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# The Emergence and Development of the Politics of Recognition of Cultural Diversity and Indigenous Peoples' Rights in Mexico: Chiapas and Oaxaca in Comparative Perspective\*

ALEJANDRO ANAYA MUÑOZ

*Abstract.* In this article I attempt to explain the differentiated development of the politics of recognition – that is the process of formal recognition of cultural diversity and indigenous peoples' rights – in Mexico, particularly in the states of Oaxaca and Chiapas. I follow an explanatory framework that proposes that the recognition agenda emerges in the context of armed conflict and/or legitimacy and governability crises, and evolves successfully when indigenous actors get access to the decision-making process and form alliances with key political actors. I find that government legitimacy has eroded in both states, and that governability has been severely threatened in Oaxaca and disturbed by armed conflict in Chiapas. However, only in the former have indigenous actors influenced the decision-making process and made alliances with the key decision-makers. This latter finding – fundamental within the explanatory framework followed – begs a further question – why was an alliance between the indigenous and the government elite possible in Oaxaca but not in Chiapas? I go beyond the original explanatory framework and identify a series of structural, contextual and agent-related factors that account for the uneven development of the politics of recognition in each state.

Mexico is a multicultural country. Around 10 million people – that is about 10 per cent of the country's total population – are members of one of as many as 56 ethno-linguistic groups.<sup>1</sup> However, until quite recently the

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<sup>1</sup> Some accounts estimate Mexico's indigenous population at 11 million. Rachel Sieder, 'Introduction,' in Rachel Sieder (ed.), *Multiculturalism in Latin America. Indigenous Rights, Diversity and Democracy* (Basingstoke and New York, 2002), p. 1. The 2000 official census reports nearly 5.5 million people over 5 years of age as speaking an indigenous language; that is 6.8 per cent of the total population within that age range. The census also reports nearly 9 million living in households with an indigenous spouse, amounting to 9.9 per cent of the country's total population. For a discussion, see Jerome M. Levi, 'A New Dawn or a

Mexican state has not sought to recognise and accommodate this diversity, but to eliminate it through the cultural assimilation of the indigenous population into the 'national society' in an effort to create an homogeneous and unique Mexican identity.<sup>2</sup> Since the 1970s, but particularly towards the late 1980s and early 1990s, this approach to the 'indigenous problem' was challenged by indigenous organisations and authorities, and questioned by academics and some officials of the Instituto Nacional Indigenista (INI).<sup>3</sup> In the early 1990s, in the midst of a broader transition from a hegemonic party system to a plural and competitive electoral democracy, and particularly after the uprising in Chiapas of the Ejército Zapatista de Liberación Nacional (EZLN) in 1994, the process of dialectic interaction between the organised indigenous and the government became intense and difficult. Nevertheless, the period since 1990 has witnessed the halting emergence of a 'politics of recognition' of cultural diversity and indigenous people's rights in the country.<sup>4</sup> In 1990 Mexico ratified Convention 169 of the International Labour Organization (ILO) on the rights of indigenous peoples, and in 1992 article 4 of the federal constitution was reformed to declare the multiethnic character of the nation and praise the indigenous contribution to the cultural diversity of the country.<sup>5</sup> In 1996, the peace talks between the federal

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Cycle Restored? Regional Dynamics and Cultural Politics in Indigenous Mexico, 1978–2001,' in David Maybury-Lewis (ed.), *The Politics of Ethnicity: Indigenous Peoples in Latin American States* (Cambridge, MA, 2002).

<sup>2</sup> H. Díaz Polanco, *Autonomía regional. La autodeterminación de los pueblos indios* (Mexico, 1991), pp. 34–41; G. Aguirre Beltrán, *Formas de gobierno indígena* (Mexico, 1991); Rodolfo Stavenhagen, 'Indigenous Peoples and the State in Latin America: An Ongoing Debate,' in Sieder, *Multiculturalism in Latin America*, pp. 24–6; Jane Hindley, 'Towards a Pluricultural Nation: The Limits of *Indigenismo* and Article 4,' in Rob Aitken et al. *Dismantling the Mexican State?* (London and New York, 1996), pp. 226–7.

<sup>3</sup> Hindley, 'Towards a Pluricultural Nation'; and Sergio Sarmiento, 'El movimiento indio mexicano y la reforma del Estado,' *Cuadernos del Sur*, no. 16 (2001), pp. 65–96. The INI, created in 1948, was the federal government body in charge of coordinating and implementing (pro-assimilation) public policies on indigenous issues. In 2003, it was transformed into the Comisión Nacional para el Desarrollo de los Pueblos Indígenas, and given the objective of promoting and coordinating public policies for the 'integral and sustainable' development of indigenous peoples and communities, in accordance with the recognition and autonomy principles enshrined in Article 2 of the federal constitution. See 'Ley de la Comisión Nacional para el Desarrollo de los Pueblos Indígenas,' *Diario Oficial de la Federación*, 21 May 2003.

<sup>4</sup> I borrow the notion of 'the politics of recognition' from C. Taylor, *Multiculturalism and the Politics of Recognition* (Princeton, 1992). Although Taylor's normative argument – and the debate around it – are not taken up here, I use his notion to name the process of political reform intended to recognise formally cultural diversity and indigenous peoples' rights.

<sup>5</sup> Hindley, 'Towards a Pluricultural Nation'; and Moisés Franco Mendoza, 'The Debate Concerning Indigenous Rights in Mexico,' in Willem Assies, Gemma van der Haar and André Hoekema (eds.), *The Challenge of Diversity. Indigenous Peoples and Reform of the State in Latin America* (Amsterdam, 2000), pp. 57–75.

government and the EZLN produced the San Andrés Agreements on Indigenous Rights and Culture, which were supposed to be the bases for a comprehensive multicultural constitutional reform.<sup>6</sup> Months later, the congressional Comisión de Concordia y Pacificación (COCOPA) elaborated a draft; the EZLN approved it, but President Ernesto Zedillo (1994–2000) refused to support it, arguing that the granting of indigenous autonomy would provoke the ‘balkanisation’ of the country.<sup>7</sup> Partly as a result of this, the peace talks were suspended, and the politics of recognition stalled for the rest of Zedillo’s term. In early 2001, honouring one of his campaign promises, and seeking to facilitate the resumption of the peace talks in Chiapas, President Vicente Fox adopted the COCOPA draft and submitted it to the consideration of the federal congress. The Zapatistas reacted positively – its top commanders marched peacefully to Mexico City with the intention of building social and political support in favour of the draft. The final result, however, was disappointing from the perspective of the recognition agenda and the reactivation of the negotiations in Chiapas – the (previously hegemonic) Partido Revolucionario Institucional (PRI) and the new president’s Partido Acción Nacional (PAN) joined forces, supported by senators from the Partido de la Revolución Democrática (PRD), and drafted a constitutional reform which did not abide fully by the COCOPA initiative or the San Andrés Agreements.<sup>8</sup> The EZLN and numerous indigenous organisations and authorities – gathered in the Congreso Nacional Indígena (CNI) – rejected the reforms, so the politics of recognition continues to be an open and contested project in Mexico.

In addition to this national-level process, a parallel and interrelated story has developed within the states of the Mexican federation. Since the early 1990s, a number of states have had their own local debates and struggles over recognition and indigenous peoples’ rights. A good number of local constitutions have been reformed, and a few state laws on indigenous rights and culture have been enacted. The development of these state-level politics of recognition has been quite uneven, both in terms of time and content.<sup>9</sup> For reasons that this article will make evident, a comparison between Oaxaca and Chiapas is fruitful in this respect. Both states are highly indigenous – in absolute and relative terms – and extremely poor, and both

<sup>6</sup> L. Hernández Navarro and R. Vera Herrera R. et al. *Los Acuerdos de San Andrés* (Mexico City, 1998).

<sup>7</sup> Franco Mendoza, ‘The debate concerning indigenous rights in Mexico,’ pp. 68–72.

<sup>8</sup> For an analysis of the limitations of the 2001 constitutional reform and its differences with the San Andrés Agreements and the COCOPA initiative see Alejandro Anaya Muñoz, ‘Los derechos de los pueblos indígenas. Un debate práctico y ético,’ *Renglones* no. 56 (2004), pp. 6–13.

<sup>9</sup> F. López Bárcenas, *Legislación y derechos indígenas en México* (Mexico City, 2002).

experienced social and political turbulence in the last quarter of the twentieth century.<sup>10</sup> But the politics of recognition moved forward sooner and further in Oaxaca than in Chiapas. In this article I try to explain this uneven development – why has the politics of recognition moved on in Oaxaca while it has lagged behind in Chiapas?

