

Protocol on the negotiating principles for the peace agreement concluded between the Government and the Zapatista National Liberation Army (Ejército zapatista de liberación nacional, EZLN)

Translation (from Spanish to French) by the Embassy of France in Mexico

Agenda, mechanism and procedural regulations in the protocol on the principles for dialogue and negotiation of an Agreement for Accord and Peacemaking in Justice and Dignity, to be entered into by the government and the EZLN

On 9 April, 1995, in the rural “ejido” of San Miguel in Ocosingo Municipality, the federal government and EZLN began a process of dialogue and negotiation based on the desire of the parties to reach a peaceful, just and dignified solution to the conflict which began on 1 January 1994, within the framework of the Law on Dialogue, Accord and dignified Peacemaking in Chiapas, where the National Intermediation Commission (proceeding in a constant active and operational effort of neutralisation) is acting as mediator, and where the Accord and Peacemaking Commission (set up to collaborate, help and participate in the dialogue and negotiation) plays a supporting role.

In accordance with the principles adopted in the San Miguel Declaration, the parties have agreed:

1. To adopt the following agenda for the dialogue and negotiation. In implementing the six points of article 2 of the Law, which defines the objective of the Agreement for Accord and Peacemaking in Justice and Dignity, this negotiation should result in effective solutions, responses and engagements with the political, economic, social and cultural causes of the conflict.

1.1 General Agenda (including the following themes)

a) Full détente, which refers to the adoption of détente measures likely to eliminate the conditions for a resumption of hostilities and to lead to the conclusion of the Agreement of accord and peacemaking in justice and dignity. Accord and Peacemaking

b) Political, economic, social and cultural themes, which will be addressed:

- indigenous rights and indigenous culture;
- well-being and development;
- democracy and justice;
- Chiapan women’s rights.

c) Conciliation between the different sectors of Chiapan society.

d) EZLN political and social participation, in accordance with the Law on Dialogue, Accord and dignified Peace in Chiapas.

1.2 The articulation of the general themes for the agenda will be decided by consensus between the parties.

1.3 The themes addressed at the level of the State of Chiapas will ultimately lead to actual commitments made by the two parties, concerning the political, economic, social and cultural causes of the conflict; these commitments will be included in the Agreement for Accord and Peacemaking in Justice and Dignity.

1.4 The Agreements of national scope which may be produced during negotiations on the themes and sub-themes, will ultimately result in the joint development of common proposals, which the parties will undertake to submit for debate and decision at the national level, and will be included as such in the Agreement for Accord and Peacemaking in Justice and Dignity.

1.5 The sub-themes of national scope will be the subject of a dialogue between the parties. Where possible the parties will develop common positions which they will undertake to submit for debate and decision at the national level, and will be included as such in the Agreement for Accord and Peacemaking in Justice and Dignity. Where common positions cannot be developed, the parties may publish their positions separately.

2. During the period of dialogue and negotiation, each of the themes appearing in the agenda will be dealt with exhaustively, without interruption, and jointly at the level of the plenary assembly as well as by the commissions and study groups, according to the mechanism specified in point 4 of the procedural regulations.

3. The Agreement for Accord and Peacemaking in Justice and Dignity will be accompanied by a supplementary protocol for conciliation. If the parties agree, the different Chiapas social groups may subscribe to and adhere to the protocol.

4. The operating regulations of the plenary assembly as well as the commissions and study groups to which reference is made in paragraph 2 will be as follows: the plenary assembly discusses the agenda topics (4.1) which are referred to the relevant working commissions for the parties (4.2); then, to the various study groups (4.3), whose collaboration is operated by other commissions where guests will participate (4.4); Finally the themes are again addressed within the framework of a new resolving plenary assembly (4.5).

4.1 The plenary assembly

a) It will be composed of the government delegation, totalling a maximum of twelve members, and the EZLN delegation, totalling a maximum of twelve members. Each of the parties may have as many advisors as they deem necessary accredited, in writing, by CONAI.

b) It will hold formal meetings of all the delegates, or working meetings in smaller committees, if required by the nature of the work and if the parties agree.

c) The meetings will be chaired by CONAI.

d) The Accord and Peacemaking Commission will participate in the work of the plenary assembly, will monitor the work, and will provide the logistical support necessary for successful dialogue, to the extent that its legal remit and capacity permits.

e) The sessions will be closed or public, as agreed by the parties.

f) All decisions will be taken by consensus between the parties.

g) The dialogue process will be based on the principle of partial simultaneity and periodic continuity. At the end, the parties will accept the commitments into which they have entered, which should appear in the Agreement for Accord and Peacemaking in Justice and Dignity, as well as, if necessary, joint proposals that the parties undertake to address to the authorities for debate and decision, and which would appear as such in the Agreement for Accord and Peacemaking in Justice and Dignity.

h) At the appointed time, the plenary assembly will announce the establishment of the first working commission, and at the same time the study groups attached to it where necessary. The following working commissions will be set up in turn, as the work of the preceding commission is concluded.

i) It will monitor the work of the working commissions, in terms of the range and content of their mandate, jointly agreed, including with regard to the time available to the commissions to consider the themes in depth.

j) At the appointed time, it will determine which of the questions resulting from the working commissions may lead to a commitment by the parties, and which will be the subject of common proposals which the parties undertake to submit to the national authorities for debate and decision, following the principles established in point 1.

