

## **Actions and Measures for Chiapas Joint Commitments and Proposals from the State and Federal Governments, and the EZLN**

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### **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 multi-ethnic, 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.

### **GUARANTEES OF ACCESS TO JUSTICE**

Creation of the Fourth General Inspection Board, in charge of indigenous affairs within the National Human Rights Commission, pursuant to Article 5 of the NHRC Act. To this effect, the pertinent amendments will have to be made to its internal regulations.

This Inspection Board must immediately proceed to review the situation of indigenous peoples deprived of their liberty as a result of trials or sentences imposed. Acting within its powers, the Board shall recommend and promote the immediate release of those affected, accepting the aid of indigenous and farm-worker organizations, governmental

institutions and organizations, as well as non-government organizations involved in the defense of human rights.

It must also review the composition and powers of the State Human Rights Commission for the State of Chiapas so as to grant it greater autonomy from the executive and judicial powers of the State and expand the composition of representation from the indigenous communities and civic society.

Both the Chiapas State and Federal Governments promise to set up an Agrarian Table in order to provide a fair solution to agrarian conflicts. Participating at this table will be representatives from the EZLN and social organizations, as well from the competent authorities in the field. Both State and Federal agrarian authorities promise to carry out an agrarian census, to be led by the civil authorities and in coordination with indigenous communities and peoples, as well as social organizations, so as to determine the situation of land ownership in the State.

Translation into the indigenous tongues of the laws, codes and regulations, as well as current international agreements and treaties, and the diffusion of these texts through proper procedures. The implementation is proposed of a program for the immediate distribution and diffusion of the translated texts, preferably through those institutions representing the community, in addition to the most effective distribution means available.

Creation of the Indigenous Public Defenders Office, with lawyers and translators providing legal counseling and representation services to indigenous peoples who need them. In contrast to the provisions established under the current Organic Law of the Judicial Power in the State of Chiapas (Articles 64 to 69), the wages or fees of the public defenders must be paid for from the State budget and channeled in such a way as to guarantee honest and independent work.

The translators and public defenders must not only command the indigenous tongues but must also know and understand the indigenous cultures so that forearmed with knowledge and respect, they may better fulfill their functions.

In order to guarantee the citizens of Chiapas full access to justice, the following is considered necessary:

- a) Recognition of the traditional or incumbent authorities in the indigenous communities, as well as their right to conserve both their institutions and customs in the solution of internal disputes.
- b) Reorganization and restructuring of the forces of law and order, particularly the State Attorney's Office and lower court judges in the juridical districts with large indigenous populations, providing them with training in knowledge of the indigenous cultures, systems, and the practices used in the communities for solving disputes.

c) Implementation of programs aimed at the indigenous population so as to increase their knowledge not only of current laws but also the judicial system, how it works, and the institutions of which it is comprised.

d) The establishment in local Congress of a legislative commission which, with the participation of the indigenous communities, may analyze current legislation and propose the necessary amendments so as to guarantee the indigenous peoples full access to the justice provided by the Mexican government while at the same time perhaps managing to eliminate any decree which might imply discrimination against or unfair treatment of indigenous peoples.

There must be legislation to expressly guarantee the obligation of non-discrimination for reasons of racial or ethnic origin, language, sex, beliefs, or social status, thus making it possible to typify discrimination as a crime punishable by law. Likewise, legislation must also typify and penalize discriminatory labor practices or those contravening constitutional rights in the workplace such as payment in kind, pigeonholing, forced labor recruitment for work elsewhere or other violations of workers' rights.

Promotion will be made at the corresponding national judicial levels of the recognition and defense of the rights of migrant indigenous peoples both inside and outside the country.

#### SITUATION, RIGHTS AND CULTURE OF INDIGENOUS WOMEN

Analyzed from the viewpoint of indigenous women from Chiapas, the problem of rights demands an end to silent voices and secular oblivion. To do away with the latter it is necessary to act on both national as well as State legislation in order to guarantee their fundamental rights as human beings and as indigenous people.

Incorporate political rights into legislation, as well as respect for indigenous practices and customs, respecting the dignity and human rights of indigenous women.

Within the constitutional framework of autonomy, recognize the specific rights of the indigenous woman.

Guarantee the labor rights of indigenous workers, particularly those in vulnerable conditions such as domestic work or temporary jobs.

Incorporate the rights of temporary workers into the Federal Labor Act.