I first compare the evolution of the recognition agenda in Oaxaca and Chiapas, noting the stark difference between them in terms of time, content and legitimacy. I advance the explanatory framework to be followed, and then describe the process of erosion of the legitimacy of the PRI state governments and the emergence of severe threats to governability in Oaxaca, and armed conflict in Chiapas. I show that only in Oaxaca did indigenous actors manage to influence the decision-making process and make alliances with the state governors. This accounts for the differentiated development of the politics of recognition in both states, but begs a further question – why was such an alliance possible in Oaxaca but not in Chiapas? I then go beyond the original explanatory framework and identify a series of contextual, structural and agent-related elements that account for the different outcomes.

### *Comparing the politics of recognition in Oaxaca and Chiapas*

In 1990, the constitutions of both states were reformed in the line of the recognition agenda. But the reforms in Oaxaca were considerably deeper than those implemented in Chiapas.<sup>11</sup> The reforms in the former state involved six articles and declared the pluriethnic composition of the state, the foundational character of indigenous peoples, the protection and promotion of indigenous culture and organizational forms, the recognition of the traditional systems for the administration of justice, and the state's obligation to provide bilingual and bicultural education.<sup>12</sup> In contrast, the reform in Chiapas, limited to two articles, did not even use the term 'indigenous', let alone speak of 'indigenous peoples', and was limited to declaring the protection of 'the culture, languages and dialects in which the different ethnic and mestizo groups of Chiapas communicate'.<sup>13</sup>

There were no more reforms in Chiapas for most of the 1990s, while in Oaxaca the local constitution and over half a dozen secondary laws were

<sup>10</sup> According to official figures, nearly 24 per cent of the total population of Chiapas, and 38 per cent of the population of Oaxaca can be considered indigenous ([www.inegi.gob.mx](http://www.inegi.gob.mx)). These statistics follow language criteria. It is generally agreed, however, that language is an imperfect indicator of ethnicity in rural Mexico, so we should expect the actual numbers to be higher in both cases. According to the Consejo Nacional de Población (CONAPO), Chiapas is the most marginalised state in Mexico, while Oaxaca is the third. See [www.conapo.gob.mx](http://www.conapo.gob.mx).

<sup>11</sup> See appendix 1.

<sup>12</sup> *Periódico Oficial del Estado de Oaxaca*, 29 Oct. 1990.

<sup>13</sup> *Periódico Oficial del Estado de Chiapas*, 9 Oct. 1990.

reformed several times, and a rather broad and promising 'indigenous law' was enacted.<sup>14</sup> In 1999 the constitution of Chiapas was finally reformed again and an 'indigenous law' was enacted, but these reforms fell well short of what had been done in Oaxaca throughout the decade.<sup>15</sup> Particularly important in this respect is the legalisation of electoral *usos y costumbres* (uses and customs) in Oaxaca, and the differences in content between the two 'indigenous laws'. In 1995 and 1997 the constitution of Oaxaca and the state's electoral code were reformed as to legalise the traditional electoral system for the appointment of municipal governments in over 400 municipalities of the state.<sup>16</sup> In this way, the politics of recognition transcended the level of declaratory constitutional reforms and had a direct impact on a key element of the working institutional framework – the electoral system. The 1999 reforms to the constitution of Chiapas also grant indigenous communities the right to choose their local authorities following their *usos y costumbres*,<sup>17</sup> but this means little in practice as communal authorities have no political-administrative jurisdiction, in contrast to municipal authorities, which in fact compose the first level of constitutional government in Mexico.

A comparison of the 'indigenous laws' enacted in Chiapas and Oaxaca clarifies further the stark differences between the two cases.<sup>18</sup> The core right for indigenous peoples provided in these laws is autonomy. The Law of the Rights of Indigenous Peoples and Communities of the State of Oaxaca provides a definition of the right to autonomy, and determines the municipality and the community as the territorial units in which it is to be exercised, providing for the possibility of communal and municipal association for the implementation of development plans.<sup>19</sup> The Law of Indigenous Rights and

<sup>14</sup> For a detailed description of the reforms in Oaxaca see A. Anaya Muñoz, 'Governability and Legitimacy in Mexico: The Legalisation of Indigenous Electoral Institutions in Oaxaca,' unpubl. PhD diss., University of Essex, 2002, pp. 216–45.

<sup>15</sup> See appendix 1.

<sup>16</sup> Oaxaca has a total 570 municipalities. For a description of this traditional electoral system see M. C. Velásquez, *El nombramiento* (Oaxaca, 2000), pp. 149–87. Before these reforms, constitutional authorities in indigenous municipalities were elected by way of *usos y costumbres*, and then registered officially as PRI candidates and 'ratified' through the official electoral process. This practice served the purposes of both indigenous peoples and the PRI, as the former preserved their traditions and the latter secured sympathetic local governments in hundreds of municipalities.

<sup>17</sup> *Periódico Oficial del Estado de Chiapas*, 17 June, 1999.

<sup>18</sup> See appendix 2.

<sup>19</sup> Article 3. IV of the law defines autonomy as the expression of self determination of indigenous peoples and communities (...) to adopt their own decisions and establish their own practices related to their worldview, indigenous territory, land, natural resources, socio-political organisation, administration of justice, education, language, health and culture. *Periódico Oficial del Estado de Oaxaca*, 19 June, 1998.

The communal-municipal autonomy scheme—with the possibility of a limited degree of association between communities and municipalities – defined in Oaxaca is very similar to that included in the San Andrés Agreements and in particular the COCOPA initiative. In

Culture of the State of Chiapas grants the right of autonomy to communities only, and it does not define it or provide it with any particular content.<sup>20</sup> In addition, Oaxaca's law includes the notion of indigenous territory, while that of Chiapas makes reference to the 'habitat' of indigenous communities. Both laws contain provisions on bilingual and bicultural education and the incorporation of indigenous systems of administration of justice; though in the latter respect, the intent and possible outcomes of the Chiapas' law seem ambiguous.<sup>21</sup> Both laws prohibit discrimination and include provisions for the protection of indigenous women, but only Oaxaca's law gives indigenous peoples some control over natural resources and a central role in the definition of development programmes.

An important element in this comparison is the degree of legitimacy obtained by the politics of recognition in Oaxaca and Chiapas. In the case of Oaxaca, there has been an important coincidence between the tangible and symbolic goods delivered by the politics of recognition, and the demands and wishes of the indigenous population.<sup>22</sup> The 1995 reforms to the penal code and the education law and even the 'indigenous law' still need to bring about working institutions and effective policies that deliver the tangible goods they represent or symbolise – an effective and resourced indigenous jurisdiction, a judicial system that gives proper consideration to linguistic and other cultural differences, bilingual and multicultural curricula, and a comprehensive working scheme of indigenous municipal and communal self-government. Both tangible and symbolic goods are important, however, within the recognition project. The relevance of the legalisation of electoral *usos y costumbres* is evident – it has resulted in the exercise in practice of an important element of the right to autonomy. At the same time, symbolic

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this way, at least in this respect, one could infer that the EZLN would have been satisfied with autonomy provisions similar to those of Oaxaca's 'indigenous law'.

<sup>20</sup> *Periódico Oficial del Estado de Chiapas*, 29 July 1999.

<sup>21</sup> The explicit idea in Oaxaca is to articulate existing indigenous normative systems to the judicial system of the state. In Chiapas, on the contrary, the State's Supreme Court will establish municipal courts (Indigenous Courts of Peace and Conciliation), which 'may apply sanctions in accordance with *usos y costumbres*' (article 13 of the 'indigenous law'). In Zinacantán, as Jane Collier shows, the municipal court follows indigenous traditions and practices, but that was not what the Supreme Court had in mind. Jane F. Collier, 'Dos modelos de justicia indígena en Chiapas, México: una comparación de las visiones zinacanteca y del estado,' in Lourdes de León Pasquel (ed.), *Costumbres, leyes y movimiento indio en Oaxaca y Chiapas* (Mexico City, 2001), pp. 189–200.

