

## Exploraciones/Explorations

### The Zapatista Uprising and the Struggle for Indigenous Autonomy

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Ten years ago in January 1994, the masked rebels of the EZLN (*Ejército Zapatista de Liberación Nacional*) headed by Subcomandante Marcos shook Mexico and the world. After twelve days of combat, the Mexican government, under the pressure of national and international public opinion, called a ceasefire and the Zapatistas from their side made a commitment to fighting in the political arena rather than using their weapons in their efforts to transform Mexico. One of the results of the Zapatista uprising was that the indigenous question was put squarely back on the Mexican political agenda. While most of Mexico was preparing for its entry into the 'first world' with the formal start of NAFTA,<sup>1</sup> the uprising forcefully exposed the conditions of poverty and marginalization under which much of Mexico's indigenous population lived, the humiliation and discrimination they suffered, and the political exclusion which kept them from enjoying full citizenship. Though the EZLN had not initially presented itself as an indigenous movement, it did not take it long to assume its role as defender of Mexico's indigenous people. The Zapatistas became *the* symbol for the indigenous cause and in the years following, they developed into central protagonists in the struggle for indigenous rights and autonomy.

This struggle has taken two main routes. The first concerned the strengthening of indigenous rights through legal reform. This went from the negotiations between the EZLN and the government on 'Indigenous Rights and Culture', which resulted in the San Andrés Accords, on to the battle to have the agreements translated to the legal plane. This long and difficult process ended in deception for the Zapatistas and for Mexico's indigenous movement in general, with the passing of a very limited legal reform in April 2001. The second route of struggle embraced the implementation of 'autonomy in practice', without awaiting legal recognition. This was done through the creation and consolidation of parallel governance structures amongst the Zapatista civil population,<sup>2</sup> known as *municipios autónomos*. After the legal battle entered an impasse, the organization and defence of *de facto* autonomy moved to the centre of the Zapatista struggle. It recently (August 2003) received a new impulse with the formation of the so-called *Juntas de Buen Gobierno*, bodies coordinating the autonomous municipalities.

#### **The San Andrés Accords**

After a first unsuccessful attempt at reaching an agreement during the so-called *Diálogo de la Catedral*, in San Cristóbal in early 1994, a new round of peace talks



Map of the state of Chiapas, Mexico.

started in April 1995, between representatives of the EZLN and a negotiating committee formed by the Mexican government, the COCOPA (*Comisión por la Concordia y la Pacificación*). Four rounds of talks were foreseen, on different issues of importance, the first of these addressing the issue of the rights and culture of Mexico's indigenous population.<sup>3</sup> Place of action was the Chiapaneco town of San Andrés de la Larrainzar (rebaptized San Andrés Sakamch'en de los Pobres), which gave its name to the Accords that came out of the negotiations. The San Andrés Accords were signed on 16 February 1996, after a long and difficult process involving months of consultation in several rounds and hundreds of advisors, both academics and indigenous leaders (Hernández Navarro 1998).

The Accords set the framework for a new relation between the Mexican State and Mexico's indigenous peoples based on respect and recognition of cultural diversity. They establish recognition of a number of indigenous rights in the fields of, among others, forms of social and political organization, the election of local authorities, the administration of justice, management of resources, land tenure and cultural development, and they commit the Mexican government to promoting these rights. Furthermore, the Accords recognize indigenous communities as entities of public law and allow for restructuring of municipalities with a sizable indigenous population. Other chapters address the right to pluri-cultural education, the promotion of indigenous languages, and the consultation and participation of indigenous people in issues of public policy that affect them.<sup>4</sup>

'Autonomy' is the key word in the San Andrés Accords. In a general sense, autonomy refers to a degree of self-government within a national framework, involving the transferral of political, administrative and juridical power without secession. It draws on, and is an expression of, the right to self-determination, as de-

financed in the ILO Convention 169 on the rights of indigenous peoples in independent countries, ratified by Mexico as well, and an important reference throughout the San Andrés process.<sup>5</sup> The way autonomy is operationalized in the final text of the San Andrés Accords has some problems, however. Autonomy is being restricted to the communal and (to some extent) municipal levels<sup>6</sup> and many issues are left unresolved. The precise nature of autonomy and the functions it would comprise remain unspecified, leaving these issues to be resolved in state-level legislation.

