



## Rights & Democracy

International Centre for Human Rights  
and Democratic Development

# "Self-Made Citizens": Building Democracy Through Human Rights in Mexico

January 2003

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### EXECUTIVE SUMMARY

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## Executive Summary

This study on democratic development was conducted by Rights & Democracy (the International Centre for Human Rights and Democratic Development) of Canada, a public agency created in 1988 by the Parliament of Canada, in cooperation with Alianza Cívica. It is the eighth in a series of studies produced using a framework of analysis based on international human rights instruments.

The study was carried out by a team of Mexican researchers using a participatory methodology. The central research question was the following: What are the processes whereby different sectors of the population constitute themselves as rights-bearing citizens? The study centered on the mobilization processes of three specific sectors as an illustration of the diversity of challenges confronting the future of Mexican democracy.

The **Introduction** sets out the historical context for the construction of collective civic subjects from the Mexican Revolution until the present day.

The **three case studies** are in-depth examinations of the following contexts:

- Mixtec indigenous communities, their collective vision, their structures and forms of organization, and their centuries-long struggle for recognition of their rights, land, and territory. In recent years, they have gained visibility and won public recognition. A particular focus was placed on documenting the case of the community of San Pedro Yosotato, Oaxaca.
- Women working in the maquiladora industry in Coahuila. These women are struggling for their labour, gender, health, and trade union rights in the face of discriminatory practices and, often, sexual harassment.
- Residents of the working-class borough of Iztapalapa, Mexico City, who have for many years been demanding the right to participate in determining the policies that affect their neighbourhood. The initial campaigns revolved around land tenure and public services, while subsequently they have focused on the public bodies making the decisions that relate to their daily lives.

The **outcomes common to the three studies** achieved through the participatory methodology were as follows:

1. Sharing the research with the population in each locality.
2. Improving the quality of the data and analysis by drawing on the comments and the direct participation of the protagonists themselves and the external experts.

3. Identifying the elements of a shared vision of issues for democratization in Mexico.
4. Recognizing citizens as collective rights-bearers and the key to the effective protection and justiciability of human rights.

Several **general conclusions** are presented, including the following:

- Women working in the maquiladora industry suffer mistreatment, discrimination and sexual harassment, in detriment to their bodily integrity, their health and their labour rights.
- In San Pedro Yosotato, the community united to confront the invasion of its land in response to long-standing abuses and the government's failure to recognize its territorial rights. The community is still attempting to resolve the conflict, demanding justice through peaceful channels. However, there is no guarantee that the community members will continue on this path, especially if the responsible authorities and the political parties remain blind and deaf to what the courts have ordered. As matters stand, the authorities have simply administered the conflict in response to immediate political pressures, thus giving rise to continuing disputes and divisions between the communities and reinforcing cacique-style political control. In its intensity, the Yosotato conflict resembles dozens of conflicts taking place in the Mixteca; yet though in every case it is the Mixtec people who constitute the injured party, mistreated by the federal and state authorities, the situation has not yet given rise to a collective sense of Mixtec solidarity.
- In the case of Iztapalapa, the people managed to populate a seemingly inhospitable region, dealing with major obstacles such as illegal land tenure, unemployment, lack of schools and running water, severe health problems, inadequate sewage and waste management; another problem characteristic of the entire Federal District until recently was local political disenfranchisement.
- In all three cases, a purely legal struggle eventually led to popular mobilization, organization, and the creation of collective civic subjects. These "self-made citizens" developed strategies to secure effective guarantees of their rights to housing, health, decent employment, food, a healthy environment, land, territory, autonomous organization and recognition as peoples. In the Coahuila case, the women internationalized citizen defence of the human rights to work, to health and to bodily integrity.

Concerning the **present limits of democracy in the Mexican context**, the study points to **unequal law enforcement** as well as **constraints on the exercise of human rights due to the marginalizing effects of economic globalization**. The research as a whole showed that isolated processes leading to the creation of collective subjects of rights must achieve greater synergy, a wider scope, and more impact in order to secure full protection for rights and consolidate the democratic advances that emerge throughout this study. Local civil society is endlessly active and inventive in developing ways to claim its rights in the face of strong authoritarian inertia and discriminatory practices. **The international human rights commitments of Mexico become more than a mere diplomatic exercise for the government when citizens claim them, monitor them, and demand their enforcement: only then do they become justiciable.**

In addition, the fieldwork, document compilation, interviews, seminars, and meetings were democratic exercises in themselves. These intense and complex processes of coordination of diverse local, national and international initiatives generated new knowledge about the relationship between emerging social subjects working to claim their human rights and the process of developing democracy.

**The principal specific conclusions of the case studies** are as follows: The experiences of struggle by women workers in the Coahuila maquiladora export industry epitomize the routine exploitation of nearly one million women, the mechanisms that undermine their health and rapidly destroy their lives, and the inconsistencies between state, federal, and international law in the area of women's labour and health rights. These experiences highlight the forms of resistance, advocacy and organization to address unjust working conditions.

The case of San Pedro Yosotato illustrates a centuries-old struggle for the recognition for indigenous peoples' rights, their collective land and territorial rights, their right to be considered peoples, and their right to their own history, identity, and culture. The communities' traditional relationship with the land on which their existence depends has not been respected. Now as in the past, the

territorial rights struggle configures the identity of the Mixtec people.

Regarding the struggle for democratic rights in Sierra de Santa Catarina (Iztapalapa), the findings are that in recent years, the residents' organizations - fed up with the PRI's authoritarianism - took various actions themselves. They helped win the right to vote and elect local representatives, then elected representatives from different parties as a tangible means of furthering their economic, social, cultural and environmental rights agenda and enhancing civic participation. Gaining the right to participate in electoral politics was the outcome of long years of self-help organizing to obtain basic public services.

## Recommendations:

### WOMEN IN THE MAQUILADORA INDUSTRY, COAHUILA

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- Promote a strategy to attain recognition of occupational health problems.
- To further this strategy, arrange for study missions to Mexico by Canadian and US doctors to assess the true causes of the health problems experienced by women in the maquiladora industry.
- Hold information and strategy meetings on the status of women maquiladora workers in Coahuila with interested sectors of civil society, including medical, nursing and law schools, religious base communities, political parties, etc.
- In conjunction with independent human rights centres and public agencies, support and promote the production of a national manual on the rights of women workers in the maquiladora industry.

### SAN PEDRO YOSOTATO, OAXACA

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- Publicize the research results widely in the Mixtec region, and especially in the community of San Pedro Yosotato.
- Demand that the Agrarian Tribunal enforce the presidential decree relating to the San Pedro Yosotato lands.
- Demand that the Ministry of the Interior respect and apply the law as concerns the judgments of the Agrarian Tribunal.

### SIERRA DE SANTA CATARINA, IZTAPALAPA, MEXICO CITY

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- Publicize the study widely so as to inform the residents of Iztapalapa and Mexico City about effective forms of civic participation, thus helping to combat clientelism and corporatism.
- Support the efforts of the civic organizations of Sierra de Santa Catarina to obtain participation for citizens in the design, implementation, monitoring and evaluation of public policies such as the annual operating programs or a future participatory budget. The goal should be for residents and their organizations to be involved in the fundamental decisions affecting their daily lives.

## General Recommendations:

### WOMEN IN THE MAQUILADORA INDUSTRY

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- Defend the rights of working women, guaranteeing their access to employment without discrimination and protecting their health, especially their reproductive health; guarantee equal rights for women in employment and all other areas of life.

- Work with other networks and organizations to improve the quality of life of maquiladora workers, and for sustainable development, social justice, human rights, and environmental stability in the host communities. This will require the following:
  1. Improve the laws, procedures, and penalties regarding sexual harassment so that they truly protect working women. This is a human rights battle that must be waged in conjunction with the country's human rights organizations.
  2. Promote and strengthen workers' democratic organizations, and promote the application of basic labour standards including the freedom to unionize.
  3. Support the creation and coordination of maquiladora solidarity networks in Mexico, United States and Canada, with a view to defending and promoting labour and gender rights.
  4. Support specialized training opportunities for female maquiladora workers and activists around human and labour rights from a gender perspective; nurture synergies with broader forums and networks.
- Use all possible means to pressure the maquiladoras and multinational corporations to adopt socially responsible operating standards, to provide a healthy environment in the factories and communities, and to improve the quality of life for workers.
- Several of the ILO standards have not been adopted by Mexico. We consider it necessary that the Congress of the Union envisage adoption of these standards so as to make progress towards a fairer, more democratic labour environment for women and men. An example is Convention 156 on workers with family responsibilities.

## INDIGENOUS RIGHTS

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- On the basis of the San Andrés Accords and ILO Convention 169, press domestically and internationally for constitutional recognition of indigenous peoples. Such recognition is the basis for their inclusion in sustainable and equitable development and for the reconstitution of their identity as peoples.
- Promote a national culture of recognition and respect for the identity of others, in order that all cultures be included in the Mexican nation of tomorrow.
- Support strategies and new research to help combat the long-standing impunity and injustice on which governments have founded exclusionary and discriminatory practices towards indigenous peoples, particularly in regard to administration of justice in land and border conflicts.

## CIVIC PARTICIPATION

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- Support similar research on other experiences and compare the results. Identify obstacles to be overcome and new alliances or strategies to share.
- Support the coordination of local civic and community organizations and motivate them to influence public policy. This will stimulate them to appropriate domestic and international legal instruments and build their capacity to participate in the public realm.
- Support the drafting and implementation of enabling legislation for the Civic Organizations Promotion Act in the Federal District that respects the spirit of the Act and meets the demands of the civic organizations.

## MEXICO, JANUARY 2003.

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## FOREWORD & INTRODUCTION

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## Foreword

The International Centre for Human Rights and Democratic Development of Canada, currently known as Rights & Democracy, was founded in 1990 with a mandate to promote, advocate and defend the democratic and human rights set out in the International Bill of Human Rights as well as to foster democratic development in developing countries. To this end, Rights & Democracy, an independent non-partisan organization, works in close cooperation with civic associations, international organizations, and governments both in Canada and abroad. It provides financial support and political and capacity-building to political and social actors with the objective of creating or strengthening effective mechanisms for the defence and promotion of human Rights & Democracy. Thus, Rights & Democracy identifies and denounces specific cases of violation of rights and democratic principles, and it develops, advocates and recommends policies to prevent or correct them. At present, in addition to its activities around urgent action on international human rights advocacy, Rights & Democracy centres its work around four thematic priorities: women's rights, the rights of indigenous peoples, globalization and human rights, and democratic development. It is within the framework of this last theme that studies on democratic development such as this one are carried out.

These studies are guided by an analytical framework developed by Rights & Democracy in the early 1990s on the basis of international human rights instruments. The distinctiveness of this framework resides in its conception that there is a fundamental link between democracy and human rights, and that civil society - by seeking recognition of its rights - plays a decisive role in democratization. From a historical standpoint, we consider democracy and human rights to be mutually constitutive processes.

In this framework, struggles for recognition and institutionalization of rights are the very essence of democratic processes. The internationally recognized rights essential to democratic development are classified into five categories: citizen security, democratic participation, well-being, non-discrimination, and political institutions. In each category, specific rights recognized by international instruments are assessed as a function of the prevailing situation in a given country. This focus, at once universal and flexible, makes it possible to qualitatively measure the level of democratic development with reference to the political, legal, cultural, and structural features of each society. Democratic development studies are useful not only as guides to Rights & Democracy in developing its own strategies for action, but also in providing national and international organizations and institutions involved in democratization with a systematic analytical tool. **(1)**

This study of democratic development in Mexico is not the first conducted by Rights & Democracy; previous studies have focused on Kenya (1993), Thailand (1994), El Salvador (1994), Tanzania (1995), Guatemala (1996), Peru (1997) and Pakistan (1998). **(2)** However, certain characteristics of this study set it apart from the previous ones. For the first time, the analytical framework has been implemented with a participatory methodology. The researchers responsible for each part of the study developed a preliminary version that was presented to representatives of the corresponding population segment at a local workshop. Comments made on that occasion were then incorporated into the final version. The enthusiasm shown by the local organizations we worked with greatly surpassed initial expectations; all who participated in the process recognises the value of that contribution.

Other factors that served to enrich this study were the following: **1)** the expertise of the research team, whose work is both imbued with its members' profound commitment to democracy, rights, and justice, and strengthened by their methodological rigour; **(3) 2)** the solid experience of the Alianza Cívica team, which coordinated the work; **(4)** and **3)** the exceptional contribution of the advisory committee made up of representatives of different sectors of Mexican civil society, whose role was to provide guidance for the work at each stage. **(5)** The time, energy, and ideas contributed by this committee to the collective thinking that went into this study were of great value to us.

All these people joined forces to work on the following overall question: What are the processes whereby the different sectors of the population transform themselves into rights-bearing citizens? To answer this question, we decided to concentrate on the organisational processes of three specific sectors: **1)** women maquiladora workers in the state of Coahuila who are asserting their rights as human beings, women, and workers; **2)** a Mixtec community in the state of Oaxaca striving for recognition of its autonomy and dignity; **3)** the residents of the borough (delegación) of Iztapalapa, Mexico City, whose demands around economic, social, and cultural (ESC) rights have turned into an ongoing struggle for the right to participate in political life; that is, to be directly involved in the design and adoption of public and social policies that affect them.

The choice of these three research foci was based on two main criteria: the likelihood that an understanding of these issues would shed light on the Mexican democratization process and, to some extent, on democratization in general; and more important, a recognized need expressed by the organizations themselves to systematize their extensive experience and thus support their action. We are convinced that this study fulfils these two objectives.

Rights & Democracy, Canada  
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## INTRODUCTION

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## I. Documenting Memory

### 1. REINTERPRETING RECENT STRUGGLES FOR HUMAN RIGHTS AND DEMOCRACY IN MEXICO

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The victory of Vicente Fox in the presidential elections of 2 July 2000 is a historical fact which has a variety of social interpretations only now becoming apparent. It meant, among other things, the fall from power of the Institutional Revolutionary Party (PRI), which had held the reins of government for 71 years, and the victory of a charismatic leader who was essentially independent from his National Action Party (PAN). Also, the popular vote was and still is a cry for justice, and represents a mandate to establish the conditions for the effective protection of all human rights.

For broad segments of Mexican civil society, these political changes are, crucially, a crystallization of four decades of struggle for the democratic transformation of the country. The PRI, as both party and state, was faltering: its institutionalized legal and resource base, the authoritarian methods it resorted to with increasing frequency, and electoral fraud as a system of imposing its authority, had continually eroded the consensus and legitimacy it needed to conserve power. During all those years, hundreds of collective social actors had built towards the turning point as they strove to change the balance of power between "corporatist presidentialism" and society as a whole.

Since 1992, US diplomacy has sought to influence the democratization process in Mexico through various intermediaries, including the Carter Center. On the whole, these efforts have been rather ineffective. More successful in effecting a change in traditional authoritarian patterns of government at the end of the millennium were the new international trade relations to which the governmental and business forces adhered through the North American Free Trade Agreement (NAFTA). For these stakeholders, Mexico's authoritarianism - and particularly its government-aligned unions and their entrenched collective agreements - interfered with the "free market." On a similar note, the "democracy clause" put forward by the European Union was ultimately a mere formality that opened Mexico to trade relations with Europe, but whose dissymmetry and economic injustice went relatively unchallenged.

A review of recent Mexican history shows that during the six-year term of Lázaro Cárdenas (1934-1940), the agrarian reform and the expropriation of oil secured broad-based grassroots support for the government. In return for guarantees of fundamental rights such as land title, employment, and social security, Mexicans formed trade unions and peasant organizations that were incorporated into the structure of the governing party, which changed its name at that time from the National Revolutionary Party to the Party of the Mexican Revolution. This was the genesis of a state whose government penetrated all sectors, and where civil society was nearly invisible.

Between 1958 and 1967, the railway workers, teachers, telegraph workers, doctors, and students campaigned for freedom of association and expression, union organization, and autonomy. The government regarded these struggles as both material and symbolic attacks on the corporatist state. In each case, it responded by co-optation of leaders, threats, repression, and imprisonment of activists. This last action was justified by laying charges of "social dissolution," a crime defined in sections 45 and 45 bis of the Criminal Code. Originally adopted in response to the threat of destabilization by the Axis during the Second World War, the charge was now being used to quell domestic dissidence, in clear violation of individual freedoms and political rights. These early struggles for trade union democracy and the independence of the state-aligned Mexican Worker's Confederation undoubtedly marked the birth of modern Mexican civil society's calls for effective guarantees of basic human rights.

The struggle against the "social dissolution" charge, which put many labour leaders in prison in the late 1950s and 1960s, was taken up by the student movement of 1968. A movement stemming initially from protests against police brutality became a vigorous voice, a struggle against repression and for the right to demonstrate, assemble, and express oneself freely and publicly; in short, a movement for democratic freedoms and civil and political rights. This was symbolized by the emblem of the student movement, a red and black circle around the intertwined letters "l" and "d," for liberty and democracy.

As with all previous social movements, the Mexican government, on the orders of President Gustavo Díaz Ordaz and Minister of the Interior Luis Echeverría, responded with attempts at co-optation, division and infiltration, and finally with repression and the Tlatelolco massacre of 2 October 1968. Over the years, Mexican society has gradually appropriated and shaped the meaning of this crime, making it into a founding moment of democracy, civil society, and modern civic movements.