<sup>22</sup> Goodin defines tangible goods as material and objective, and symbolic goods as not having an intrinsic value of their own, but rather representing or symbolising other goods. Examples of tangible goods are not only material assets – such as public services, communication infrastructure and financial aid or credit – but also particular policies or working institutions. On the other hand, a constitutional or statutory recognition of rights that is not accompanied by a change in policies and working institutions can be regarded as symbolic. R. E. Goodin, *Manipulatory Politics* (New Haven and London, 1980), pp. 125–6.

goods – such as the ‘indigenous law’ and the reforms to the education law and the penal code – do provide solid bases from which the multiculturalisation of working institutions and in particular the construction of an effective autonomy regime can be further advanced and put into practice. Thus, in general terms, both types of goods have been welcomed by the organised indians of Oaxaca. Obviously, some elements have been received with more enthusiasm than others – for example, while the legalisation of electoral *usos y costumbres* was broadly valued, the ‘indigenous law’ was criticised, though not rejected altogether, by important indigenous actors.<sup>23</sup> In sum, even if it remains open and subject to contestation and future claims, the politics of recognition in Oaxaca has met some key indigenous aspirations and demands for recognition and rights.<sup>24</sup>

The case of the reforms in Chiapas is significantly different. As mentioned, the 1990 constitutional reform did not provide significant tangible or symbolic goods. The 1999 constitutional reform addressed elementary issues traditionally included within the list of indigenous claims – such as the recognition of cultural diversity and traditional forms of social and political organisation, together with the promise of bilingual and intercultural education. But other elements were clearly insufficient, like the recognition of electoral practices – which is limited to the communal level. The ‘indigenous law’ recognises the main indigenous claim – the right to autonomy. But, as mentioned, it does not provide it with any meaningful content, making that

<sup>23</sup> Adelfo Regino, an influential indigenous activist from Oaxaca and close advisor to Governor Diódoro Carrasco (1992–1998), argues that the legitimacy of the *usos y costumbres* electoral reform springs from the fact that more than responding to a demand articulated by the leadership, it responded to an overwhelming social and political reality. Adelfo Regino, interview, Oaxaca City, Jan. 2002. On the other hand the ‘Ricardo Flores Magón’ Indigenous and Popular Council (created in late 1995 by the most anti-PRI popular and indigenous organisations of Oaxaca) criticised the 1998 ‘indigenous law’ arguing that it was ‘paternalistic, ambiguous and contradictory’, that it was not fully compatible with the San Andrés Agreements, and that it was not the outcome of authentic consultation. Nevertheless, they granted that it was more advanced and therefore more acceptable than the proposal that the federal government was promoting at the time. *Noticias* (27 March 1998). Conversely, other actors – such as Adelfo Regino – accepted it and even participated directly in its elaboration. Gustavo Esteva (close advisor to Governor Diódoro Carrasco), interviews, Sept. 2001 and Jan. 2002.

<sup>24</sup> The rights provided by the politics of recognition in Oaxaca could be expanded through the further multiculturalisation of electoral institutional arrangements, in particular the State Electoral Institute, or through the establishment of an autonomy scheme that transcends the level of the municipality and allows for the creation of autonomous indigenous regions. See Alejandro Anaya Muñoz, ‘La legalización de los usos y costumbres electorales en Oaxaca: implicaciones éticas de una política del reconocimiento,’ *Cuadernos del Sur*, no. 21 (March, 2005); and Adelfo Regino, ‘Diversidad y autonomía. Un aporte desde la experiencia indígena mexicana,’ *Renglones* no. 56 (January 2004), pp. 15–23. However, it seems that at this point indigenous peoples in Oaxaca are primarily concerned with putting into practice the rights the constitution and secondary laws already recognise.



recognition rather formal, and stripping it even of symbolic value.<sup>25</sup> The goods provided by the politics of recognition in Chiapas have not met indigenous aspirations and demands, particularly because the organised indigenous of Chiapas expect a lot more: the San Andrés Agreements call for the reform of the local constitution, in order to enshrine a comprehensive set of indigenous rights, including the establishment of an effective regime of autonomy.<sup>26</sup> This has resulted in the outright rejection of the constitutional reform and the 'indigenous law' by the independent indigenous organisations of the state, particularly the EZLN.

*Explaining the emergence and development of the politics of recognition*

Starting in the mid-1980s and continuing throughout the 1990s, a wave of constitutional reforms in the line of the politics of recognition took place in countries like Mexico, Nicaragua, Ecuador, Colombia, Bolivia, Paraguay, Panama, Venezuela, Ecuador and Peru. The scope and depth of these reforms, however, varies from one country to the next. Many of the 'multi-cultural constitutions' stop at a declarative recognition of diversity, some grant indigenous peoples specific rights, and others contain provisions for indigenous autonomy or self-government within the framework of the state.<sup>27</sup>

How can we account for the emergence of the politics of recognition and how can we explain its uneven development? The early literature was highly descriptive, and tended to overemphasise the importance of indigenous organisation and mobilisation and to neglect the role of the government elite.<sup>28</sup> More recent accounts, however, have seen the emergence and development

<sup>25</sup> De León and Sarmiento consider that in comparison to the 'indigenous law' of Oaxaca, the Chiapas law seems a superficially elaborated draft 'with countless omissions'. and characterise it as an 'insult' from the perspective of the San Andrés Agreements. Lourdes de León Pasquel and Sergio Sarmiento, 'Introducción,' in Lourdes de León Pasquel, *Costumbres, leyes y movimiento indio*, p. 9.

<sup>26</sup> *Inter alia*, the San Andrés Agreements include the right to autonomous forms of government and election of authorities at the communal and municipal levels, an effective judicial jurisdiction for traditional authorities, collective access to natural resources in their territories, participation in the drawing up of development plans, and the redefinition of Chiapas' municipal map. See Hernández Navarro and Vera Herrera, *Los Acuerdos de San Andrés*, pp. 80–95.

<sup>27</sup> Stavenhagen, 'Indigenous Peoples and the State in Latin America,' pp. 32–4; Sieder, 'Introduction,' p. 4; and Donna L. Van Cott, 'Explaining Ethnic Autonomy Regimes in Latin America,' *Studies in Comparative International Development*, vol. 35, no. 4 (2001), pp. 30–58.

<sup>28</sup> See, for instance, D. L. Van Cott, *Indigenous Peoples and Democracy in Latin America* (New York, 1994); Luis Hernández Navarro, 'Reaffirming Ethnic Identity and Reconstituting Politics in Oaxaca,' in Wayne A. Cornelius, Todd A. Eisenstadt and Jane Hindley (eds.), *Subnational Politics and Democratisation in Mexico* (La Jolla, California, 1999), pp. 153–73.

of the recognition agenda as the result of a dialectical interaction between the interests and the agency of indigenous and elite actors.<sup>29</sup> Specific studies on Colombia, Bolivia and Oaxaca suggest that the erosion of government legitimacy and the occurrence of governability crises are fundamental elements in the explanation of the emergence of recognition policies – elites have been inclined to adopt the multicultural agenda when their legitimacy has weakened and governability has been put under severe strain.<sup>30</sup> Donna Lee Van Cott has gone further and formulated a more systematic explanatory framework to account for the emergence and the development of the recognition agenda – in particular, the establishment of autonomy regimes – in Latin America. Comparing nine countries, she concluded that attempts to establish self-government schemes for indigenous peoples emerged in contexts of regime bargaining – which resulted from either negotiations to bring armed conflict to an end or severe crises of governability and legitimacy. Claims for autonomy were successful where indigenous actors had access to the decision-making process – peace talks or constitutional assemblies – and when they were able to make alliances with relevant political actors.<sup>31</sup>

Based on this, I will apply an explanatory framework comprised of a first set of elements that make possible the emergence of a politics of recognition – occurrence of armed conflict and/or erosion of government legitimacy and severe threats to governability – and a second group of factors that determine its development – participation of indigenous actors in the decision-making process and alliances between them and relevant political forces.<sup>32</sup>

### *Legitimacy and governability under strain*

Since the late 1960s, Oaxaca has experienced repeated waves of social organisation and mobilisation. During the 1970s, this popular contestation was led by an alliance of students, workers and peasants, which resulted in the

<sup>29</sup> D. L. Van Cott, *The Friendly Liquidation of the Past. The Politics of Diversity in Latin America* (Pittsburgh, 2000); Rachel Sieder, 'Recognising Indigenous Law and the Politics of State Formation in Mesoamerica,' in Sieder (ed.), *Multiculturalism in Latin America*, pp. 184–207; Xavier Albó, 'Bolivia: From Indian and Campesino Leaders to Councillors and Parliamentary Deputies,' in Sieder (ed.), *Multiculturalism in Latin America*, pp. 74–102; Demetrio Cojtí Cuxil, 'Educational Reform in Guatemala: Lessons from Negotiations between Indigenous Civil Society and the State,' in Sieder (ed.), *Multiculturalism in Latin America*, pp. 103–128; Anaya Muñoz, 'Governability and Legitimacy in Mexico'.

<sup>30</sup> Van Cott, *The Friendly Liquidation of the Past*; Anaya Muñoz, 'Governability and Legitimacy in Mexico'. <sup>31</sup> Van Cott, 'Explaining Ethnic Autonomy Regimes in Latin America'.