Notwithstanding these limitations, the Zapatistas in Chiapas and their sympathizers worldwide regarded the Accords as an important step forward, and these also received the support of large sectors of Mexico's indigenous movement. The CNI (*Congreso Nacional Indígena*), encompassing a broad range of indigenous organizations, committed itself to the promotion of the Accords during its founding congress (October 1996). The San Andrés Accords developed into a central point of reference in indigenous struggles all over Mexico and 'autonomy' became one of the principal banners. The signing of the San Andrés Accords also seemed to bring a solution to the Chiapas conflict within reach. This hope was soon to fade, however, as the process of legal reform necessary to bring the Accords into effect halted.

### **The struggle for legal reform**

As the year 1996 progressed, serious doubts arose as to the Mexican federal government's commitment to the Accords reached at San Andrés. For months, the government made no move to start the legal process required to make the agreed indigenous rights effective. Meanwhile, the tensions in Chiapas grew. Losing confidence, the EZLN suspended its participation in September of that year, when a second round of talks on democracy and justice had already started.

To solve the crisis, the COCOPA drew up a proposal for constitutional change based on the San Andrés Accords, known as the 'COCOPA proposal'. It was presented to both parties in the conflict for their approval or rejection, without modifications. With hesitations, but acknowledging that the proposal was a step in the right direction, the EZLN accepted the initiative. President Ernesto Zedillo, however, refused to underwrite the proposal as it was, claiming that it needed to be adjusted on a few 'minor points' to make it compatible with the Mexican constitution. What he called minor points was understood by the Zapatistas and many others sympathetic to the indigenous cause as completely voiding the proposal of its meaning. Feeling betrayed, the EZLN withdrew from the negotiation table in January 1997.

The discord over the implementation of the San Andrés Accords brought the peace process into an impasse that continues to this day. The EZLN included governmental compliance with the Accords as the first of three conditions to resume negotiations, and that, they maintain, still have not been met.<sup>7</sup> In an attempt to force a breakthrough, President Zedillo launched a counter-proposal for legal reforms in March 1998, claiming he was fulfilling the Accords. The initiative met with wide-spread rejection and was never passed by the federal Congress, though it did provide the blueprint for a number of state-level 'Indigenous Laws', including that of Chiapas in the summer of 1999 (Franco 2000; Nash 2001, 201-4).

The issue of indigenous autonomy generated heated debates and a prolonged

controversy. President Zedillo expressed concerns with the ‘Balkanization’ of Mexico and the creation of legal spheres of exception, a view that found many adherents. Advocates of the COCOPA-proposal on the other hand argued that it offered a historic opportunity to advance in the issue of indigenous rights and the solution to the Chiapas conflict and pointed out that, having ratified the ILO Convention 169, Mexico was legally bound to recognize and promote indigenous autonomy. Central issues of contention were the level at which autonomy would operate and what it would include, as well as the issue of land and territorial rights. On all of these points, the position of Zedillo was far more restrictive than the COCOPA-proposal. His initiative limited autonomy strictly to the level of the community (locality), failed to recognize indigenous communities as entities of public law (thus voiding even autonomy at the communal level of its meaning), omitted reference to territorial rights, and excluded the recognition of collective forms of land tenure (Sánchez 1999; Franco 2000).

