

Country/entity	Mexico
Region	Americas
Agreement name	Joint Declaration that the Federal Government and the EZLN shall submit to National Debating and Decision-making Bodies
Date	16 Feb 1996
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Zapatista Uprising (1994 -) The North American Free Trade Agreement (NAFTA) between United States, Canada and Mexico implied the removal of the Article 27 of Mexico's constitution that protected the native communal landholdings. In reaction, the left-wing Zapatista National Liberation Army (EZLN) declared war against the Mexican government on the day of the signing of the NAFTA agreement, 1 January 1994. Led by charismatic Subcomandante Marcos, the EZLN rapidly gained popularity among the left-wing youth in the Americas and in Europe and established a considerable global media presence. Peace negotiations started in 1995, leading to several agreements, the San Andrés Accords signed in 1995 and 1996. However, socio-political tensions with the Mexican state and the lack of protection of the indigenous peoples and subsistence farmers remained unresolved. Nowadays, the Chiapas Conflict continues as a low-intensity conflict. Close Zapatista Uprising (1994 -)
Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Mexico-Chiapas peace process
Parties	EZLN, Mexican Government
Third parties	-
Description	This declaration contains agreed principles and foundations for a new relationship between indigenous peoples, society and the State; sets out context of the new relationship, commitments of the federal govt, principles of the new relationship, new legal framework,

Agreement document	MX_960216_Joint Declaration on National Debating and Decision making Bodies.pdf (opens in new tab) Download PDF
---------------------------	---

Groups

Children/youth	Groups→Children/youth→Substantive Page 4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES ...6. Guaranteeing satisfaction of basic needs. The State should guarantee conditions for indigenous peoples that allow them to take care of their nutrition, health care and housing services in a satisfactory manner and at least an acceptable level of well-being. Social policy shall promote priority programs so that the infant population of indigenous peoples improves its levels of health and nutrition, and support is provided for the activities and training of indigenous women.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	Groups→Migrant workers→Substantive Page 5, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES ...8. Protecting indigenous migrants. The State should promote specific social policies to protect indigenous migrants both within the national territory and beyond its borders, with inter-institutional actions of support for the work and education of women, of health care and education for children and young people, which in rural regions should be coordinated in the areas of contribution and of attraction of agricultural day laborers.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.

Indigenous people Groups→Indigenous people→Substantive

[Summary] The agreement in its entirety deals with the relationship between indigenous people and the state.

Page 3, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:

1. Recognizing indigenous peoples in the general Constitution. The State should promote recognition, as a constitutional guarantee, of the right to free determination of indigenous peoples, who are those who “descend from populations that inhabited the country during the era of the conquest or colonization and of the establishment of the current state borders and that, irrespective of their legal status, conserve their own social, economic, cultural and political institutions, or part of them. Awareness of their indigenous identity should be considered a fundamental criterion for determining the groups to which the provisions on indigenous peoples apply.” The right to free determination shall

be exercised within a constitutional framework of autonomy, ensuring national unity. They may, consequently, decide upon their form of internal government and their ways of organizing themselves politically, socially, economically and culturally. The constitutional framework of autonomy will make it possible to attain the effectiveness of social, economic, cultural and political rights with respect to their identity.

Page 3, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

2. Broadening political participation and representation. The State should promote legal and legislative changes to broaden local and national political participation and representation of indigenous peoples, respecting their different situations and traditions, and strengthening a new federalism in the Mexican Republic. The claim that the voices and demands of indigenous peoples be heard and addressed should lead to recognition of the political, economic, social and cultural rights of indigenous peoples, within the framework of the Mexican nation, and to a decisive reform of the State with regard to institutional practices. The Federal Government shall promote the constitutional and legal amendments that correspond to the agreements and consensuses reached.

Page 3-4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

3. Guaranteeing full access to justice. The State should ensure full access by indigenous peoples to the jurisdiction of the Mexican State, with recognition of and respect for cultural specificities and for their internal regulatory systems, guaranteeing full respect for human rights. It shall promote that Mexican substantive law recognize the authorities, norms and internal dispute settlement procedures of indigenous peoples and communities, in order to administer justice on the basis of their internal regulatory systems, and that their proceedings and decisions be accredited by the State's jurisdictional authorities by means of simple procedures.

