

AGRICULTURAL REFORM THREATENING INDIAN LANDS

In December 1991, Tarahumara, Tepehuano, and Raramuri sent the Governor of Chihuahua, Fernando Balza Melendez, a document demanding the protection of Indigenous territorial rights. The document came from the Commission in Defense and Solidarity of Human Rights (COSYDDHAC) with input from eleven communities and focused on the impending agrarian reform.

As Mexico works out the details of the North American Free Trade Agreement (NAFTA), the government is in the process of restructuring the country's agrarian laws to, among other things, allow the privatization of *ejido* lands. Though in principle the new laws respect the territorial integrity of Indigenous peoples, the Indians have reason to be skeptical. Their lands are coveted for tourist and agribusiness expansion. "We do not want hotels and other things that do not belong to us on our land," they stated. "We do not want to work for others who come to own the land." In principle, free trade is contrary to Indigenous beliefs, "We do not negotiate the land, or the forest, or the animals; we the Raramuri do not work in order to make business of our land." Fundamentally different philosophies about human relationships to the earth arise when passing privatization policies. "The land is the one who sees that we grow, she is like our Mother who gives us nourishment, the one who takes care of us, she is all we have."

One of the significant victories of the Mexican Revolution was the 1917 Agrarian Reform Law which established communal land ownership in the *ejidos*. The *ejidos* are communal farms formed from expropriated large estates on which farmworkers are given free access to small plots. *Ejido* tenure is non-transferable.

However, under constitutional changes proposed in November by President Carlos



Salinas de Gortari, communal ownership and land distribution under the agrarian reform law would end. The amendment to Article 27 of the Constitution, was promulgated on Jan. 6, the final stage of its approval. Article 27 as amended, will abolish restrictions on corporate ownership of land (including *ejido* land), and farmers on *ejidos* (*ejidarios*) would be allowed to own their land outright and to rent or sell it to non-*ejidarios*. The law provides for the abolishment of constitutional obligations for land distribution and Indian ancestral claims, insitutional reforms, and relaxation of the limits to property size.

The COSYDDHAC proposal sent to Fernando Balza Melendez focused specifically on Article 27, section VII of the Mexican Constitution, which refers to lands of Indigenous communities. The statements by the Indians challenged the government's very right to legislate their lives and lands: "The government did not plant the grass, this was planted by God. The government did not give us the grass, God gave it to us. The trees are not government property, nor does the grass belong to the government; therefore the government cannot take our land." The legal process was criticized: "We are called only when we are needed to sign, and we are not given explanations about what we are signing." The COSYDDHAC proposal states "The

present reforms to [article] 27 of the constitution will give new impulse to the invasion of indigenous territory, against the justice that the spirit of the law seeks." The Indians say that, as it is written, "This reform is only for the benefit of the rich, it is not in favor of the poor.... The *ejido* should stay as it is." The Indians therefore proposed the inclusion of the following sentence to article 27: "the law protects the territorial integrity of Indigenous peoples."

In the proposal to the State of Chihuahua, Indigenous groups expressed concern over the uncertain future of their lands. The statements from the people included: "What is going to happen to our children? They will have nowhere to go, nowhere to live because all that once was ours will pass to others' hands." Elders are concerned for their descendants, "We the older ones will die, however what will our youth live from if they are not to inherit even the land, which is ours and which gives us what we eat."

History has confirmed their concerns. The privatization of lands held communally by Indigenous nations is a common strategy to weaken their self sufficiency. In the late 1800's the United States Dawes Act allotted acreage to male heads of households, and males over 18 years of age. This created a fictitious surplus of lands that were then sold to settlers. The Indian landholders then split up their land to give to their children, who had the power to sell. Within three generations, 90 percent of the lands allotted under the Dawes Act were expropriated by settlers.

The Alaska Native Claims Settlement Act of 1971 allows Native shareholders to sell shares of their lands to non-Indians beginning in 1991. Thus their lands are more vulnerable to takeovers by private corporations, especially when the economies of Indian commu-

nities are depressed. Alaska Natives resisting this process are encouraging members of the tribes to transfer title to the Tribal Councils from the Native Corporations, thereby protecting communal ownership. Free trade and privatization will benefit the business community, as is aptly noted in a headline in a

Bureau of National Affairs publication called BNA International Trade Daily which states "Agricultural Reforms announced in Mexico should benefit U.S. Firms, specialists say."

The Tarahumara, Tepehuano, and Raramuri of Chihuahua want the government to recognize the ethnic and cultural diversity

of Mexico and allow the Indigenous people to play a role in the national arena. They state: "For the Indians of the state to retain their identity and contribute to the identity and richness of the state, it is necessary to respect the territory that they have been defending for four centuries."

Mexico

300 TSELTALES AND CHO'OL INDIANS VIOLENTLY EVICTED

At midnight on Saturday, Dec. 28, 1991, 200 state judicial police bearing sticks and firearms violently evicted 300 Tseltales and Cho'ol Indians from the steps of the Municipal Palace in Palenque, Chiapas. They had occupied the square two days before to protest police violence, unjustified arrests, and judicial abuse and corruption, and to demand access to interpreters in the court system.

As a result, 102 people were arrested, including Jesuit priest Jerónimo Hernández, and Cho'ol deacon Sebastian Torres.

While being held incommunicado, they were beaten, dispossessed of their belongings, and pressured to sign declarations which they were not allowed to read. The Public Ministry of Palenque denied a request on the part of local government officials that prisoners be medically examined in order to certify physical injuries suffered.

On Monday, Dec. 30, Hernandez and 92 Indians were released. The remaining nine were held without bail on charges which included disturbing the peace, inciting to riot, and sedition.

On Saturday, Jan. 5, while government officials held formal talks with the organizations involved, sentences ranging from 10 to 40 years were handed down for the nine. Non-



governmental human rights organizations took the case to the government's National Commission for Human Rights.

The wives of the incarcerated have received support from throughout the state of Chiapas, as well as from other parts of the country. Local merchants have financed paid aids requesting that the authorities respond to the Indians' petitions. Telegrams demanding freedom for the imprisoned have poured into the governor and Chief Justice's offices. Meanwhile, government-controlled farmer and workers' organizations have responded with a counter-campaign.

On Wednesday, in Tuxtla Gutierrez, one of the judges in charge declared himself incompetent to continue with the case. The three organizations who sponsored the December sit-in, the Committee for the Defense of In-

dian Freedom (CDLI), the Union of Indian Communities of the Chiapaneca Jungle (UCISECH), and Tsoblej Yu'un Jwocoltic Union, have since returned to the Plaza at Palenque, where they are holding a vigil to pressure for the resolution of their original demands and for the immediate release of the nine prisoners.

The above-mentioned organizations ask that people send telegrams demanding freedom for the imprisoned to:

- The Mexican President, Carlos Salinas de Gortari (Palacio Nacional del Gobierno; Mexico D.F.)
- The Chiapas State Governor, Patrocinio Gonzalez Garrido (Palacio de Gobierno del Estado de Chiapas, Tuxtla Gutierrez, Chiapas)
- The government's National Commission for Human Rights president, Jorge Carpizo. (Periferico Sur #3469; Col. San Jeronimo Lidice; C.P. 10200 Mexico D.F.)

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