The deadlock over San Andrés was passed on to Zedillo’s successor, Vicente Fox, elected president in July 2000 and installed on 1 December of that same year. Despite Fox’s campaign promise to solve the ‘Chiapas problem’ in 15 minutes, the peace process has not been resumed to this day. He did send the COCOPA-proposal for legal reform to the federal Congress upon entering office, but it did not pass without major damage. An impressive mobilization from the Zapatistas, which encountered warm support throughout Mexico and achieved media coverage worldwide, could not avoid that in April 2001 a much watered-down version of the original COCOPA proposal – containing none of the controversial points – was passed, known as the *Ley Indígena*. The Zapatistas rejected this law in clear wordings, speaking of ‘a serious offence’ that ‘completely ignores the national and international demand of recognition of indigenous rights and culture’,<sup>8</sup> a rejection echoed worldwide by those sympathetic to the indigenous cause. In terms of legal recognition of indigenous rights, the Zapatista movement seemed right back where it started.

### **Autonomous municipalities**

As no progress was achieved on the legal plane, the Zapatista struggle for autonomy moved to the terrain of practice. Drawing on the promises of the San Andrés Accords, the Zapatistas created structures of self-government that became known as autonomous municipalities, or *Municipios Autónomos y Rebeldes Zapatistas* (MAREZ), as they are now generally called. The genesis of the autonomous municipalities remains somewhat obscure. It is likely that the autonomous municipalities grew out of the structures that were formed among the Zapatista civilian population to organize their mobilization and resistance, and that this civil infrastructure was gradually formalized and consolidated as the conflict in Chiapas drew on. This happened largely out of the public sight. There was a first public mention of something like the autonomous municipalities in December 1994, when the EZLN extended its influence beyond the Lacandón jungle,<sup>9</sup> but it was in later years, when the legal recognition of autonomy seemed far away and repression in Chiapas was rising, that they moved to the centre stage of the Zapatista struggle.

The Zapatista *municipios rebeldes* or *en resistencia*, as they were called at first, were initially (1994-1995) one among a wide range of initiatives of civil resistance,

promoted by a variety of actors, in a very confusing political landscape.<sup>10</sup> A form of regional autonomy was being promoted by another indigenous organization, the ANIPA,<sup>11</sup> the so-called *Regiones Autónomas Pluriétnicas* or RAPs (Burguete 2002). The Zapatistas themselves only started to speak of *municipios autónomos* in 1996, a clear reflection of the degree to which they had assumed the autonomous discourse during the process of the San Andrés negotiations. By 1998 there were 38 such autonomous municipalities, concentrated in central and eastern Chiapas.<sup>12</sup>

The San Andrés process proved key to the development of the autonomous municipalities in terms of a political project. The Accords not only established the legitimacy of the indigenous claim to autonomy, but also provided the Zapatistas with a powerful justification to proceed with such implementation themselves (Burguete 2002). The Zapatista struggle was now increasingly framed as one of ‘autonomy in practice’, in which autonomy can be constructed on the ground, with or without legal authorization. In the Zapatista view, indigenous autonomy did not depend on formal recognition, neither for establishing its legitimacy nor for its practical viability.

The Zapatista autonomous municipalities are structures of governance, spheres of jurisdiction, ways of exercising authority and of organizing local administration. They are spaces in which the Zapatistas seek to construct more effective and legitimated government, as much as they are spaces of resistance. The autonomous municipalities vary considerably in terms of their institutional set-up, degree of consolidation, and dynamics, depending on local conditions. They are generally governed by a *consejo autónomo* (autonomous municipal council), elected or appointed by representatives of the various localities that make up the autonomous municipality. Many municipalities operate a civil registry, draw up regulations, and provide for the administration of justice, maintenance of order, as well as services in the fields of education, health care, land tenure and local agricultural and economic development. Each of these fields is managed by a commission (*comité*) formed of local people. This system is sustained to an important extent on the basis of local resources. Most of the people serving on the commissions receive no compensation for their work and collective enterprises generate some income for operational costs. Outside help is also important in the form of financial and material assistance for specific projects, guidance and training provided by a wide range of national and international NGOs.<sup>13</sup>

The autonomous municipalities operate parallel to the existing municipalities (that have subsequently become referred to as ‘official’ or ‘constitutional’). The Zapatista civil population no longer resorts to the authorities, services, and resources offered by the latter, instead using those that the autonomous municipality provides. Almost nowhere, however, have the Zapatistas been able to completely displace the official municipalities, which makes the political landscape a fractured one. With only part of the population identifying as Zapatista, others being opponents of the Zapatista movement or choosing to remain neutral, the Zapatista autonomous municipalities do not enclose continuous territories, remaining for the moment defined on the basis of adherence of villages or groups of families within a village. This has given rise to a situation of uncomfortable co-existence and on numerous occasions outright opposition.