Page 4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

4. Promoting the cultural manifestations of indigenous peoples. The State should promote national and local cultural policies of recognition and broadening of the spaces of indigenous peoples for the production, recreation and dissemination of their cultures; of promotion and coordination of the activities of institutions dedicated to the development of indigenous cultures, with the active participation of indigenous peoples, and of incorporation of the knowledge of different cultural practices into the study plans and programs of public and private educational institutions. Knowledge of indigenous cultures is national enrichment and a necessary step in eliminating misunderstandings and discrimination towards indigenous peoples.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender Page 4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES
3.6. Guaranteeing satisfaction of basic needs. The State should guarantee conditions for indigenous peoples that allow them to take care of their nutrition, health care and housing services in a satisfactory manner and at least an acceptable level of well-being. Social policy shall promote priority programs so that the infant population of indigenous peoples improves its levels of health and nutrition, and support is provided for the activities and training of indigenous women.

Page 5, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES
3.8. Protecting indigenous migrants. The State should promote specific social policies to protect indigenous migrants both within the national territory and beyond its borders, with inter-institutional actions of support for the work and education of women, of health care and education for children and young people, which in rural regions should be coordinated in the areas of contribution and of attraction of agricultural day laborers.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general)

Page 1,

1. History confirms that indigenous peoples have been the object of forms of subordination, inequality and discrimination which have determined a structural situation of poverty, exploitation and political exclusion. It also confirms that they have persisted in the presence of a legal order whose ideal has been cultural standardization and assimilation. It confirms, finally, that overcoming that reality requires new, profound, participatory and converging actions on the part of government and society, including, above all, indigenous peoples themselves.

It requires a new State policy, not circumstantial, which the current Federal Government commits itself to developing within the framework of a thorough-going reform of the State which promotes actions to raise the levels of well-being, development and justice of indigenous peoples and strengthens their participation in the various decision-making bodies and processes, with an inclusive policy.

It requires the cooperation of all citizens and civil organizations, which the current Federal Government commits itself to favoring, in order to do away with discriminatory mentalities, attitudes and behavior toward indigenous peoples, and to develop a culture of plurality and tolerance that accepts their views of the world, their ways of life and their ideas of development.

[1. parties commit to new national effort at unity with the participation of indigenous peoples, 2. this new relationship to overcome the proposition of cultural integration to recognize indigenous peoples as the new subjects of law, and the pluricultural nature of the Mexican nation; 3.1 provides for recognizing indigenous peoples in the general constitution- they may consequently decide upon their own form of internal govt and their ways of organizing themselves; 3.4 state commits to promote national and local cultural policies of recognition and broadening of the spaces of indigenous peoples for the production, recreation and dissemination of their cultures; 4.1 parties commit to principle of pluralism in their new relationship]

Page 5,

PRINCIPLES OF THE NEW RELATIONSHIP

4. The Federal Government undertakes the commitment that the Principles that should govern the actions of the State in its new relationship with indigenous peoples are:

1. Pluralism. The dealings between the peoples and cultures that make up Mexican society should be based on respect for their differences, under the assumption of their fundamental equality. Consequently, it should be the policy of the State to regulate its own actions and foster a pluralistic approach in society which actively combats all forms of discrimination and corrects economic and social inequalities. It will be equally necessary to advance toward the design of a legal order nourished by a pluricultural approach that lessens intercultural dialogue, with common standards for all Mexicans and respect for the internal regulatory systems of indigenous peoples. Recognition and promotion of the pluricultural nature of the nation means that, in order to strengthen the culture of diversity and tolerance within a framework of national unity, the actions of the State and its institutions should be carried out without making distinctions between indigenous and non-indigenous persons or in the face of any collective sociocultural option. The nation's development should be supported by plurality, understood as the peaceful, productive, respectful and equitable coexistence of diversity.

Page 9,

CONCLUSION

1. The conflict that began on January 1, 1994 in Chiapas produced the feeling in Mexican society that a new relationship between the State and society and the country's indigenous peoples was necessary.

