

Hegemony, the agrarian problem and indigenous peoples in Mexico: a legal perspective

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ABSTRACT

This essay seeks to demystify the vision that has been built around the relations of land ownership and production that have unfolded in the Mexican countryside. Going beyond the nationalist canons forged from a revolution of social origin, but which had capitalist results, it emphasizes two factors: the importance of Indian peoples as the true owners of the land and influence of the United States in defining the economic structure of the Mexican countryside. In particular our analysis focuses on the nature and consequences of Constitutional Article 27 that organizes the juridical framework for rural land ownership and use.

KEYWORDS

Indian peoples in Mexico, Agrarian problem, Rural land ownership and use

Frame of reference

The basic framework of the agrarian question in modern Mexico has been molded by the hegemony of underlying capitalist social and property relationships. Yet one of the complex problems that Mexican agrarianism and its juridical expression in Article 27 of the Constitution created is a chauvinist vision of the capitalist nation state. Ideas about the state and the nation were conceived through diverse myths that entered “in the brain of generations of scholars of agrarian law”¹, as well as the interpretations of certain

¹ One of these notions was that agrarian law was “fundamentally social” when in fact we should ask who applied it and for what ends.

ideologists in history, sociology, politics, and even the humanities, attributing to Mexican agrarianism the rise of a “national identity” and agrarian law as a *vindicator* of poor people. This is expressed in the common idea that “The Mexican Revolution gave birth to agrarian justice”.

In this article, while I use the agrarian question as a descriptive category, I also consider that it has undergone important changes in the context of globalization and the contradictions of neoliberalism. This is due to the concatenation of processes existing in the social relations of production and property in agriculture, which, among other aspects, expresses the intense and avid reproduction of capital by big oligopolies influenced by financial capital. These social, economic and political processes that should be framed in the context of a permanent crisis include: the growth of the agricultural industry and manufacturing production, the expansion of the urban into rural areas and the social associations of the rural with the urban, rural depopulation, the diversification of production, the increase of transnational capital and the complex experiences of indigenous peoples and peasant economies.

The meaning of the agrarian question, particularly in Mexico, may be explained by Foucaultian² thought through the phenomenon of power in which the submission of individuals is reified³ “by the existence of a whole” which in this case is the very Mexican nation in its current neoliberal version. This phenomenon is evident throughout the history of Mexico with precedents originating in the pre-Hispanic period as Paul Kirchhoff explained in his concept of “Mesoamerica”.⁴

Yet as Phil Weigand Moore states in regard to the distorted use of Kirchhoff’s model by the Mexican state:

...Paul Kirchhoff, Julian Steward’s aid, developed a culturist model, underlain by a Marxist, multilineal evolutionary approach that states the hypothesis of Mesoamerica as a highly cultured civilizational complex that would later be converted into a centralist national identity and ideology, by the agencies of the post-revolutionary Mexican state. That is why the notion of Mesoamerica is the stumbling block such as it is stated by the Nationalist ideology of the PRI and the National Institute of Anthropology and History. This also has other theoretical implications. One of them is the profound questioning of the framework, such as the one proposed by Paul Kirchhoff, in order to delimit the boundaries of Mesoamerica. This approach, when it was retaken by centralist policies as an irreducible theoretical monolith, became the rudest dogmatization...whose effects are felt more than fifty years after. By excluding the higher pre-Hispanic region from Mesoamerican

² FOUCAULT, Michel. *Defender la Sociedad*. México D.F.: 2006, pp. 58-59.

³ We refer to the specific way of losing the consciousness of individuals. See HABERMAS Jürgen. *El discurso filosófico de la modernidad*. Madrid: Katz Editors, 2008, p. 92.

⁴ *Mesoamérica. Mesoamérica. Sus límites geográficos, composición étnica y caracteres culturales*. México, D.F.: UNAM, 1970.