Tensions exacerbated during 1998 and 1999, when the Chiapas state govern-

ment adopted a strongly confrontational policy towards the Zapatistas, targeting especially the autonomous municipalities. Interim-governor Albores opened a frontal attack, arresting autonomous authorities on charges of illegal usurpation of public functions,<sup>14</sup> and destroying offices and other infrastructure. The Zapatista population suffered frequent military hostilities and access for foreign supporters became very difficult. At the same time, the federal and state governments launched a 'development offensive', investing heavily in roads, hospitals and other infrastructural works. People were offered credit facilities, cattle, and housing projects on the condition that they abandoned the Zapatista movement. The national media showed regretful *desertores* that handed over their guns and pledged to 'return to the government'.

The governmental strategy resulted in considerable numbers of people abandoning the movement, but the autonomous municipalities did not disappear. On the contrary, these gained new relevance in the practical organization of resistance to the Mexican government. In reaction to the governmental offensive, the Zapatista rejection of 'all that comes from the government' was taken to its utmost consequences. The Zapatista civil population could no longer accept any governmental project, hold a government-paid job or follow government-paid training, and teachers from the state-system were replaced by *educadores*, trained and coordinated through the autonomous municipalities. As a consequence of these developments, the opposition between adherents and opponents of the Zapatista movement hardened. In many parts of Chiapas, anti-Zapatista paramilitary groups emerged and the threat of violence increased.<sup>15</sup>

During these years the autonomous municipalities moved to the centre of the Zapatista struggle and gained greater public visibility. After the deception surrounding the Ley Indígena that was passed in April 2001, however, the Zapatistas withdrew into silence, and the autonomous municipalities disappeared somewhat from sight. They reappeared, and forcefully, in August 2003, when the Zapatista leadership announced a number of changes in the organization of the autonomous governance structures and thereby re-opened the debate on indigenous autonomy 'without approval'.

### **A new phase: the *Juntas de Buen Gobierno***

After a year and a half of relative silence, the Zapatistas took friend and enemy by surprise with a series of communiqués in the national press during the summer of 2003.<sup>16</sup> The documents from the hand of sub-comandante Marcos announced the installation of a new kind of governing body, the Junta de Buen Gobierno, on top of the existing autonomous municipalities. Marcos explained why the JBGs, as they have since been referred to, were necessary and what their main functions would be, and he invited 'civil society' to join in a celebration at the occasion of their inauguration, on 9 August 2003. There were to be five JBGs, encompassing four to seven autonomous municipalities each, and seated in what used to be the so-called Aguascalientes, the meeting places for the Zapatista bases that were to be renamed *Caracoles* (snailhouses).<sup>17</sup> The communiqués introduced a number of major changes in the Zapatista governance structures. These concern the relation between the civil and the military structure, the relation of the Zapatista bases and the

civil society organizations supporting them, the relation between Zapatistas and those who are not, and the functioning of the autonomous municipalities.<sup>18</sup>