Review and update the penalties imposed by current legislation for sexual crimes, harassment against women, and intra-family violence.

For the indigenous women and children of Chiapas, guarantee the right to health care, education and culture, nutrition, a dignified dwelling, basic services, and the right to

participate in educational projects leading to a deserving integral development by allowing the contribution of indigenous women and designed for their particular needs.

Compliance with the international pacts and conventions which have been entered into by the Mexican government. Of particular importance here is Convention 169 of the ILO, the Vienna Declaration on Human Rights referring to the elimination of any form of discrimination against women, and the Agreement of the World Conference on Population and Development referring to the health and reproductive rights of women ñ as long as these do not contravene the basic principles of the General Constitution of the Republic.

#### ACCESS TO THE COMMUNICATION MEDIA

The multi-cultural nature of the Mexican Nation is recognized in the Constitution and is borne out by the existence of its indigenous peoples. Laws governing the communication media must guarantee expression of this aspect and the communication media must take this multi-cultural nature into consideration so as to strengthen the national identity and meet its cultural and social objectives.

In order to propitiate intercultural dialog from the community level up to the national level that achieves a new and positive relationship among the different indigenous peoples, as well as between them and the rest of society, it is essential to provide these peoples with their own communication media, which are also key instruments for the development of indigenous cultures. Therefore, in the respective national juridical forums the enactment will be proposed of a new communication media act which will enable the indigenous peoples to acquire, operate and manage their own communication media.

On the nation's decision and debate forums, the federal and State governments will promote the issue whereby the native-oriented communication media may become indigenous communication media, with they themselves catering to the needs of Mexico's indigenous communities and peoples.

The federal government will table a proposal that the 17 radio stations belonging to the NII be handed over to the indigenous communities in their respective regions, complete with transfer permits, infrastructure and resources, once the express request is forthcoming from the indigenous communities.

The federal and State governments will put forward a proposal that the indigenous video centers of the NII be handed over to the indigenous communities, with the transfer of infrastructure and resources. This process must be validated by the communities.

The peoples, communities and social groups have the right to accede to the existing communication media, whether owned by the State or by private concessions. It will be recommended at juridical forums that a fixed time slot be allotted in the existing communication media for use by civic society and the indigenous peoples.

The creation has been proposed of a Citizens' Communication Council and the appointment of a Communication Ombudsman with the objective of including civic society as a fundamental part in the management and decision taking process in social communication, guaranteeing indigenous participation in its composition.

Enact legislation making it mandatory to establish codes of ethics in the communication media which given the specificity of the indigenous peoples, gives preference to the interests of their cultures and bears witness to denigration, racism or intolerance, without detriment to their freedom of expression.

Because of its characteristics, technical requirements, penetration and reception, radio is the ideal instrument for cultural communication and expression in the rural and indigenous environment. It is essential to guarantee for the indigenous peoples the acquisition of the State-owned radio stations that are operating in regions and municipalities whose principal population is indigenous. The speed and the time span of the acquisition will depend on the indigenous peoples for which purpose they may opt for one of the existing juridical figures or those which the indigenous peoples and communities propose themselves.

At a State level and so as to contribute to the viability of this proposal, it is suggested that immediate implementation begin of the acquisition process of the radio station XEVFS Radio, The Voice of the Southern Border, located in the municipality of Las Margaritas. This is fundamentally operated by indigenous locals and the acquisition is defined as a joint endeavor between the governmental institutions and the legitimate representation of the indigenous communities.

It is necessary to create radio and audiovisual production centers in those indigenous regions, municipalities and communities who request them.

## EDUCATION AND CULTURE

Creation of indigenous institutions which study, spread and develop indigenous tongues and which will translate scientific, technical and cultural works. The government of the State of Chiapas in the short term will create a State Center for Languages, the Arts, and Indigenous Literature.

A proposal will be tabled at national forums to review the programs, textbooks and educational materials given out to Mexican schoolchildren to make them reflect upon and respect the multi-cultural nature of our country, including some indigenous tongue from the region in the education of the population that only speaks Spanish. The State monographs will incorporate basic elements of the indigenous tongues characteristic of their particular regions.

Likewise, it will be proposed that history books provide equitable, accurate and instructive information on the society and cultures of the indigenous peoples.

The federal and State governments will promote an extensive review of the education sector pertaining to indigenous education, as well as its budget apportionments.