<sup>32</sup> This framework has been useful in explaining the development of the recognition agenda in the case of Oaxaca. See Alejandro Anaya Muñoz, 'Explaining the Politics of Recognition of Ethnic Diversity and Indigenous Peoples' Rights in Oaxaca, Mexico,' *Bulletin of Latin American Research*, vol. 23, no. 4 (2004), pp. 414–33.

formation of different popular organisations that struggled for university autonomy, better wages and working conditions for industrial and agricultural workers, land redistribution and local democracy in different regions of the state. Their confrontation with the political and economic elite eventually took the state to a severe governability crisis that ended up in 1977 with the ousting of the governor, and the military occupation of Oaxaca City. During the early 1980s, a number of peasant organisations continued to mobilise and demand land redistribution, support for agricultural production, control over natural resources, and local democratisation. Overall, the PRI's response was a mixture of selective repression and targeted concession.<sup>33</sup>

The proliferation of independent popular organisations was a clear sign of a decline in the legitimacy of the PRI government in the state – away from the tutelage and the control of official mass organisations, numerous groups became organised and mobilised around demands for goods they were not getting from the regime. This erosion of the legitimacy of the PRI was reflected in the indigenous communities of the state. Many of the organisations that emerged during the 1970s had a largely indigenous membership. During the 1980s, *Zapoteco*, *Mixte* and *Chinanteco* communal and municipal authorities from the *Sierra de Juárez* formed associations that demanded the autonomous control over the natural (forestry and mining) resources of the Sierra and the recognition of indigenous culture.<sup>34</sup> In other regions, organised groups and communities struggled for the appropriation of the process of production and commercialisation of coffee, while others fought for land redistribution and local democracy.<sup>35</sup> As the 1980s evolved, these organisations

<sup>33</sup> V. R. Martínez Vásquez, *Movimiento popular y política en Oaxaca. 1968–1986* (Mexico City, 1990); R. Bustamante et al., *Oaxaca una lucha reciente: 1960–1978* (Mexico City, 1978); Jeffrey W. Rubin, 'Popular Mobilization and the Myth of State Corporatism,' in Joe Foweraker and Ann L. Craig, *Popular Movements and Political Change in Mexico* (Boulder and London, 1990), pp. 247–65; M. C. Mejía Piñeros and S. Sarmiento, *La lucha indígena: un reto a la ortodoxia* (Mexico City, 1987); Gonzalo Piñón Jiménez, 'Crisis agraria y movimiento campesino (1956–1986),' in Leticia Reina (ed.), *Historia de la cuestión agraria mexicana. Estado de Oaxaca. 1925–1986* (Mexico City, 1988).

<sup>34</sup> Anaya Muñoz, 'Governability and Legitimacy in Mexico,' pp. 129–36.

<sup>35</sup> Jorge Hernández Díaz, 'UCIRI: Viejas identidades sociales, nuevos referentes culturales y políticos,' *Cuadernos del Sur*, no. 8–9 (1994–1995), pp. 125–44; Jorge Hernández Díaz, 'Las organizaciones indígenas en Oaxaca,' in Miguel A. Bartolomé and Alicia Barabas (eds.), *Autonomías étnicas y estados nacionales* (Mexico City, 1998), pp. 385–411; Elena Vásquez de los Santos and Yanga Villagómez Velásquez, 'La UCIRI, el café orgánico y la experiencia de un proyecto campesino autogestivo en la producción,' *Cuadernos del Sur*, no. 5 (1993), pp. 121–37; Rubin, 'Popular Mobilization and the Myth of State Corporatism'; Howard Campbell, 'Class Struggle, Ethnopolitics, and Cultural Revivalism in Juchitán,' in Howard Campbell et al., *Zapotec Struggles. Histories, Politics, and Representations from Juchitán, Oaxaca* (Washington, DC, and London, 1993), pp. 213–31; Lynn Stephen, 'The Creation and Re-Creation of Ethnicity. Lessons From the Zapotec and Mixtec of Oaxaca,' *Latin American Perspectives*, vol. 23, no. 2 (1996), pp. 17–37; John Tutino, 'Ethnic Resistance: Juchitán in Mexican History,' in Campbell et al., *Zapotec Struggles*, pp. 41–61.

articulated a clear set of demands directly related to the recognition and indigenous rights agenda. A key moment in this process of 'indianisation' of rural struggle in Oaxaca was the First International Forum on the Human Rights of Indigenous Peoples, held in the city of Matías Romero, Oaxaca, in 1989, in which the recognition and indigenous rights demands came to the top of the organisations' political agenda. After the Congress, indigenous mobilisation continued in a number of massive forums of debate and demand making, and as the Quincentenary (12 October, 1992) approached, in marches, rallies and protest campaigns.<sup>36</sup>

In Chiapas, the origins of the process of independent social organisation and mobilisation can be traced to the First Indigenous Congress, held in San Cristóbal de Las Casas, in 1974. The Congress – attended by over one thousand delegates representing hundreds of *Tzotzil*, *Tzeltal*, *Chol* and *Tojolabal* communities – was a forum for the denunciation of countless grievances and entrenched structural injustices regarding land distribution, the labour conditions of agricultural workers, commerce, education and health.<sup>37</sup> Various attempts on independent organisation and mobilisation followed the Congress. A number of them expanded and consolidated, and throughout the 1980s confronted the PRI, landlords and local bosses and demanded land redistribution, better wages and working conditions and the appropriation of the agricultural production process. The response of the local PRI government and its allies was, in general terms, harsh repression.<sup>38</sup>

During the early 1990s, the confrontation between the organised indigenous and peasants with the political-economic PRI elite continued, attracting the attention of national public opinion in 1992, when hundreds of *Tzeltal* peasants, members of the *Xi'Nich* (ant in *Tzeltal*) organization, marched from the town of Palenque in Chiapas to Mexico City, denouncing the repression by security forces of the state government and local landowners.<sup>39</sup>

<sup>36</sup> Anaya Muñoz, 'Governability and Legitimacy in Mexico,' pp. 126–50.

<sup>37</sup> The initiative came from the state governor Manuel Velasco Suárez, who asked Bishop Samuel Ruiz to lead the organisation of the Congress. Contrary to the government's original populist and clientelist intentions, the Church's involvement facilitated indigenous control over the event and a denunciation of government policy. N. Harvey, *The Chiapas Rebellion. The Struggle for Land and Democracy* (Durham, NC, and London, 1998), pp. 76–8. The Chiapas Congress was different from the First National Indigenous Congress, held in Patzcuaro, Michoacán, in 1975, which was largely controlled by government officials.

<sup>38</sup> Instituto Nacional Indigenista (INI), *Perfil indígena de México. Diagnóstico de los pueblos indígenas de Chiapas* (Mexico, n/d, electronic document consulted in <http://www.ini.gob.mx/>); N. Harvey, *The Chiapas Rebellion*; John Womack, *Rebellion in Chiapas. An Historical Reader* (New York, 1999); Lynn Stephen, *Zapata Lives! Histories and Cultural Politics in Southern Mexico* (Berkeley, Los Angeles and London, 2002).

<sup>39</sup> Juan González and Elizabeth Pólito, 'Notas para comprender el origen de la rebelión zapatista,' in *Chiapas I* (Mexico City, 1995).

The same year, the Chiapan Council 500 Years of Indigenous, Black and Popular Resistance – which included old and new organisations that opposed the commemoration of the Quincentenary – rallied massively in San Cristóbal de Las Casas; the demonstration culminated with the symbolic toppling of the statue of Diego de Mazariegos, the Spanish conqueror of Chiapas.<sup>40</sup>

As is widely known, it did not take long for this process to result in an open armed rebellion which required the government to mobilise thousands of troops and to orchestrate a counterinsurgency strategy that has involved the promotion – or at least the toleration – of anti-Zapatista paramilitary groups amongst the indigenous communities themselves. In addition to the challenge directly posed by the EZLN – both in military and political terms – the 1994 uprising unleashed a massive and unprecedented popular wave of coordinated peasant-indigenous, mobilisation around two main issues – land and democratisation. The main protagonists of this process during 1994 and 1995 were the Consejo Estatal de Organizaciones Indígenas y Campesinas de Chiapas (CEOIC), which brought together all of the state's major peasant and indigenous organisations, and the Asamblea Estatal Democrática del Pueblo Chiapaneco (AEDEPECH), which brought together a wide array of peasant, indigenous and urban independent organisations and large sectors of the non-formally organised civil society. The CEOIC led a massive wave of invasions of private ranches, while AEDEPECH mobilised against an alleged electoral fraud in the 1994 state-level elections, and for several months supported the 'rebel state government' led by the candidate of the PRD Amado Avendaño.<sup>41</sup>

The Zapatista uprising in neighbouring Chiapas had a powerful impact in Oaxaca, eliciting the sympathy and solidarity of most indigenous and peasant organisations of the state, and provoking a massive and unprecedented wave of co-ordinated mobilisation. The creation of networks and the organisation of co-ordinating forums went far beyond the anti-Quincentenary campaign. The organised indigenous and peasants demanded land, democracy, respect for human rights and autonomy for indigenous peoples. The governor of Oaxaca and the local PRI elite were deeply concerned about social peace and stability – that is about governability – in Oaxaca after the EZLN uprising. Understandably, the governor feared a possible expansion of Zapatismo in Oaxaca territory, a 'contagion' of the state by the conflict in Chiapas.<sup>42</sup>

<sup>40</sup> Stephen, *Zapata Lives!*, pp. 138–40; Womack, *Rebellion in Chiapas*, p. 39.