In the first place, it was considered necessary to correct the cross-cutting and blurring of the military and civil infrastructures in the Zapatista movement. To this end, the military EZLN-leadership would withdraw from civil governance functions leaving these exclusively to the autonomous municipalities and the JBGs, though the military branch would remain in charge of the defence of the Zapatista civil population. Second, it was considered necessary to re-organize and regulate the contacts with civil society. Uncoordinated support was seen to have negative consequences, such as internal divisions over unequal distribution of goods and finances, between villages and between families within villages. To put an end to this, all help would now be channelled through the JBGs, who would take care of a fair distribution, seeking to avoid inequalities and matching offers to needs. In addition, a tax of 10 per cent would be raised on all external assistance to the benefit of the JBG as a whole.<sup>19</sup> Third, to improve the (seriously strained) relations between the Zapatista population and those who are not or no longer Zapatistas, all Zapatista roadblocks would be removed and taxes for passing no longer applied. An invitation was extended to the non-Zapatista indigenous population to make use of the services offered by the autonomous municipalities, such as education and conflict resolution. Finally, the JBGs would be entrusted with the coordination and vigilance of the autonomous municipalities. They are to avoid abuses of the autonomous authorities (an important source of resentment amongst the non-Zapatista population) and make sure that the principles of good and responsible government are followed.<sup>20</sup> Their functions, furthermore, comprise mediation of conflicts between autonomous municipalities, reception and follow-up of complaints against them, and the registration of the Zapatista civil bases.

Several Mexican politicians quickly dismissed the JBGs as 'unconstitutional'. Others, among them President Fox, took a more conciliatory line, arguing that the JBG could be in line with the spirit of the *Ley Indígena*, in as far as they are internal forms of government. This has been understood as an attempt to reduce the importance of the JBG and to leave the matter further to the state-level government.<sup>21</sup> In Chiapas itself, reactions have been mixed. Many social organizations did not participate in the celebration for the inauguration of the JBGs, which is a reflection of the degree to which the EZLN had even alienated most of its former allies (Burguete 2003). It still remains to be seen whether the current more open attitude will be able to reverse this distantiation. Overall, however, the JBGs have elicited positive reactions. The self-criticism of the Zapatistas has been welcomed and the innovations introduced are seen to address some of the major problems surrounding the autonomous municipalities. The concern with effective and responsible government resonates widely and appeals to the dissatisfaction of many Mexicans with their country's political system. The Zapatistas thus seem to have re-established their leading position in the indigenous struggle, with their strategy of autonomy-in-practice acting as an example and obligatory reference for initiatives in other regions.

## Conclusions

Looking back at these ten years of struggle for indigenous rights and autonomy, several conclusions may be drawn. In the first place, 'San Andrés' appears as a lost opportunity for Chiapas as well as for Mexico as a whole. The San Andrés process put the indigenous question at the centre of the national political debate and acted as a unifying force in Mexico's indigenous movement, but the momentum it created was lost with the difficulties that arose over legal reform. Of course, the Accords would not, by themselves, have solved the many problems experienced by the indigenous population, and implementation of the Accords would likely have involved numerous difficulties and contradictions. But San Andrés had great symbolic importance. It held out the promise of respect and dignity, of overcoming political exclusion, marginalization and poverty. Despite its shortcomings, it provided an opportunity to start constructing effective citizenship for Mexico's indigenous, and re-thinking (and re-organizing) Mexico as a more plural and inclusive country. That this opportunity was lost has had serious consequences. In Chiapas, the conflict became more violent and cleavages deeper. In Mexico as a whole, there has been deception over governmental commitment to the indigenous population, resulting in a loss of legitimacy and credibility.

Second, the affirmation of autonomy 'in practice' has been an effective way of keeping indigenous autonomy on the agenda after the closure in the process of formal recognition. The autonomous municipalities and JBGs have been widely applauded, testifying to the legitimacy this strategy enjoys with large sectors of Mexican society. Indigenous organizations in Mexico, and the EZLN in particular, have re-asserted their power to seize the initiative and surprise the world with creative and appealing political strategies to build a more just society 'from below'. Furthermore, they have demonstrated their capacity to create effective governance structures and provide for essential public functions at the local level, offering real alternatives.

The enthusiasm and commitment with which the Zapatistas are developing the current strategy of 'autonomy in practice' is impressive. This cannot conceal, however, that it is also in many ways a last resort, arising in response to governmental closure and lack of commitment.<sup>22</sup> The strategy is difficult and costly. The people living 'autonomy' daily not only carry a heavy burden in sustaining with their effort and resources, the autonomous structures, but also face a constant threat of harassment from opponents of Zapatismo. Furthermore, it is clear that autonomy-in-practice can only partly compensate for decided political commitment on the side of the Mexican government, both in improving the indigenous condition and in reversing the dynamics of conflict in Chiapas.