2. The Federal Government undertakes the commitment to construct, with the different sectors of society and in a new federalism, a new social pact that modifies at the root social, political, economic and cultural relations with indigenous peoples. The pact

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→General references</p> <p>Page 3</p> <p>COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES</p> <p>3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:</p> <p>1. Recognizing indigenous peoples in the general Constitution. The State should promote recognition, as a constitutional guarantee, of the right to free determination of indigenous peoples, who are those who “descend from populations that inhabited the country during the era of the conquest or colonization and of the establishment of the current state borders and that, irrespective of their legal status, conserve their own social, economic, cultural and political institutions, or part of them. Awareness of their indigenous identity should be considered a fundamental criterion for determining the groups to which the provisions on indigenous peoples apply.” The right to free determination shall be exercised within a constitutional framework of autonomy, ensuring national unity. They may, consequently, decide upon their form of internal government and their ways of organizing themselves politically, socially, economically and culturally. The constitutional framework of autonomy will make it possible to attain the effectiveness of social, economic, cultural and political rights with respect to their identity.</p> <p>2. Broadening political participation and representation. The State should promote legal and legislative changes to broaden local and national political participation and representation of indigenous peoples, respecting their different situations and traditions, and strengthening a new federalism in the Mexican Republic. The claim that the voices and demands of indigenous peoples be heard and addressed should lead to recognition of the political, economic, social and cultural rights of indigenous peoples, within the framework of the Mexican nation, and to a decisive reform of the State with regard to institutional practices. The Federal Government shall promote the constitutional and legal amendments that correspond to the agreements and consensuses reached.</p>
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

Page 3, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:

1. Recognizing indigenous peoples in the general Constitution. The State should promote recognition, as a constitutional guarantee, of the right to free determination of indigenous peoples, who are those who “descend from populations that inhabited the country during the era of the conquest or colonization and of the establishment of the current state borders and that, irrespective of their legal status, conserve their own social, economic, cultural and political institutions, or part of them. Awareness of their indigenous identity should be considered a fundamental criterion for determining the groups to which the provisions on indigenous peoples apply.” The right to free determination shall be exercised within a constitutional framework of autonomy, ensuring national unity. They may, consequently, decide upon their form of internal government and their ways of organizing themselves politically, socially, economically and culturally. The constitutional framework of autonomy will make it possible to attain the effectiveness of social, economic, cultural and political rights with respect to their identity.

Page 6,

NEW LEGAL FRAMEWORK

5. The establishment of the new relationship between indigenous peoples and the State is necessarily based on the building of a new legal framework at national level and in the states. The Federal Government assumes the commitment to promote the following actions:

1. Recognition in the national Political Constitution of indigenous demands that should be embodied as legitimate rights.
 - a) Political rights. To strengthen their political representation and participation in the legislatures and in the government, with respect for their traditions and in order to guarantee the validity of their own forms of internal government.
 - b) Jurisdictional rights. To accept their own procedures to designate their authorities and their regulatory systems for the settlement of internal disputes, with respect for human rights.
 - c) Social rights. To guarantee their forms of social organization, satisfaction of their essential human needs and their internal institutions.
 - d) Economic rights. To develop their organization schemes and alternatives for work and improve efficiency in production.
 - e) Cultural rights. To develop their creativity and cultural diversity and the continuance of their identities.
2. Recognition in national legislation of the communities as public law entities, the right of free association in municipalities with predominantly indigenous populations, as well as the right of various municipalities to associate, in order to coordinate their actions as indigenous peoples. The competent authorities shall carry out the gradual and orderly transfer of resources, so that they themselves administer the public funds allocated to them, and to strengthen indigenous participation in government, management and administration in their different spheres and levels. It will be the task of the state legislatures to determine, if applicable, the functions and powers that could be transferred to them.
3. Recognition that the characteristics of free determination and autonomy that best express the diverse and legitimate situations and aspirations of indigenous peoples should be established in the legislation of the states of the Republic.

In determining the legal framework and defining particular aspects of the new relationship between the State and indigenous peoples, the Legislative Branch shall be decisive. The Government of the Republic shall propose to the Congress of the Union that it establish a new national legal framework for indigenous peoples, and to state

Power sharing

Political power sharing

Power sharing→Political power sharing→Segmental autonomy
Sub-state level

Page 3, PRINCIPLES OF THE NEW RELATIONSHIP

4. The Federal Government undertakes the commitment that the Principles that should govern the actions of the State in its new relationship with indigenous peoples are:

1. Pluralism. The dealings between the peoples and cultures that make up Mexican society should be based on respect for their differences, under the assumption of their fundamental equality. Consequently, it should be the policy of the State to regulate its own actions and foster a pluralistic approach in society which actively combats all forms of discrimination and corrects economic and social inequalities. It will be equally necessary to advance toward the design of a legal order nourished by a pluricultural approach that lessens intercultural dialogue, with common standards for all Mexicans and respect for the internal regulatory systems of indigenous peoples. Recognition and promotion of the pluricultural nature of the nation means that, in order to strengthen the culture of diversity and tolerance within a framework of national unity, the actions of the State and its institutions should be carried out without making distinctions between indigenous and non-indigenous persons or in the face of any collective sociocultural option. The nation's development should be supported by plurality, understood as the peaceful, productive, respectful and equitable coexistence of diversity.