[conceptual] borders, there was a fetishizing and mystification process of Mesoamerica – the splendor of ancient Mexico – that perfectly meets the public target values of the policies of an extreme state centralism, and not with the fundamentals of science.⁵

Some ideologists – mainly intellectuals, artists and writers⁶ – saw revolutionary agrarianism as the source of self-identity, of “being Mexican”, with a historical memory linked to the “culture of maize”⁷ that also incorporated the indigenous past of Mexico, thereby vindicating the supposed link of American societies with the land. In such a way, the “nation” was basically limited to the establishment of a “retrospective” history of the indigenous peoples of Mexico.

The agrarian question and indigenous peoples, some aspects.

The Mexican Revolution framed in an agricultural perspective the repossession of the land as a reconstruction of what colonialism had destroyed, that is, the Indian peoples and peasants of Mexican society, which beyond the juridical discourse constitute the substratum of Mexican agrarianism. The dominated people therefore would claim their lands and resources. This is presented as the opposite of Western agrarian conceptions, a *contrario sensu* within nineteenth century liberalism, which was adapted to mean a “birthright to land”. In our opinion, this operated as a kind of “mirage” that was disconnected from the realities of the dominated classes and nuclei of the society. The human right to (land) property was oriented as a wish more than as a task.

The indigenous peoples and peasants who participated in the Revolution went beyond the pragmatic utilitarian sense of rural property, since their agrarian demands did not only circumscribe to a type of “legal formalism, a gracious concession or royalty of rulers”, to the ruled. Indigenous peoples aimed to reconstruct and vindicate their own historical origins which had been aggrieved for centuries. They not only attempted to rehabilitate in the economic sense as a means to produce subsistence, but also as a means to recover their cosmogonies in the face of those who had usurped their lands.

⁵ LOPÉZ ELÍSEO *et.al.* *Phil Weigand Moore. Reconocimiento Tenamaztle 2009 CU Norte.* Centro Universitario del Norte. Universidad de Guadalajara. 2010.

⁶ This critical, multiple, diverse and complex prospective of “Mexican nationalism” was expressed, for example, in the murals of Diego Rivera, Jose Clemente Orozco and David Alfaro Siqueiros, among others. In literature, we find it among Mariano Azuela, Narciso Bassols, Juan Rulfo, Carlos Fuentes and Octavio Paz.

⁷ The work of Miguel Ángel Asturias is no less important, intertwined in the conception of magic would note the importance of the Indian cultures and Cosmo visions in the evolution of modernity. His classical work, *Hombres de Maiz (Men of Maize)* from 1945, was republished in Madrid in 2005 by Alianza Editorial. In this work, the author delimits the sacralized sense of the earth and its resources for the peoples of America.

The multiplicity of guerrilla movements by communities and peoples against the haciendas,⁸ due to the “construction of their own identity”, was such a complex phenomenon that it even transcended the context from which these movements arose, that is, from the territories they aimed to liberate. As an example, let us always remember the indigenous opposition to the General Headquarters of the Liberation Army of the South, by the *tlanepecos*, *mixtecos* or *nahuatl* peoples, who opposed production for export, such as silver in Taxco (in the state of Guerrero), or sugar cane in Morelos, in Tlaxiaco and Oaxaca.⁹ For them, the land (“the father and mother of their transformation”) would provide maize, considered as their main ally for the development of their endogenous livelihood. However, the state that arose from the Revolution (and its accompanying Article 27 of the Constitution) would actually foster capitalist development in agriculture although apparently using the “peasant model” through agrarian reforms, which we will later discuss.

Reconsidering Constitutional Article 27 from the framework of hegemony

The socio-legal margins of the Mexican Constitutional Article 27 assumed that the state was the *original owner of the land and its resources*. Once the Revolution was consummated, however, the capitalist class that actually took over power of the land, and it was not the nation,¹⁰ became the dominant force and definer of the socioeconomic formation, controlling the relations of property and production in the country and consequently its natural resources.