<sup>41</sup> Harvey, *The Chiapas Rebellion*, pp. 188–91, 211–23; Stephen, *Zapata Lives!*, pp. 55, 77–8.

<sup>42</sup> Anaya Muñoz, 'Governability and Legitimacy in Mexico,' pp. 150–7.

In sum, the legitimacy of the PRI started to show signs of erosion at least from the 1970s and throughout the 1980s in Chiapas and Oaxaca. As just shown, this declining legitimacy was reflected in the emergence of a number of independent organisations that challenged the PRI government and demanded goods they were not getting from it. In the mid-1990s, this process resulted in an armed conflict – and thus a clear disruption of governability – in Chiapas, and in the emergence of serious threats in Oaxaca.

The decline of the legitimacy of the PRI can also be traced in the electoral arena. In Oaxaca the PRI started to lose municipal governments from the late 1970s; in 1977, it lost 13 of the 570 *ayuntamientos* (municipal councils) disputed. As the 1980s evolved, the challenge posed by opposition parties – in some cases in alliance with independent organisations – spread to a growing number of municipalities and grew increasingly successful. In 1989 the number of opposition victories in municipal elections reached a peak of 33.<sup>43</sup> In contrast, the PRI in Chiapas maintained absolute control of the 111 municipal governments throughout the decade.<sup>44</sup> In the early 1990s the PRI's electoral leverage continued to weaken in Oaxaca – even if in 1992 it made an important recovery, losing only 22 municipal governments, in 1995 it lost 47.<sup>45</sup> In Chiapas the PRI's electoral hegemony started to show slight signs of deterioration at the municipal level in 1991, but it was not until 1995 that it started to lose *ayuntamientos*. Opposition parties won in 26 municipalities that year, 8 of which were indigenous.<sup>46</sup> In sum, the erosion of the legitimacy of the PRI was more pronounced in the electoral arena in Oaxaca during the 1980s and early 1990s, but by 1995 it was quite evident in Chiapas as well.

National elections show the same pattern. In the 1988 elections Salinas obtained 49 per cent of the total vote in Oaxaca; in Chiapas, he amassed 89 per cent. In the mid-term 1991 federal elections for the Chamber of Deputies, the PRI recovered considerably in Oaxaca, obtaining 70 per cent of the vote; still below its share of 76 per cent in Chiapas.<sup>47</sup> But in the 1994

<sup>43</sup> J. Bailón Corrés, *Pueblos indios, elites y territorio* (Mexico, 1999), pp. 189–229; F. Díaz Montes, *Los Municipios: la lucha por el poder local en Oaxaca* (Oaxaca, Mexico, 1992); Fausto Díaz Montes, 'Elecciones municipales en Oaxaca: 1980–1992,' *Cuadernos del Sur*, no. 6–7 (1994), pp. 93–110; Anaya Muñoz, 'Governability and Legitimacy in Mexico,' pp. 159–70.

<sup>44</sup> In 1982 a PAN candidate won the municipal government in the Tzotzil municipality of Zinacantán. However, soon after taking office, he relinquished his PAN affiliation, and reassumed his previous loyalty to the PRI. Willibald Sonnleitner, 'Promesas y desencantos de una democratización electoral incipiente pero inacabada (1991–1998),' in Juan P. Viqueira and Willibald Sonnleitner (eds.), *Democracia en tierras indígenas. Las elecciones en Los Altos de Chiapas (1991–1998)* (Mexico City, 2000), p. 122n.

<sup>45</sup> Anaya Muñoz, *Governability and Legitimacy in Mexico*, p. 170.

<sup>46</sup> Sonnleitner, 'Promesas y desencantos,' pp. 116–27, 145–7.

<sup>47</sup> Electoral data for federal elections from 1991 to 1997 are taken from the Instituto Federal Electoral's (IFE) web site ([www.ife.org.mx](http://www.ife.org.mx)).

presidential elections, Zedillo obtained just 48 per cent of the vote in Chiapas, while in Oaxaca he got 50 per cent.

The results of the 1994 gubernatorial contest in Chiapas were similar to those of the federal elections – Eduardo Robledo, the PRI candidate, was elected with just over 50 per cent of the total vote, while Amado Avendaño, the PRD challenger, obtained 35 per cent, amidst allegations of massive fraud against him. So the PRI's electoral supremacy was in sharp decline in Chiapas by 1994. This decline – reflected in the outcomes of both federal and state-level elections – was even sharper in the indigenous regions.<sup>48</sup> Even if this did not result in the loss of control over the central sites of political power and decision-making, it was clear that the party's electoral supremacy was under considerable strain.

The PRI continued to lose votes in Chiapas in the 1995 state elections, but its decline in indigenous regions was contained. In contrast to the strategy adopted in 1994, in 1995 the EZLN ordered its members not to participate in the elections. This military order had a good deal of influence not only over Zapatista militants, but also over the members of peasant organisations that sympathized with the rebels. As mentioned, opposition parties won 26 municipal governments in 1995 – five of which, won by the PRD, were located in the indigenous region influenced by the EZLN. But, as argued by Sonnleitner, if it had not been for the Zapatista electoral boycott, the PRD could have won between three to eight *ayuntamientos* more within the indigenous Zapatista zone of influence.<sup>49</sup> So, paradoxically, the Zapatistas were aiding the PRI to contain the impact of its electoral decline in the indigenous regions of Chiapas.

In the 1997 mid-term federal elections the PRI maintained its 50 per cent share of the vote in Oaxaca. In Chiapas the EZLN reinforced its electoral boycott, and forcefully prevented the installation of hundreds of polling stations, particularly in the Ocosingo district, in the Lacandon forest.<sup>50</sup> The peasant organisations that had enthusiastically supported the PRD's candidates in 1994, and many other sectors besides, were severely disenchanted with electoral politics.<sup>51</sup> This resulted in a massive abstention rate – nearly 65 per cent in the whole state, and over 72 per cent in the indigenous region. This, too, favoured the PRI: its candidates obtained 51 per cent of the votes cast in the state, and over 68 per cent in the indigenous municipalities.<sup>52</sup>

<sup>48</sup> Sonnleitner, 'Promesas y desencantos,' pp. 129–37.

<sup>49</sup> *Ibid.*, p. 149.

<sup>50</sup> See *La Jornada*, 7, 8 and 9 July 1997.

<sup>51</sup> Sonnleitner, 'Promesas y desencantos,' pp. 162–3.

<sup>52</sup> In the 2000 federal elections the EZLN lifted its electoral boycott, and even if it did not overtly support any particular party, it authorised its members to vote freely. Many voters returned to the polls, reducing the abstention rate to 48 per cent. Under these

So, as shown in this section, the legitimacy of the PRI eroded in Oaxaca and Chiapas during the 1980s and particularly the early-to-mid 1990s. In Oaxaca this deterioration was evident in the organisational and electoral arenas. In Chiapas, during the 1980s, it took shape only in the organisational field, but from 1994 it had a clear electoral dimension as well. By 1992, in any case, it was clear in both cases that the challenges to legitimacy and ultimately governability came to a large extent from the organised indigenous population. This was particularly clear after 1994 – the public appearance of the EZLN and the effect of the rebellion on peasant and popular organisations in both states substantially altered the scale of the indigenous challenge.

The threats to governability continued throughout the rest of the 1990s in Oaxaca, particularly as the pro-EZLN indigenous organisations and authorities continued to mobilise and demand autonomy and rights, and as the Ejército Popular Revolucionario (EPR) appeared and increased its activities the state.<sup>53</sup> In Chiapas a quiet war developed between the EZLN and its civil support base, and the military, the state police and pro-PRI armed (paramilitary) groups of indigenous peasants. Simultaneously, the Zapatistas started to develop a complex network of autonomous municipal governments, which have been repeatedly harassed and repressed by the military and the police, but nevertheless continue to challenge the official, constitutional municipal governments in different regions of the state.<sup>54</sup>

In Oaxaca the PRI reacted purposefully to the overall erosion of its legitimacy and especially to the post-1994 threats to governability, not only through a ‘neo-corporatist’ strategy and the use of large federal anti-poverty and social development funds, but also through the implementation of a more or less serious and legitimate politics of recognition. In Chiapas, however, the government’s answer to the erosion of legitimacy and to the armed conflict did not include such a response. Its response was instead largely ‘technocratic’ – even if it has included the (limited and selective) distribution of land, it has relied heavily on the implementation of rural

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circumstances the decline of the PRI’s electoral leverage (hidden in 1995 and 1997) had a more direct and clear impact on the actual electoral outcome – Francisco Labastida, the PRI’s candidate, won in Chiapas, but with only 43 per cent of the vote.

