

Country/entity	Mexico
Region	Americas
Agreement name	Commitments for Chiapas by the State and Federal Governments and the EZLN under Paragraph 1.3 of the Rules of Procedure
Date	16 Feb 1996
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Zapatista Uprising (1994 -)
	<p>The North American Free Trade Agreement (NAFTA) between United States, Canada and Mexico implied the removal of the Article 27 of Mexico's constitution that protected the native communal landholdings. In reaction, the left-wing Zapatista National Liberation Army (EZLN) declared war against the Mexican government on the day of the signing of the NAFTA agreement, 1 January 1994.</p> <p>Led by charismatic Subcomandante Marcos, the EZLN rapidly gained popularity among the left-wing youth in the Americas and in Europe and established a considerable global media presence.</p> <p>Peace negotiations started in 1995, leading to several agreements, the San Andrés Accords signed in 1995 and 1996. However, socio-political tensions with the Mexican state and the lack of protection of the indigenous peoples and subsistence farmers remained unresolved. Nowadays, the Chiapas Conflict continues as a low-intensity conflict.</p> <p>Close Zapatista Uprising (1994 -)</p>
Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Mexico-Chiapas peace process
Parties	EZLN, Mexican Government
Third parties	-
Description	This agreement sets out a constitutional framework for autonomy, and indigenous rights to be enshrined in the General Constitution of the Republic, and the Chiapas state constitution.

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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people Groups→Indigenous people→Substantive [Summary] the agreement in its entirety deals with constitutional and legislative amendments for the protection of the Chiapas people.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
The State government will promote before local Congress a bill on the Justice and Agrarian Development Act, which includes instrumental mandates for dissolving and penalizing latifundium owners and establishes the necessary conditions so that agrarian nuclei, communities, and indigenous peoples may generate their own development by availing of the resources of their own land, pursuant to Articles 13.2 and 14 of Convention 169 of the ILO.

Social class No specific mention.

Gender

Women, girls and gender	Page 2, Part I ... The establishment of the right of, and applicable mechanisms for, indigenous women to participate, on an equal footing with men, in all matters dealing with the governance and development of indigenous peoples and to enjoy priority intervention in the economic, educational, and health-care projects specific to them.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 2, Article I. Similarly, the Chiapas state government shall promote and protect the organization and development of indigenous families, providing for and recognizing the traditional ways in which they are constituted.

State definition

Nature of state (general)	[Summary] Recognises indigenous peoples' right to self-determination and autonomy, and multi-cultural composition of the state of Chiapas. 'Municipalities with a mainly indigenous population may refuse to recognize the municipal authorities in power if the latter commits irresponsible acts which contravene the rights or practices and customs of the former, and local Congress shall endeavor to respect and support its decision.' Provides for 'Indigenous intercultural bilingual education'.
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State configuration	No specific mention.
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Self determination	Page 1, Article I Recognition is given to the indigenous peoples' right to self-determination and autonomy as collectives with different cultures and with the ability to decide on issues central to them within the framework of the National State. Recognition of indigenous peoples' autonomy will be promoted in accordance with the additions and amendments to the General Constitution of the Republic. Page 3, Article I. To guarantee enjoyment of the above rights, the autonomy of the indigenous peoples based on their right to self-determination must be recognized. We propose recognizing the right of communities to freely combine into municipalities with a majority indigenous population and the right of several municipalities to join together in order to coordinate their actions as indigenous peoples.
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Referendum	No specific mention.
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State symbols	No specific mention.
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**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→General references
[Summary] Lists of rights to be recognised of the indigenous peoples' incl. own autonomous methods of governance; recognition of traditional authorities and internal systems of governance. Recognises right of communities to freely combine into municipalities with a majority indigenous population and the rights of several municipalities to joint together in order to coordinate their actions as indigenous peoples. Provides for redistribution of municipalities. In order to administer municipalities, there will be councils elected by direct popular vote, and indigenous councils elected according to indigenous practices and customs. Similarly re municipalities where majority of the people are indigenous. 'Communities and municipalities the majority of whose population is indigenous, by the powers expressly granted to them under the law, may meet and form associations among themselves so as to undertake actions in the region which optimize efforts and resources, thus raising the capacity for administration, development and coordination of their actions as indigenous peoples. The competent authorities shall effect the orderly and gradual transfer of resources so that they administer the public funds set aside for them and strengthen indigenous participation in government, management and administration in its different spheres and levels.'