...

4. The state should encourage institutional actions promoting the participation of indigenous peoples and communities and respecting their forms of internal organization, in order to attain the goal of strengthening their capacity to be decisive players in their own development. It should promote, in collaboration with the organizational expressions of indigenous peoples, that they strengthen their own capabilities for decision-making and management. And it should ensure appropriate joint responsibility by the government and indigenous peoples in the design, planning, execution and evaluation of actions that have a bearing on indigenous persons. Since policies in indigenous areas should not only be conceived with the peoples themselves but also implemented with them, the current indigenist and social development institutions operating there should be transformed into others conceived and operated jointly with the State by indigenous peoples themselves.

5. Free determination. The State shall respect the exercise of free determination of indigenous peoples in each of the spheres and levels in which they will enforce and practice their separate autonomy, without detriment to national sovereignty and within the new regulatory framework for indigenous peoples. This involves respecting their identities, cultures and forms of social organization. It shall also respect the capabilities of indigenous peoples and communities to determine their own development. And as long as the national and public interest is respected, the Mexican State's different levels of government and institutions shall not intervene unilaterally in the affairs and decisions of indigenous peoples and communities, in their organizations and forms of representation, and in their current strategies for the tapping of natural resources.

...

Page 9, NEW LEGAL FRAMEWORK

5. The establishment of the new relationship between indigenous peoples and the State is necessarily based on the building of a new legal framework at national level and in the states. The Federal Government assumes the commitment to promote the following actions:

...

3. Recognition that the characteristics of free determination and autonomy that best express the diverse and legitimate situations and aspirations of indigenous peoples should be established in the legislation of the states of the Republic.

In determining the legal framework and defining particular aspects of the new relationship between the State and indigenous peoples, the Legislative Branch shall be

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government
Page 7, Page 9, NEW LEGAL FRAMEWORK

5. The establishment of the new relationship between indigenous peoples and the State is necessarily based on the building of a new legal framework at national level and in the states. The Federal Government assumes the commitment to promote the following actions:

...

2. Recognition in national legislation of the communities as public law entities, the right of free association in municipalities with predominantly indigenous populations, as well as the right of various municipalities to associate, in order to coordinate their actions as indigenous peoples. The competent authorities shall carry out the gradual and orderly transfer of resources, so that they themselves administer the public funds allocated to them, and to strengthen indigenous participation in government, management and administration in their different spheres and levels. It will be the task of the state legislatures to determine, if applicable, the functions and powers that could be transferred to them.

Power sharing→Territorial power sharing→Autonomous regions
Page 9, NEW LEGAL FRAMEWORK

5. The establishment of the new relationship between indigenous peoples and the State is necessarily based on the building of a new legal framework at national level and in the states. The Federal Government assumes the commitment to promote the following actions:

...

6. In the legislation of the states of the Republic relative to the characteristics of indigenous free determination and autonomy, the Federal Government recognizes that the following elements should be taken into account:

- a) Where different indigenous peoples with different cultures and geographical situations coexist, it would not be appropriate to adopt a uniform criterion on the characteristics of indigenous autonomy to be legislated.
- b) The different specific forms of autonomy should be defined with the indigenous peoples themselves.
- c) In order to determine in a flexible manner the specific forms of free determination and autonomy which best reflect each indigenous people's situation and aspirations, several criteria should be considered, such as: the validity of its internal regulatory systems and community institutions; the degrees of intercommunity, intermunicipal and state relationship; the presence and relationship between indigenous and non-indigenous peoples; the pattern of population settlements and the geographical situation; the degrees of participation in political representation bodies and levels of government, among others.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general Page 3-4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES
3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:
3. Guaranteeing full access to justice. The State should ensure full access by indigenous peoples to the jurisdiction of the Mexican State, with recognition of and respect for cultural specificities and for their internal regulatory systems, guaranteeing full respect for human rights. It shall promote that Mexican substantive law recognize the authorities, norms and internal dispute settlement procedures of indigenous peoples and communities, in order to administer justice on the basis of their internal regulatory systems, and that their proceedings and decisions be accredited by the State's jurisdictional authorities by means of simple procedures.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 1, CONTEXT OF THE NEW RELATIONSHIP