In the aftermath of '68, the 1970s, after some initial uncertainty, witnessed the emergence of a broad range of social movements. The issues around which Mexicans were organizing included trade union democracy, the independence of peasant organizations, the transformation of the universities, the right to decent housing, and the right to form new political parties. A few became involved in desperate attempts to change the system through armed resistance. Taken together, all these movements represented a febrile attempt to address the lack of viable political channels for the expression of dissidence, which was still suppressed by the authorities.

Undoubtedly, this constellation of social movements gave impetus to the political reform through which opposition political parties were given legal recognition. It channeled and lent legitimacy to the demands of the urban poor, peasants, trade unionists and

students, ultimately giving rise to broad-based coalitions focusing on their demands. In today's terminology these movements would be seen as working for economic, social, cultural and environmental rights, but at the time they were simply termed popular movements. Their plurality and expansion, as well as the risk of a growing armed movement, forced the Mexican government to initiate dialogue with collective actors who would formerly have been brutally repressed.

The stabilizing development model (1934-1982) of the state was built on a foundation of corporatist/clientelist relations inspired by older despotic structures. During Cardenism, the social pact had been a successful response to popular demands. However, in the 1960s it was running aground, and increasingly had to be bulwarked by authoritarian measures, causing the consensus around it to evaporate. The demands of the majority of Mexican citizens were no longer being addressed.

Domestic approaches and economic strategies for solving Mexico's problems were continuously faced with pressures exerted by the United States and various international financial institutions for the country to mold itself to their interests. Since the mid-1970s, these pressures have generally taken three forms: 1) for Mexico to explore, exploit, and export more of its energy sources; 2) for it to make strides towards trade liberalization; and 3) for it to establish increasingly stringent controls over the northern border so as to restrict the flow of migrant workers to the United States.

After the 1982 economic crisis, the exclusionary socioeconomic model promoted by the International Monetary Fund (IMF) and the World Bank, involving rigid macroeconomic arrangements and loan conditionality, pressed for structural adjustment through so-called "free trade." In the Mexican case, these developments have played out in the following manner:

1. Mexico has gone into considerable debt in order to purchase the technology and develop the infrastructure necessary to explore, exploit, and export petroleum and natural gas. No sooner had the country augmented its hydrocarbon production capacity than a drop in international prices made the Mexican foreign debt unpayable, even though repayment schedules had been strictly observed until then. Mexico joined the General Agreement on Tariffs and Trade (GATT) and the benefits to speculative capital were enhanced.
2. This complex situation made it necessary to apply for new loans subject to structural adjustment. In the Mexican case, structural adjustment took the form of progressive and severe reduction in public spending, particularly social spending (education, housing, health and social services); timely debt payments; the privatization of quasi-governmental corporations; the "maquilization" (preeminence of free port zones for industry) of the northern border region; the signing of the fundamentally dissymmetrical NAFTA; a focus on the poor rather than the causes of poverty; a progressive retreat from Mexico's independent positions on international conflicts; the weakening of the Mexican state.
3. The commodification of public services and the privatization of the health and social security systems, banks, workers' savings programmes, ports, airports, and highways; an increase in the domestic debt; the weakening of collective labour agreements; the sale of banks to foreign interests; stepped-up policing of the borders.
4. Pressure to privatize energy resources, focusing on electricity, petroleum, water, and biodiversity resources; heightened pressure to privatize higher education; the "maquilization" of the country; negotiations around the Free Trade Area of the Americas; the Puebla-Panama Plan and closing of the southern border; persecution of dissidence; and a charity-oriented approach to public assistance as opposed to an empowerment-oriented one.

These strategies followed by the last four Mexican governments have had as their main consequences:

- An increase in the number of poor people from 40 to 60 million over the past twenty years; between June 2000 and June 2002, the number of persons living in poverty increased by 2,300,000. (6)
- The failure of the plan to generate more than one million productive jobs annually, as promised.
- Basing the economy on the sale of cheap, unprotected labour in the maquiladora industry.
- The elimination of support programs and subsidies to agricultural production, in diametric opposition to the practices of the United States and all the countries of the industrialized world. This has caused an increase in migration, which has affected one-sixth of the national population in the last thirty years.
- The failure of the government to guarantee the economic, social and cultural rights of millions of Mexicans. The government is increasingly abdicating its responsibilities for health care, education, welfare, job creation, and housing.



In fact, the structural adjustments begun twenty years ago exacerbated the public malaise, which found its early expression in Mexicans' response to the earthquakes of 1985. At the time, widespread indignation with the government's handling of the disaster freed the popular imagination to suppose that a different type of Mexico City government was possible. In 1988, the "neo-Cardenist" upswell overturned the political order at the ballot box, and the government responded with the electoral fraud that instated Carlos Salinas de Gortari as President. It was Salinas who initiated the adaptation of the country's political structure to the interests of exclusionary international trade. This was particularly evident in the amendments to Article 27 of the Constitution that made land a saleable commodity. Another indication of this trend was NAFTA, which consecrated a profound dissymmetry between the parties and benefited an economic elite while playing a decisive role in impoverishing the population. A further development during Salinas's term was the government's tolerance of drug trafficking and social violence. Due to all these factors, the public malaise spread and was expressed through various ongoing social and civic movements, including civic campaigns for electoral fairness and observation as of 1991. On 1 January 1994, at the very moment when NAFTA came into force, many indigenous communities of Chiapas, led by the Zapatista National Liberation Army (EZLN), rose up in arms.

The political reform of 1993-1994 came in response to the trends set in motion by civic movements from 1991 onward. This reform established the impartiality of the electoral authorities; the reliability of electoral census, voting credentials, and voters' lists; guarantees of equity in the mass media; a prohibition on the use of public funds and programs in favour of any political party, and a reform of the party financing system. (7) The 1996 reform definitively severed the dependency of the electoral system on the governing party. It gave full autonomy to the Federal Electoral Institute, abolished the representation of the Executive Branch on this body, and gave the Legislative Branch non-voting representation; in effect it created an autonomous, civically oriented electoral body that is independent of both the executive and legislative branches.

By profoundly challenging the foundations of the Mexican government, the Zapatista uprising indirectly played a decisive role in the adoption of this reform; the government saw that it could not win on all fronts simultaneously and was forced to give way on the electoral issue. Paradoxically, though, the advent of so-called "free-trade" generated pressure to dismantle the corporatist trade unions, which were seen as standing in the way of new foreign investment.

Beginning with the movement commemorating 500 years of indigenous, black and popular resistance in 1992, and more recently with the tenacious indigenous struggle spearheaded by the EZLN and the National Indigenous Congress, indigenous peoples have continued to fight for constitutional recognition of their status as rights-bearers, and in particular their right to self-determination and autonomy. Thus, the emerging struggles have made manifest that democracy and human rights cannot be a passing fashion. They require progressive and profound transformation of unjust structures and cultures and practices of discrimination in Mexico.

The indigenous uprising leads us to consider two versions of a single history. There is the official version, evoking the greatness of Indians past but denying the rights of present-day indigenous peoples and making their existence, demands and actions invisible. And then there is a history often silenced, one that acknowledges and relates hundreds of resistance movements and hard-fought struggles for recognition of indigenous rights, as well as their contribution to the construction of the multiethnic, multicultural Mexico of today and tomorrow.

Clearly, this complex reality raises questions that go to the very roots of modern democracies, and particularly that of the United States, based on a logic of individualism, private profit-making, and the market as a "natural" regulator of society. Also central to their system are the profoundly asymmetrical and unjust economic arrangements between northern countries on the one hand and southern and eastern countries on the other; for example, the latter's structural foreign debt which has forced them to hand over their economic surpluses to the north for the last twenty years; or the vogue of trade agreements that entrench asymmetries and exacerbate the poverty of countries already extremely poor. This model is also predicated on the devastation of nature and is propped up, in the final analysis, by military force. In view of these considerations, a research project like this one must necessarily address the following questions: To what extent does the market economy, by weakening nation states, work directly and structurally against the effective protection of human rights? In what ways does democracy today go hand in hand with social justice, collective rights to land and territory, and international conditions for the exercise thereof?

The indigenous, environmental, youth, feminist, and human rights movements introduce a distinct worldview, a symbolic and theoretical corpus of critical and creative elements that have to do with the historical roots of the entire American continent, and with the harmony between men, women, and nature, with the cohabitation of profoundly different beings and the survival of life on earth.

In this twenty-first century characterized by globalization and weakened democracies, can one reasonably hope that such vastly different paradigms of political and social coexistence might themselves manage to coexist and transform one another? On the one hand, we have the liberal paradigm arising out of the French Revolution and given renewed impetus by today's neocolonial efforts to impose a single global market, a single orthodoxy founded on the inviolability of individual rights. This paradigm is now threatening life on earth, equity, and social gains even within the countries of the north. On the other hand, we have various paradigms relating to collective rights, the rights of the aboriginal peoples, collective forms of ownership, the inclusion of women in decision-making, harmonious coexistence with nature and the environment, and respect for differences and diversity. The results of research projects such as this one suggest a need to transform the western paradigm of democracy.

By grounding our thinking about democracy in a commitment to the rights of the poor, the establishment of conditions for the full



effectiveness of all human rights, and the struggle for democracy and inclusive development in Mexico, we can develop a critical stance on (and breathe some fresh air into) political systems originating in Northern countries in an era of globalization. These systems are often inextricably bound up with the dominant model of economic and military relations which, in addition to impoverishing three-fourths of the world's population, is destroying life, millennial cultures, and the habitat of the planet for future generations.

## 2. WHAT HAS CHANGED IN MEXICO?

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After 20 months of the new federal government, it is becoming clear that there has been a change of party in power and certain important political conditions. However, there has been no change in economic policies that will make it possible to address, even minimally, the public's expectations of an improvement in diet, living conditions, employment, and purchasing power for a large majority of citizens. The voters who gave this mandate in the presidential elections of 2000 are being deceived. Let us now examine these changes.

### 2.1. Scope and Limits at the Institutional and Political Levels

The role of the President in the nation's political life and his relationship with the legislative and judicial branches have begun to be redefined, although not without inertia and resistance. In the legislative branch, none of the three major parties has an absolute majority, necessitating a complex policy of alliances in order to make law. The decentralization of budgets and power is growing. An access to information act was adopted, and the nation's archives were opened to allow light to be shed on the political crimes of 1968. Moreover, a fundamental change has appeared in how citizens' organizations conceive of their role in public policy; specifically, they see themselves as originators and advocates of independent proposals on behalf of civil society. However, with the entrance of many civic leaders into the public service, perplexity is evident in certain segments of civil society as to the identity of the adversary. Where once this was clear - it was the PRI and the government - and so were the strategies and tasks at hand, it is no longer possible today to paint the government with a broad brush, and the clarity needed to develop a political strategy is less present.

This new configuration of political power was not a gratuitous concession: it was the result of long years of social mobilization that changed scenarios and altered the balance of power at the national, state, and local levels. It was also the result of international pressure for democratization of the Mexican political system. And although effective multiparty government is not a simple nor unequivocal phenomenon, it does offer new opportunities and spaces that organized civil society can access and enlarge on the strength of its projects, autonomy, and capacity for advocacy and influence. The perspectives for this are particularly good where innovative pluralist coalitions dialogue with new officials in the arena of public policy on social affairs and the democratization of municipal spaces, and it will be more feasible in some regions than others. In this context, support for local governance experiments and the strengthening of municipal autonomy takes on particular importance. A crucial challenge is to parlay the mechanisms of democratization into mechanisms of influence over economic policy.

The current political situation also harbours some latent dangers, such as the possibility that local despotism and state-level corruption will be reinvigorated. This threat makes capacity-building for social and civic organizations and multi-issue coalitions a central challenge.

Another problem that rapidly became apparent was the deep roots of corruption in social structures and practices, with or without the PRI in government. Corruption is not exclusive to one party, but forms a part of a pervasive culture.

One crucial limitation of the Mexican political system is the inadequacy of the administration of justice and prosecution in general, and the impunity of politicians, paramilitary groups, and the military in particular. This situation favours the interests of elite groups, and delays the implementation of presidential decrees and court decisions that could alleviate social conflicts.

An equally significant threat is the grip authoritarianism maintains over the public mind. The insecurity of daily existence, the power of the drug traffickers, and the U.S. anti-terrorism policy nurture a current of public opinion that favours routine authoritarian measures and decisions. The consequences are the persecution of dissidence, human rights violations, the denial of full rights to indigenous peoples during the constitutional revision, and the transformation of the country into a containment area for Latin American migrants attempting to reach the United States. The principal risks associated with this aggravation of authoritarianism are the possibility of undermining pluralism in congress in the 2003 legislative elections or that the PRI might return to power.

Elsewhere, an interesting process is occurring around the drafting of a bill to govern access to information and the mass media. The two television monopolies and the rest of civil society are tussling over the language of the bill to ensure that it reflects the public interest.

With the new government, conflict has intensified between two forces: on the one hand, a reinvigorated right wing that is rapidly occupying spaces within civil society and backing authoritarian measures, exclusionary economic policies, an international political stance subordinated to the interests of capital, and targeting the poor as a welfare strategy; on the other hand, a segment of civil society that stands for economic and social policies guaranteeing the effective protection of economic, social, cultural and environmental rights for all Mexicans, as well as coordinated efforts among Mexico and the peoples and governments of the poor countries to ensure that globalization becomes an inclusive process.

## 2.2. Impoverishment as Economic Policy

Developments since the change of government in Mexico have clearly shown that multiparty government does not automatically enhance the effective protection of ESC and environmental rights, or human rights in general. The social actors who fought intrepidly for multiparty rule, greater social justice or respect for human rights are insufficiently powerful today to change exclusionary economic policies in any significant way; these are still wielded by a small group that has as much influence over the PAN as it did over the PRI. Bankers' privileges continue to be protected by the Deposit Insurance Institute (IPAB); bankrupt companies and banks are still bailed out; the Banco Nacional de México (Banamex) was exempted from income tax in the largest commercial transaction in the country's history; and the federal government is handing control of energy and natural resources over to foreign capital. (8)

All of this is going on while low wages and purchasing power are the norm, collective agreements are weakened, social spending is cut, support for small and medium sized businesses is minimal, attempts are made to privatize education and health care, limits are placed on the domestic market, and the elementary well-being of broad segments of the population is ignored. The emigration of workers from the countryside due to extreme poverty continues. Finally, the alignment of Mexican foreign policy with that of the United States is particularly worrisome. Mexico is abandoning a doctrine of respect for national autonomy and self-determination that has been a distinctive feature of its foreign policy.

Thus the slow and complex democratic transition taking place in Mexico is modifying certain entrenched structures and power relations; it is creating opportunities to press social demands and agendas and forge new alliances. However, recent economic policy decisions have benefited large domestic and international capital while producing steady increases in poverty and the number of poor, and a persistent social malaise. This has led many to strive for the creation of a different Mexico, a more equitable country; the establishment of clear rules applicable to all; inventing a geographical imagination where every Mexican can belong; respect for diversity and effective protection of individual and collective rights.

## 2.3. The Welfare-ization of Mexican Society

Modern globalization policies and their emphasis on charity-oriented responses to poverty has not and will not address the misery of 60 million Mexicans for whom poverty and unemployment portend a future identical to the present. Prevailing economic policies have produced and will produce more poor people. Solutions to the causes of poverty imply a change in economic policies, not only in social policies. What is needed are productive jobs and wages that stimulate the domestic market and improve standards of living for workers. Some progress has been made in the area of social policy in that it is no longer subservient to clientelism and strives for more plurality and inclusiveness. However, budgetary priorities impose severe limitations on public spending for education, health care, housing and social development.

The trend towards helping the poor through private action, charity, and philanthropy, viewing them as the natural beneficiaries of voluntary action, frames the poor as minors dependent on goodwill rather than being regarded as subjects of economic, social, cultural and environmental rights. Moreover, it tends to obscure the responsibility of the Mexican state in guaranteeing the effective protection and justiciability (9) of these rights, as set out in dozens of international conventions to which Mexico is a party. Two paradigms, two visions of the future, each with a different set of implications for the country's public policies, are now grappling for control of social policy.

The Fox administration's position with respect to citizens' organizations consists of multilayered and at times mutually contradictory approaches. It keeps its doors open to lobbying from civil society around various initiatives through its cabinet-level civil society liaison office, the Coordinación para la Alianza Ciudadana. One such initiative is the Civic Organizations Promotion Act, (10) a hard-fought struggle through which citizens' organizations have gained in maturity and become better structured over more than a decade; another is the revision of the Mass Media Act. On the other hand, Martha Sahagún de Fox took advantage of her status as First Lady to create the Vamos Mexico Foundation which, in addition to causing confusion with a similarly named established development foundation, has an agenda to privatize and personalise social assistance, and is monopolizing scarce private domestic and international funding. Meanwhile, the Ministry of Finance, in its fiscal reform of 2001, placed new controls on the routine operations of civic organizations, thereby hampering their work to develop, defend, and promote all human rights, while facilitating the activities of charity-oriented organizations. In the absence of a general law to promote civic organizations, such legal half-measures only further complicate the day-to-day work of this organized sector of civil society.