Establishment in the State of Chiapas of a support and scholarship system for terminating basic studies, and specifically for the indigenous youth who wish to go on to medium-level or higher education. It will also be recommended that this program be extended to the rest of the Republic.

Creation of centers of higher education in indigenous regions which promote the study and diffusion of the indigenous cultural wealth, as well as the actual questions and needs of their cultures. Promotion of the study and teaching of indigenous tongues in universities, particularly in the State of Chiapas.

A recommendation will be put to INAH (National Institute of Anthropology and History) that it review its regulations so as to:

- a) Allow free admission to archaeological sites for indigenous peoples.
- b) Provide indigenous peoples with the proper training to enable them to manage the sites themselves.
- c) pass on to the indigenous peoples some of the tourism earnings from these sites.
- d) Give the indigenous peoples the opportunity to use the sites as ceremonial centers.
- e) Protect the sites when endangered by tourism development megaprojects or ant infestation.

The federal and State governments will recommend expanding the concept of heritage so as to include such intangible expressions of culture as music, theater, dance, etc., etc.

Creation of places for the practice of traditional indigenous medicine and the granting of sufficient funds for the purpose ñ without reducing the State obligation to provide proper attention in the three levels of the national health care system.

The State and federal governments will promote nationwide awareness campaigns so as to eliminate prejudice and racism and provide social legitimacy to the autonomy of the indigenous peoples and their right of self-determination.

The State and federal governments will promote the existence of indigenous representation in all institutions involved in indigenous affairs.

Recognition and respect must be given to the right to wear traditional indigenous dress in all spheres of public life, particularly in the case of children and young people of both

sexes in a school environment. Likewise, cultural and communication programs will provide information on the spiritual and cultural value of traditional indigenous dress and on the respect it deserves.

A fundamental condition of cultural development is the relationship between indigenous peoples and land. Bearing in mind the special spiritual meaning of this element and its enormously high symbolic value, full guarantee must be given to the indigenous peoples and communities regarding the integrity of their lands and territories, as well as on the preservation and rational use of their habitat.

The traditional knowledge of the indigenous peoples constitutes an important heritage of their culture and is essential to human development in a great many spheres, such as medicine. The State and federal governments promise to recognize, value and promote this knowledge, with the respect it deserves.

The indigenous peoples and communities, together with the State and Federal governments promise to strengthen a culture in health care and social well-being that will lead to the genuine acceptance of a humanistic and plural world view in the process of health-sickness-ecosystem. For this purpose, areas will be created for the practice of traditional indigenous medicine, with useful funds being granted for its development and without any reduction in the State's obligation to provide institutional health care services.

#### INSTITUTIONS FOR THE PROMOTION, DEVELOPMENT AND DIFFUSION OF INDIGENOUS CULTURES

Cultural and educational projects for the indigenous peoples must receive the very highest priority in the programming and allocation of public spending, both State and federal, requiring that they give an advance guarantee of continuity, congruence, and rationality.

Respect for the environment and hence, for the habitat of the indigenous peoples must constitute a fundamental and inescapable criteria in the formulation of State and federal policies and programs for economic and social development in indigenous regions. In their planning and implementation they require the participation of the indigenous communities so as to guarantee rational use of the natural resources and avoid any adverse effects on their natural and cultural heritage, in the broadest sense, or on geographic areas or places of symbolic significance such as civil, cultural or ceremonial centers.

Legislative promotion will be given to recognition of the right of indigenous peoples and communities to receive the corresponding compensation when the exploitation of their natural resources by the State causes damage to their habitat which endangers their cultural reproduction. In cases where the damage has already been done and the peoples can prove that the compensation paid does not allow their cultural reproduction, revision mechanisms shall be established whereby the peoples and the State may jointly analyze

the particular case. In both cases, the compensatory mechanisms will seek to ensure the sustainable development of the indigenous peoples and communities. In common agreement with the indigenous peoples, the State will promote actions of rehabilitation in the former's territories, pursuant to Article 13.2 of the ILO.

In coordination with the State and federal governments, the indigenous peoples will carry out a revision and extensive restructuring of the development, educational and cultural institutions and bodies involved in their areas, based on their interests and traditions, and for the purpose of strengthening their participation and direction in the design, planning, programming, execution, handling and supervision of the actions and policies which affect the indigenous peoples and regions.