years saw only a stalemate in the peace negotiations punctuated by occasional violence.

#### *Fox's Fifteen Minutes, the Zapatour, and the Indigenous Law*

As a candidate for president, Vicente Fox noted several times that he could resolve the Chiapas crisis in fifteen minutes. It was an affirmation without real content that referred to the time it takes to sign a peace agreement. However, this statement was used by public opinion and the political parties to pressure Fox, once elected president, to change the government's strategy towards the EZLN and find new approaches to dialogue. Fox responded. In his inauguration speech he made it clear that the Chiapas conflict was a matter of great concern, and he pledged that he would send to Congress the proposed law on indigenous rights that had been put together by the COCOPA to fulfill the government's obligations under the San Andrés Accords. Fox also pulled back the Mexican military from the communities in the zone of conflict and ordered the release of remaining Zapatista prisoners. Shortly after Fox took over as the first non-PRIista president in Mexico in seventy-one years, Pablo Salazar Mendiguchía became the first non-PRIista governor of Chiapas in as many years, backed by a loose coalition of opposition political parties and social organizations. These were optimistic times for those who hoped for the renewal of the peace process in Chiapas.

The Zapatistas centered their strategy on pressuring the Fox administration and the Congress to approve the law. Together with other indigenous organizations, they initiated the "The March of the Color of the Land," known popularly as the "Zapatour," that was carried out between February 25 and April 1, 2001. The Fox administration

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<sup>48</sup> Chauyffet is considered by many human rights organizations to be responsible for authorizing the counterinsurgency campaign against the Zapatistas and their sympathizers as a strategy of containment. There is, however, no concrete proof that the federal government was responsible for the rise of the paramilitaries or the Acteal Massacre, but the federal government showed great tolerance for paramilitary activity, especially in areas where the army had a strong presence, and made few efforts to investigate the actions of paramilitary groups. Many of the paramilitary groups did have clear ties to local political leaders of the PRI and to major landowners in the eastern half of the state.

<sup>49</sup> For the perspectives of the various actors in the conflict during this period, see Arnson and Benítez, *Chiapas: los desafíos de la paz*, op. cit.

agreed to guarantee the safe passage of the Zapatistas to Mexico City, and the Mexican Congress, under considerable pressure, agreed to receive representatives of the EZLN and other indigenous organizations in the chamber of the House of Deputies. The Zapatour traveled 6,000 kilometers, passing through 13 states and carrying out 77 public meetings. On March 28 the Zapatista march reached its climax with the messages of four EZLN commanders and three representatives of the National Indigenous Congress before a plenary session of the House of Deputies.<sup>50</sup> Comandante Esther, on behalf of the EZLN, demanded that Congress approve the COCOPA's proposed law in its entirety. She said: "When the rights and culture of indigenous people are recognized constitutionally in accordance with the initiative of the Law of COCOPA, the law will begin to unite its hour to the hour of the Indian people."<sup>51</sup> She then ordered a Zapatista retreat into territorial resistance if the law were not approved, a preview of what would become the future Zapatista strategy of silence and retrenchment.

In the end, the Mexican Congress approved a version of the COCOPA proposal, but only after making several changes to the text that substantially revised the definition of territoriality and largely left the implementation of the law to the state governments.<sup>52</sup> The law, in and of itself, was an advance in the recognition of Mexico's indigenous peoples, but the Zapatistas and their allies in the indigenous movement saw it as a betrayal of the spirit of the San Andrés Accords. The law, though far from what was originally negotiated in San Andrés, created important opportunities to achieve recognition of collective rights for indigenous communities; symbolically, however, most indigenous organizations saw it as a slight and a breach of an agreement that the government had agreed to uphold.<sup>53</sup> The Zapatistas broke off all communication with the government. Meanwhile, the necessary two-thirds of state legislatures approved the Law (which actually involved changes to four articles of the constitution), but it was rejected in almost all states that had large indigenous populations.<sup>54</sup> The Zapatour thus won momentary support from the broader Mexican society for indigenous rights reform, but the outcome of the congressional debate left many indigenous communities feeling betrayed by the federal authorities. The Zapatistas proved, once again, to be talented at raising issues but to have little capacity to negotiate public policy with the authorities even when the stage seemed set for a successful negotiation.

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<sup>50</sup> *The March of the Color of the Land. Communiques, letters y messages of the Ejército Zapatista de Liberación Nacional December 2, 2000 to April 2, 2001*, México: Rizoma, 2001.