Yet the emergence of the Mexican state, under the assumption of an “independent political entity”, could hardly free it from the regional hegemony of the United States that still maintains control in the Latin American subcontinent, establishing profound social contradictions. To conceive of Mexico under the hypothesis of self-determination fits better as ideological construction than a reality. This circumstance has in turn acquired a certain relevance: for Brandenburg¹¹ it was about the “Revolutionary Family” that expressed itself through an alliance between the victors of the Revolution and the interests of the United States that since the Virreinato had demonstrated their expansionist zeal

⁸ In this perspective the work of Adolfo Gilly, *The Interrupted Revolution*. México D.F.: Ed. El Caballito, 1973 is fundamental. He analyzes “the other Revolution”, the one of the indigenous peasants.

⁹ See WOMACK, John. *Zapata y la Revolución Mexicana*. México D.F.: Siglo XXI, 1989.

¹⁰ In political theory, the state is the instance that exercises power. In the Post-Revolutionary Mexican case it was merely about the political party, (National Revolutionary Party, NRP (in Spanish, PNR), later the Mexican Revolutionary Party MRP (in Spanish, PRM) and from 1941 to the present day, the Institutional Revolutionary Party, IRP, (in Spanish, PRI). In sociological terms, the fact that the first paragraph of Article 27 states that the Nation, that is, all Mexicans, are supposedly owners of the land evidently has ideological features. Landownership in México and its historical process has been controlled by the interests of the dominant classes, including originally Americans. See. CÓRDOBA, Arnaldo. *La ideología de la Revolución Mexicana*. México, D.F.: Ed. Cultura Popular, 1989; WOMACK, John. *Zapata y la Revolución Mexicana.. Op.Cit.*; GILLY, Adolfo. *La Revolución Interrumpida. Op.Cit.*

¹¹ BRANDENBURG, Frank Ralph. *The making of modern Mexico*. Englewood, N.J.: Prentice Hall, 1964.

throughout Latin America. The dominance of North American economic liberalism as a paradigm was clearly expressed in the *Virginia Declaration* which enshrined the right to private property,¹² in the *Monroe Doctrine*, and particularly for Mexico, in the McLane-Ocampo¹³ Treaty, which eventually turned out to be different than what had been originally planned. Thus, control of the Mexican state has become a complex phenomenon due to the role that the political and economic interests of the United States have played. In this light, we find that the advent of the Mexican state was rather ambiguous because of the limits of its policies and the scope of decision-making power exercised by its powerful neighbour to the north. This was particularly the case in the biases, restrictions and contradictions of agrarian reform.

The idea that the Mexican state has created and recreated its property system through what appears to be a monolithic entity that controls its land and resources is simply untrue since the country has faced serious indebtedness problems, besides being practically “besieged” by North American transnational interests that, while affected by “*the other revolution*” of the Zapatistas, has still managed to impose their hegemony. Thus, the question arises: how could the Mexican state take charge of its own territory when, in fact, future conditions and commitments with the United States were being imposed one after the other?

Private property in the Mexican countryside from the perspective of the hegemony of the United States

The vision of private property rooted in the North American mentality in itself represents a process that would seem to oppose the survival of the original peoples of America beyond the question of territorial borders themselves. This is expressed in the contradiction between the great centers of economic power and indigenous peoples in such a way that the agrarian problem of Mexico shows, among other aspects, the historic fight for the land, as well as the fact mentioned by Wright Mills¹⁴ of the existence of a

¹² This juridical formalism is based in Roman law, and its origin carries two complex aspects: it was founded in imperialist and slave societies and its bases were established in the plundering and looting of conquered peoples. From classical Marxism, this process would be known as the Primitive Accumulation of Capital. See MARX, Carlos. *Capital*. México, D.F.: FCE, 1969, Cap. XXIV. Private property in what is currently Mexico originated in the Castilian law that was imposed upon the American colonies and constituted the “legitimate basis” of New Spain’s property regime. In this sense, it is necessary to point out that the modern version of this legal foundation emerged from American Protestantism, becoming Common Law and later affecting all the liberal constitutions of Latin America. See DURAND ALCÁNTARA, Carlos Humberto. *El Derecho Agrario y el Problema Agrario de México*. 2a ed. México: Porrúa, 1999.