## II. The Research Approach

### 1. THE RESEARCH PROBLEM: THE CONSTRUCTION OF COLLECTIVE CIVIC SUBJECTS

This research is guided by the conviction that the struggle for the emerging rights of ordinary people embodies the seeds of transformation of society and is the basis for demanding effective guarantees of human rights from governments. In seeking to satisfy their demands, claim their rights, and interact with governments, social movements raise the banner of democracy and become the source of more inclusive public policies. For this reason, Rights & Democracy and Alianza Cívica set themselves the task to understand and systematize some of the many experiences of social struggle in Mexico:

- Mixtec indigenous communities, their collective imagination, their structures and forms of organization, and their centuries-long struggle for recognition of their rights, land, and territory. In recent years, they have gained visibility and public recognition. A particular focus was placed on documenting the case of the community of San Pedro Yosotato, Oaxaca. We observed how the discretionary administration of justice and the failure to enforce rulings on agrarian conflicts serve to exacerbate problems among the communities of the region in a systematic and institutional manner.
- Women working in the maquiladora industry in Coahuila. These women are struggling for their labour, gender, health, and organising rights in the face of discriminatory practices and, often, sexual harassment. We observed how Mexican federal labour law and state law is deficient in view of the country's international commitments in this area.
- Residents of the working-class borough of Iztapalapa, Mexico City, who have for many years been demanding the right to participate in local policies that affect them. The initial campaigns revolved around land tenure and public service issues, while subsequently they have focused on the public bodies making the decisions that relate to their daily lives.

The struggles of different social actors for economic, social, cultural, environmental, civil, and political rights provide the material basis for theorizing about the social genesis of three different and geographically circumscribed social movements. They also serve to establish the methodological approach that enables us to see how these evolving subjects gradually took form and constructed their collective identity out of their emerging struggles for their rights.

The set of international and domestic economic, social and political situations and tensions experienced by Mexican citizens can be identified and analysed in different spheres of daily life.

This research starts from the premise that in the daily life of subjects struggling for their basic rights, democracy is forged, dreams are articulated, and standards and rules are created, and that these are eventually crystallised as policies or even laws.

Daily problems are crossroads of social meaning that conjugate various relationships. A concrete problem can serve as a point of departure for analyzing its socioeconomic, political, and cultural implications on a local, regional, national, or international scale. A conflict can concentrate and synthesize various factors that help to identify and reveal the underlying issues in public policies and social mandates. By addressing the relationship between human rights and democracy in three specific cases, we were able to uncover some of the complex national and international dynamics at play, so as to move forward towards more effective protection of all human rights in a specific historical situation.

## 2. RESEARCH METHODS

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Alianza Cívica is a coalition of Mexican civic organizations and persons who have been working since 1994 for democracy through electoral observation, referenda on important national problems, and various civil society platforms to influence public policymaking in regard to civil and political rights. Alianza Cívica and Rights & Democracy agreed to jointly undertake a research project with the aim of taking the pulse of democracy in Mexico. The project focused on three specific cases: the human and labour rights of women in the maquiladora industry, the recognition of indigenous peoples' rights, and the rights of the residents of popular neighborhoods to participate in public policies affecting their daily lives.

The two organizations agreed on the following objectives for the overall research project:

1. Identify areas of consensus around strategic priorities for the promotion of democratic development.
2. Suggest, promote, or define, as applicable, a plan of action for democratization to guide the work of both institutions.
3. Serve as an instrument to influence the decisions of the internal and external protagonists as concerns their focus on democratization.
4. Strengthen the dialogue between government authorities and the representatives of key players of civil society around priorities that must be defined in order to advance the democratization of the country.
5. Influence the decisions of international stakeholders with respect to possible strategic financing options.

The research was based on the analytical framework of Rights & Democracy. It drew upon Alianza Cívica's experience and knowledge of Mexican historical conditions and the expertise of all participants: the researchers, the advisory committee, the research coordinators in Canada, and Alianza Cívica. An attempt was made to systematically evaluate certain structural challenges to democratization in

Mexico using a set of criteria based on international human rights instruments. The research sought to identify and involve certain significant players in the democratization process underway in Mexico. The central problem of the research project was to analyze how collective rights-bearing citizens emerge out of struggles for human rights.

The work was divided into three case studies and involved public events of both regional and national scales. Each study focused on a particular type of right and included a collective process of knowledge-building facilitated by the following: a researcher on each case; joint sessions to share progress and questions with other researchers, the coordinator, and the assistant; periodic meetings with an advisory committee made up of specialists in each field examined; regional seminars with the participation of organizations and individuals from the region. This process constituted the basis for the structure of the entire study.

A particular right was chosen as the focus in each region for its status as a "barometre" of the problem of democratic development locally as well as being a central concern of the organizations with which the researchers collaborated. This choice was based on the idea that emerging rights - rights defined by sectors of society excluded from the prevailing societal consensus - are the motor of democratic development. In this way, we were able to discern the process followed by each of these groups in constituting themselves as citizens and rights-bearers.

The research began in February 2002. At the joint working sessions in the first two months, the elements of the unity and cohesion of the research project as a whole were defined. The general introduction to the study would comprise:

1. A general historical framework for understanding the relationship between rights and democracy in Mexico.
2. The specific historical context of each case.
3. The struggles by social actors around emerging demands, and the creation of subjects of human rights in each region.
4. An explanation of how emerging rights influenced public policy, and a documentation of various interactions and relations with governments.
5. Documentation of the formal human rights framework, relating it to the specific struggles in each case or region and, if possible, to domestic and international law, identifying the gaps between formal guarantees and the capacity to demand effective respect for rights.

### III. Contribution of Regional Seminars to the Research

Once the preliminary reports were prepared for each case, three regional seminars were held to discuss the results.

Each seminar took place in the region on which the corresponding case study focused. They were attended by representatives of various organisations and authorities interested in the effective protection of human rights. The first meeting was held on 26 May 2002 in the locality of San Nicolás, Tlaxiaco to address the issues of San Pedro Yosotato, Oaxaca; the second was held on 31 May 2002 at the Universidad de la Ciudad de México, Iztapalapa to discuss the right to participate in social policymaking; and the third was held on 1 June 2002 in Torreón, Coahuila on the human and labour rights of women workers in the maquiladora industry.

Each seminar was attended by 40 to 60 persons active in the local issues addressed by the case study.

At each seminar, the participants were introduced and the research was placed in its international and domestic context so as to understand its objectives, nature and progress. This enabled all present to participate fully and to enrich the findings of each study with their information, experience, and analyses. The issues discussed are covered in detail in the chapters devoted to each study. Below we summarize the general issues and reflections brought forward by the participants in each seminar to give a sense of the content of the case studies.

#### 1. SEMINAR IN SAN NICOLÁS, TLAXIACO, OAXACA

Participating in the regional seminar were the authorities of various Mixtec villages, peasants, youth, teachers, researchers and academics. Some of the comments and information presented at the seminar are discussed below.

Initially, the research aroused suspicion among the people of San Pedro Yosotato as to why discussions about the communities' problems would be translated into English and French. However, once the reasons and motives for the project were explained, a number of expectations were raised regarding potential next steps and requests for legal counsel.

A progress report on the research was presented for comment by the participants so as to confirm that the data accurately reflected the problems of San Pedro Yosotato and that the trust placed in the researchers had not been violated. It was clear that the participants are very knowledgeable about their own community's conflicts but do not necessarily have a broad overview of the conflicts taking place in the Mixtec region of southern Mexico (known as the Mixteca); nor have they devised a general strategy to address these conflicts as a

single Mixtec people.

The community of San Pedro Yosotato has long harboured the hope that its agrarian conflicts would be resolved on the basis of existing legal documents, including a Presidential Decree from 1931; it is increasingly clear, though, that the government is not interested in the case. The people in the community have made notable efforts to solve their problems by various means, and they have communicated with the governments and the political party leader who spearheaded the invasion of the communal land. Most importantly, they have avoided direct confrontation.

The plain truth is that the invading community always acts violently. If we were to go head to head with them, I don't think it would be fair. At least Yosotato is still thinking about both communities, their children, their women, but those people don't analyze the situation. They simply assault anything that moves... maybe the people up there in power have never suffered what a peasant suffers in the flesh, the problems at the grassroots. (11)

As I see it we have many problems, and if we don't see them as everyone's problems, it will be hard to find solutions. As long as Yosotato sees its problem as Yosotato's problem and isn't concerned with San Nicolás's problem, and San Nicolás doesn't care about San Miguel, and so on for the hundred or so communities in the Mixteca, I think the government is going to keep us divided. As a neighbour was saying earlier, and he's quite right, the problems won't solve themselves if there is no will; the question is, who has the will to solve them? What we are finding here is that the majority of conflicts in the Mixteca have already been legally resolved. There are no longer legal problems about this. Yosotato has its three presidential decrees -establishing the ejido, expanding the ejido, and creating additional communal land - and these are final. The community has won its case before the Agrarian Tribunal; the Tribunal said, "They're yours." But the government, instead of enforcing that decision, is allowing other people to invade the land in violation of what the laws and the courts say. That's the problem with the government; the laws aren't enforced in this country.

Another factor brought up for discussion at this meeting was the politicization of the conflicts. Various experiences have revealed the actions of the political parties in the Mixteca to exacerbate divisions among the communities. These parties place themselves above tradition, try to win new adherents, and call for land invasions while ignoring traditional forms of dialogue and conflict resolution. For example, in 1998, the communities of Yosotato and Llano de Guadalupe were invaded at exactly the same time that the parties were selecting their congressional candidates. Given the actions of these political groupings vying for power on the territory of the indigenous communities, the communities' problems are seen to be about more than just land; they are problems of territory and power.

We have to wonder whether it's worth it for communities to fight among themselves when it's really someone else's fight. I wasn't able to talk to the people from Nopalera, but if I were to ask them, I don't know if they would agree with what Salomón Jara or the UCD [the Democratic Peasants' Union, an affiliate of the PRD] are doing, for example. If we were to ask the OCEZ [Emiliano Zapata Peasants' Organization] or the CNPA [National Plan de Ayala Coordinating Committee, named after Emiliano Zapata's 1914 land redistribution manifesto; the Zapatista body mandated to oversee the implementation of the plan], I don't know how aware they are of the case of San Pedro Yosotato.

What's needed is a general awareness that the Mixtecs are a single people and that the problems affecting one affect the others, and as long as theirs remain unresolved, yours won't be resolved either... It's very clear that there are people who don't want to respect these rights, and the only thing we can do is to strengthen the communities.

One peasant clearly expressed his vision of the problems, referring to the logic and worldview with which they are frequently addressed:

In primitive times, there weren't too many designs on land. All of it was for everybody. When maize was discovered, it was planted by whoever could plant it. They didn't kill each other as we are killing each other today, brother against brother, people against people. No, they protected and cared for each other, they enlarged their villages to fend off wild animals. There was mutual care and respect. Nowadays greed has become very powerful... I was telling those people last week that I think it's necessary to designate a committee of rapprochement among the peoples so that we can talk in good faith as we did in the past. Boundaries were respected in those days; our ancestors said "This line you may not cross," and that was respected. People didn't kill each other over borders, this is new. Sometimes



It is important to mention that this seminar helped to reveal the ways in which the communities understand the resolution of their conflicts. The watchwords appear to be: "no more confrontation," and "we will not accept provocation."

Let's go visit the communities, make peace, let them live in peace; let's lead them to reconsider their territory... No one is going to solve this problem for us. What solution, what future are we going to leave to our children? The same thing we have now, since the government isn't interested in solving these problems. The government could do it if it were more honest and fair, if there were more justice. If they paid any attention to the rights of the poor, it might be resolved.

Notwithstanding the discussions at this seminar, the case of San Pedro Yosotato brings to light an institutionalized state apparatus which, objectively and subjectively, functions as follows: when confronted with problems caused by the growth of communities or by boundary conflicts, both the authorities and the communities are accustomed to appealing to a higher authority to resolve the conflict at law. But after exceedingly lengthy procedures as well as years of expenses, travel, and lawyers' fees, the final decision, though favourable, is not enforced by the competent authorities. Instead they negotiate, use, or "administer" the decision for their political advantage and to maintain social control.

The heteronomous attitude of indigenous peoples towards nature has generally led them to put their trust in outside justice emanating from a rules-based government when seeking a satisfactory resolution of boundary and land conflicts. Furthermore, agrarian matters are part of the judicial monopoly that the government has arrogated to itself. For these reasons, the government is chiefly responsible for the policy whereby conflicts on indigenous land are "administered" instead of resolved. In cases where a legal resolution is obtained, it is rarely enforced. The result is a notable increase in aggression and violence. The institutionalized deficiencies in the administration of justice are at the root of many crimes in the countryside and this, without a doubt, is the responsibility of the various governments in power.

For these reasons, the San Andrés Accords stipulate that the state "shall ensure that Mexican substantive law recognizes the internal authorities, norms, and procedures used by the indigenous peoples and communities to resolve conflict, so that justice is done on the basis of their own customary law, and that by means of simple procedures, their proceedings and decisions are validated by the jurisdictional authorities of the state." (12) Thus the proposal by the seminar to resolve conflicts through rapprochement and dialogue among indigenous communities, according to their ancient traditions of dealing with problems among themselves, based on their own systems and proposals, and emphasizing their autonomy as peoples; not through the bureaucratic and biased meting-out of justice provided for under the rule of Law, which has been standard over the last 200 years. All too frequently, this latter system has served to maintain privileges, control, division and political corporatism.

Clearly, the Indigenous Rights and Culture Act initiative proposed by the government's Peace Negotiation Commission (COCOPA) (13) offers the minimum guarantees necessary for the reconstitution of the indigenous peoples and their own systems of justice.

## 2. SEMINAR IN SIERRA DE SANTA CATARINA, IZTAPALAPA, MEXICO CITY

This seminar was attended by residents' organizations with extensive experience in the area, borough authorities, representatives of the Human Rights Commission of the Federal District, researchers, and academics.

During the presentations, questions and comments on the progress of the research, it became apparent that in addressing complex urban social problems, a fecund, creative imagination has always been combined with social experience as collective memory and heritage, which appear on the scene as responses to broad social demands in highly diverse forms of organization and struggle for collective human rights.

The authoritarian system of presidentialism and single-party rule in the second half of the twentieth century configured the worldview of the citizen as client, petitioner, or member of a state-dependent corporate entity. This culture, this set of social customs and practices, generated a policy framework based not on rights but on the maintenance of social control. Indeed, the mobilization of civic organizations to demand rights for all citizens regardless of party allegiance was a response to the political clientelism of those years. There is no doubt, for example, that services were obtained from various borough-level governments only in response to intense lobbying from popular organizations formed for that purpose. One unexpected result was a patchwork geography of public service provision based on "squeaky wheel" dynamics: neighbourhoods where there was no citizen participation did not obtain basic services.

It is noteworthy how the people themselves - the neighbourhood residents and their movements - organized to assert their rights to housing, food, nutrition, drinking water, education, a healthy environment, paved streets, eating places, health care, garden plots, and so on. The participation and initiative of women, as an extension of their struggle for a more decent life for others and themselves, was particularly evident.

A permanent women's presence was becoming evident in Ixtlahuacan, and we were legally incorporated in 1991 as the Union of Ixtlahuacan Women. We do not work only with women; we



In the borough of Iztapalapa, as in all the boroughs of Mexico City, citizen participation in the selection of public officials occurred for the first time in 1997 when the governor of the Federal District was elected by direct popular vote. The groundwork for this victory was prepared by local movements throughout the city in favour of rights and direct democracy, such as Plebiscite for Democracy in 1991 and the Zapatista referendum coordinated by Alianza Cívica in 1996. These expressions of direct democracy were related to core demands vis-à-vis deeply exclusionary local, borough, and city regimes.

The following were named as important challenges during the seminar: establishing relations of joint responsibility between the authorities and citizens' organizations, and ensuring that the authorities recognize and facilitate citizen participation in the planning, implementation, and review of public policies; defining and enabling binding forms of participation, including the collective exercise of power, e.g. debate and decision-making around the public budget; clearly establishing the government's ineluctable obligations in the areas of public health, services to the elderly, and maintenance of urban infrastructure. This means determining which items, in which proportions, are the responsibilities of the government and the residents, respectively, and ensuring that these are always defined in shared decision-making spaces, not unilaterally by the government as the authoritarian tradition has dictated.

Much remains to be done. We must work for enhanced joint responsibility with our governments. Historically we have had to swim against the current of ideas of past governments. Now conditions have changed, but we think they need to change even more. We need more dialogue, more joint responsibility, and we need to be listened to and taken seriously as social organizations. In fact, we get the sense that they see us as competition. We must be jointly responsible and change that culture of waiting for the government to give us everything.

The recent process of struggle for democracy that resulted in federal, city, and borough governments being controlled by a different political party had an indirect effect as well: some civic and community organizations were weakened, their workings disrupted, when their leaders and staff resigned to work for electoral bodies, local governments, the legislative assembly, or the offices of federal legislators. But the democratic gains under the neoliberal model have not yet had a significant impact in terms of improving living and working conditions for the people. Not only does poverty persist but it is worsening. There is a pressing need for urban organizations to resume the coordination and mutual enrichment of their efforts; they must set priorities in order to secure full protection for human rights.

At the seminar it was apparent that those who have been creating the conditions for effective rights protection for the last thirty years are various social actors, even though at first they were unfamiliar with rights terminology.

Two questions consistently came to the fore: what is the state, the government, or the borough doing to guarantee full protection for rights, and to promote, foster, and support civic and community organizations, whose health is an important guarantee of that protection? In what ways are the new borough governments giving these organizations opportunities to participate in the development, planning, implementation, and evaluation of public policies, given that these organizations have lobbied for them intensely for many years?