1. History confirms that indigenous peoples have been the object of forms of subordination, inequality and discrimination which have determined a structural situation of poverty, exploitation and political exclusion. It also confirms that they have persisted in the presence of a legal order whose ideal has been cultural standardization and assimilation. It confirms, finally, that overcoming that reality requires new, profound, participatory and converging actions on the part of government and society, including, above all, indigenous peoples themselves.

Page 2, CONTEXT OF THE NEW RELATIONSHIP

2. The conditions of poverty and marginalization affecting indigenous peoples reflect the unequal nature of the development of Mexican society and define the scope of the demands for social justice that the State should address in order to contribute to the progress of this important nucleus of Mexicans.

... Mexico's development prospects are closely contingent upon the historical task of eliminating poverty and marginalization and insufficient political participation by millions of Mexican indigenous people. The objective of building a more just and less unequal society is the cornerstone for attaining more modern development and building a more democratic society. These goals are an essential part of the national project that the Mexican people want, not only as a moral commitment of society and of indigenous peoples and as an unavoidable responsibility of the Government of the Republic, but also as an indispensable condition for ensuring progress towards better levels of national development.

Page 5, PRINCIPLES OF THE NEW RELATIONSHIP

4. The Federal Government undertakes the commitment that the Principles that should govern the actions of the State in its new relationship with indigenous peoples are:

1. Pluralism. The dealings between the peoples and cultures that make up Mexican society should be based on respect for their differences, under the assumption of their fundamental equality. Consequently, it should be the policy of the State to regulate its own actions and foster a pluralistic approach in society which actively combats all forms of discrimination and corrects economic and social inequalities. It will be equally necessary to advance toward the design of a legal order nourished by a pluricultural approach that lessens intercultural dialogue, with common standards for all Mexicans and respect for the internal regulatory systems of indigenous peoples. Recognition and promotion of the pluricultural nature of the nation means that, in order to strengthen the culture of diversity and tolerance within a framework of national unity, the actions of the State and its institutions should be carried out without making distinctions between indigenous and non-indigenous persons or in the face of any collective sociocultural option. The nation's development should be supported by plurality, understood as the peaceful, productive, respectful and equitable coexistence of diversity.

Page 9, CONCLUSION

2. The Federal Government undertakes the commitment to construct, with the different sectors of society and in a new federalism, a new social pact that modifies at the root social, political, economic and cultural relations with indigenous peoples. The pact should eradicate the daily forms of public life that generate and reproduce subordination, inequality and discrimination and should make effective the rights and guarantees that pertain to them: the right to their cultural difference; the right to their habitat; the use and enjoyment of the territory in accordance with Article 13.2 of Convention 169 of the ILO; the right to community political self-management; the right to the development of their culture; the right to their traditional systems of production; the right to the management and execution of their own development projects.

Human rights and equality→Civil and political rights→Vote and take part

Socio-economic rights

Human rights and equality→Socio-economic rights→Work

Page 4,

7. Promoting production and employment. The State should promote the economic base of indigenous peoples with specific development strategies agreed upon with them, that take advantage of their human capabilities by means of industrial and agroindustrial activities that cover their needs and produce surpluses for sale in markets, that contribute to generating employment through production processes that increase the added value of their resources and that improve the provision of basic services in the communities and their regional environment. Indigenous communities' rural development programs shall be supported by planning processes in which their representatives shall play a central role from the design stage until execution.

Human rights and equality→Socio-economic rights→Education

Page 4,

5. Ensuring education and training. The State should ensure for indigenous peoples an education that respects and takes advantage of their knowledge, traditions and forms of organization. With processes of comprehensive education in the communities that broaden their access to culture, science and technology; professional education to improve their development prospects; training and technical assistance that improves the production processes and quality of their goods; and training for organization that raises communities' management capacities. The State should respect the educational activities of indigenous peoples within their own cultural space. The education provided by the State should be intercultural. Impetus shall be given to the integration of regional educational networks that offer the communities the possibility of access to the different levels of education.