¹³ While this Treaty was not applied, it planned the partial assignment of territorial sovereignty at the Isthmus of Tehuantepec, with rights to passage as well as certain border corridors on behalf of the USA. See COYRO, Ernesto Enríquez. *Los Estados Unidos de América frente al problema agrario de México*. México D.F.: Facultad de Ciencias Políticas y Sociales, Universidad Nacional Autónoma de México, 1984.

¹⁴ WRIGHT MILL, C. *Escucha Yanqui*. México D.F.: FCE, 1961. Wright Mills was particularly referring to American economic penetration in Cuba.

lurking enemy who sometimes appears under cover, but whose development and growth patterns *per se* have been found to be ever-present in the consolidation of Mexico as a country.

These patterns found their neoliberal transmission in the reforms of January 6, 1992, promoted by Mexican president, Carlos Salinas, as well as in the signing of the North American Free Trade Agreement (NAFTA), and more recently in the enforcement of the new Bucareli Treaty (2012) signed by President Calderon's administration as well as the latest adaptations made by the current government to Article 27, which foresees, among other aspects, the privatization of Mexican shores and the country's oil resources.

While the historical context in which the hegemony of the United States has evolved expresses the singularities of the capitalist paradigm, we are also able to find specific aspects that are related to each particular set of historical circumstances. Thus, Article 27 of the Constitution provides for land-ownership relations, but has been adapted to facilitate the reproduction of capital in different instances; today, this may be seen by the way capital is reproduced at all costs under the guidelines of the policies of the United States that have gained strength since the implementation of the Washington Protocol.

From the agricultural discourse of the peasants to neoliberal capitalist politics on the buying and selling of land.

Not only does the hegemony of the United States cut across the agricultural history of Mexico, but it has also operated over the most fundamental of all agricultural subjects in the country: the indigenous peoples, who have been the great losers of the Mexican state, having been denied and separated from their lands despite the circumstantial rights that they possess over these and their resources as the original agricultural producers. In this sense, the socio-historical right corresponding to these peoples and their claims to these lands are unquestionable. The fundamental relationship that exists between the native peoples and their habitat can be found in classic writings such as the *Chilam Balam de Chumayel* or the more widely known *Popol Vuh*, among several other works which speak of the close bonds that the Mayan Indians kept with their lands.

Within the highly complex set of concepts that make up Article 27, we may even “deconstruct”¹⁵ the juridical concept regarding indigenous peoples, given that the constitutional framework included them as “agricultural communities” (based on the confirmation and entitlement the Article has over land ownership).

¹⁵ I refer to the classic sense of the concept created by Martín Heidegger and developed by Jacques Derrida. The historical, metaphorical process through the years has dealt with the “construction process of certain concepts”, in this case, the hypothesis of the agrarian Indian individual based on factors that are far withdrawn from reality. This is where our statement about deconstruction stems from. Under this idea, the reality of Indian peoples has been “reduced” to the ideology of the state. In this respect, it is interesting to mention the work of [CULLER](#), Jonathan. *On deconstruction: theory and criticism after structuralism*. Madrid: Ed, Cátedra, 1984.

Such a legal precept offered indigenous peoples the possibility to be recognized as the rightful owners of the land through an administrative procedure named *The Agrarian Restitution*, which was carried out by federal authorities. Despite using this formula, they gained relatively little recognition from the government and were henceforth identified as a “rural population segment” that was seen as dispersed and disconnected. They were now without the possibility of consolidating an identity and a culture of their own, for the government’s logic only allowed for the existence of certain communities, a designation that did not include the indigenous peoples. Not only that, the state also diverted the demands of the indigenous peoples for the land by formulating other administrative procedures in order to create what would later be known as *ejidos* (land farmed communally under the direction of the state), a step which, far from being gratuitous, relied heavily on the edifice of an agrarian capitalism that was already casting its shadow over Mexico. This phenomenon, which has scarcely been studied, reveals the problems inherent to hegemonic power in that it alienated native peoples and drove them towards structures that were unknown to them. That is how the “totem of the post-revolutionary, contemporary ejido” came into being as a severe impediment to the multi-cultural consolidation of rural populations.