Ten years after the start of the Zapatista uprising, it has been institutionalized in the form of autonomous governance structures. Any effort to restart a peace process in Chiapas will need to incorporate these while at the same time trying to deal with the polarization they continue to generate on the ground. Meanwhile, the autonomous municipalities are a reminder that any peace process will need to include a profound re-structuring of local political space.

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## Notes

1. North American Free Trade Agreement, between the United States, Canada and Mexico.
2. This term is used here to refer to the *bases civiles de apoyo zapatistas*, which are distinguished from the military branch of the EZLN.
3. The other rounds would address Democracy and Justice, Well-being and Development, and Women's Rights.
4. The text of the Accords can be found on several websites; an English translation is given in Womack 1999. Analyses are provided, among many others, by Hernández Navarro 1998, 1999 and Sánchez 1999.
5. Literally, the text says: 'The government must promote the recognition, as a constitutional guarantee, of the right to free determination of the indigenous peoples [...] The right to free determination will be exercised in a constitutional framework of autonomy, assuring national unity. Indigenous peoples will be able to decide their own form of internal government and their own ways of organizing themselves, politically, socially, economically, and culturally' (Womack 1999, 309).
6. Whereas the EZLN and its advisors had argued for autonomy at three levels: communal, municipal and regional (Sánchez 1999). See also the observations of the Zapatistas on the final Accords ('El diálogo de San Andrés y los derechos y cultura indígenas, punto y seguida', February 1996; for example, in Hernández Navarro & Vera Herrera 1998).
7. The other two conditions are the withdrawal of the army and the release of political prisoners.
8. Communiqué of 29 April 2001.
9. Communiqué of 1 January 1995.
10. After the much debated PRI-victory in Chiapas' state-level elections, in July 1994, opposition candidate Amado Avendaño put a parallel 'transition' government into operation; there was a widespread refusal to pay electricity bills as an expression of civil disobedience, and dissatisfaction with local power holders resulted in the destitution of many municipal presidents all over Chiapas (Burguete 2002).
11. *Asamblea Nacional Indígena por la Autonomía*.
12. See for example, a widely circulated map produced by CIEPAC in 1998: [www.ciepac.org/maps/auton.gif](http://www.ciepac.org/maps/auton.gif).
13. For general discussions see Burguete 2002, López & Rebolledo 1999; for a detailed description of one autonomous municipality see Van der Haar 2001, chapter Seven.
14. *Usurpación de poderes*.
15. Though Albores' successor, and candidate for the united opposition, Pablo Salazar Mendiguchía, abandoned his predecessor's confrontational line, reports on tensions resumed not long after he entered office in January 2001. See also the contribution by Heidi Moksnes in this publication.
16. The communiqués are jointly entitled 'La treceava estela' and were published in seven parts in July and August 2003.
17. An overview of the Caracoles and the autonomous municipalities they consist of may be found in CIEPAC 2003b.
18. Analyses are provided by Burguete 2003, Bulletins of the CIEPAC 2003a, b.
19. See also the contribution by Earle and Simonelli in this publication.
20. I cannot elaborate on the Zapatista ideas for good governance here, but wish to point to the maxim *mandar obedeciendo*, government through obedience or to command obeying, that captures the commitment to develop fair and effective ways of governing and to organize participation and accountability.
21. Many observers see Fox's strategy as one of withdrawal and expressing a lack of commitment to finding a solution. See, for example, Burguete 2003.
22. See the words of Comandante David during a speech on the occasion of the tenth anniversary of the uprising, 'It is clear that no government is going to give us the right and the freedom to live in dig-

nity, this is why we no longer ask nor demand, now it is our task to act and to exercise our rights. [...] We should not wait until the bad government gives us permission, for this will never happen. If we, the people, don't do it, nobody will do it for us. Indigenous brothers and sisters, this is what I want to say to you: there is no other way to get out of the sad situation in which we are living' (LJ, 29 December 2003).

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