There is no compelling trend toward the new democratically elected governments' giving systematic consideration to points of view expressed by the general public. For example, the municipal annual operating plans (POA) could represent loci of mediation between the government and the citizens; however, these plans are devised in an authoritarian fashion without public consultation. Potential improvements must surely include a more transparent use of resources, as well as administrative reform measures to alleviate the bureaucratic burden imposed by the Treasury of the Federal District and the Ministry of Finance, which hinders effective governmental and civic action. Clear, inclusive, and plural mechanisms of participation must be defined. Participation must involve individuals but should not be limited to them; it should also allow organizations and other organized civic entities not only to make proposals, but also to play a role in decision-making.

In terms of the POA, I do think that the organizations are having a hand in defining them, but they are doing so under conditions of inequality.

By way of synthesis, it was stated that the last seventy years of single-party government have given rise to a set of warped practices in the relationship between government and organizations. A great deal of creativity and self-criticism is required on the part of both citizens and the new government if we are to forge new relations based on a public agenda worked out between them. The ultimate purpose of this process is to designate priorities and to allocate the budgets necessary to bring them to fruition with more universality and symmetry.

In this latter regard, the experience of the organizations of Sierra de Santa Catarina has been fruitful. For thirty years now, residents and women have advocated self-management of health and education, the right to nominate their local representatives, and services for children and the elderly. These activities have given rise to a multitude of forms of participation and struggle. Today, the general term used to describe what these movements are striving for is "economic, social, and cultural rights," but the movements' existence predates the use of that term by many years. In particular, women's participation in the struggle for human rights protection has

always been crucial and enriching.

These organizations have transformed. The challenge for the organizations at present is to renew their membership, train their leadership, mobilize grassroots support, and overcome their isolation so as to heighten their impact. A milestone in this history of struggle was the popular campaign for a change of government. The election of new governments in Mexico City and at the federal level was not a victory won by individuals, nor was it a gratuitous concession: it was the outcome of broad-based social struggles. The problem today is perhaps that of finding new forms of participation, new ways of effecting the enforcement of existing laws (e.g. through the drafting of enabling legislation) so that they actually result in effective rights protection. This policy agenda for civil society and government will have to determine those gaps which, if filled, will contribute to enhanced protection of economic, social and cultural rights.

### 3. SEMINAR IN TORREÓN, COAHUILA

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Since 1982, the prevailing economic development model in Mexico has fundamentally benefited international capital while aggravating inequality in all areas of social and economic life. Workers' benefits have eroded and systematic violations of human rights are on the increase. According to a World Bank study, the number of poor people in the world increased in absolute and in relative terms during the last two decades of the twentieth century, and the gap between rich and poor countries widened.

The transformation of production processes has not translated into benefits for workers; on the contrary, it has diminished their rights and benefits. The maquiladora export industry is the best example of how transnational capital has been strengthened at workers' expense.

In the state of Coahuila, women in the maquiladora industry have been working, resisting, and organizing for many years against the mistreatment and exploitative conditions to which they are subject. Here again, these struggles were not at first explicitly recognized as human rights movements. The typical method used by these organizations today is to begin by publicizing and raising awareness of the rights of women workers; then, armed with knowledge, the women can claim their rights with greater force. Investigating and understanding one's rights empowers people to assert them; they are impelled to find creative and efficient ways to combat the system and the corporations.

In this effort it is the workers themselves who have led the way. It is they who asked for research to be done on labour rights in the maquiladoras, their goal being to use the findings as a tool for defending themselves and asserting their rights.

We must promote processes that enable us to construct effective rights-bearers. We are not just saying "make law for me"; we're demanding enforcement and compliance. We will only be able to do this if we are organized; it will have more weight. If we want women's rights to be given their due, we have to start by demanding them. We must abandon that old culture of women's interaction and promote a new culture that really allows for this kind of equity while respecting our differences.

By systematically analyzing the struggles of women workers, we can see that maquiladoras cause considerable harm to women's health over a period of eight or nine years. Each woman alone may spend years thinking that her problem is personal, individual, but when the findings show that many other women are experiencing the same thing, then it is surely related to working conditions - the methods, pace, and materials of work. Establishments tend to move frequently because they quickly exhaust the human resources in any given area. At the new location - where labour may be even cheaper - they can continue to enjoy their accustomed privileges, since the workers are unaware of how the company contaminated the environment and deteriorated workers' bodies at its previous location.

Maquiladora working conditions and materials directly cause a variety of occupational illnesses, but the social security system has a policy of acknowledging general illnesses while ignoring occupational ones. This relieves the health care system of the burden of caring for sick workers, and the maquiladora owners are never held to account.

The questions raised at this meeting included the following: Is the legal equality approach a tactical or strategic one? What does it mean, here and now, for maquiladora workers to know and exercise their rights? Are the rights set forth in international treaties enforceable and justiciable in our country?

Moreover, the conceptualization of human rights tends to be dominated by male-oriented thinking and perspectives, and so women's experiences and proposals for enforcement and interpretation of human rights are frequently ignored or rejected by the courts and the prosecutors. The neutral application of human and labour rights does not consider that women's work is of a different nature than men's. For example, child care, domestic labour, and reproduction have universally been considered to be women's responsibilities.

It is fundamental to consider the impact of gender relations, because this hinders women's ability to organize. Women's work does not end with the 10 hours spent in the maquiladora, or 12 hours including travel time, because they have to prepare food for the children and

A description of the problems faced by women maquiladora workers, their working conditions and their status as women brings to light a whole range of problems, and one is inevitably forced to consider which ones can be addressed and how. The purpose of publicizing the most dramatic cases of human rights violations is to create social awareness that the success of the maquiladoras depends on the destruction or shortening of women's lives, their subjection, the diseases they suffer. Mexican society is not aware of these things. The Human Rights Commission has not produced a manual on the rights of working women. That is why one of the important ongoing struggles is to raise consciousness about what is happening in these establishments, to learn about the darker side of the maquiladoras; for though they do create jobs, they do so at the expense of environmental contamination and the severe mistreatment of women. A broad national information strategy is required in order to educate Mexicans as to what this represents for the future of working women.

The first task is to publicize the study and the most significant cases encountered. This will give individual working women the knowledge that what is happening to each one of them is happening to all. The women who spoke at this seminar were not only speaking for themselves but for and about the thousands of women who suffer in silence. The question becomes how the social problems created for working women by the maquiladoras can be given visibility by highlighting individual cases. It is important, for example, to study and characterize the diseases caused by the maquiladoras so that they can be addressed as a public health problem for purposes of compensation, sick leave, and payment of damages, since there is no specific legislation covering these matters. There is much to do beyond the defence of individual cases; we are faced with a political problem, a problem of public health. Unless it is seen in this light, it will be difficult to address.

The seminar participants proposed that the research be presented in the Faculty of Political Science of the Universidad Autónoma de Coahuila, and that the nursing and medical faculties be invited so that they can become familiar with other points of view. This will provide opportunities for researchers, professors, and students to take this research project as a point of departure for further research. It was also pointed out that there are solidarity-minded medical students at US and Canadian universities who would be willing to travel to Mexico to perform medical examinations on workers.

An experience like that would be interesting in helping us to see how we can develop a proposal to guarantee working women's health on the one hand, and ensure that the companies are held responsible for the harm they cause to working women on the other.

It is also important to publicize the research results in other parts of the country so that people are aware of the harm the companies have caused. We have to organize ourselves to make sure the companies don't simply move and leave us with all these costs. It is time to join forces with the NGOs, the students, and other sectors of society. All of us wind up losing; not just maquiladora workers but peasants as well.

#### **IV. Overall Achievements**

The three seminars helped to achieve the following objectives:

1. Sharing the research with the social actors at each locality.
2. Improving the quality of the data and analysis by drawing on the comments and discussion among the local participants and the external experts.
3. Identifying the elements of a shared vision of democratization issues in Mexico.
4. Recognizing collective citizens as the basis of the effective protection and justiciability of human rights.

The reports were completed by incorporating the discussions held at the regional seminars, and this publication was then produced. It will be presented to citizens' organizations, researchers, academics, human rights institutions, and government bodies concerned with the issues addressed.

**HUMAN AND LABOUR RIGHTS OF WOMEN MAQUILADORA WORKERS IN COAHUILA, MEXICO**

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## **Human and Labour Rights of Women Maquiladora Workers in Coahuila, Mexico**

**Gloria Tello Sánchez**

Summary prepared by Rights & Democracy

The maquiladora sector has had an immense economic impact on Mexico as a whole. However, the growth of the maquiladoras has not been accompanied by integrated regional development policies nor an alternative economic policy to strengthen domestic industry. In the maquiladoras located on the northern border of Mexico, human and labour rights are systematically violated, resulting in intolerable working conditions that severely diminish workers' quality of life. Thus, the country's prevailing economic model is coming into conflict with the exercise of human and labour rights.

Among the principal human rights of women maquiladora workers that are repeatedly violated is the right to unionize, which is guaranteed by section 257 of the Federal Labour Act (LFT) and Article 11 of Convention 87 of the International Labour Organization (ILO); the right to occupational health, guaranteed by section 511 of the LFT; and the right to freedom from discrimination in the workplace. Sexual harassment and the requirement of undergoing employment-related pregnancy testing, for example, represent a violation of Article 12 of the Universal Declaration of Human Rights, Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ILO Convention 111 on Discrimination in Employment and Occupation, and the North American Agreement on Labor Cooperation (NAALC).

The purpose of this study is to document the exercise of human and labour rights by women maquiladora workers in the state of Coahuila. We shall study and analyze their processes of participation and organization, and examine their collective action and exercise of citizenship in the defence of their human and labour rights. The existing laws and standards will be analyzed with a view to identifying the obstacles to the application and respect of women maquiladora workers' rights. We also analyze the women's response to these violations, their activism, and the strategies of construction and resistance of the maquiladora worker-subjects in their striving to legitimate their positions vis-a-vis other local stakeholders.

## I. MAIN CHARACTERISTICS OF THE MAQUILADORAS

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At the dawn of the twenty-first century, the Mexican economy is being shaped by a broad restructuring of transnational economic forces; the crises affecting the international economic system have locked developing countries into new forms of connection and dependency. One axis of this restructuring in Mexico is the maquiladora industry, itself a core feature of the international process of industrial restructuring and a link in the chain of transnational industry. It has become the most buoyant sector of the domestic economy.

Transnational corporations are attracted to Mexico by low wages and tax incentives, and 77.5% of the maquiladoras are located in the border states. They provide employment for 1,331,719 people. Sixty-six percent of the establishments have their head offices in the United States (representing 73% of the workforce), followed by Mexico with 23% and Japan with 5%. Fifty-five percent of Mexican maquiladoras are owned by several of the world's largest companies. With the new predominance of the maquiladora model, Mexico has become the number one exporter of manufactured goods to the United States, accounting for 14.6% of the total.

An important recent trend in the maquiladora sector is the progressive displacement of factories into the southern part of the country. This new maquiladora geography is indicative of an intensification of the model and underscores its tremendous flexibility. The consequences for job security, however, are very negative. A second trend is that though women continue to dominate the low-wage workforce, their numbers are decreasing. This may be ascribed to an increase in supervisory staff, causing a rise in sexual harassment and heightening the pressure to produce.

## II. SOCIAL AND ECONOMIC CONTEXT OF COAHUILA

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Transnational corporations have transformed the northern border region into an export processing zone, with all the concomitant economic and social effects. While the governments are quick to provide the infrastructure required by the maquiladoras, they respond inadequately to the growing demand for public infrastructure - hospitals, parks, daycare, transport, housing, and so on. In the city of Torreón, the fact that industrialization outstrips investment in public services gives rise to a host of problems: contamination and drainage of aquifers, family violence, drug addiction, street gang activity and crime.

In the maquiladoras of Coahuila, precarious forms of employment have grown rapidly, with negative effects on employment quality and stability. New methods of work organization and production affect working hours, labour contracts and wages, which remain insufficient to provide for the needs of a family. In recent years, the standard work schedule has been established as four 12-hour work days followed by four days off, in violation of the LFT. Changes in the conditions of production are imposed unilaterally in a high-pressure environment maintained by supervisors and trusted personnel. The work dynamic is characterized by exploitation, control, and coercion of female workers, many of whom report feeling burned out and exhausted.

Significant occupational health problems are found in the maquiladoras, with 50% of officially recorded pathologies being conditioned by workplace risks. There is a high incidence of vision problems, dermatitis, circulatory, renal and muscular disorders, and accidents affecting the hands and feet. And although there are no statistics to measure the impact of stress on women in the maquiladoras, the

frequency with which "mass hysteria" is reported in factories demands that this symptom be given further consideration as a serious occupational health problem. The underlying cause in several cases was found to have been mass exposure to toxic substances, which can be lethal in some circumstances.

Health problems in the maquiladoras are compounded by a complete absence of job security. Exposure to mechanical, biological, and psychological risks leads to premature dismissal and exhaustion. These problems are, as yet, insufficiently documented; though they are not totally unregulated, there is no legal obligation for Coahuila maquiladoras to apply them.

### III. HUMAN AND LABOUR RIGHTS OF WOMEN MAQUILADORA WORKERS

Restructuring of the economy has affected the work of women, accentuating job segregation and gender discrimination. The growing and irreversible presence of women in the labour force is particularly evident in certain sectors and occupations, and hence the impact of restructuring on women's work varies depending on the sector or job. These processes have consolidated the workplace as a male-dominated space with the emergence, in contradistinction, of the image of the female worker as the stereotypical holder of unskilled, precarious, informal, occasional or seasonal employment. The implications of this situation are limited access to social security, benefits, and a living wage.

Job insecurity and abuse provide the crucible for the discontent that has given birth to a new force within the maquiladoras - a movement for women's labour rights. Both female and male workers, as emerging subjects, are incorporating into their identity - in some cases spontaneously, in others through organization - a sense of struggle to transform their living conditions.

Human and labour rights in the maquiladora industry are new concepts which the workers appropriate, benefit from, and give new meaning to by virtue of their practices, which vary depending on the context, the women's organizing experience, and their role in production. The discourse of human and labour rights gives them a recognized argument against the injustices and abuses they experience. It is like a "magic wand," providing visibility, inclusion, and a manifestation of their own initiative and burgeoning power.

In the continuing effort to eliminate discrimination against women, one strategy implemented has been to lobby for legislation protecting rights that are not included in the existing legal frameworks. Internationally, women rights were not recognized as human rights until 1993, with the UN World Conference on Human Rights. In Mexico, pursuant to Article 133 of the Constitution, these international provisions have the status of law. Mexico has also ratified various agreements and conventions (ILO Convention 100 on equal remuneration and Convention 111, CEDAW, the Belem do Para Convention, NAALC) that make it possible to regulate labor relations with greater gender equity. However, the LFT has not been amended to reflect these commitments, resulting in a void in terms of gender-sensitive labour law enforcement. Moreover, Mexico has continued to delay the ratification of other ILO instruments, such as Convention 156 on workers with family responsibilities.

In the domestic arena, the LFT was promulgated in 1931 before full citizenship was granted to women. It was not until 1974, with the amendment of Article 4 of the Constitution, that legal equality was established between men and women. The new labour law framework protected women's maternity rights, abolishing an important legal obstacle between them and the labour market. During that same period, amendments were made to several family-related sections of the Civil Code that had previously conditioned women's work outside the home on obtaining spousal permission and fulfilling their family responsibilities. However, the LFT still contains significant gaps and ambiguities that favour employment discrimination against women.

The failure to adapt the domestic legal framework to international commitments has left the door open to grave human and labour rights violations against women in the maquiladoras. Recurrent practices include sexual harassment and mandatory employment-related pregnancy testing.

To confront these problems, women in the maquiladoras have adopted various strategies:

- **Awareness raising and training:** in 2000, a national campaign was conducted against sexual harassment in the workplace, bringing together women from the trade unions, the academic sector, NGOs, and the government of the Federal District. Activities were carried out to sensitize the various stakeholders (business, unions, workers, public officials, public opinion) and local workshops were held. In Coahuila, the group SEDEPAC organized a campaign against sexual harassment at FALCOMEX, a maquiladora in Ciudad Acuña.
- **Complaints:** Several women workers have been bold enough to file complaints, but the results are meager. Regarding sexual harassment in the workplace, for example, section 123(VI) of the LFT makes it the obligation of employers to "treat workers with due consideration, abstaining from mistreatment in word and deed." However, even in the Federal District, the country's capital, where the Criminal Code was amended, there are few official channels through which to address such cases; in the other states the situation is much more alarming, since the majority of them have no penalties or programs to prevent this behaviour. An example is Coahuila, where workplace sexual harassment is

not defined as an offence. This fact inspired a third strategic approach.