The romantic idea of the ejido (conceived by the state) as a projection of the Prehispanic *Calpulli* in modernity was actually conceived as an element of capitalist government agricultural policy. The purposes of *ejidalización* (the construction of ejidos) was the expanded reproduction of capital, either by means of renting the land or because above the interests of those who worked the land of the ejidos (both indigenous and non-indigenous peoples) were the state, transnational enterprises and private entrepreneurs.

Another myth surrounding the development of agriculture that needs to be deconstructed concerns the juridical nature that private property holds in Mexico. Private property held by individuals is conceived in an odd way. Article 27 presupposes that there exists private property in the countryside, yet such elements that could be conceived as private property were taken over by the state, that is, the subsoil and its resources, waters, airspace, forests and jungles, among others, that were submitted to control by the prevailing capitalist hegemony. This “hybridization” of private property is culturally opposed by indigenous peoples for whom such natural elements are indivisible, that is, that there should be no such limitations, as it was supposedly foreseen by Article 27.

Avatars of a failed process. An approach to the Mexican agrarian question in post-modernity

National statistics have witnessed the long and winding road of the agrarian question. The “booster” propaganda that for decades was part of the official discourse has been significantly reduced by the serious problems in the agricultural development of Mexico. This is seen, for example, in the granting and expansion of ejidos on lands with no agricultural purpose whatsoever, which is what happened during the distribution of lands in the forests and jungles in south and southeast Mexico. Such policies had negative environmental impacts such as the collapse of lake areas such as Texcoco on the outskirts

of Mexico City created by the construction of new ejido population centers during a drought which prohibited rural development. Instead of tackling the agricultural problems of the *latifundio*, a severe social situation took place when all the people who were given lands in forests or jungles migrated. In fact, land distribution was limited: incumbents received only about 2.5 hectares of bad quality lands and in 1992 (the year of President Carlos Salinas's reforms) there was an agricultural backwardness in which 100,000 certificates were linked to conflicts of land ownership.

On the other hand, it is a surprising fact that the agricultural rights of only 3,500,000 Mexicans, corresponding to 31,500 ejidos and indigenous communities that were basically born during the mandate of President Lazaro Cardenas in the 1930s, were recognized, and not always on good quality lands. Marked by agricultural failures, millions of Mexicans abandoned their lands to seek livelihoods elsewhere in the cities or outside Mexico. 20 million Mexicans are currently living in the United States. Actually the state itself affected the *latifundio*, which proved in certain moments to be convenient for governments. That is how we consider the adaptations and reforms that historically took place during the ruling periods of Miguel Aleman (1946-1952), and in the neoliberal framework of Carlos Salinas (1988-1994), Felipe Calderon (2006-2012) and currently that of Enrique Peña Nieto, which have expanded private property in agricultural production in Mexico under the instructions of the Group of Eight and NAFTA.¹⁶ From a socioeconomic prospective, these policies were designed to construct a "minimum state" and include oligopolies in the national economy, involving an intense rural privatization program¹⁷ that has aimed to concentrate capital in the agricultural sector.

It is worth mentioning that the traditional canons of Article 27 about the limits concerning private property have suffered a rupture. Thus we found that with the adjustments of the Salinas period, a sole owner can possess up to 60,000 hectares of rangeland soils and the reform of the current president simply ratified what previous governments had made feasible years before through trusts of foreigners in coastal and border areas. If it is a legal truth that the state distributed land in Mexico, there is also the "objective truth" that there has never been fair land distribution in Mexico. According to the 2007 census¹⁸:

¹⁶ The NAFTA has produced awful results for Mexico during the time it has been applied and the three decades of structural adjustment with its abrupt and unilateral trade liberalization, and its severe reduction of the participation of the state in sectorial economic development, phenomena linked with the profound asymmetries in technology, productivity, natural resources and agricultural policies existing between Mexico and the United States. SÁNCHEZ ALBARRÁN, Armando. *El campo no aguanta más*. México: UAMA, 2011.