<sup>53</sup> *Noticias*, (1, 8 and 10 Feb., 1 and 27 March 1998); Esteva, interviews. For a more detailed account see Anaya Muñoz, ‘Governability and Legitimacy in Mexico,’ pp. 233–6.

<sup>54</sup> See the press bulletins and reports (1997–2004) on the web sites of the Centro de Derechos Humanos Fray Bartolomé de Las Casas (<http://www.laneta.apc.org/cdhbcasas/>), the Centro de Derechos Humanos Miguel Agustín Pro Juárez (<http://www.sjsocial.org/PRODH>), and the Centro de Investigaciones Económicas y Políticas de Acción Comunitaria (<http://www.ciepac.org>). For accounts of the new structure of autonomous governments set up by the EZLN in Chiapas see the different articles in *Memoria* no. 176 (October 2003); also see Jorge Alonso Sánchez, ‘La nueva etapa del zapatismo. El surgimiento de los Caracoles,’ in *Renglones*, no. 56 (January 2004), pp. 25–33.



development and anti-poverty programmes.<sup>55</sup> The other side of the coin, of course, has been constant repression, both before and after 1994.

In the face of the clear erosion of legitimacy and the emergence of armed rebellion, the dialectic of the politics of recognition was indeed dynamic in Chiapas – since 1994 but particularly after 1996, recognition and indigenous rights demands have been at the centre of the dispute between the government and the organised indigenous in the state. Indeed, a politics of recognition has been designed and implemented. But, in contrast to what has happened in Oaxaca, its outcomes have not been close enough to indigenous aspirations and demands to be effective. This is particularly puzzling, since the threats to governability were considerably sharper in Chiapas than in Oaxaca, and indigenous rights demands were a central element of the conflict in the former state.

*Indigenous access to the decision-making process and the definition of alliances  
with relevant actors*

After 1994 the debate on the recognition of cultural diversity and the rights of indigenous peoples came to the top of the agenda in Chiapas and Oaxaca (and indeed in Mexico as a whole). This was the first issue to be formally addressed in the 1995–1996 negotiations between the EZLN and the federal government in San Andrés Larráinzar. As mentioned, the peace talks resulted in the San Andrés Agreements on Indigenous Rights and Culture, signed by both parties in February 1996. The Agreements defined a concrete and detailed series of guidelines for designing and implementing a politics of recognition both in the federation and Chiapas. The specific constitutional and statutory reforms that the agreements required, however, were to be made by the state and federal congresses respectively. So, the decision-making process in which the politics of recognition was defined and implemented in Chiapas had two stages – San Andrés, and the federal and state congresses. This prompts the question of whether indigenous actors participated (directly or indirectly) in both instances of the decision-making process.

One author reports that indigenous actors were excluded from the negotiations in San Andrés.<sup>56</sup> This is true in relation to the Frente Independiente de Pueblos Indios (FIPI), an indigenous organisation born in Chiapas that

<sup>55</sup> The distribution of land particularly benefited peasant groups organised around the PRI-affiliated Confederación Nacional Campesina (CNC). Therefore, it created more instability, as independent organisations started to fight with official organisations over available plots of land. Harvey, *The Chiapas Rebellion*, pp. 150–5; Womack, *Rebellion in Chiapas*, pp. 20–1, 39–41, 209–18.

<sup>56</sup> Van Cott, 'Explaining Ethnic Autonomy Regimes in Latin America,' p. 42.

had been articulating demands related to the politics of recognition – in particular to the right to autonomy – since the early 1990s.<sup>57</sup> Indeed, the FIPI leadership was politically displaced by the EZLN in the San Andrés negotiations, and its autonomy programme did not prevail.<sup>58</sup> But this does not mean altogether that ‘Mexican indigenous organizations were (...) excluded from the peace negotiations’.<sup>59</sup> The Zapatista delegation was in fact led by prominent *chiapaneco* indigenous military and political leaders of the EZLN, such as commanders Tacho, Zebedeo and David. In addition, the indigenous view was represented by a large number of (indigenous and non-indigenous) advisors convened by the EZLN, some of whom had direct ideological and political ties to the FIPI leadership. Indigenous peoples not only participated, but played a front-line role in the San Andrés negotiations – being in fact, one of the two parties involved. This explains the subsequent large degree of legitimacy that the Agreements have garnered amongst the indigenous population in Chiapas and elsewhere in Mexico.

But, as mentioned, there was more to the decision-making process than the negotiations in San Andrés. The following (and decisive) step took place within the formal institutions of the state – particularly the executive and legislative branches. It was from these decisive spaces that the indigenous actors of Chiapas were excluded. In Oaxaca, too, indigenous peoples were effectively excluded from the state Chamber of Deputies, but prominent indigenous leaders and non-indigenous intellectuals who sympathised with the multicultural agenda penetrated the inner circle of advisors of governors Heladio Ramírez (1986–1992) and Diódoro Carrasco (1992–1998). In this way, the indigenous view became influential and was (at least indirectly) involved in the definition and implementation of fundamental elements of the politics of recognition in the state, including the electoral *usos y costumbres* reforms and the ‘indigenous law’.<sup>60</sup> In Chiapas indigenous peoples did not

<sup>57</sup> Margarito Ruíz, ‘El Frente Independiente de Pueblos Indios,’ *Revista Mexicana de Sociología*, vol. 66, no. 2 (1994), pp. 117–32. In 1992 the FIPI leadership and some influential non-indigenous intellectuals promoted the formation of the Asamblea Nacional Indígena Plural por la Autonomía (ANIPA), which thereafter articulated a demand of autonomy for indigenous peoples. See Asamblea Nacional Indígena Plural por la Autonomía ‘Proyecto de iniciativa para la creación de las regiones autónomas,’ *Memoria* no. 89 (1996), pp. 15–21.

<sup>58</sup> The FIPI autonomy programme provided for the establishment of indigenous autonomous regions. See Asamblea Nacional Indígena Plural por la Autonomía ‘Proyecto de iniciativa’. Although the EZLN and most of its indigenous and non-indigenous advisors in the San Andrés negotiations favoured the establishment of autonomous regions, they made the strategic choice of accepting, as a starting point, the government’s final offer of communal-municipal autonomy. See Hernández Navarro and Vera Herrera, *Acuerdos de San Andrés*, pp. 67–79; H. Díaz Polanco, *La rebelión zapatista y la autonomía* (Mexico City, 1997), pp. 185–203.

<sup>59</sup> Van Cott, ‘Explaining Ethnic Autonomy Regimes in Latin America,’ p. 42.

<sup>60</sup> Salomón Nahmad (former INI national director, advisor to governors Ramírez and Carrasco), interviews (Oaxaca City, August and September, 2002); Esteva, interviews;

have an effective representation in the state Chamber of Deputies, which was overwhelmingly controlled by the openly anti-EZLN and anti-indigenous autonomy local PRI elite. Similarly, indigenous actors did not have any kind of influence over the different state governors. The 1999 reforms to the local constitution and the 'indigenous law' were implemented not only without effective indigenous participation and consent but in fact against their will – indigenous voices not limited to the EZLN openly and unambiguously denounced the '*ley Albores*' and the 1999 constitutional reform.<sup>61</sup> In sum, while in Oaxaca indigenous peoples obtained (indirect) access to decision-making, in Chiapas they were effectively excluded from the bodies that decided to postpone the constitutional reform from 1996 to 1999, and that in the end drew up an unsatisfactory amendment to the constitution and an empty 'indigenous law'.

This takes us to the next question – whether indigenous peoples managed to build effective alliances with relevant political forces? In Oaxaca, as just suggested, indigenous actors formed a fundamental alliance with the key decision-maker in the state – the governor. In Chiapas the EZLN, and the indigenous movement around it, obtained the support of important actors, such as Bishop Samuel Ruiz, local, national and international social organisations, and the PRD. But these allies did not have a meaningful presence within the formal decision-making institutions either. Bishop Ruiz and the social organisations did not have any kind of influence over the governor or the PRI deputies – on the contrary, they were also considered to be on 'the enemy's side'. The PRD, on the other hand, only counted with 5 (of 50) deputies in the state congress, and could not do much against the overwhelming PRI majority. In addition, the alliance between this opposition party and the EZLN deteriorated significantly after 1995, and proved of little relevance. In sum, the alliances made by the Zapatistas and the indigenous autonomy movement were rather marginal from a purely formal-institutional point of view. In Oaxaca, in contrast, as already underlined, prominent indigenous actors made a tacit alliance with the key decision-maker in the state.

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Adelfo Regino (*Mixe* activist and intellectual), interviews (Oaxaca City, January 2000 and January 2002).