4.2 The Working Commissions

a) At the appointed time the working commissions will be established. The following list is not exhaustive but should be considered as a minimum, without precluding the formation of other commissions at the suggestion of the two parties.

- working commission on indigenous rights and indigenous culture;
- working commission on well-being and development;
- working commission on democracy and justice;
- working commission on Chiapan women's rights.

b) The commissions will deal exhaustively with their work themes and may assign the study to any study groups whose constitution they deem necessary and opportune, on the basis of proposals made by the parties.

c) At each stage in the process, each of the commissions will be made up of delegations from the parties, accompanied by any advisors they each deem necessary; these advisors will be accredited in writing by CONAI in coordination with COCOPA; these two organisations will also be invited to the working commissions.

- d) Each commission will hold meetings in accordance with the regulation agreed between the two parties.
- e) CONAI will coordinate the debates within each commission, and COCOPA will be responsible for logistics.
- f) The sessions will be in public or private, as agreed by the parties.
- g) Decisions will be taken by consensus between the parties.
- h) Each commission will announce the establishment of their respective study groups.
- i) Each of the commissions will monitor the work of their respective study groups, in terms of the scope and focus of their mandate, including with regard to the time available to the study group to consider the theme in depth.

4.3 Study Groups

- a) Each of the study groups will be made up of the parties' delegations, accompanied by any advisors they each deem necessary; these advisors shall be accredited in writing by CONAI in coordination with COCOPA; these two organisations will also be invited to the study groups' meetings.
- b) The parties may invite guests to participate in the study groups. The mechanism for selecting invited guests will be agreed by the parties, on a case by case basis.
- c) The Accord and Peacemaking Commission will coordinate the discussions in each of the study groups; it will provide the secretariat and be responsible for logistics.
- d) From the date of their establishment, the study groups will hold periodic working sessions, in locations agreed by the parties, and for a duration of not less than (xx) days, with breaks of not more than (xx) days, until the task with which they have been entrusted is accomplished. The parties will agree the conditions under which the media may attend the discussions.
- e) Study group sessions will be public, unless the parties agree to hold a session in private.
- f) The study groups will discuss possible solutions to problems falling under their assigned sub-theme; once they have dealt exhaustively with this sub-theme, they shall prepare a report of the results obtained and a detailed record of their discussion and transmit these to the commissions to whom they report.

4.4 The Commissions

- a) They will resume their sessions when the study groups they have constituted where necessary, have completed the work that has been entrusted to them.

b) They will be made up of persons invited by the parties in addition to those indicated in paragraph 4.2 c).

c) From the date of their establishment, they will hold periodic working sessions, in locations agreed by the parties, and for a duration of not less than (xx) days, with breaks of not more than (xx) calendar days, until they have comprehensively dealt with their subject matter.

d) On the basis of the reports they have received from the study groups, they will seek to establish, by discussing them, the commitments and joint proposals from which a solution could be provided for each of the sub-themes, subdividing the theme according to their assigned remit.

e) They will prepare a report outlining possible proposals for commitments and joint proposals from which a solution could be provided for each of the sub-themes, subdividing the theme according to their assigned remit, and will submit this report to the plenary assembly, as well as a detailed record of their discussions.

f) The sessions of these commissions will be public, unless the parties agree to hold a session in private. The parties will agree the conditions under which the media may attend the discussions.

g) The Accord and Peacemaking Commission will coordinate the discussions in each of commissions and will be responsible for logistics.

4.5 The plenary assembly

a) It will negotiate, on the basis of the reports submitted by the commissions, the commitments which will constitute the Agreement for Accord and Peacemaking in Justice and Dignity; “commitments” are necessarily understood as the paragraphs, articles and chapters of the agreement which mention the obligations agreed by the parties.

b) Similarly, it will develop, based on the commission reports, the joint proposals which the parties undertake to submit to the national authorities for debate and decision, which will also be included, as such, in the Agreement for Accord and Peacemaking in Justice and Dignity.

c) In order to formulate the aforementioned commitments and joint proposals, at the end of the dialogue, the negotiation will respect the right of each party to carry out, for a maximum period of ten calendar days, any consultations that they deem necessary.

d) It will ensure that, in addition to all the commitments entered into, specific modalities for their implementation are defined, a specific timetable will be provided which will provide the timeframe for their implementation and the mechanisms by which the Monitoring and Verification Commission can ensure timely implementation.

e) From time to time, CONAI and COCOPA will jointly provide, after obtaining the approval of the parties, information on the progress of the negotiations; they shall make public, as soon as possible, any undertaking entered into by the parties, including the specific terms in which they were made.

f) It will announce the closure of the dialogue and negotiation, once the parties have determined that they have succeeded in formalising the commitments and joint proposals which shall appear in the Agreement for Accord and Peacemaking in Justice and Dignity, which will then be duly announced.

5. Each party will commit to respect and guarantee the security and personal integrity of the negotiators and leaders of the other party, until they return to their place of origin, regardless of the result of the negotiations.

Points not yet defined

1.1.6 (Document 2 of CONAI).

2. It remains to be defined how the other agenda themes will be addressed (point relating to the commissions 4.2.a).

3. These periods remain to be defined (4.3.d and 4.4.c).

4.4.4.b Criteria for the selection of invitees, namely how to certify invitees to the second commissions in concrete terms. EZLN agrees that all invitees to the working groups may participate.

San Andrés, 11 September, 1995