¹⁷ Against whatever could be implied in the ejido privatization, the number of ejidos did not decrease, notwithstanding the market economic variable on which various spatial scopes of its heritage were positioned, with the reform of Constitutional Article 27. On the contrary, there were now 31,518 ejidos together with the communities. According to the INEGI (National Institute of Geographical Statistics and Information) only 5% of the holders of the ejidos fully sold. Another very revealing data concerning the social situation is the qualitative aspect of ejido lands that are basically all fed by rainwater. See CONCHEIRO, Luciano. *et al. Privatización en el Mundo rural*. UAM Xochimilco, 1998.

¹⁸ In 2012, the INEGI carried out the National Agricultural Survey that was based on a sample of the thirty-three most representative crops of Mexican agricultural production, which qualitatively delimits the projections of the agricultural census on which this essay is based. The results of the survey were published

- the rural population in 2005 was 24.5 million
- 10.7 million worked in the rural sector
- 5.7 million people were farmworkers
- 2.5 million people were labourers
- 164,000 were employees and workers
- 3 million workers were not paid
- 3.7 million worked or used the ejido lands
- Of farm incomes, 44% belonged to non-agricultural sources
- Eight out of ten producers lacked union organization
- 88% of families have at least one member living outside the community
- 97% of rural land is affected by environmental problems; in 60%, the impacts are irreversible
- Only 6 million hectares have irrigation; 10% of the lands have severe salinity problems
- 68% of the cultivated land is dedicated to grains and oilseeds; 5.8% for fruits; 3% for vegetables; and 22.3% for other crops.¹⁹

At a macroeconomic level, the rural Gross Domestic Product (GDP) constitutes only about 2.7 % of the total goods and services which are produced in Mexico. This figure shows, among other aspects, that the country is food dependent. At the same time, it is worth mentioning the compulsive expulsion of great sectors of the rural population that after almost eight decades of land distribution have left their homes. This is best known as migration and the reasons may be found in the structural poverty of millions of Mexicans.

Epilogue

In the current context of predatory capitalism, it is important to explore if there are feasible alternatives for rural development in an unquestionably dehumanizing and aggressive framework.

Oligopolies insist on maintaining structures that intensify rural poverty and guarantee the expanded reproduction of capital. In a “neoliberal fashion”, they name all their applications and projections as “sustainable”. Thus, laws are sustainable, projects

in 2013. It is worth mentioning that between the two aforementioned documents there are *methodological* differences due to the fact that the cited survey was founded on a sample. That is the reason why the data mentioned in this work mainly comes from the 2007 Census cited below.

¹⁹ See INEGI. *Censo Agrícola, ganadero y forestal y Censo Ejidal*. México, INEGI, 2007.

are sustainable, but are all the predatory activities in the woods, jungles, aquifers, mines, tourist developments, and agro-industry sustainable?

The power centers use an “ecological” discourse yet environmental catastrophe permeates all neoliberal growth practices. Alejandro Toledo’s opinion is that this is a organized strategy applied from the powers above that on the one hand creates deep and irreparable ruptures in the environment and on the other formalizes activities that will “compensate the damage” of something that nature created thousands of years ago. This discourse is used to propagate the “benefits of neoliberal development” to civil society.²⁰ Hence, everything is coated with this new discourse of sustainable development.

Concerning indigenous peoples in Mexico we consider it an urgent task to interpret the meanings that indigenous rights should have in most of the countries of the continent considering three principal objectives. First, the ratification of Convention 169 of the International Labor Organization. Second, approval of the Universal Declaration of the Rights of Indian Peoples²¹ of the United Nations (UN) (declared in September 2007) and, finally, the reform of the state in Latin America with regard to indigenous peoples’ rights, that is, the construction of new constitutional frameworks based on the multiethnic and multicultural configuration of the nation state.

Notwithstanding the importance of Convention 169 and the Declaration of Indian Peoples of the UN,²² it would also be important to study these documents in light of their structural differences, together with the contributions of the Zapatista Army of National Liberation (EZLN) in the Mexican context, for example the integrated management of resources by indigenous peoples, as well as those scholars and activists who refer to self-determination, autonomy and the concept of people(s).²³

²⁰ TOLEDO OCAMPO, Alejandro. “Towards a political economy of biodiversity and of communitarian ecological movements”. *Chiapas Magazine*. n. 6, México: UNAM – IIS, 2003.