- **Legislative improvement:** improvement of the laws, procedures, and penalties applicable to sexual harassment and other offences against women is indispensable to the protection of women in the workplace. An innovative proposal put forward in recent months is that of the Working Group on Gender-Sensitive Labour Law. The group has drafted legal language for consideration in the context of the federal LFT revision scheduled for the current legislative session. The initiative seeks to systematically amend the text of the LFT so that it protects the rights of working women, and is based on the following principles and values: freedom for women; social justice with gender equity; employment as a human right; acknowledgement of diversity in the workplace; non-discrimination, equal opportunity, and equal treatment; non-violence; human reproduction as a matter of social interest and collective responsibility; women's right to freely and bodily integrity.
- **Complaints under NAFTA** to the National Administrative Office of the US Department of Labor as a means of preventing occupational injuries and illnesses. Given the new possibilities for activism being opened up by international solidarity, this may represent an effective means of labour resistance. However, the treatment afforded the complaint filed by the workers of Auto Trim and Custom Trim, on which a decision is still pending, points to the numerous shortcomings of this process.

#### IV. PARTICIPATION AND ORGANIZATION OF WOMEN MAQUILADORA WORKERS

The pressures exerted on maquiladora industry workers are provoking spontaneous revolt, protest and, ultimately, embryonic forms of organized resistance to the companies' mistreatment; the list of incidents of rebellion, work stoppage, and spontaneous action is endless.

Trade unions have been a constant in the maquiladoras since their inception. The unionized portion of the workforce held relatively stable between 1979 and 1990, ranging from 57.6% to 52.3%. Nearly all the unions are affiliated with the large Mexican confederations, especially the Confederation of Mexican Workers (CTM) and the Regional Confederation of Workers and Peasants (CROC). These organisations have historical ties to political power or to the companies themselves. Independent unionization, by contrast, has been difficult.

In the first place, these women workers constitute a social group with specific characteristics that distinguish them from traditional industrial groupings. Most of them have no prior work experience and little knowledge of unions. Second, the role played by women maquiladora workers in the family and childcare has undergone a significant change. Their contribution to family income is increasingly significant, while the time they have available to devote to domestic tasks diminishes. This, combined with the numerous occupational health problems encountered in the maquiladoras, produces considerable physical and psychological hardship that limits their ability to engage in activities to defend their rights.

A further deterrent are the company reprisals against organizing attempts, as demonstrated by the case of 50 women at the Sara Lee factory in Monclova who were summarily fired after participating in an occupational health workshop held by SEDEPAC in 1999. Constant surveillance by executives, supervisors, and trusted staff members serves to detect and counter unionization attempts. These actions are reinforced by the prevailing discourse of the companies and the government, in alliance with the local media, which have for years condemned so-called "radical unionism" and "destabilizing or incendiary organizations."

There is another undocumented but blatant practice of obstructing labour claims by subjecting them to lengthy, byzantine proceedings in which government officials, rather than supporting the workers, discourage them and offer them a disadvantageous negotiating process.

Between 1988 and 1998, attempts were made to form independent unions at Pista de Pruebas, Amistad, Aparatos Eléctricos de Acuña, General Electric, Maquiladora de Coahuila, Arneses y Accesorios, Viniles de México and Barry, all located in Ciudad Acuña. The Labour Tribunal rejected the certification applications even though they met the legal requirements. This undoubtedly constitutes a violation of their constitutionally enshrined right to organize.

Finally, the relationship of women maquiladora workers with the official unions does not facilitate their organization. Many of the women have had almost no contact with the unions and their "representatives." They are unfamiliar with the terms and renewal dates of the collective agreements. The unions take the unconditional membership of these women for granted, and the latter's level of consciousness is correspondingly low; as compulsory or uninformed constituents, they are essentially a captive clientele. In some cases, the government- and company-aligned unions have taken it upon themselves to denounce female workers who attempt to organize or defend their rights autonomously.



In spite of these limitations, women in the maquiladoras have made heroic efforts to organize and take action. These efforts have given them an awareness of their constitutional rights and the tools to exercise them in an immediate and concrete way. Clearly, our views and concept of citizenship must be informed by the new ways in which these self-made citizens appropriate and build an inclusive form of citizenship.

Thirty years have passed since the inception of the maquiladoras in Mexico and in all those years, an unending amount of effort has been put into organization and struggle; the hard-won results have come at a very high political cost. In the municipality of Piedras Negras, Coahuila, an independent union operated at Carrizo Manufacturing until 1998 when it was defeated by the company, in collaboration with the CTM and with the support of the government. The only extant independent union in Piedras Negras at this time is at the Dickies plant. Besides these trade union initiatives, one finds numerous initiatives by organizations and social groups, left-leaning religious communities, feminist organizations, etc.

Dialogue has been initiated in the northern region between maquiladora workers and individuals, organizations and groups on both sides of the border who are concerned about the workers' living conditions. These processes have generated many experiences of support, cooperation, and mutual enrichment; though not devoid of tensions and differences of opinion, they have enriched and strengthened binational and trilateral efforts, initiatives, and networks. The benefits of these experiences have remained with the workers: they include the goodwill and solidarity of people who helped them become informed of their rights through training on the LFT and on health and labour legislation; the establishment of support centres and advisory projects; "urgent actions" to publicize issues, put pressure on head offices, and engage in additional lobbying where necessary; the formation of action networks, and the strengthening of their own initiatives. All of this led these women to access new knowledge and strengthen their new role as rights-bearing citizens.

Thus, we can see how two crucial qualitative resources interacted and combined with one another. One was the exposure of the workers to rights violations and exclusion from decision-making, and the lessons learned from that experience. The other was a change provoked by encounters with external agents, civil society organizations, and international solidarity in general - the veritable counterpart of globalization.

Of these many and varied experiences, we shall present three which, though not unique, were conducive to being documented:

1. The Coalition for Improved Working Conditions in the Maquiladoras is an initiative of various grassroots, feminist, and civic groups to address the issue of gender and labour in the maquiladoras. SEDEPAC, the Working Women's Centre of Chihuahua, Factor X of Baja California Norte and other groups held a series of regional meetings on the northern border with the explicit goal of building ties among working women, enabling them to share their experiences and work together on possible alternatives.
2. The Coalition for Justice in the Maquiladoras (CJM) was founded ten years ago. It is a trilateral non-profit and non-governmental coalition made up of human rights, religious, labour, environmental, and women's organizations, among others. Its mission focuses on the commitment to improve working and living conditions for maquiladora workers.
3. Servicio, Desarrollo y Paz, A.C. (SEDEPAC) began its existence as a civic association in 1983. Its main objectives are to 1) strengthen individual and collective identities by building knowledge, capacity and human relations within a framework of equity in order that, as subjects, they may make a contribution to popular and civic organizing and activism; 2) enhance development, peace, and solidarity initiatives rooted in civil society by coordinating efforts, energies and proposals of public interest from the local to the regional, national, and international levels.

In sum, another face of the maquiladora industry is being seen with the heightened visibility of working women who, with their contributions, have dignified the demand for fair and decent employment. But more than that, they are calling for a transformation of the prevailing economic model; for decent working and living conditions along the border and throughout the country; for the freedom to live a life of justice and dignity without instability and abuse. These new civic subjects are asserting their right to work and to have rights as workers. They are asserting their right to freedom of association, organization, and expression; their right to exercise these rights; and their right to realize their full potential without discrimination.

#### **TERRITORIAL RIGHTS AND THE STRUGGLE FOR AUTONOMY: THE CASE OF SAN PEDRO YOSOTATO**

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## **Territorial Rights and the Struggle for Autonomy: The Case of San Pedro Yosotato**

## Francisco López Bárcenas and Guadalupe Espinoza Saucedo

Summary prepared by Rights & Democracy

In the rights struggles of Mexican indigenous peoples today, territory has pride of place. Indigenous peoples entertain a symbolic relationship with the land and its natural resources, sacred and historical places, and ancestral myths; and so these things define the space in which they exist as peoples. It is here where they create the social, political, economic, and cultural structures that constitute their unique identity and differentiate them from the rest of Mexican society. Having control of their territory means that they do not have to choose between surrendering their identity and preserving and developing their communities. When indigenous peoples feel threatened by outside forces, they tend to set aside internal conflicts and respond with one voice. They have developed a common set of arguments based on historical land tenure as attested by ancestral titles, presidential decrees, agrarian tribunal decisions, etc.

Government officials have dealt with the problem in various ways, but more often than not by minimizing its importance. Demands around territorial control are reduced to agrarian problems related to land tenure, ipso facto diminishing the opportunity for constructive dialogue and complicating the situation. In other cases the authorities have regarded the matter as reducible to inter-community squabbling over unproductive land, implying that "they like to fight" or "it is in their nature." This vision is not only narrow but erroneous, ignoring all but the most superficial aspects of the problem. When indigenous communities fight for their territory, they are not merely defending a plot of land on which to plant or build houses. First and foremost, they are defending their right to exist, to live and persist as a human community under conditions that are at least partly predictable and controllable; or, more broadly, to control their own destiny. In a word, they are defending their autonomy.

Compounding this simplistic attitude are the divergent interests of superposed levels of government, which wield power in order to control the indigenous communities. If the latter were to emerge victorious, the established corporatist foundations of power would be shaken. Thus, wherever possible, the authorities ignore or avoid addressing the problem; if that is not possible, they add fuel to the fire. But governments are not alone in opposing indigenous peoples' attempts to control their internal affairs. For certain community organizations affiliated with political parties, the strengthening of community autonomy erodes their clientele, and hence their bargaining power vis-a-vis the governments. With all of these factors at play, little effort is made to reach a genuine solution to these problems.

This study examines the specific case of San Pedro Yosotato, a community located in the Mixtec region (Mixteca) of the state of Oaxaca. We will demonstrate that the Mixtecs' relationship with land is not reducible to its productive or mercantile features; more than anything else, it is a cultural relationship. We shall see how these ties were broken with the arrival of the Spanish in the Americas, and how present-day agricultural legislation continues to ignore them. Finally, in the specific case of San Pedro Yosotato, we shall consider how the conflict consists of a dispute over community borders that has been exacerbated by politicians - both in the government and on the left - for purposes of political control.

### 1. THE MIXTECA, THE LAW, AND TERRITORIAL CONFLICT

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The Mixtec people - Ñúú-savi, or "the people of the rain" - inhabit a territory of approximately 40,000 km<sup>2</sup> extending over the states of Guerrero, Oaxaca, and Puebla. This territory comprises three geographic regions: the highlands, the lowlands, and the coastal region. Administratively, it is divided into 179 municipalities. In the state of Oaxaca alone it encompasses 18,759 km<sup>2</sup>.

Mexican law defines three types of property: private property, which is owned by individuals; public property, owned by the state; and communal property, which includes ejidos and community-owned land. In the state of Oaxaca, 83% of the real property is of the communal type; for the Mixteca as a whole, the proportion is 89%, consisting of 53 ejidos and 235 other communal properties. A further important distinction must be made between communal property and the indigenous peoples per se, whose definition cannot be reduced to the geographical space and land tenure regime they inhabit, but must include political, economic, religious, social, cultural, linguistic, and mythological dimensions.

The territorial conflicts causing hardship in the Mixteca today are directly related to the manner in which land title was originally granted to the indigenous communities. What they were given was real property in the standard legal sense - ownership of a piece of land - but not recognition of the territory which, in a cultural sense, belongs to them as a people. For the Mixtecs, as for most indigenous peoples, land has sacred, not mercantile, value.

Thus, at the time of the Spanish colonization, a conceptual clash over land took place between the indigenous peoples and the new European inhabitants. Although the Spanish succeeded in imposing their system throughout all of Mexico, the traditional indigenous conception of territory endures to this day. For the indigenous peoples, territory is the fabric on which collective identity is inscribed. The Mixtec people are no exception; as their vocabulary suggests, they conceive of the people - Ñúú - and the land - Ñu'u - as being intimately linked.

Indeed, the attempt to convert land into property - from sacred to saleable - is central to the ongoing territorial conflicts. During the war of independence, the criollo class determinedly sought to eliminate the indigenous territorial structures. In 1824, at the birth of the modern Mexican state, the Oaxaca state congress passed a decree (rescinded six years later) that put an end to the indigenous land

grant program, which had been instituted under the Indian Act promulgated by the Spanish Crown. This was followed by the Lerdo Law of 1856, establishing the privatization of communal lands as a national policy. At this time, future Mexican president Benito Juárez (himself an indigenous person) was governor of the state of Oaxaca, and he managed to dampen the effects of the Lerdo Law on indigenous communities through a series of state legislative provisions. Juárez' departure in 1857, however, marked the start of a long series of decisions, decrees, and aggressive measures aiming to enforce this law.

Due to strong resistance, these efforts had mitigated results; nevertheless, the repressive policies of the Reform and Porfiriato periods are considered today to have been more devastating than the colonial system. Thus, during the Mexican revolution, communal land redistribution became a pivotal issue despite the notable diversity of tendencies, interests and revolutionary forces. Even before the war ended, Venustiano Carranza had promulgated the first agrarian reform law of the twentieth century (1915), leading to the first land redistribution. The federal Constitution of 1917 enshrined a whole new social and political pact with Mexican peasants.

For the indigenous peoples of Mexico, the constitutional amendments passed throughout the 1990s with the object of bringing the country into compliance with the North American Free Trade Agreement (NAFTA) are heavy with consequences. By marking the end of the agrarian redistribution process, promoting the privatization of communal lands, and allowing land to be given as loan security, the new constitutional provisions effectively repealed the social rights legislation that had until then indirectly allowed the indigenous peoples to defend their territorial rights. Paradoxically, during the same period Mexico signed Convention 169 of the International Labour Organization (ILO) on Indigenous and Tribal Peoples in Independent Countries, an entire section of which is devoted to the protection of territorial rights. Although article 133 of the Mexican Constitution provides that international treaties must immediately be given the force of law throughout the country, the provisions of Convention 169 have not been implemented or enforced in Mexico.

In 2002, through a controversial process of constitutional reform, an attempt was made to implement the San Andrés Accords signed in 1996 by the Mexican government and the Zapatista National Liberation Army (EZLN). Yet the amendments passed only recognize the individual rights of Mexicans in general; they are an unsatisfactory embodiment of the substance of the accords. What indigenous peoples are demanding is that their right to territory and natural resources, as protected by ILO Convention 169, be guaranteed by the Constitution. But although Convention 169 theoretically has the force of law in Mexico, the territorial conflicts taking place in the Mixteca clearly illustrate how in this country, law enforcement is not universal and impartial but rather an instrument for negotiating on a case-by-case basis.

There are 656 ongoing agrarian conflicts in the state of Oaxaca alone, including 167 in the Mixteca involving at least 332 indigenous communities. Fifty-two percent of the area of the Mixteca, encompassing 22% of the region's communities, is subject to constant social instability. Nine of these conflicts have been identified by the government as "requiring special priority attention," meaning that they involve border disputes and that land has been usurped or occupied. The conflict between San Pedro Yosotato and San Sebastian Nopalera is one such case.

## 2. SAN PEDRO YOSOTATO

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Founded in 1560, the community of San Pedro Yosotato was for many years nominally an administrative part of the municipality of Santiago Nuyoo. However, since the latter refused to provide services, the residents came directly under the de facto administrative responsibility of the municipality of Tlaxiaco. The situation intensified after 1884, when Tlaxiaco was raised to the status of villa and acquired greater political importance. This led to San Pedro Yosotato's becoming the first community of the region to register its land titles.

San Pedro Yosotato's struggle to defend its territory reached an apogee in the early twentieth century with a clash pitting Nuyoo and Yosotato (District of Tlaxiaco) against Nopalera and Ocotlan (District of Putla Villa de Guerrero). This conflict was accentuated by the political authorities of the two districts who, to placate their respective constituents, refused to take action to resolve the situation peacefully. The historical documents relating to this dispute show that the conflict between the two communities went well beyond the issue of land tenure. It was, in fact, a long-standing political and social conflict that was aggravated by the lack of cooperation between the authorities. On numerous occasions, the district leaders refused to meet, blatantly took sides, and submitted reports to the state governor blaming the situation on the "adversary" community.

On 16 April 1931, the President of the Republic issued a decree granting 493 hectares of land to San Pedro Yosotato in accordance with the territorial boundaries determined previously by the technical department of the National Agrarian Commission. Further presidential decrees enlarged this territory in 1949 and again in 1953, but these resolved neither the recurring border clashes nor the underlying social problems. On 6 October 1931, the community of San Pedro Yosotato was attacked by people from San Sebastian Nopalera and Siniyuvi. The army had to step in to stop the killing. After a fragile peace lasting nearly 30 years, the residents of San Sebastian Nopalera occupied 18 hectares of cropland belonging to San Pedro, transforming it into an urban zone.

Attempts at conciliation proved futile. In 1995, the community of San Pedro Yosotato resorted to filing suit before the agrarian authorities for judicial settlement of its boundary dispute with San Sebastian Nopalera. In 1997, the tribunal found in favor of the complainant, upholding the boundaries established by the presidential decrees. In the face of the occupiers' obstinacy, San Pedro Yosotato appealed to the tribunal to have the decision enforced, but to no avail.

On 18 February 1998, 200 armed men from San Sebastian Nopalera occupied another 80 hectares of land belonging to San Pedro Yosotato, evicting the residents, seizing their property, and destroying their houses. They were backed by the local leader of the Democratic Union of Peasants (affiliated with the PRD) who was seeking support for his federal congressional candidacy. The public authorities refused to intervene. A year of negotiations ensued but did not succeed in reconciling the parties. The officers of the preventive police, some of whom were living in common-law relationships with San Sebastian women, sided with the aggressors. In 2000, when the latter began to loot San Pedro's infrastructure, municipal officials attempted to alert the Secretary General of the government of the situation, but in vain.