<sup>61</sup> The Law of Indigenous Rights and Culture of the State of Chiapas is commonly known as the '*ley Albores*' in reference to Roberto Albores, the state governor (1998–2000) who promoted it. According to different accounts, this law, together with the reforms to the local constitution, was implemented following the instructions of the federal Ministry of Interior, which had opted to promote limited state-level reforms in order to counter the Zapatista insistence on a reform to the Federal Constitution. Pablo Yanes Rizo, 'Pueblos sin territorio, autoridades sin poder,' *Masiosare* (9 May 1999); Magdalena Gómez, 'Gobernación y Albores: ¿quién decide?' *La Jornada* (3 July 1999).

*Explaining the politics of recognition: beyond the original framework*

The dialectics of the politics of recognition were unleashed in Oaxaca and Chiapas as the local PRI regime faced a process of growing erosion of legitimacy and severe threats to governability – and armed rebellion, in the case of Chiapas. The recognition agenda did not advance in Chiapas as it did in Oaxaca, however, because in the former case indigenous peoples could not get sufficient access to the decision-making process to influence the final outcome. The alliances they managed to create could not preclude this exclusion. Given the distribution of formal-institutional power in Chiapas, and the unwritten rules of the Mexican political system, the only meaningful alliance in this respect would have been one with the PRI itself, in particular with the state governor. So, if in Oaxaca the key explanatory element was the alliance between indigenous actors and state governors, in Chiapas it was the lack thereof. But this conclusion only begs for a further question, one that transcends the explanatory framework originally proposed – why such an alliance was possible in Oaxaca, but not in Chiapas.

Around 450 of Oaxaca's municipalities can be considered indigenous;<sup>62</sup> Chiapas, on the other hand, counts 118 municipal units, 31 of which can be taken as 'eminently indigenous'.<sup>63</sup> Oaxaca's indigenous municipalities are considerably smaller and tend to be formed of one or a few indigenous communities,<sup>64</sup> which have traditionally elected municipal authorities through *usos y costumbres*. Therefore, municipal power in Oaxaca has been historically controlled by the indigenous communities themselves. In Chiapas, on the other hand, municipalities are much larger and contain numerous towns or communities, not all of them with indigenous identity.<sup>65</sup> As in Oaxaca, in many of the 'eminently indigenous' municipalities of Chiapas – particularly those of the highlands – traditional social and political institutions prevail, and indigenous elites closely linked to the PRI control municipal power.<sup>66</sup>

<sup>62</sup> Elsewhere, I have argued that 447 of Oaxaca's municipalities can be considered indigenous. Anaya Muñoz, 'Governability and Legitimacy in Mexico,' pp. 261–2.

<sup>63</sup> The term 'eminently indigenous municipalities' has been used by the INI to denote those municipalities inhabited by 70 per cent or more speakers of indigenous languages. Arnulfo Embriz (coord.), *Oaxaca. Indicadores socioeconómicos de los pueblos indígenas por Centro Coordinador Indigenista, lengua principal y localidades eminentemente indígenas. 1ª parte* (Mexico City, 1994). According to the 2000 census, 31 municipalities of Chiapas meet this criterion. See [www.inegi.gob.mx](http://www.inegi.gob.mx).

<sup>64</sup> On average, the 447 indigenous municipalities in Oaxaca contain 15 communities each.

<sup>65</sup> On average, the 31 'eminently indigenous' municipalities of Chiapas contain 112 communities each. This number is inflated by the number of communities in Ocosingo (1007) and Chilón (489). Even if we exclude these municipalities from the calculations, however, the average number of communities per municipality is still 68.

<sup>66</sup> Recently, nevertheless, indigenous elites have become fragmented, and some of them have made alliances with opposition parties, in particular the PRD and the Partido del Trabajo (PT). See Edmundo Enríquez Arellano, 'Los hijos de López. La transformación de los

But in other quite large and important mestizo controlled municipalities like Ocosingo, Las Margaritas and Altamirano, in the heart of the Zapatista zone of influence, the establishment of indigenous autonomy at the municipal level would imply a dramatic reconfiguration of the municipal map, with important economic, political and even military implications.<sup>67</sup> In general terms, the characteristics of the political-territorial structure made the establishment of indigenous autonomy at the municipal level more feasible and less problematic in Oaxaca than it would have been in Chiapas.

The legalisation of electoral *usos y costumbres* in Oaxaca – a key element of the state's politics of recognition – is in part explained as a PRI manoeuvre intended to keep opposition parties away from municipal governments. It could be argued that the PRI elite had similar incentives to legalise electoral *usos y costumbres* in Chiapas, and in this way preclude the progress of opposition parties in municipal elections, particularly in the indigenous municipalities of the highlands region. But, as shown before, the opposition's electoral threat became evident only after 1994; by then, political pluralism had already 'contaminated' the indigenous municipalities of the state.<sup>68</sup> In addition, as I will argue, after 1994 the armed conflict had dramatically altered the political context and thus limited the range of possible policy options. So, in Oaxaca the PRI elite not only had a more favourable scenario, but also particular incentives to define an alliance around municipal autonomy with indigenous actors. These conditions were not present in Chiapas.

Since 1994 Chiapas had been in a state of general instability and confrontation, caused by the armed conflict. There was not much direct military combat between the EZLN and the federal army or the state police, but the political confrontation was intense, while violent clashes between armed civilian sympathisers of both the PRI and the EZLN took place throughout

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usos y costumbres en Mitontic,' in Lourdes de León Pasquel, *Costumbres, leyes y movimiento indio*, pp. 115–25; and Araceli Burguete Cal y Mayor, 'Usos, costumbres, partidos y elecciones en Chalchihuitán, Altos de Chiapas,' in Lourdes de León Pasquel, *Costumbres, leyes y movimiento indio*, pp. 127–56.

<sup>67</sup> Seven new municipalities were created in 1999 in Chiapas, including Santiago El Pinar, Aldama, San Andrés Duraznal and Maravilla Tenejapa, which are 'eminently indigenous'. The redrawing of the municipal map was one of the commitments made in San Andrés. In principle, the new municipalities would be defined in an agreed manner between the state government and the EZLN. This issue, however, was 'contaminated' by the interruption of the negotiation process and the increased tension during Roberto Albores' interim period. The governor and President Zedillo opted to draw up the new municipal map unilaterally, and create new municipalities away from or in the periphery of the 'conflict zone'. See A. Burguete and X. Leyva, *Nuevos municipios en Chiapas* (San Cristóbal de las Casas, 2001).

<sup>68</sup> Edmundo Enríquez Arellano, 'Los hijos de López'; and Araceli Burguete Cal y Mayor, 'Usos, costumbres, partidos y elecciones en Chalchihuitán'.

the 'conflict zone'.<sup>69</sup> This overall context of latent war between indigenous and government actors and violent open confrontation between radicalised indigenous groups made impossible the establishment of minimum understandings within indigenous peoples, not to mention an alliance between them and the PRI government around the politics of recognition, or indeed any other issue.

In addition, the EZLN uprising unleashed a wave of civil-political movements against local caciques and indigenous elites linked to the PRI-controlled municipal power. This 'civil rebellion' that followed the armed uprising resulted in the destitution of numerous *ayuntamientos*, and the establishment of dozens of 'autonomous municipalities' not only by the EZLN but by other indigenous movements as well.<sup>70</sup> It would have not been prudent to think about establishing indigenous autonomy in this highly unstable context, characterised by an uncontrolled plurality, violent conflict and blatant ungovernability.

Another element to take into account is the extraordinary influence of President Zedillo's government over decision-making in Chiapas. It could be argued that the federal Ministry of the Interior governed the state through hand picked interim governors Ruiz Ferro (1994–1998) and Albores Guillén (1998–2000), both of them *chiapanecos* who had made a modest political career within the federal bureaucracy in Mexico City. Reluctance to adopt a substantive politics of recognition in the state responded in part to the well known opposition of President Zedillo to the establishment of autonomy regimes in Mexico, based on his fear of 'balkanisation' and geo-strategic concerns in relation to the country's south-eastern border.<sup>71</sup> Evidently, the situation in Oaxaca was not as extreme as it was in Chiapas, and also, governor Diódoro Carrasco did not owe his position to President Zedillo. He was not as dependent on the federal government as his *chiapaneco* counterparts, had more room for political manoeuvre and independent decision making, and was thus able to ride out federal discomfort with the enacting of the 'indigenous law' in 1998.<sup>72</sup>

So, particular structural and contextual elements precluded the establishment of an alliance between elite and indigenous actors around a meaningful

<sup>69</sup> See the different reports of the 'Fray Bartolomé de las Casas' Human Rights Centre in <http://www.laneta.apc.org/cdhbcasas/>.

<sup>70</sup> Araceli Burguete Cal y Mayor, 'Usos, costumbres, partidos y elecciones en Chalchihuitán'.