<sup>51</sup> *Ibid.*, 396.

<sup>52</sup> The Indigenous Rights and Culture Law was formally approved on July 18, 2001 after ratification by the states. See the *Diario Oficial de la Federación*, August 14, 2001. The vote in the Cámara de Diputados was on April 28, 2001, with 386 votes in favor and 60 against. It went into effect after it was voted on in the state legislatures.

<sup>53</sup> Rodolfo Stavenhagen discusses the merits and the impact of the Indigenous Law on the peace process in "Perspectivas para la Paz en Chiapas," in Arnson, Benítez Manaut, and Selee, *Chiapas: interpretaciones sobre la negociación y la paz*, op. cit.

<sup>54</sup> The following state legislatures rejected the law: Guerrero, Hidalgo, San Luis Potosí, Baja California Sur, Chiapas, Estado de México, Morelos, Oaxaca, Sinaloa and Zacatecas. Tamaulipas and Yucatán did not vote; the remaining states approved the constitutional changes. See a complete analysis of the vote in *Los derechos indígenas y la reforma constitucional en México* (México: Centro de Orientación y Asesoría a Pueblos Indígenas, A.C., 2002), 128-130

## Towards A New Peace Dialogue?

As Jan Egeland said in reference to the conflict in Colombia, “an imperfect peace is better than a perfect war.”<sup>55</sup> This premise is especially important for those affected by war: the civilian population. In the case of Chiapas, the ongoing cease-fire has certainly proved better than a protracted war, but a definitive resolution of the issues that ignited the conflict continues to be unlikely. In the meantime, the eastern half of Chiapas has fallen into an unstable but durable state of “armed peace,” where armed confrontation between the Mexican army and EZLN is extremely unlikely, but a variety of armed groups maintain influence over different enclaves of the state and live in constant tension with one another. The armed groups include the Zapatistas, independent peasant groups once close to the Zapatistas, private security forces created by local ranchers, and paramilitary groups once armed by local authorities to threaten the Zapatistas but increasingly acting to defend the interests of their own peasant and landed constituencies.

On the surface, it is hard to see that the two major parties in the conflict have much incentive to negotiate. The government has largely been able to reduce the stature of the conflict to a local phenomenon far from the eye of the general public, and it has centered its new strategy on undermining Zapatista support by trying to invest resources in the conflict zone.<sup>56</sup> Meanwhile, the Zapatistas argue that the government has shown bad faith by not living up to its agreements at San Andrés and that there is nothing left to discuss until these agreements are implemented. The Zapatistas have won a *de facto* right to consolidate their authority in their zones of influence and have set about doing this until another administration is elected. Equally worrisome, the Zapatistas’ position has radicalized as they have lost prominence nationally, while both the Fox administration and Salazar state administration have become politically paralyzed. Both actors are in a weaker position than ever before to pursue a lasting peace agreement and have little interest in doing so.

However, the instability of the situation, the violence it generates, and the lack of economic progress for the communities ultimately harm both sides. The experience of the Central American peace processes has taught that the incentive to negotiate is not always derived only from the military force of the insurgents or the level of destruction and polarization that the conflict inflicts on society. Rather, the incentive to negotiate, to the extent it exists, may emerge from the degree to which the larger society—as well as society’s key actors and elites—perceive that their interest may be best served by putting an end to the conflict. In Mexico, this means that key actors in the government would need to realize that the crisis continues to undermine the full transition to democracy and leaves key issues unresolved that should matter to a democratic society. At the same time, actors within the EZLN would need to realize that the future improvement of their communities—and the opportunity for recognition of indigenous rights within the

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<sup>55</sup> Fernando Corral y Marisol Gómez, “Mejor una paz imperfecta que una guerra perfecta,” *El Tiempo*, 10 de diciembre de 2000, p. 18.

<sup>56</sup> For a statement of this strategy, see Luis H. Álvarez, “Chiapas: Dilemas actuales del conflicto y la negociación,” in Arnson, Benítez Manaut, and Selee, *Chiapas: interpretaciones sobre la negociación y la paz*, op. cit.

Mexican nation-state—depends on reaching an agreement to end the conflict.<sup>57</sup> This perspective requires that the parties to the conflict cede positions and accept that a negotiated peace is a greater victory for them than defending the current impasse.