Page 1:

POLITICAL PARTICIPATION AND REPRESENTATION

The creation of the Commission for Municipal Reform and Redistribution in Chiapas. This Commission is made up of delegates from all the political parties represented in local Congress, as well as representatives from the EZLN, State government, and from the indigenous communities and municipalities throughout the State.

The Commission is charged with defining the most ideal, far-reaching and most effective methods for more authentically and faithfully incorporating the contents of the multiethnic, multi-cultural and social diversity of the State.

The objective of the Commission is to work out an amendment bill that will be put before the State Congress to modify Articles 3 and 16 of the local Constitution and the sections pertaining to the State electoral act and the free municipality organic law with regard to the municipalities and electoral districts into which the State is divided. For this purpose, the Commission will undertake the necessary technical studies and works.

This reform must guarantee conditions of greater fairness and transparency in electoral processes, recognize the right of the communities to appoint their traditional and municipal authorities in keeping with their practices and customs.

It must also grant juridical validity to the institutions and practices of the indigenous communities for appointing their authorities and to effect consultations under inclusive schemes and without the necessary participation of political parties.

It must likewise guarantee the political representation of indigenous minorities living in the State's non-indigenous municipalities in such a way that they may have proportional participation in the municipal council as well as in the conformation of local Congress.

Elections

Page 3, Article I.

Expansion in political participation and representation

The basis of territorial organization and political and administrative organization in the State is the free municipality.

In order to administer the municipalities, there will be councils elected by direct popular vote, as well as indigenous councils elected according to practices and customs, subject to their prior regulations and their incorporation into the electoral law currently in force in the State of Chiapas, which shall be defined when it is considered as an indigenous council.

Organization figures such as the State Indigenous Council must be abolished or reformed in accordance with the organization forms of indigenous communities and peoples which arise as a result of the process of constitutional changes which take place.

Page 3, Article I.

Municipalities, the majority of whose people are indigenous

In municipalities where the majority of the people are indigenous, the right of the indigenous people and communities will be recognized to elect their traditional municipal authorities in accordance with their practices and customs and to have juridical validity granted to their institutions and practices.

Page 4, Article I.

Municipal agents will be elected to and removed from office by the corresponding peoples and communities, and not through appointment by the municipal president.

It is best to plan ahead for mechanisms enabling the indigenous peoples and communities to participate in electoral processes, without the necessary participation of political parties. These mechanisms must guarantee the effective proportioning of natives on civic election councils and in the diffusion and supervision of these processes. [...] The reasons for the suspension of political rights referenced under the current Article 11 of the Political Constitution of the State apply only to the rights to vote or be voted for in the different election levels. In the case of section II of said article, when the suspension is owing to having been deprived of liberty without the right to provisional freedom and that the full enjoyment of these rights is recovered as of the moment the cause ceases which gave rise to said suspension.

**Electoral
commission**

No specific mention.

**Political parties
reform**

No specific mention.

Civil society

Page 2, Article I.

... h) Right to develop their own methods of and alternatives for labor organization.

**Traditional/
religious leaders**

Page 2, Article I.

- b) Right to practice, exercise, and develop their particular forms of political, economic, and social organization.
- c) Right to enjoy respect for their own autonomous methods of governance in the communities and municipalities they inhabit. Elections for indigenous authorities shall be carried out in accordance with the particular traditions of each people.

Page 3, Article I.

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**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

[Summary] The agreement comprises Article I. PROPOSED CONSTITUTIONAL AMENDMENTS IN THE STATE OF CHIAPAS and Article II. AMENDMENT PROPOSAL TO THE SECONDARY STATUTES OF THE STATE OF CHIAPAS which in their entirety deal with constitutional and legislative amendments.

Power sharing

Political power sharing

Power sharing→Political power sharing→General
Sub-state level
Redistribution of Municipalities

...

Page 3, Article I.

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Page 4, Article I.

Communities and municipalities the majority of whose population is indigenous, by the powers expressly granted to them under the law, may meet and form associations among themselves so as to undertake actions in the region which optimize efforts and resources, thus raising the capacity for administration, development and coordination of their actions as indigenous peoples. The competent authorities shall effect the orderly and gradual transfer of resources so that they administer the public funds set aside for them and strengthen indigenous participation in government, management and administration in its different spheres and levels.