<sup>71</sup> On the latter issue see D. Villafuerte Solís, *La frontera sur de México. Del TLC México-Centroamérica al Plan Puebla-Panamá* (Mexico City, 2004), pp. 234–244.

<sup>72</sup> In 1997 federal Minister of the Interior Emilio Chuayffet strenuously opposed the 'indigenous law' that Governor Carrasco wanted to promote in Oaxaca. After Chuayffet was removed in 1998, his successor, Francisco Labastida, allowed Carrasco more space for political manoeuvre at the state level. Esteva, interviews. Also see Anaya Muñoz, 'Governability and Legitimacy in Mexico,' pp. 194–236.

politics of recognition in Chiapas. Indeed, it seems that the establishment of such an alliance was never considered as a possible alternative by the local PRI elite. In other words, while Heladio Ramírez envisioned – and Diódoro Carrasco acknowledged – the potential of the politics of recognition for legitimacy building and the maintenance of governability in multicultural contexts,<sup>73</sup> Julio César Ruiz Ferro and Roberto Albores Guillén did not even contemplate it.

Richard Snyder uses the notion of ‘policy repertoires’ as a key element to explain politicians’ answers to social demands. He argues that together with institutional constraints policy decisions are conditioned by ‘coherent frameworks of beliefs, values, and ideas (...) anchored in practical, *applied* knowledge’.<sup>74</sup> In Snyder’s study of the reregulation of the coffee market after the disappearance of the state-owned enterprise that controlled the industry – the Instituto Mexicano del Café, INMECAFE – the governors of Chiapas and Oaxaca ‘chose [different] strategies that fit their ideological orientations’.<sup>75</sup> Recent work on Oaxaca points at the importance of the role played by the inaugurator of the politics of recognition in the state – Heladio Ramírez.<sup>76</sup> His personal history is suggestive – he was born in a *Mixteco* community, and followed a political career within the populist pre-technocratic PRI, particularly within the ranks of the CNC. Indeed, by the late-1980s and early-1990s, Heladio Ramírez ‘was a relic of a bygone populist era [... whose] political identity and policy preferences were forged in the mould of the statist-populist policies dominant’ in the 1970s.<sup>77</sup> His successor Diódoro Carrasco, an economist formed in the technocratic Instituto Tecnológico Autónomo de México (ITAM), did not have an indigenous background, nor did he make his political career in the populist era. However, he was a senior officer in the Ramírez administration, and apparently was influenced by his former boss. According to close advisor Gustavo Esteva, Carrasco learned from Ramírez that the key to statecraft in a place like Oaxaca was ‘to govern with indigenous peoples’, as opposed to just governing them; and that a fundamental element of that was the recognition of indigenous rights.<sup>78</sup> In contrast, as noted by Snyder, Chiapas governor José Patrocinio González Garrido (1988–1993), a ‘*Salinista* neo-liberal’, governed with and for the (non-indian) elite.<sup>79</sup> In addition, like his predecessor, General Absalón Castellanos Domínguez (1982–1988), González

<sup>73</sup> *Ibid.*, pp. 216–45.

<sup>74</sup> Richard Snyder, ‘After Neoliberalism: The Politics of Reregulation in Mexico,’ *World Politics*, vol. 51, no. 2 (1999), p. 181. Emphasis in the original. <sup>75</sup> *Ibid.*, p. 186.

<sup>76</sup> Anaya Muñoz, ‘Governability and Legitimacy in Mexico,’ pp. 217–28.

<sup>77</sup> Snyder, ‘After Neoliberalism,’ pp. 191–3.

<sup>78</sup> Esteva, interview, Sept. 2001. See Anaya Muñoz ‘Governability and Legitimacy in Mexico,’ pp. 217–28. <sup>79</sup> Snyder, ‘After Neoliberalism,’ pp. 191–3.

Garrido tended to repress the regime's most radical opponents, and only reluctantly to give limited concessions to independent peasant organisations.<sup>80</sup> Presumably, governors Ruiz Ferro and Albores Guillén held similar beliefs, values and ideas, and therefore adopted similar policy options – they distributed land to the peasant organisations that invaded private ranches in 1994 and early 1995, but also applied a *mano dura* (iron fist) to the most radical opponents (i.e. the EZLN and its civil support base), and appear not to have considered the possibility of 'governing with indigenous peoples' and making an alliance with them around an agreed upon politics of recognition. Their political experience in the (technocratic) federal bureaucracy determined further their policy choices – in accordance with the approach adopted by the Salinas and Zedillo federal administrations, the strategy followed by the Chiapas governors to contain the disruption of governability and to reconstitute the PRI's legitimacy was to a good degree limited to the implementation of anti-poverty and social development programmes, and excluded the definition of a meaningful politics of recognition. The policy repertoires of the Chiapas and Oaxaca governors of the period in question are quite different; this, in part, accounts for the differentiated approach they followed towards the establishment of alliances with indigenous actors, in general, and the politics of recognition, in particular.

In sum, particular features of the political context and the political-territorial structure of Oaxaca and Chiapas, together with the 'political repertoires' of the decision-makers, are key in accounting for the differentiated development of the politics of recognition in these states. This set of contextual, structural and agent-related elements made the establishment of a basic alliance possible, and a more substantive politics of recognition a feasible and desirable policy option in Oaxaca. In Chiapas, conversely, a meaningful politics of recognition was a problematic and difficult option, while cooperation with indigenous actors did not figure within the *usos y costumbres* of the local political elite.

Some of the elements that precluded the development of a meaningful politics of recognition in Chiapas during the late 1990s have waned. The opposition of the federal government to the project of indigenous autonomy has decreased, while its influence over the local decision-making process has weakened considerably. In addition, current governor Pablo Salazar Mendiguchía appears to have a more open and flexible approach to the politics of recognition. But, even if the armed conflict has not been ended and its causes have not been effectively addressed, its intensity has diminished and the disruption of governability has been to a good extent

<sup>80</sup> See note 38, above. Also see D. Villa Fuente Solís et al., *La tierra en Chiapas. Viejos problemas nuevos* (Mexico City, 2002), pp. 145–7.



controlled since the turn of the century. This has minimised the incentives for the political elite to develop a more meaningful recognition agenda. Advocates of indigenous autonomy in Chiapas will have to wait for a new stage in the dialectics of the politics of recognition: one that unfolds in such a way that the broader political context, the political-territorial structure and the 'policy repertoires' of the decision-makers do not preclude elite-indigenous alliances and do not rule out indigenous autonomy as a viable policy option.

**Appendix 1.** *Elements of the Politics of Recognition in Oaxaca and Chiapas.*  
1990–2001

		Oaxaca	Chiapas
<b>Constitutional Reforms</b>	Recognition of plural ethnic composition	1990	1999
	Declaration of protection and promotion of (social and political) organisational forms	1990 (for communities and peoples)	1999 (for communities only)
	Recognition of traditional systems for the administration of justice	1990	1999
	Recognition of <i>tequio</i>	1990	
	Recognition of electoral practices and traditions	1990/ 1995 (for communities and municipalities)	1999 (for communities)
	Association between communities and municipalities	1990	
	State obligation to provide bicultural and bilingual education	1990	1999
	Protection of cultural heritage	1990	1990/1999
	Recognition and protection of indigenous languages	1994	1990
	Creation of a State Indigenous Council		1990
	Consideration of indigenous culture in judicial proceedings	1990	1999
	Provision of translators for judicial proceedings/judicial assistance and defence in indigenous languages	1990	1999
	Mandate to the State Human Rights Commission to ensure the respect of the culture, customs and traditions of the indigenous communities		1999
<b>Statutory Reforms</b>	Electoral Code	1992, 1995, 1997	
	Municipal Law	1993	
	Attorney Office for the Defence of the Indigenous	1994	
	Ministry of Indigenous Affairs	2001	1994
	Penal Code/Penal Proceedings Code	1995	1998
	Civil Proceedings Code		1998
	Education Law	1995	
	Indigenous Law	1998	1999

Appendix 2. *Content of the 'indigenous laws' of Oaxaca and Chiapas*

	Oaxaca	Chiapas
Definition of indigenous communities and peoples	✓	✓
Definition of autonomy	✓	×
Definition of indigenous territory	✓	×
Definition of collective rights	✓	×
Definition of indigenous normative systems	✓	×
Right to autonomy	✓	✓ (no content)
Communal level	✓	✓ (no content)
Municipal level	✓	×
(Quasi) Regional level	✓	×
Safeguards for indigenous culture	✓	×
Bilingual and intercultural education	✓	✓
Recognition of indigenous normative system	✓	×
Definition of an indigenous judicial jurisdiction	✓	×
Punishment of discrimination	✓	×
Protection for indigenous women	✓	✓
(Limited) control of natural resources	✓	×
Participation in definition of development programs	✓	×
Support of traditional medics	×	✓
Prohibition of forced evictions	×	✓