Throughout the conflict, the residents of San Pedro Yosotato consistently attempted to express their views and reaffirm their peaceable intentions. Since the meetings convened by the local authorities only provided for dialogue between the representatives of political party-affiliated organizations, they requested that a non-partisan reconciliation commission be created with the direct participation of the peasants involved in the conflict. They even met with the president of the local congress to request his intervention. In spite of these efforts, the conflict endures.

### 3. FINAL CONSIDERATIONS

The case of San Pedro Yosotato illustrates that the roots of the agrarian conflict are much deeper than they appear; the communities are fighting for control of their territorial spaces and the exercise of their autonomy. In this they are stymied by government forces and popular organizations unable to grasp the specificity of the demands of indigenous communities and peoples. While the authorities take advantage of the conflicts to consolidate their power, the organizations use them to strengthen their base of political support, and so to buttress their position vis-a-vis the governments. The result is that the community is held hostage to a complex web of interests that have nothing to do with its own realities.

The case of San Pedro Yosotato further demonstrates that the relevant legislation in Mexico is insufficient. In the rare cases where a legal response to the problem exists, it is not applied. The constitutional provisions affording special protection to indigenous lands are ignored, as are the international provisions regarding territory. Furthermore, the indigenous communities are rarely given the chance to influence decisions concerning them, including decisions relating to conflict resolution. As a result, it cannot be said that rule of law in Mexico is fully democratic and inclusive, since law enforcement, instead of being impartial, is negotiated on a case-by-case basis.

To resolve this situation, the government must change its attitude toward the indigenous peoples, in particular regarding their territorial rights and the agrarian conflicts. In concrete terms, this means that the indigenous peoples' right to self-determination must be enshrined in the Constitution.

#### CITIZEN PARTICIPATION IN SOCIAL POLICYMAKING: COMMUNITY ORGANIZATIONS AND GOVERNMENT AUTHORITIES IN IZTAPALAPA, MEXICO CITY

## Citizen Participation in Social Policymaking:

### Community Organizations and Government Authorities in Iztapalapa, Mexico City

**Alejandro Cerda García**

Summary prepared by Rights & Democracy

Under pressure from international financial institutions such as the World Bank and International Monetary Fund, developing countries have implemented a series of measures to privatize and liberalize markets and capital. Among other consequences, this has caused a rise in the price of staple products, an erosion of public services, and widespread poverty. This phenomenon has not spared Mexico where, since the early 1980s, economic policy has been modeled according to the neoliberal formula imposed by international institutions. Meanwhile, since taking power, the Fox government strives to convey the idea that a profound democratic transition is taking place in the country. While it is true that progress has occurred, public opinion holds that the current government's political and economic agenda is well in keeping with the policies of its predecessors.

In this context, the struggles of social actors to defend their "right to have and assert rights" take on special importance. This study will examine the specific forms of struggle engaged in by the residents of Sierra de Santa Catarina, borough of Iztapalapa, Mexico City. They have sought, through the creation of independent community organizations, to become rights-bearers. We shall consider how these organizations conceive of, explain, practice, and defend their right to participate fully in defining local social policy. The study begins by reviewing the existing framework for civic participation and economic, social and cultural (ESC) rights at the international, national, municipal, and borough levels. We shall then discuss the results and limits of the existing participation strategies and mechanisms of the civil society organizations (CSO) on the one hand and by the authorities on the other.

The approach adopted considers participatory democracy as being based on full respect for all human rights, including ESC rights. Such an approach highlights the collective dimension and the element of diversity in the defense and exercise of rights. Here,

participation is defined as "the collective capacity of marginalized groups to articulate their policy proposals and to take part in decision-making institutions and processes." It is, in essence, both a right and a strategy for democratic development.

## 1. The Borough of Iztapalapa: Citizen Participation under Adverse Conditions

With the progressive impoverishment of a growing proportion of Mexicans, the phrase "democratic transition" has become a slogan with no real legitimacy; it simply serves to paper over social contradictions and to obscure the overt alliance between the PRI and the PAN. Meanwhile the PRD, espousing centre-left principles, managed to win the mayoralty of Mexico City by a small majority; it also controls the majority of boroughs, including Iztapalapa.

The borough of Iztapalapa comprises 20% of the total population of Mexico City, and epitomizes the stark social contradictions characteristic of the country. A large proportion of its residents is made up of people who, in search of a higher standard of living, left their land in the poorest states of the country to settle on the urban periphery, where the population density is high and public services are almost non-existent. Many such people reside in Sierra de Santa Catarina (pop. 300,000). Since the 1970s, local organizations there have been demanding public services and improved living conditions. These organizations are now members of the National Coalition of Urban Popular Movements, a broad coalition of similar organizations in the country's major cities.

Iztapalapa, like the other Mexico City boroughs, is now governed by a democratically elected mayor. However, the longstanding lack of basic services in this neighbourhood gave rise to a clientelist, partisan approach to politics whereby the local authorities provided services in exchange for political backing. It is clearly a major challenge to move from such a climate to one in which civic participation can secure protection for every citizen's rights.

## 2. The Right to Participate

At present, the Mexican authorities regard civic participation less as a right than as a palliative to the state's disengagement from its social responsibilities, in a context where economic policy is designed specifically to whittle down the governing apparatus. When government spending is insufficient, participation is instrumentalized through compensatory social policies: the poorest people are required to "participate" in policy implementation as a means of reducing program delivery costs. They are asked to develop their own income-generating strategies so as to allow the government to reduce its contribution.

Meanwhile, certain independent CSOs are putting forward a critical analysis of prevailing social policies and attempting to politicize citizens, but they are not seeking political power as such. These organizations are asserting their right to a mode of participation above and beyond the formal party system and pre-electoral politicking.

## 3. Legal Framework for Civic Participation in Social Policymaking

In order to be effective, civic participation must not be subject to the discretion and goodwill of the authorities. It must become a genuine obligation enacted through institutionalized mechanisms.

### THE INTERNATIONAL FRAMEWORK

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The right to participate is set out in the Universal Declaration of Human Rights, which states that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." Direct participation goes beyond voting, the right to elect and be elected; it includes the possibility to decide on an ongoing and systematic basis how the political sphere is governed. Moreover, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) ratified by Mexico in 1981, guarantees rights relating to work, the family, food, health, education, and culture, which are considered to be indivisible and interdependent. The State Parties undertake to take steps, to the extent of their available resources, to progressively achieve the full realization of these rights by all appropriate means, including the adoption of legislative measures (Article 2.1).

Every five years, the State Parties must submit a report on how they have applied the ICESCR provisions. The United Nations Committee on Economic, Social and Cultural Rights (CESCR) also allows for the submission of shadow reports, an option that Mexican CSOs have exploited rather effectively to date. Based on the shadow report filed in 1999, for example, the CESCR issued 18 recommendations regarding Mexico, some of which refer directly to civic participation and social policy. The Committee called on the Mexican government to address the structural causes of poverty in the country and to adjust social programs accordingly. It also invited Mexico to involve civil society in planning, implementation and evaluation of social programs (Rec. 31), to allocate resources equitably (Rec. 33), and to take account of the ESC rights of the most vulnerable groups of society when negotiating with international financial institutions and implementing structural adjustment programs (Rec. 34).

Yet it is discouraging to note that in spite of these recommendations, the government continues to implement the neoliberal economic policies that are perpetuating poverty in Mexico. Its anti-poverty programs are compensatory in nature, and often take a "targeted" approach, meaning that they are directed exclusively at the poorest of the poor. They are purely palliative, in no way curtailing the phenomenal rise in poverty in Mexico; moreover, they contravene the principle of ESC rights universality. Mexico, however, has still not adhered to the Optional Protocol to the ICESCR.



An ESC rights instrument, effective since 1999, is also to be found in the inter-American human rights system. It is called the Additional Protocol to the American Convention on Human Rights, or the San Salvador Protocol, and Mexico is one of 18 states to have ratified it. Moreover, the right to participation is defined in Convention 169 of the International Labour Organization (ILO), which stipulates that "governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity" (Art. 2.1). But in an effort to sidestep these obligations, the Mexican government endorses an individualistic and "universal" interpretation of human rights, whereby ESC rights are considered secondary to other rights and lacking an adequate regulatory framework.

## THE DOMESTIC FRAMEWORK

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There is no domestic law specifically governing citizen participation. The Planning Act provides the sole legal benchmark for public participation. There is also a Social Development Program (2001-06), which is not a legislative instrument but is administered by the executive branch. The general principles, strategies, and objectives of this program, however, provide a good idea of the authorities' conception of civic participation.

The Planning Act was made public in January 1983. Its objective is to establish the basic standards and principles that will guide national planning for development and define the relevant activities of the federal public administration (section 1.1). It explicitly acknowledges civic participation, the stated objective being "to establish the foundation for the promotion of democratic participation by the various social groups, through their organizations, in the development of the plan and programs relating to this Act" (section 1(IV)). Section 20 deals more specifically with participation, but has significant gaps:

- The definition of citizen participation is ambiguous.
- Participation is considered to be consultative, not mandatory in nature.
- The choice of whether to engage in consultation is left to the authorities.
- Participation may become ineffective and be used merely for purposes of legitimation.
- The plans and programs do not include public accountability mechanisms.
- There are no clear and precise regulations establishing the specific conditions of justiciability; therefore, there is no legal remedy that can force the executive branch to take an action identified by civil society as being necessary.

As to the National Social Development Plan, it establishes the broad outlines of the social policies of each federal administration. In view of the great hopes raised among the population by the recent change of government, it is particularly important to analyze the current plan. The 2001-06 plan is titled "Working with You to Eliminate Poverty" and is expressly focused on human development. Among its general principles are the necessity of not subordinating social policy to economic policy, reduction of extreme poverty and providing equal opportunity to the poorest and most vulnerable groups, capacity-building and, most important, strengthening the social fabric through community participation and development.

At first sight, this statement of intentions seems fully consistent with the international ESC rights instruments and the CESCR's recommendations of 1999. In practice, however, the government's action runs counter to the international instruments. While the program claims to address social rights, the actions taken in this regard only focus on the most vulnerable segments of the population, while the prevailing economic policies continue to exacerbate the situation. Furthermore, the adoption of the program did not give rise to the corresponding regulations and institutional mechanisms, and as a result its application is hampered.

## THE MUNICIPAL FRAMEWORK

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At the municipal level, there are four legal instruments relating to civic participation in the development and application of social policies: the Mexico City Development Planning Act, the Citizen Participation Act, the Act on Social Development and the Strengthening of Civic Organizations' Social Development Activities, and the Mexico City Public Administration Act. There is also a set of integrated territorial programs that constitute a central pillar of the current municipal government's social policy.

The Mexico City Development Planning Act provides for a degree of citizen participation through the Planning Committee, a standing body that works in coordination with the other authorities and bodies with competence in this area. It is primarily an information



system whose purpose is to gather, compile, update, and disseminate information on development-related budgetary planning at the municipal level so that citizens can, in turn, submit proposals. The Committee can also participate directly in formulating policy objectives and assessing their implementation. Finally, the Act provides for the creation of borough-level joint budgetary planning committees with representation from citizens and CSOs.

The Citizen Participation Act grants citizens the right to 1) approve or reject actions and decisions of the Mayor by referendum; 2) submit proposals to the Legislative Assembly to adopt, amend, derogate from, or repeal laws; 3) express their opinion by referendum on the adoption, amendment, derogation from, or repeal of laws; 4) be informed of the actions of the public administration; 5) to participate in budgetary planning and the design, execution, and evaluation of decisions, subject to the powers of the competent authorities. As to the Social Development Act passed in 2000, its purpose is to promote, protect, and guarantee the social rights of city residents. It provides for the promotion and consolidation of civic participation in the development of social development policies as well as the obligation for the competent authorities to issue progress reports on social rights to city residents (section 7). The municipal- or borough- level Social Development Councils arising from this Act must include representatives of civil society.

Finally, the Act on Social Development and the Strengthening of Civic Organizations' Social Development Activities, also passed in 2000, aims to strengthen the CSOs' social development activities for the benefit of the population. It legislates the creation of a register of civic organizations to which consultative status may be granted in connection with the development of social policy priorities and strategies as well as the implementation and follow-up of the measures undertaken; these organizations are also eligible to receive development funds allotted for this purpose.

These legal instruments all have considerable limitations. None of them has an adequate set of regulations, and this hinders their uniform enforcement and perpetuates the entrenched practice whereby social demands and pressures substitute for genuine budgetary planning. Moreover, the relevant bodies have not yet been implemented: the budgetary planning committees mandated by the Mexico City Development Planning Act are still absent from Iztapalapa, as are the development committees mandated by the Social Development Act. The Civic Participation Act only recognizes, as organized entities, the local or neighbourhood committees, which are not representative. As for the mechanisms relating to the Public Administration Act, they are extremely bureaucratic, and the territorial departments only have the power to carry out predefined budgetary plans.

The results of the integrated territorial social development programs are somewhat more encouraging. These programs ensue from a recent initiative (2001) of the Mexico City government to promote fuller citizen participation in the development of social policy. They provide for public participation in the development, implementation, and follow-up of these policies through the creation of local assemblies and working groups. Although these programs are too recent to be properly assessed, they have been relatively well received by most of the CSOs because they make the pursuit of social justice their fundamental objective. These programs are seen as making a more significant contribution to guaranteeing the rights of the most vulnerable social groups, particularly the elderly, than most other similar measures.

Nevertheless, the integrated territorial social development programs tend to standardize social development policy initiatives, an approach that ill befits the heterogeneity of Mexico City urban society. At the inception of its mayoralty term, the PRD supported a series of specific local initiatives designed to reinforce community organizations through the Integrated Community Services Program. In the new administration of Manuel López Obrador, however, the many initiatives originally envisaged were pared down to only five or six, then inappropriately generalized to the entire population. Finally, the integrated territorial social development programs are characterized by a flagrant absence of by-laws and corresponding institutional mechanisms.

## **CITIZEN PARTICIPATION IN SOCIAL POLICYMAKING AND IMPLEMENTATION IN IZTAPALAPA**

Recent decades have witnessed the emergence of numerous citizens' organizations in the eastern part of Mexico City, where the borough of Iztapalapa is situated. Given the authorities' procrastination in providing basic public services, these organizations, in their majority composed of women, mobilized the population to demand improved living conditions for borough residents. We shall present three of these organizations working in the locality of Sierra de Santa Catarina (borough of Iztapalapa).

- The Union of Ixtlahuacan Women (UMI) was founded in the 1970s during a wave of migration to this underprivileged zone of the city. Its initial demands concerned drinking water and electrification, improved roads and public transportation, schools, etc. Gradually UMI developed a gender perspective and thus demanded services such as neighbourhood kitchens and daycare centres. Later, UMI switched from an agenda focusing on immediate short-term needs to one of participation based on human rights. Today it is a member of the National Front for the Right to Food and the International Foundation for the Right to Food.
- Miravalle Community Coalition (COCOMI) was founded in 1993 with the dual objective of denouncing electoral fraud in Miravalle and demanding basic services. For example, it demanded the right to form local organizations independent of the PRI in order to administer certain services and development projects autonomously. Today it

manages a community health centre and an environmental education and action centre. It also promotes local citizen participation in development policymaking and implementation. COCOMI is a member of the Convergence of Civic Organizations for Democracy and the Mexican Centre for Philanthropy. It also has a cooperation agreement with the Universidad Autónoma Metropolitana (UAM) - Xochimilco.

- The Union of San Miguel Teotongo Residents (UCSMT) was created in 1975. It adopted three program priorities: management of public services (schools, markets, electricity, roads, water), autonomously managed integrated development projects (health services, cultural services, daycares, etc.) and relations with broader networks (national and international) for the defense of social rights and political participation.

For these organisations in Sierra de Santa Catarina, the most appropriate instruments for supporting the social development work of civil society are the ICESCR and the laws obligating the borough governments to disseminate information on the budgeted and real distribution of resources. These organizations acknowledge, however, that they have much yet to learn about these provisions. Most often, their practical grassroots work is perfectly consistent with the ESC rights-related instruments (the services they demand may relate to the right to food, for example) but they have difficulty at times finding out about and using the existing provisions effectively. They have made some progress, but much remains to be done.

Thus, the initiatives designed by the CSOs of Sierra de Santa Catarina range from proposing joint actions with the authorities to participating in national and international ESC rights advocacy networks, and include the autonomous administration of services, lobbying, systematic information gathering and publicity on ESC rights violations, and raising awareness about the work carried out at the local level. In general, their highest priorities involve:

- support for the civic and community organizations that have traditionally provided services for which the government is responsible;
- an increase in the budgets allocated to joint investment funds;
- the implementation of adequate and sufficient social programs;
- the entrenchment in law of victories won by community and civic organizations so as to ensure their continuity despite changes of government;
- the framing of social measures within an ESC rights rather than a charity-based or compensatory perspective;
- the definition of federal development policies based on poverty-related criteria and not only geographical considerations (since Iztapalapa is a poor borough within a wealthy area);
- the primacy of the universality of rights over targeted interventions.

In the short term, there are two priorities:

- Strengthening relations with the legislative branch: an important challenge. In recent years, relations have improved somewhat. Several organizations have presented proposals, but these remain vague and incomplete.
- In view of the limits of international and domestic legal instruments concerning social development, participation in the development of the Annual Operating Plan (POA), which determines the actions and budgets for borough-level development programs, is likely to become a priority item in the strategy of the Iztapalapa CSOs. In recent years, these organizations have developed concrete proposals that fell by the wayside when the POAs were finalized. Some representatives of these organizations state that they feel even more excluded by the present PRD government than during the reign of the PRI. Here again, the challenges are substantial.