²¹ The Latin American countries which have ratified Convention 169 are: Argentina (2000), Brasil (2002), Bolivia (1991), Colombia (1991), Costa Rica (1993), Ecuador (1998), Honduras (1995), Guatemala (1996), México (1990), Paraguay (1993), Perú (1994), Venezuela (2002). For effects of this work, it is important to mention that the minimum standard of specific rights of indigenous peoples is synthetized in this Agreement originally approved in 1989.

²² The approval of the Declaration was preceded by the 60/1 resolution of the UN General Assembly dated October 2005 that on paragraph I-27 stipulates: “We reaffirm our commitment to keep promoting human rights of the Indian peoples of the world, and locally, domestically, regionally and internationally, even by means of the consultation and collaboration with them and to submit, as soon as possible, for approval, a final draft of the UN Declaration of Human Rights for Indian Peoples”. This declaration was approved on September 13, 2007. Among the 192 countries represented at the UN, 143 adopted it; eleven refrained and only four opposed (USA, Canada, Australia and New Zealand) arguing its negative effects on territories and resources.

²³ *Zapatismo* is not only a cultural conception, but also an ethnological and experiential one that seeks to establish human claims concerning the land in an asymmetric context, where hegemonic groups indiscriminately take over the habitat, making the interpretation of the dialogue among humans and between humans and the land more complex. Beyond some conceptions that conceive the Zapatista movement as a “rupture” we find it valid that they make credible and feasible the cognitive practices of peoples who have been victimized by colonialism. In this philosophical respect, the thought that the EZLN has developed becomes important. *Zapatismo* as an ethnic background can be seen as a cultural tradition, with its peculiar sense, originating from the Zapatistas, in search of the fair distribution of the land and the return of the territories to the Indian peoples, something that could imply a hopeful reference able to influence society so that it acknowledges its values and “humanizes” the most disadvantaged social classes. The EZLN placed

Juridically, the Universal Declaration of the Rights of Indian Peoples of the UN does not require compliance, since it is not a treaty, unlike Convention 169, that was ratified by the signatory states²⁴, thus requiring them to respect its provisions. This aspect has gradually become a permanent debate in each of the signatory countries that was provoked by the constant activism of indigenous movements for enforcement of the Conventions' provisions, which has in fact resulted in reforms and adjustments of national legislation in some Latin American countries.

Despite the current limits of indigenous rights, we believe that the rise of indigenous movements in the last three decades²⁵ has broken with the traditional idea of a mono- ethnic state. We insist that the EZLN has played a significant role in this development.

the problem of racial autonomy, respect for the demands of their territories and natural resources, the defense of their cultures and regulatory systems, in the international debate among other aspects that transcended beyond these particular struggles, such as the establishment of dialogue and its insertion in the political life of Mexico. Regarding this, we should not forget the intervention of the EZLN at the Unity Congress of Mexico. Since the Mexican Revolution there has not been another social movement that has had such political importance.

²⁴The special rapporteur of the UN on the situation of human rights and fundamental freedoms of Indian peoples, Rodolfo Stavenhagen, has sustained the importance of approving the UN Declaration. See OLIVARES, Alonso Emir. "Stavenhagen exhorta al Congreso a incluir el documento en la reforma del Estado". *La Jornada*, octubre 13 de 2007.

²⁵Beyond the "economistic" analyzes that identify the objectives of the demands of indigenous movements as eminently socioeconomic, we also find a polychromy in its expressions. In this respect, the classification of Daniel Cazes is interesting: "Productive organizations that refer to the economic field. Organizations of cultural perspective and human rights that refer to the struggles against inequality and discrimination based on differences (genetics, ethics, sexual preferences, etc..) Social organizations that refer to the scope of social rights and political citizenship rights". See CAZÉS, Daniel. *Creación de alternativas y poderes democráticos*. México, D.F.: UNAM, 2008.