The practices and customs which in mainly indigenous towns and municipalities define the specific duration terms of offices must be respected.

Municipalities with a mainly indigenous population may submit to local Congress the name they wish their municipality to have.

Municipalities with a mainly indigenous population may refuse to recognize the municipal authorities in power if the latter commits irresponsible acts which contravene the rights or practices and customs of the former, and local Congress shall endeavor to respect and support it's decision.

[...]

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government
Page 3, Article I.

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Municipalities with a mainly indigenous population may submit to local Congress the name they wish their municipality to have.

Municipalities with a mainly indigenous population may refuse to recognize the municipal authorities in power if the latter commits irresponsible acts which contravene the rights or practices and customs of the former, and local Congress shall endeavor to respect and support it's decision.

That agents of the State's Attorney's Office for the communities and municipalities inhabited by indigenous peoples be appointed based on proposals from the citizens of those communities, and may be removed from their posts when proven guilty of unlawful acts following accusations made against them before the respective legal bodies established for the purpose in these areas.

Page 4, Article I.

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Economic power sharing

Power sharing→Economic power sharing→Sharing of resources
Page 2, Article I.

g) Right to participate in the design of the development plans, projects, and programs of the communities and municipalities they inhabit. The competent authorities shall undertake the gradual and orderly transfer of resources, so that they can themselves administer the public funds they are assigned and in order to strengthen indigenous participation in the different levels and spheres of government, control, and administration.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation [Summary] Agreements makes frequent reference to the ILO Convention 169 on Idigenous and Tribal peoples.

Civil and political rights

Human rights and equality→Civil and political rights→Freedom of association
Page 4, Article I.

In particular, recognition will be given to the system of offices, assembly, public opinion, and open discussion.

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Human rights and equality→Civil and political rights→Fair trial
Page 4, Article I.

Guarantees of full access to justice

That the legislative, administrative and judicial authorities, within their spheres of competency, in the matters in which they have to intervene and at the time of decreeing their resolutions regarding affected indigenous peoples, take into consideration the latter's condition of culture, their system of internal regulations and other special related circumstances so that they may receive the guarantees to which they are entitled under the Political Constitution of the United Mexican States :

- a. The use of their own tongue in statements and affidavits, which must be recorded with a translation into Spanish. Statements and affidavits given in indigenous tongues shall be recorded on audio tape and these recordings shall be annexed to the particular file, should consultation be necessary.
- b. The appointment of interpreters, with their express approval, who command both the native tongue as well as Spanish, and who share and respect the culture and have a knowledge of the indigenous juridical system.
- c. That the court-appointed defense counsel to which they are entitled know the indigenous tongue, culture, and juridical system.
- d. The execution, in cases where deemed necessary, of anthropological experts' reports so as to examine the practices and customs, or any other cultural factor which might come to bear on the judicial opinion. Priority shall be given to the intervention of the indigenous authorities in appointing the experts or testifying to the veracity of the latter's credentials.

Human rights and equality→Civil and political rights→Vote and take part
Page 4, Article I.

In particular, recognition will be given to the system of offices, assembly, public opinion, and open discussion.

Socio-economic rights

Human rights and equality→Socio-economic rights→Education
Page 5, Article I.

Indigenous intercultural bilingual education

Recognition of the multi-cultural composition existing in the State of Chiapas, as well as the respect of the right of its indigenous peoples to promote and spread the significant elements which make up their culture creates the need, on the one hand, to incorporate into the local Constitution the right of the citizens of Chiapas to receive an education pursuant to the letter and spirit of the federal constitution's Article 3 and regulations of the General Education Act and, on the other, in the framework of the amendments set forth in the Federal Constitution, it is necessary that local reform take into consideration the following :

- a) That the education received by all citizens of Chiapas spread and promote the history, customs, traditions and all those values which form part of our cultural roots and national identity.
- b) Indigenous education must be bilingual and intercultural.
- c) The State must guarantee the indigenous peoples an education which respects and avails of their knowledge, traditions, and forms of organization.
- d) Respect the educational tasks of the indigenous peoples within their cultural dimension.
- e) That in the organization and formulation of school study plans and programs, the indigenous peoples have priority participation for decision making as regards regional content and cultural diversity.