## CONCLUSION

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Political culture has been strongly shaped by the clientelism and populism that characterized relations between the authorities and civil society during the seven decades of PRI single-party government. Today, the laws governing citizen participation and ESC rights lack adequate enabling legislation, and the mechanisms by which such participation takes place generally have a purely consultative function; they are not binding on the authorities.

Contrary to expectations, then, the recent changes of government at the federal and municipal levels have not led to greater citizen participation in social policy development. Since 2000, with the democratic election of borough mayors, a check has been placed on the authorities' discretionary power as concerns social development. Still the real influence of CSOs over decisions they consider strategic is weak, and there is no mechanism guaranteeing that their priorities will be reflected in the policies implemented. Moreover, these priorities are substantially underfunded. Still today, then, lobbying, negotiation and political alliances remain the only way to exact concessions from the authorities; in contradiction to the principle of the universality of rights.

Citizens' organizations in the borough of Iztapalapa have a long history of campaigning for public services and self-managed projects in the areas of health, education, food, and so on. However, it is only recently that, in attempting to break with the clientelism characteristic of their relations with the authorities, they have become conversant with ESC rights instruments. A great deal remains to be done before an effective legal framework is enacted. This will ultimately enable citizens' organizations to go beyond their immediate demands and coordinate their efforts with all stakeholders working to deepen democracy in Mexico.

## CONCLUSIONS AND RECOMMENDATIONS

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# Conclusions and Recommendations

**Rafael Reygadas Robles Gil and Maricela Adriana Soto Martínez**

The research process involved six months of information gathering, interviews, analysis, meetings, seminars, and discussions among stakeholders and participants, resulting in the three case studies presented here. In this section, we will draw some general conclusions and recommendations in addition to those outlined in each specific case.

## I. Conclusions

In all three cases, civic and community organizations generated response to flagrant violations of their rights.

We discovered how the collective action of the aggrieved parties was the catalyst for shifting from a passive awareness that a wrong had been done to an active effort to secure protection for their rights. It was shown how the agents constituted themselves as collective subjects by means of these same social processes.

### 1. HUMAN RIGHTS ... AND WRONGS

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The hundreds of participants in the study as well as the thousands of people spoken for and about, in the midst of their hopes and struggles, talked about the harm inflicted upon them on a daily basis. The following echoes their outcry.

**1.1** Women working in the maquiladora industry suffer from mistreatment, discrimination and sexual harassment, which are violations of their bodily integrity, health and labour rights.

It became clear that the medical personnel employed by the social security system are instructed to report occupational health problems as general disorders so as to obscure their true genesis. The outcome is non-payment of disability compensation and, in particular, a refusal to grant compensation for job-related problems caused by repetitive motion, exposure to toxic substances, postural constraints, abrupt temperature changes, glare, and so on.

Women in the maquiladora industry are beginning to discuss and to pool their knowledge and experience, and to share their complaints about health and other issues. They are joining forces to assert their rights as workers and as women.

We observed the lax rules globalization demands in order to turn women's bodies and labour into merchandise, to use them as a prime reserve for capital accumulation. The result is that recognition of labour rights and sexual harassment is incomplete, and that international conventions ratified by Mexico have not been promulgated into state law, nor is there any enabling legislation making them justiciable.

**1.2** In San Pedro Yosotato, the community united to confront the invasion of its land in response to long-standing abuses and the

government's failure to recognize its territorial rights. The community is still attempting to resolve the conflict, demanding justice through peaceful channels. However, there is no guarantee that the community members will continue on this path, especially if the responsible authorities and the political parties remain blind and deaf to what the courts have ordered. As matters stand, the authorities have simply administered the conflict in response to immediate political pressures, thus giving rise to continuing disputes and divisions between the communities and reinforcing cacique-style political control. In its intensity, the Yosotato conflict resembles dozens of conflicts taking place in the Mixteca; yet though in every case it is the Mixtec people who constitute the injured party, mistreated by the federal and state authorities, the situation has not yet given rise to a collective sense of Mixtec solidarity.

The failure to enforce the Tribunal's decisions is compounded by the impunity with which the authorities have tolerated the invasion of the ejido (again in violation of the decisions) by members of the community of San Sebastián Nopalera. This invasion was fomented by the leader of the UCD, an organization with ties to the PRD, all under the complacent gaze of José Murat's state government.

**1.3** In the case of Iztapalapa, the people managed to populate a seemingly inhospitable region, dealing with major obstacles such as illegal land tenure, unemployment, lack of schools and running water, severe health problems, inadequate sewage and waste management. Another problem characteristic of the entire Federal District until recently was local political disenfranchisement.

In addition to the foregoing considerations, we noted the prevailing PRI practice of granting favours in exchange for corporatist control and votes. In the specific case of Sierra de Santa Catarina, services tended to be made available in proportion to the degree of clientelism practiced by the civic and community organizations.

## 2. ORGANIZED ACTIVISM

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It is especially noteworthy how in all three cases, people and incipient organizations simultaneously began struggling for their demands and undertook legal battles. Initially, they focused on popular mobilization and relied on the legal process; subsequently, when they became aware of the deficiencies of the legal system, they stepped up their mobilisation in order to achieve their aims.

In the case of Coahuila, the government has routinely showed preference for the maquiladora owners, government-aligned unions and directives that penalize and discriminate against working women.

Women in the maquiladora industry sought legal counsel and held workshops to discuss the Federal Labour Act. However, faced with the gravity of the situation, their strategy soon shifted from workshops on health and the legal framework to the creation of support centres and advice and counselling projects. They issued urgent action alerts to publicize the issues, forming local, national, and international networks and building solidarity networks in other countries so as to pressure company head offices more effectively. They reached a number of agreements. As they waged these battles, the women gradually transformed themselves into the collective subjects of their own rights.

For decades, the community of San Pedro Yosotato hired lawyers, appeared before the agrarian tribunals, and appealed to the Ministry of Agrarian Reform, the state governments and the National Indigenous Institute. They trusted in the law and political institutions, but that trust was not repaid; indeed, they were deeply disappointed. The favourable decisions won at the ejido, state, and federal levels through these arduous efforts were of no avail, since the authorities responsible for their enforcement suggested instead that the community do "something more" than appeal to the Agrarian Tribunal.

The residents of Sierra de Santa Catarina worked out an implicit pact in which the organizations mobilized and the authorities - slowly and usually in response to heavy pressure - made concessions; but unorganized residents received only a trickle of urban services. Perhaps because the residents had previously been forced to leave the countryside or another part of the city - because they held precarious employment, were landless or homeless - they were much more combative and mistrusting of the law from the outset. They laid a much greater emphasis on organizing and mobilizing independently of the party in power. Yet time showed them the importance of participating in the construction of institutions that would allow them to elect their borough and city representatives.

It was unquestionably the women who bore the brunt of the injustice, and it was they who began to organize and campaign for the most pressing needs: housing, health care, food, education. Groups such as the Union of San Miguel Teotongo Residents, the Union of Ixtlahuacan Women, the Miravalle Community Coalition, and others were formed. When these demands were met, the residents' organizations continued their struggle for political democracy, demanding the right to elect the mayor and borough representatives.

In each of the three cases, the government not only took no action to enforce the rights in question, but it bowed to pressure from powerful economic and political groups to ignore them. The practice of ignoring the occupational determinants of health problems in Coahuila, the discouraging outcome of the agrarian tribunal proceedings in San Pedro, and the actions of the Iztapalapa borough authorities prior to 1997, all bear out this assertion.

And so, in all three cases, the purely legal struggle was transmuted into popular mobilization, organization, and the creation of civic citizens who developed strategies to make effective their rights to housing, health, decent employment, autonomous organization, food, a healthy environment (Iztapalapa), to land, territory, and recognition as peoples (San Pedro Yosotato); they internationalized their campaign to defend the right to work, to health and yet to bodily integrity (Coahuila).

### 3. THE PRESENT LIMITS OF DEMOCRACY

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The research identified important limitations for the full exercise of democracy and human rights, as discussed below.

#### 3.1 Unequal Enforcement of the Law

The problems of San Pedro Yosotato represent a clear case of denial of the right to justice ensuing from unequal law enforcement. The Agrarian Tribunal did apply the presidential decrees due to complex maneuvering between the federal government, the political parties, and the governor. As a result, the communities are in a powder keg that could explode at any time, as the recent events in the neighbouring community of Agua Fría illustrate. There, a conflict over boundaries that the authorities had allowed to smoulder led to a massacre of indigenous peasants.

In the Coahuila case, justice is not obtained in cases of sexual harassment. Meanwhile, the social security institutions, in collusion with the maquiladoras, discriminate against the right to health and refuse to pay compensation for occupational health problems.

In the Iztapalapa case, discrimination came in the guise of practices that subordinated the universal application of the right to housing, education, health, food and political participation to corporate/clientelist arrangements. This inertia still exists, not only on the part of the authorities but also among many civic organizations.

#### 3.2 Globalization and Exclusion

The three cases point to a common set of severe limitations on human rights due to the ongoing process of exclusionary economic globalization.

In the case of the Mixtec community, the logic of commodification and pressuring people to think of their land and territory as saleable is rendering it difficult for Mexico to enforce ILO Convention 169. Mexico is also hindered from passing a bill such as that proposed by Cocopa, which would recognize the right of indigenous peoples to autonomy and self-determination as collective subjects of rights.

The specific case of Sierra de Santa Catarina demonstrates a paradigm of Mexican government behaviour. On the one hand, social mobilization has helped to shift many local legal frameworks toward compatibility with international law. However, in the majority of cases, the laws remain dead letters because of an absence of regulations and the mandated bodies are not created, or the existing ones are merely consultative. As a result, citizens have no way to make their rights justiciable nor to influence important decisions. Moreover, the federal government's economic policies are far from meeting the commitments arising from the International Covenant on Economic, Social and Cultural Rights, which stipulates that macroeconomic policies such as structural adjustment must not affect the enjoyment of ESC and environmental rights.

Of the international instruments that might be invoked in defense of working women's rights, few offer the real possibility of justiciability, of holding the authorities accountable. The question becomes: In the context of globalization, should the state be the sole guarantor of human rights, including economic, social, cultural and environmental rights, or should we be moving toward international instruments and mechanisms that transnational corporations would also be required to respect?

Due to their economic indebtedness, Third World countries such as Mexico attempt to attract international investors by offering them a labour environment in which the rights of women workers are not clearly defined or enforceable. The counterweight offered by the international human rights legal framework has had limited impact to date. More effective in extreme cases of rights violations has been coordinated action by international civil society in the form of solidarity, lobbying, boycotts, and so on.

In the case of women's labour rights in the maquiladora industry, and in the case of the collective right to self-determination, autonomy, and recognition of indigenous peoples, Mexico's failure to adapt its constitutional, federal, and state legal frameworks to its internationally proclaimed commitments remains an outstanding issue.

#### 3.3 Exclusion and Solidarity in the Changing Collective Imagination

The study revealed that the collective imagination in Mexico has traditionally had no room for indigenous peoples' rights. Throughout modern Mexican history, these peoples have been pressured to assimilate into the national mestizo culture. They have been subjected to social arrangements and mechanisms that threaten their very identity as distinct peoples - peoples possessing their own culture and identity within the Mexican nation. The goal of inclusion is not just for governments to pursue. It also demands the creation of a human rights culture that recognizes and values diversity, and this will require renewed efforts to develop a culture of human rights among all Mexicans. Educational efforts may propose ways to collectively address rights violations; however, it must also support and enhance the action of the Mixtec people themselves to raise their level of consciousness and organization as a people. In this regard, the proposed Indigenous Rights and Culture Act would provide a framework for reconstituting indigenous peoples and identity.

The Mixtec case demonstrates the obvious necessity of inventing ways and means of connecting and reorganizing as a people to confront violations of the rights of all. Perhaps the observer mission (now in its preparatory stages) to publicize the rights violations experienced by the people of San Pedro Yosotato, Santa Catarina Yosonotu and San Miguel Cuevas will further this effort. In the national and international contexts, an important campaign is being waged by a broader grouping of indigenous peoples and a significant segment of civil society for an Indigenous Rights and Culture Act that redresses the historical exclusion of indigenous peoples and creates the legal basis for their reconstitution as peoples. The proposal for rapprochement among the different Mixtec villages, emphasizing their tradition of mutual respect and dialogue as well as their own conflict resolution mechanisms, takes on its full importance against a backdrop of acknowledgement by all of Mexican society - indigenous peoples and metizos - of the cultural, social, and political riches that the aboriginal peoples have always contributed to the multicultural, multiethnic Mexican nation.

Likewise, it may be observed that Mexico's patriarchal society and political culture do not customarily recognize the role of women in social and political decision making. The absence of recognition for the rights of women maquiladora workers is an acute example of this phenomenon. The research highlighted the necessity of conducting vigorous human rights training on a large scale. It also noted the international solidarity among women's movements, spanning the U.S.-Mexico border region, the interior of the country, and other countries as well. This solidarity sketches a promising way forward.

In this regard, one avenue of democratic advancement is undoubtedly the development of permanent mechanisms allowing historically excluded sectors of the population to participate in decisions affecting their daily lives. The citizens' movements in Iztapalapa have consistently participated in the preparation of alternative reports on ESC and environmental rights as well as general proposals for the effective democratization of Mexico City.

The research as a whole showed that isolated processes leading to the creation of collective subjects of rights must achieve greater synergy, a wider scope, and more impact in order to secure full protection for rights and consolidate the democratic advances that emerge throughout this study.

## 4. ACHIEVEMENTS

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### 4.1 Creation of Collective Rights-Bearers

In the three cases studied, local civil society is active and inventive in developing ways to claim its rights in the face of strong authoritarian inertia and discriminatory practices. Alternative and "shadow" reports (reports that supplement, or "shadow," government human rights reports by calling attention to their progress as well as their setbacks) as well as assertive action by citizens' associations have been decisive in gaining rights recognition and taking advantage of international human rights law mechanisms.

In each case - Coahuila women organizing around issues of health, housing and food, and for the right to work under conditions of bodily integrity; the Mixtec community working for recognition of its rights; the citizens' organizations of Sierra de Santa Catarina (Union of Ixtlahuacan Women, Union of San Miguel Teotongo Residents, Miravalle Community Coalition) influencing public policy - the actions of organizations were decisive in the growing awareness of rights and how to claim them. The actions of women, indigenous peoples, and residents of working-class neighborhoods to demand their human rights are part of processes whereby they constitute themselves as collective subjects.

### 4.2 Links Between Emerging Struggles and Democratic Development

This research project discerned the close relationship between the emergence of social subjects and the struggle for human rights and democratic development. Despite the tremendous obstacles to human rights effectiveness in Mexico, democratic gains have been made through the actions of citizens working to meet the urgent demands of the population. They have established some counterweights to authoritarianism, but much more will need to be done to counter the voracious logic of globalization that violates human rights structurally and systematically in Mexico and around the world.

The fieldwork, document compilation, interviews, seminars, and meetings were democratic exercises in themselves. These intense and complex processes of coordination of diverse local, national and international efforts generated new knowledge about relationship between emerging social subjects working to claim their human rights and the process of developing democracy.

## 5. RESPONSIBILITY OF THE MEXICAN GOVERNMENT

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The research led us to consider the history and development of civil and political rights, their effectiveness and justiciability with respect to the government's position on enforcement. The role of citizens' organizations in this process is precisely to publicize the existence of rights and demand and monitor their enforcement. Although the Mexican government is formally the guarantor of ESC and environmental rights, the latter only become effective where society organizes to claim them. Put another way, every right requires a subject of justiciability, a rights-bearing actor who, through his or her social practices, calls the government to account on its



domestic and international commitments and responsibilities. In the history and development of civil and political rights, their justiciability, and the government's attitude toward enforcement, citizens' organizations play a crucial role in obtaining effective guarantees of these rights.

When the government signs international treaties and conventions, it acquires an obligation to guarantee the rights established therein. However, if these documents are to have a positive impact on social realities, it is generally as a result of pressure from real power groups, and in this, civic and community organizations are crucial. The duty of state and government action is thus the crystallisation of their responsibilities. It is essential that both public pressure and government commitment exist: otherwise, government obligations risk falling by the wayside. Where governments fail to respect those commitments, a system of assuring rights protection, such as the UN Special Rapporteurs, is important. Where effective rights-bearers exist, international rights can be recognized and their effectiveness demanded. The international human rights commitments of Mexico become more than a mere diplomatic exercise for the government when citizens claim them, monitor them, and demand their enforcement: only then do they become justiciable. Otherwise, they tend to fall into neglect, and democracy remains formal and weak.

## 6. HUMAN RIGHTS AND DEMOCRACY IN MEXICO: CASES IN POINT

Although each of the three case studies is an embodiment of local processes and contradictions and as such has singular features, the research has enabled us to outline some general patterns relating to democratic development and human rights effectiveness in Mexico.

**6.1** The experiences of struggle by women workers in the Coahuila maquiladora export industry epitomize the routine exploitation of nearly one million women, the mechanisms that undermine their health and rapidly destroy their lives, and the inconsistencies between state, federal, and international law in the area of women's labour and health rights. These experiences highlight the forms of resistance, advocacy and organization to address unjust working conditions. We noted how local action eventually catalyzed the formation of national and international networks for the defense and promotion of workers' rights. This development represents a promising avenue for national and international solidarity campaigns (e.g., boycotts) whereby the civil societies of north and south can heighten their impact.