In Chiapas, the most likely path to peace probably no longer lies in trying to reconstruct national peace talks but in adopting a strategic, low-key approach to peace that begins by proactively addressing root causes of the conflict. This kind of approach would require conscious and systematic efforts to address a series of interrelated concerns: self-determination and representation of the communities in the conflict zone; regularization of land titles, access to credit, and other supports for small producers; reforming of the judicial system and the police, including prosecution of those who have abused human rights; and disarmament of paramilitary organizations with a record of violence.<sup>58</sup> Although the government believes it can win over the pro-Zapatista communities while ignoring the EZLN itself,<sup>59</sup> this appears unlikely given the degree of politicization of the pro-Zapatista communities and their commitment to a long-term struggle around their demands. Rather, a meaningful peace dialogue will have to build confidence with these to communities in order to reach agreement eventually with the Zapatistas, as well as other significant organizations that represent key sectors of Chiapas society.

Moreover, any attempt to restart the peace dialogue—or to build confidence towards this end—will ultimately require the federal government to reopen the national debate on indigenous rights. Reasonable people can disagree on the best way to address the issue of indigenous rights. Mexico is a federal system where state laws govern many of the questions raised by the indigenous rights movement, and Mexico's indigenous peoples have different understandings of what autonomy and territoriality mean. However, given the symbolic importance of the San Andrés Accords both to the Zapatistas and to the wider indigenous movement (and not only those sympathetic to the EZLN but to many groups close to the PRI), it is highly unlikely that any steps towards peace will be seen as meaningful unless the government takes meaningful steps toward addressing the questions of indigenous rights raised in the San Andrés Accords.

The state government of Chiapas is not in a position to pursue this kind of proactive peace initiative alone, and not only because of the need to have federal action on the San Andrés Accords. The administration of Governor Pablo Salazar Mendiguchía expressed interest in pursuing many of the local measures that could build confidence

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<sup>57</sup> For a look at the fragmentation that has resulted in the Selva Lacandona since the Zapatista uprising and its implications for the consolidation of *de facto* autonomies, see Xochitl Leyva “Transformaciones regionales, comunales y organizativas en Las Cañadas de la Selva Lacandona (Chiapas, México), in *Tierra, libertad y autonomía: impactos regionales del zapatismo en Chiapas*, edited by Shannan L. Mattiace, Rosalva Aída Hernández, and Jan Rus, Mexico City: CIESAS, 2002.

<sup>58</sup> The state government has been quite energetic in containing outbreaks of violence by paramilitary groups, but admits that it has little ability to disarm these groups without specific provocations. On this point, see the article by former Chiapas Secretary of the Interior Emilio Zebadúa, “La crisis de Chiapas: gobernabilidad y paz; Retos para el gobierno del estado,” in Arnson, Benítez, and Selee, *op. cit.*, pp. 89-100.

<sup>59</sup> Luis H. Álvarez, “Chiapas: Dilemas actuales del conflicto y la negociación,” in Arnson, Benítez Manaut, and Selee, *Chiapas: interpretaciones sobre la negociación y la paz*, *op. cit.*, and off-the-record interviews with key government officials.

with the Zapatistas and other groups on the ground, but Salazar was supported by a fragmented coalition of former opposition parties and social organizations and faced an overwhelming PRI majority in the state Congress and municipal governments.<sup>60</sup> Salazar's administration has made inroads in containing attacks by paramilitary organizations, which used to operate with impunity, but it is unable to disarm them because of its reliance on support from local PRI leaders for legislation in the Congress. The administration has also sought to change the state's Supreme Court, pursue redistricting, and pass a local indigenous rights law granting a measure of self-determination to indigenous communities, but it has not had the political strength to achieve more than modest gains in each of these areas. Most of the administration's energies have been spent on political survival with little capital left for proactive initiatives for peace.<sup>61</sup> In the process it has also lost the support of many of the state's social organizations that see its tactical alliances with the PRI as a sell-out of its convictions.

The federal government, therefore, would need to have an active engagement in any effort towards peace in coordination with the state government. To date, the federal government's efforts have been coordinated by an office for "Dialogue and Negotiation in Chiapas," headed by the well-respected politician Luis H. Álvarez, one of the historical leaders of President Fox's National Action Party (PAN); however, this office appears to operate in isolation without the ability to generate agreements or coordinate resources from the rest of the federal government.<sup>62</sup> The once strong commitment from President Fox to solve the Chiapas conflict "in fifteen minutes," which was reflected in the prominence he gave to the issue at the outset of his administration, faded as soon as he ran into the first obstacles with the passage of the Indigenous Law and the Zapatistas' decision to cut off all channels of communication. Since then, the federal government does not appear to have any clear strategy for addressing the conflict other than to wait for the Zapatistas to return to the negotiating table.<sup>63</sup> The government believes it can undermine the Zapatistas through providing social assistance to the communities sympathetic to the EZLN, but this is unlikely to be successful given the degree of politicization of the communities and their other concerns around autonomy and rights.