Page 4,

6. Guaranteeing satisfaction of basic needs. The State should guarantee conditions for indigenous peoples that allow them to take care of their nutrition, health care and housing services in a satisfactory manner and at least an acceptable level of well-being. Social policy shall promote priority programs so that the infant population of indigenous peoples improves its levels of health and nutrition, and support is provided for the activities and training of indigenous women.

Human rights and equality→Socio-economic rights→Adequate standard of living

Page 4,

6. Guaranteeing satisfaction of basic needs. The State should guarantee conditions for indigenous peoples that allow them to take care of their nutrition, health care and housing services in a satisfactory manner and at least an acceptable level of well-being. Social policy shall promote priority programs so that the infant population of indigenous peoples improves its levels of health and nutrition, and support is provided for the activities and training of indigenous women.

Human rights and equality→Socio-economic rights→Social security

Page 4,

6. Guaranteeing satisfaction of basic needs. The State should guarantee conditions for indigenous peoples that allow them to take care of their nutrition, health care and housing services in a satisfactory manner and at least an acceptable level of well-being. Social policy shall promote priority programs so that the infant population of indigenous peoples improves its levels of health and nutrition, and support is provided for the activities and training of indigenous women.

Human rights and equality→Socio-economic rights→Other

2. federal govt commits to promote policies and undertake tasks to address the conditions of poverty and marginalization affecting indigenous peoples; 3.6 state guarantees to meet basic needs of indigenous peoples (nutrition, healthcare, housing); 3.7 state to promote economic base of indigenous peoples; 4.2 state commits to environmentally sustainable development; 4.5 The state shall respect the exercise of free determination of indigenous peoples in each of the spheres and levels in which they will

Rights related issues

Citizenship	<p>Rights related issues→Citizenship→Citizen, general</p> <p>Page 1, CONTEXT OF THE NEW RELATIONSHIP</p> <p>1. ...It requires the cooperation of all citizens and civil organizations, which the current Federal Government commits itself to favoring, in order to do away with discriminatory mentalities, attitudes and behavior toward indigenous peoples, and to develop a culture of plurality and tolerance that accepts their views of the world, their ways of life and their ideas of development.</p>
Democracy	<p>Page 2,</p> <p>2. ... Mexico's development prospects are closely contingent upon the historical task of eliminating poverty and marginalization and insufficient political participation by millions of Mexican indigenous people. The objective of building a more just and less unequal society is the cornerstone for attaining more modern development and building a more democratic society. These goals are an essential part of the national project that the Mexican people want, not only as a moral commitment of society and of indigenous peoples and as an unavoidable responsibility of the Government of the Republic, but also as an indispensable condition for ensuring progress towards better levels of national development.</p> <p>For the Federal Government, the historical task and the current social and structural demand of combatting the poverty and marginalization of indigenous peoples requires their participation and that of society as a whole as key factors for promoting the necessary establishment of a new relationship between the country's indigenous peoples and the State, its institutions and levels of government.</p>
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	<p>5.1 state commits to recognition in the national Political Constitution of indigenous demands that should be embodied as legitimate rights: a. political rights, b. jurisdictional rights, c.social rights, d. economic rights, e. cultural rights; Concl. 2. Federal govt commits to new social pact with indigenous peoples making effective the rights and guarantees that pertain to them: the right of cultural difference, the right to their habitat, the right of indigenous peoples to the use and enjoyment of the territory in accordance with Art. 13.2 of Convention 169 of the ILO, the right to community political self-management, the right to the development of their culture, the right to their own traditional systems of production, the right to the management and execution of their own development projects.</p>

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws Page 3,
3. Guaranteeing full access to justice. The State should ensure full access by indigenous peoples to the jurisdiction of the Mexican State, with recognition of and respect for cultural specificities and for their internal regulatory systems, guaranteeing full respect for human rights. It shall promote that Mexican substantive law recognize the authorities, norms and internal dispute settlement procedures of indigenous peoples and communities, in order to administer justice on the basis of their internal regulatory systems, and that their proceedings and decisions be accredited by the State's jurisdictional authorities by means of simple procedures.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 2,

2. ... Mexico's development prospects are closely contingent upon the historical task of eliminating poverty and marginalization and insufficient political participation by millions of Mexican indigenous people. The objective of building a more just and less unequal society is the cornerstone for attaining more modern development and building a more democratic society. These goals are an essential part of the national project that the Mexican people want, not only as a moral commitment of society and of indigenous peoples and as an unavoidable responsibility of the Government of the Republic, but also as an indispensable condition for ensuring progress towards better levels of national development.