Rights related issues**Citizenship**

Rights related issues→Citizenship→Citizen, general
Page 5,

... That agents of the State's Attorney's Office for the communities and municipalities inhabited by indigenous peoples be appointed based on proposals from the citizens of those communities, and may be removed from their posts when proven guilty of unlawful acts following accusations made against them before the respective legal bodies established for the purpose in these areas.

Rights related issues→Citizenship→Citizens, specific rights
Page 5-6,

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- a) That the education received by all citizens of Chiapas spread and promote the history, customs, traditions and all those values which form part of our cultural roots and national identity.

Democracy

No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures Rights related issues→Protection measures→Protection of groups
Page 2, Article I.
Similarly, the Chiapas state government shall promote and protect the organization and development of indigenous families, providing for and recognizing the traditional ways in which they are constituted.

In addition, it shall promote indigenous peoples' access to the legal protection of the State, by incorporating their practices and methods for resolving conflicts, in agrarian, civil, criminal, and administrative proceedings; the state of Chiapas shall commit to adapting its local constitution to the amendments to the General Constitution of the Republic as they are approved.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

[Summary] Section entitled 'Guarantees of full access to justice': guarantees indigenous peoples use of their own tongue in statements and affidavits, the appointment of interpreters and the defense counsel who know the indigenous tongue, culture and juridical system, and anthropological reports.

Page 2, Article I.

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State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws Page 2, Article I. In addition, it shall promote indigenous peoples' access to the legal protection of the State, by incorporating their practices and methods for resolving conflicts, in agrarian, civil, criminal, and administrative proceedings; the state of Chiapas shall commit to adapting its local constitution to the amendments to the General Constitution of the Republic as they are approved.

Page 2, Article I.

a) Right to use, promote, and develop their languages and cultures and their political, social, economic, religious, and cultural customs and traditions.

[...] e) Right of recognition for the traditional authorities of indigenous peoples and communities, and the acceptance of their jurisdictional forums which are compatible with current legal precepts.

f) Right, in trials and proceedings involving indigenous people, for their habits, customs, and internal systems of governance for resolving conflicts to be taken into consideration.

Page 3, Article I.

Municipalities, the majority of whose people are indigenous In municipalities where the majority of the people are indigenous, the right of the indigenous people and communities will be recognized to elect their traditional municipal authorities in accordance with their practices and customs and to have juridical validity granted to their institutions and practices.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 2, Article I.
d) Right to use and enjoy the natural resources of their territories, as defined by Articles 13.2 and 14 of ILO Convention 169, through the agency of government or administration established, with the exception of resources in strategic areas and those over which exclusive control falls to the Nation.

Page 6, Article II.
The State government will promote before local Congress a bill on the Justice and Agrarian Development Act, which includes instrumental mandates for dissolving and penalizing latifundium owners and establishes the necessary conditions so that agrarian nuclei, communities, and indigenous peoples may generate their own development by availing of the resources of their own land, pursuant to Articles 13.2 and 14 of Convention 169 of the ILO. It is proposed that the agrarian aspect be reviewed based on the consensus and agreement reached at the Welfare and Development Table established under the Procedure Regulations of the dialog process.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights	Land, property and environment→Land reform/rights→Land reform and management Page 6, Article II. The State government will promote before local Congress a bill on the Justice and Agrarian Development Act, which includes instrumental mandates for dissolving and penalizing latifundium owners and establishes the necessary conditions so that agrarian nuclei, communities, and indigenous peoples may generate their own development by availing of the resources of their own land, pursuant to Articles 13.2 and 14 of Convention 169 of the ILO. It is proposed that the agrarian aspect be reviewed based on the consensus and agreement reached at the Welfare and Development Table established under the Procedure Regulations of the dialog process.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	Land, property and environment→Cultural heritage→Other [Summary] ILO Convention 169 has measures protecting cultural heritage.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.

Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

II. Sets out Amendment proposals to the secondary statutes of the state of Chiapas, and the corresponding legislative proceedings to be made by the Federal Govt; Convention 169 of the ILO invoked.

Related cases

No specific mention.

Source

UN Peacemaker [peacemaker.un.org]