The federal presence in Chiapas has always been weak. In fact, the weakness of the federal presence historically is part of the reason why local elites have maintained such a stranglehold on local politics. The reduction of state presence during the Salinas administration, through cuts in programs for small producers and the ending of land reform, helped exacerbate the plight of the communities in the conflict zone and led to the uprising. Constructing an effective but inclusive federal presence in Chiapas is, therefore, part of the challenge of creating a genuine peace process. This is no easy

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<sup>60</sup> The PRI won 72 of 118 municipal presidencies and 21 of 24 directly elected seats in the local congress in the 2001 elections (data from the Instituto Electoral Estatal de Chiapas, [www.iee-chiapas.org.mx](http://www.iee-chiapas.org.mx)).

<sup>61</sup> For an interesting reflection on this process from within the administration, see Emilio Zebadúa, "The Crisis in Chiapas. Challenges for the State Government," in *Voices of Mexico*, CISAN-UNAM, No. 62, January-March, 2003, p. 27.

<sup>62</sup> See Luis H. Álvarez "Chiapas: Current Dilemmas in the Conflict and Negotiation," *Voices of Mexico*, CISAN-UNAM, No. 62, January-March, 2003, p. 19.

<sup>63</sup> This assertion was confirmed in interviews with high-level officials of the Interior Ministry (Secretaría de Gobernación) and other ministries. **Andrew to provide month/year, exact date if possible**

matter, because the limited federal presence that did exist previously was often dominated by the military in support of local elites and later by attempts at counterinsurgency after the Zapatista uprising. As a result, many communities in Chiapas (and not only the Zapatistas) are skeptical of the federal government's intentions when it gets involved in local affairs. However, the resolution of the problems of the state lies in creating this federal presence gradually in coordination with the state government and through agreements with local organizations to strengthen the resources and protections available to them while expanding their margin of political self-determination. These are key steps in being able to reopen the channels of dialogue between the Zapatista communities and the government.

Realistically, it seems unlikely that a significant peace dialogue could be re-started during the Fox administration. The administration lost momentum on a range of national issues, proved unable to build legislative coalitions to back its proposals, and seemed to lack the ability to achieve strides on any of the major initiatives it set out as priorities at the outset of the administration.<sup>64</sup> The Zapatistas appear to be waiting for the next change in administration. Nonetheless, much can be done in the meantime to create steps towards rebuilding confidence between the Zapatistas and the government. It may then have to fall on a new administration to launch a more global effort to advance durable peace. The conflict is not likely to go away in the next three years, and a new administration, from whichever party or coalition it emerges, will be forced to develop a new strategy to address the Chiapas conflict.

Ultimately, the Chiapas conflict poses a broader question for Mexico's democracy, having to do with the nature of inclusion and citizenship. It is an old debate, one that has been symbolized by two of Mexico's great national heroes, both of indigenous heritage and rural birth. On one side, is the vision of Benito Juárez, the great liberal leader and later president (1861-72), who envisioned a modernizing national state of successful individual citizens. On the other side stands the vision of Emiliano Zapata, the leader of the struggle for agrarian reform, land tenure, and local autonomy during the Mexican Revolution (1910-1920). The Chiapas conflict pits these two visions against each other once again, as they have been played out—with different actors at different time—throughout Mexican history. The government sees a bright future in national development and envisions a democracy of individual citizens. The Zapatistas and their allies seek a democracy based on recognizing both individual and collective citizenship with an emphasis on the survival and development of local communities. Their vision—shared by many other rural and indigenous communities in Mexico—is skeptical of liberal democracy without dramatic reforms to reduce economic inequalities and grant measures of local self-governance. These two visions are not irreconcilable, but finding a way of integrating them will require a commitment to dialogue and to building a more plural, inclusive, and unified Mexico that can encompass multiple visions of the country's future.

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<sup>64</sup> Pamela Starr and David Ayón, "Why Fox Failed," (manuscript). **Andrew to complete cite if possible.**