For the Federal Government, the historical task and the current social and structural demand of combatting the poverty and marginalization of indigenous peoples requires their participation and that of society as a whole as key factors for promoting the necessary establishment of a new relationship between the country's indigenous peoples and the State, its institutions and levels of government.

Page 4,

7. Promoting production and employment. The State should promote the economic base of indigenous peoples with specific development strategies agreed upon with them, that take advantage of their human capabilities by means of industrial and agroindustrial activities that cover their needs and produce surpluses for sale in markets, that contribute to generating employment through production processes that increase the added value of their resources and that improve the provision of basic services in the communities and their regional environment. Indigenous communities' rural development programs shall be supported by planning processes in which their representatives shall play a central role from the design stage until execution.

National economic plan

No specific mention.

Natural resources Page 5,

2. Sustainability. It is essential and urgent to ensure the continuance of nature and culture in the terms used in some way by indigenous peoples, as defined in Article 13.2 of Convention 169 of the ILO. By respecting the cultural diversity of indigenous peoples, the actions of the Mexican State's levels of government and institutions should consider criteria of sustainability. The traditional means of tapping natural resources put into practice by indigenous peoples and communities form part of their legislative strategies, of the right of indigenous peoples and communities to receive the corresponding settlement when the tapping of natural resources carried out by the State causes damage in their habitat which harms their cultural reproduction. In cases in which damage has already been caused and the peoples show that the settlement granted does not permit their cultural reproduction, the establishment of review mechanisms to allow the State and those affected to jointly analyze the specific case shall be promoted. In both cases the settlement mechanisms shall seek to ensure the sustainable development of indigenous peoples and communities. By common accord with the indigenous peoples, the State shall promote actions to rehabilitate those territories as defined in Article 13.2 of Convention 169 of the ILO, and shall support its initiatives to create conditions that ensure the sustainability of their production and living practices.

Page 6,

5. Free determination. The State shall respect the exercise of free determination of indigenous peoples in each of the spheres and levels in which they will enforce and practice their separate autonomy, without detriment to national sovereignty and within the new regulatory framework for indigenous peoples. This involves respecting their identities, cultures and forms of social organization. It shall also respect the capabilities of indigenous peoples and communities to determine their own development. And as long as the national and public interest is respected, the Mexican State's different levels of government and institutions shall not intervene unilaterally in the affairs and decisions of indigenous peoples and communities, in their organizations and forms of representation, and in their current strategies for the tapping of natural resources

International funds No specific mention.

Business

Page 4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:

7. Promoting production and employment. The State should promote the economic base of indigenous peoples with specific development strategies agreed upon with them, that take advantage of their human capabilities by means of industrial and agroindustrial activities that cover their needs and produce surpluses for sale in markets, that contribute to generating employment through production processes that increase the added value of their resources and that improve the provision of basic services in the communities and their regional environment. Indigenous communities' rural development programs shall be supported by planning processes in which their representatives shall play a central role from the design stage until execution.

Page 5, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES

3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:

8. Protecting indigenous migrants. The State should promote specific social policies to protect indigenous migrants both within the national territory and beyond its borders, with inter-institutional actions of support for the work and education of women, of health care and education for children and young people, which in rural regions should be coordinated in the areas of contribution and of attraction of agricultural day laborers.

Taxation

No specific mention.

Banks

No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment Page 4, COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES
3. The responsibilities that the Federal Government takes on as commitments that the Mexican State should fulfill with indigenous peoples in their new relationship are:
7. Promoting production and employment. The State should promote the economic base of indigenous peoples with specific development strategies agreed upon with them, that take advantage of their human capabilities by means of industrial and agroindustrial activities that cover their needs and produce surpluses for sale in markets, that contribute to generating employment through production processes that increase the added value of their resources and that improve the provision of basic services in the communities and their regional environment. Indigenous communities' rural development programs shall be supported by planning processes in which their representatives shall play a central role from the design stage until execution.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

**Withdrawal of
foreign forces** No specific mention.

Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.

International mission/force/similar	No specific mention.
Enforcement mechanism	Convention 169 of the ILO invoked.
Related cases	No specific mention.
Source	UN Peacemaker. Available at: https://peacemaker.un.org/mexico-jointdeclarationezln96 (Accessed 6 October 2020).