The research specifically relates to the state of Coahuila, but it is applicable to the other states of the country as well, since the Puebla-Panama Plan will extend the predominance of maquiladoras throughout Mexico - and indeed beyond, to Guatemala, El Salvador, Honduras, Nicaragua, and the rest of the already mistreated Central American and Caribbean nations.

**6.2** The case of San Pedro Yosotato puts into stark relief a centuries-old struggle for the recognition for indigenous peoples' rights, their collective land and territorial rights, their right to be considered peoples, and their right to their own history, identity, and culture. The communities' traditional relationship with the land on which their existence depends has not been respected. Now as in the past, the territorial rights struggle configures the identity of the Mixtec people. The study reaffirms that the Mixtecs have collective rights as a people and that the federal, state, and municipal governments must create the conditions for their enjoyment and effectively guarantee them.

The study found that Mixtec territorial rights are violated as a result of court decisions remaining unenforced. This political void gave the authorities the leeway to administer in a non-accountable manner conflicts where the lives of thousands of indigenous people hang in the balance. The political parties, for their part, have frequently acted to divide the indigenous communities and exacerbate the conflicts.

Our findings indicate clearly that democracy in Mexico must go beyond the limited parameters set for such formal, second-class democracies in the era of neoliberal globalization. Without justice, there can be no real democracy.

It is obvious that the existing constitutional and legal framework for indigenous rights and culture must be revised in conformity with the San Andrés Accords between the federal government and the EZLN. It must also reflect the provisions of ILO Convention 169 which call for the establishment of legal frameworks that allow communities and villages to participate more fully in decision-making. In this context, peoples' demands for self-determination and autonomy, for specific recognition as collective subjects of rights, take on special relevance. The recognition of the right of peoples to self-determination and autonomy enable them to participate actively as rights-bearers in solving their problems without the interference of external factors. They can be the protagonists of their own destiny rather than extras in a production whose script is already written.

Furthermore, as this study makes clear, claims of respect for the rule of law in Mexico, of a democratic, plural and inclusive state, must be tempered by the knowledge that the law is not applied impartially to every conflict, but is rather used as guidelines for negotiating specific cases. No effort is made to ensure that the parties will abide by such agreements, for government agencies do not enforce them, although they have the power to do so.

The case of San Pedro Yosotato bears living witness to the struggle for human rights, for recognition as a people, for indigenous territory and culture. This community could be any of a thousand others, or be situated in the states of Hidalgo, Guerrero, Puebla, Chiapas, Nayarit, Michoacán, Tabasco, Yucatán, Quintana Roo, Mexico or Morelos, and we would find the same discrimination, the

same impunity, the same failures of law enforcement. This case exemplifies a historical federal and state government policy of exclusion, lack of human rights guarantees, impunity, and non-recognition of non-mestizo identities. Yosotato shows us the face of thousands of indigenous communities and villages, millions of people, on the one hand, and an exclusionary state that acts with impunity, on the other. In fact, if we replaced the word Mixtec with Quiche, Quechua, or Aymara, we would find the same reality all over the continent.

**6.3** Regarding the struggle for democratic rights in Sierra de Santa Catarina (Iztapalapa), the findings are that in recent years, the residents' organizations - fed up with the PRI's authoritarianism - took various actions themselves. They helped win the right to vote and elect local representatives, then elected representatives from different parties as a tangible means of furthering their economic, social, cultural and environmental rights agenda and enhancing civic participation. Gaining the right to participate in electoral politics was the outcome of long years of self-help organizing to obtain basic public services.

Women, in particular, have been central actors in the 25-year history of popular movements by virtue of the organized action whereby they demanded and exercised their right to participate in the design, implementation, and monitoring of public policies affecting them. The research highlighted the varied ways in which the community organizations, and especially the women, constituted themselves as collective subjects, as organized citizens, and as rights-bearers.

Because this is an urban area harbouring dozens of community organizations and long tradition of organizing, an area where new forms of struggle for rights guarantees are continuously appearing, the study had the material to analyze the international, domestic, and local legal instruments governing civic participation and to contrast them with public policy and the viewpoint of three community organizations so as to elucidate the existing social practices. In the course of the study we discovered long-standing discriminatory practices and political inertia on the part of the authorities, making universalisation of economic, social, cultural and environmental rights one of the major issues here.

In contrast to the other two case studies, in Sierra de Santa Catarina the experiences of and conditions for dialogue among residents, organizations, and authorities were more widespread, although dialogue with the borough authorities has at times been bitter. Nevertheless, genuine fora for dialogue between the authorities and the citizens are being constructed and improved. The objective is to make civic participation something more than decorative. Its decisions must be binding on the authorities, on issues such as the territorial programs or participatory budgets. In such forums, citizens would not only be consulted but would exercise real power and joint responsibility for important decisions affecting their daily lives. The vigorous efforts to build an assertive collective subject of rights are an important milestone in the history of the popular movements of Mexico City and other urban centres.

In summary, this research into the complex relationships between human rights and democratic development, although limited to three case studies at three specific locations, enabled us to take the pulse of the entire country. By examining three focal points, three sets of social subjects, we were able to extrapolate to the health of the entire "body" and to relate its conditions and experiences to other "sore spots" and societal aspirations. Beyond the study's critical contribution, it has helped to create new spaces and horizons, clarify priorities, develop recommendations, and spur actions and strategies to defend and secure full human rights protection for all Mexicans.

## 7. ATTAINMENT OF RESEARCH OBJECTIVES

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Concerning the general objectives of the research - and in particular, the strengthening of dialogue between state authorities and civil society around democratization priorities - certain dialogue processes emerged during the course of the study itself. Certainly, opportunities for dialogue among the collective subjects and authorities studied here are enhanced by the presentation of the results in each locality and the elaboration of specific follow-up actions such as workshops in Coahuila, working groups in Santa Catarina, and the observer mission to three Mixtec villages scheduled for August and September.

The research results offer excellent material and a good opportunity to carry on and undertake new dialogues with various authorities.

Professors, researchers, academics and students of the various universities and institutes of higher education in Oaxaca, Mexico City and Coahuila participated actively in the regional seminars. With their own research, reflections and proposals, they enriched the analysis of each case as well as the overall results.

Clearly, many avenues remain to be explored, many lessons to be learned in all three experiences before it will be possible to speak of a strong civil society that is capable of consolidating its positions.

## II. Recommendations

We present our recommendations to address the problems identified by the study in two sections: the first contains proposals on the specific cases and the second offers general recommendations to contribute to democratic development in Mexico.

## 1. CASE-SPECIFIC RECOMMENDATIONS

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### 1.1 Working Women in the Maquiladora Industry, Coahuila

- Promote a strategy to attain recognition of occupational health problems.
- To further this strategy, arrange for study missions to Mexico by Canadian and US doctors to assess the true causes of the health problems experienced by women in the maquiladora industry.
- Hold information and strategy meetings on the status of women maquiladora workers in Coahuila with interested sectors of civil society, including medical, nursing and law schools, religious base communities, political parties, etc.
- In conjunction with independent human rights centres and public agencies, support and promote the production of a national manual on the rights of women workers in the maquiladora industry.

### 1.2 San Pedro Yosotato, Oaxaca

- Publicize the research results widely in the Mixtec region, and especially in the community of San Pedro Yosotato.
- Demand that the Agrarian Tribunal enforce the presidential decree relating to the San Pedro Yosotato lands.
- Demand that the Ministry of the Interior respect and apply the law as concerns the judgments of the Agrarian Tribunal.

### 1.3 Sierra de Santa Catarina, Iztapalapa, Mexico City

- Publicize the study widely so as to inform the residents of Iztapalapa and Mexico City about effective forms of civic participation, thus helping to combat clientelism and corporatism.
- Support the efforts of the civic organizations of Sierra de Santa Catarina to obtain participation for citizens in the design, implementation, monitoring and evaluation of public policies such as the annual operating programs or a future participatory budget. The goal should be for residents and their organizations to be involved in the fundamental decisions affecting their daily lives.

## 2. GENERAL RECOMMENDATIONS TO PROMOTE DEMOCRATIC DEVELOPMENT AND HUMAN RIGHTS

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### 2.1 Women in the Maquiladora Industry

- Defend the rights of working women, guaranteeing their access to employment without discrimination and protecting their health, especially their reproductive health; guarantee equal rights for women in employment and all other areas of life.
- Work with other networks and organizations to improve the quality of life of maquiladora workers, and for sustainable development, social justice, human rights, and environmental stability in the host communities. This will require the following:
  1. Improve the laws, procedures, and penalties regarding sexual harassment so that they truly protect working women. This is a human rights battle that must be waged in conjunction with the country's human rights organizations.

2. Promote and strengthen workers' democratic organizations, and promote the application of basic labour standards including the freedom to unionize.
  3. Support the creation and coordination of maquiladora solidarity networks in Mexico, United States and Canada, with a view to defending and promoting labour and gender rights.
  4. Support specialized training opportunities for female maquiladora workers and activists around human and labour rights from a gender perspective; nurture synergies with broader forums and networks.
- Use all possible means to pressure the maquiladoras and multinational corporations to adopt socially responsible operating standards, to provide a healthy environment in the factories and communities, and to improve the quality of life for workers.
  - Several of the ILO standards have not been adopted by Mexico. We consider it necessary that the Congress of the Union envisage adoption of these standards so as to make progress towards a fairer, more democratic labour environment for women and men. An example is Convention 156 on workers with family responsibilities.

## 2.2 Indigenous Rights

- On the basis of the San Andrés Accords and ILO Convention 169, press domestically and internationally for constitutional recognition of indigenous peoples. Such recognition is the basis for their inclusion in sustainable and equitable development and for the reconstitution of their identity as peoples.
- Promote a national culture of recognition and respect for the identity of others, in order that all cultures be included in the Mexican nation of tomorrow.
- Support strategies and new research to help combat the long-standing impunity and injustice on which governments have founded exclusionary and discriminatory practices towards indigenous peoples, particularly in regard to administration of justice in land and border conflicts.

## 2.3 Civic Participation

- Support similar research on other experiences and compare the results. Identify obstacles to be overcome and new alliances or strategies to share.
- Support the coordination of local civic and community organizations and motivate them to influence public policy. This will stimulate them to appropriate domestic and international legal instruments and build their capacity to participate in the public realm.
- Support the drafting and implementation of enabling legislation for the Civic Organizations Promotion Act in the Federal District that respects the spirit of the Act and meets the demands of the civic organizations.

These recommendations could serve as the basis of a joint program of action among all the organizations participating in the research project.

NEWS RELEASE, MARCH 3, 2003

# News Release

## Rights & Democracy Presents Its Study on Democratic Development in Mexico

**Montreal, March 3, 2003** - Rafael Reygadas, professor and researcher at the Universidad Autónoma Metropolitana de Mexico, will present the study, which he has coordinated and titled "Self-Made Citizens: Building Democracy Through Human Rights in Mexico," published by Rights & Democracy in collaboration with Alianza Cívica and the Instituto Federal Electoral.

The study focusses on three areas of human rights organizing: 1) maquiladora workers in the state of Coahuila who are asserting their rights as human beings, women and workers; 2) a Mixtec community in the state of Oaxaca that is striving for recognition of its land rights and identity; 3) the residents of the borough (*delegación*) of Iztapalapa, Mexico City, whose demands around economic, social and cultural rights have turned into an ongoing struggle for the right to participate in political life, that is, to be directly involved in the development and adoption of public and social policies that affect them.

According to Jean-Louis Roy, President of Rights & Democracy, "One of the most striking conclusions to emerge from the study is the fact that the three cases point to a common set of constraints on human rights due to exclusionary economic globalization. However, despite the tremendous obstacles to human rights effectiveness in Mexico, the actions of citizens working to meet the urgent demands of the population have been the determining factor that has allowed democracy to advance and created a counterweight to authoritarianism."

This study is guided by an analytical framework developed by Rights & Democracy in the early 1990s on the basis of existing international human rights instruments. The distinctiveness of this framework resides in its conception that there is a fundamental link between democracy and human rights, and that civil society - by seeking recognition of its rights - plays a decisive role in democratization. From a historical standpoint, Rights & Democracy considers democracy and human rights to be mutually reinforcing."

In addition to being a university professor, Mr. Reygadas is also Executive Secretary of the Coalition of Civil Organisations for Democracy (Convergencia de Organismos Civiles por la Democracia) in Mexico.

A public forum will be held on **Tuesday, March 4, at the Novotel (33, Nicholas Street - Ottawa), from 9:30 a.m. to 12:30 p.m.**

In addition, an informal discussion will take place in the offices of Rights & Democracy on **Monday, March 3 (1001 de Maisonneuve blvd. east - Montreal), from noon to 2 p.m.**

**For further information: Lucie Léveillé (514) 283-6073, cell phone (514) 998-0536.**

## ENDNOTES

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1.-- See "The Democratic Development Exercise: Terms of Reference and Analytical Framework."

2.-- The majority of these studies are available on this website. Please visit the Publications section.

3.-- The research team was composed of Gloria Tello, Adriana Soto, Alejandro Cerda, Francisco López Bárcenas and Guadalupe Espinoza, under the coordination of Rafael Reygadas and Adriana Soto.

4.-- Our particular thanks to Silvia Alonso, Executive Secretary of Alianza Cívica, and her team. For Rights & Democracy, the research was assisted by Geneviève Lessard, Madeleine Desnoyers and Stéphanie Rousseau.

5.-- The advisory committee was composed of Magdalena Gómez, who has devoted many years to researching and creating the conditions for the exercise of indigenous rights; Gloria Ramírez, Director of the UNESCO Human Rights Chair in Mexico; Carlos Zarco, Coordinator of the Latin American Adult Education Council; Jesús Cantú, a member of the Federal Electoral Institute; Miguel Concha, Coordinator of the Fray Francisco de Vitoria Human Rights Centre, and Emilio Álvarez Icaza, President of the Human Rights Commission of the Federal District.

\*Professor of Group and Institutional Processes and their Interrelations, Department of Education and Communication, Universidad Autónoma Metropolitana, Xochimilco Unit, and Research Coordinator for this study.

\*\*Professor of Group and Institutional Processes and their Interrelations, Department of Education and Communication, Universidad Autónoma Metropolitana, Xochimilco Unit, and Assistant Research Coordinator for this study.

6.-- Julio Bolvitnik, "Economía moral", La Jornada, 5 July 2002, p. 23.

7.-- Francisco de Andrea S., El hilo conductor de las reformas constitucionales electorales en México: 1994-1996, IFE, México, p. 28, cited in Rebeca Kyri Vences Solís, "Acercamiento al imaginario social generado en torno a Vicente Fox en las elecciones presidenciales del 2000," master's thesis in psychology, UAM-Xochimilco, Mexico, 2002, p.17.

8.-- A recent paradigmatic case was a court decision that forces the Ministry of Agrarian Reform to pay more than P \$1.1 million for a piece of land expropriated 20 years ago from some clients of lawyer and senator Diego Fernández de Cevallos. At the same time, it was proposed to pay 7 pesos per square meter to the ejido dwellers of San Salvador Atenco for land illegally expropriated to expand the Mexico City airport.

**9.--** Justiciability is understood as the availability of specific and well-defined mechanisms for bringing a case before a judge and demanding effective protection of a given right through legal channels.

**10.--** Lobbying around this law has been very intense during the current presidential mandate. There are some undeniable gains, but there are also concerns about unmistakably authoritarian attitudes. For example, some approaches would tighten control over citizens' organizations rather than establishing a set of measures to promote their activities.

**11.--** This and the following double-indented paragraphs are verbatim quotes from various participants in the regional seminars.

**12.--** Joint declaration tabled by the federal government and the EZLN in the national debate and decision-making bodies on 16 February 1996, specifically the chapter titled "Federal Government Commitments to Indigenous Peoples. 3: Guaranteeing Full Access to Justice." The so-called "COCOPA Law" was drafted in December 1996 by legislators belonging to the Commission for Harmony and Pacification (COCOPA), representing the four major political parties: PRI, PAN, PRD and PT. Reiterating the main points of the San Andrés Accords between the government and the EZLN (February 1996), the COCOPA Law recognizes the right to self-determination of indigenous peoples, subject to the maintenance of national unity. It makes consultation of indigenous peoples mandatory in decisions on matters that affect them and guarantees their representation in Congress and in state legislatures.

**13.--** On 23 April 2001, the Congress of the Union passed a bill on indigenous rights and culture which maintains the exclusion and discrimination against indigenous peoples; it is overtly contrary to their interests, the San Andrés Accords, and Convention 169 of the International Labour Organization. This law is now the main obstacle to the advancement of the peace process and dialogue between the federal government and the EZLN as well as the full recognition of the rights of all indigenous peoples. The validity of this law is dependent on an extremely complex judicial process involving the hearing by the Supreme Court of numerous legal actions known as *controversias constitucionales*, a type of legal remedy in which it is argued that one or more acts of the Executive Branch have encroached on the authority of the Legislative Branch, so that the nation's system of political checks and balances has been violated. However, there is little hope that this process will restore the minimal conditions necessary to guarantee rights and maintain the peace process in Chiapas.