



The State of 'Irregular' Indigenous Communities in the Lacandon Jungle of Chiapas¹

Proper establishment of human rights and land tenure regimes and a clear-eyed approach to land conflict are fundamental to forest governance. As California considers linking its cap-and-trade program to a REDD+ forest protection scheme in Chiapas, Mexico, it is urgent that policymakers understand the dynamic of land conflicts in the state.

The social and political landscape of the Lacandon region of Chiapas is extremely complex and marked by a long history of conflict.² In the 1960's the Mexican government encouraged landless farmers to colonize the Lacandon.³ Colonization offered a momentary path-of-least-resistance that preserved large-landholding estates in other parts of Chiapas. However, authorities provided almost no resources or guidance to the primarily indigenous colonists, and the process resulted in abundant tenure ambiguity and conflict.⁴ Government efforts to rationalize land tenure and use regulations have dragged on for over 40 years and proceeded piecemeal according to clientistic relationships between officials and individual communities.⁵

The 1994 indigenous Zapatista uprising can be traced directly to this troubled history,⁶ and resulted in an escalation of conflict in the region that has proven resistant to government attempts at resolution, whether military, economic, or political.⁷ This phase of the land conflict in Chiapas also brought an influx of new and varied actors into the Lacandon region: international development initiatives, anti-globalization solidarity groups, an enormous number of national and international NGO's, and government social development programs deployed with the intention of luring residents away from the Zapatista resistance.⁸ To this day, an array of competing interests vies for productive resources amidst social fragmentation and scarcity of services such as schools, healthcare, and access to markets.⁹

Through a series of government decrees beginning in 1978, seven Natural Protected Areas were established to protect the areas of the Lacandon that hold the greatest biodiversity in Mesoamerica.¹⁰ These protected areas were declared with almost no consultation with affected indigenous residents and served to deepen existing land tenure and access conflicts.¹¹ In 2000, at the urging of national and international conservation organizations state and federal government initiated an explicit policy of removing communities without formal land title.¹² Deemed irregular or illegal, indigenous communities were removed from land on protected areas that they had inhabited often for generations; government relocation policy provoked widespread resentment and the interpretation that environmental actors are collaborating with military counter-insurgency efforts.¹³

Former UN Special Rapporteur on the Rights of Indigenous Peoples, Rodolfo Stavenhagen, visited the "irregular" communities in Montes Azules during his 2003 visit to Mexico. In testimony before the UN High Commission for Human Rights he advocated explicitly for the rights of Montes Azules communities to stay where they are.¹⁴ In a follow-up 2007 report Stavenhagen criticized the Mexican agrarian and environmental judiciary calling them "obsolete," and "incapable of recognizing and integrating indigenous rights."¹⁵

The chart below, drawn from official Chiapas and federal government documents, details the communities targeted for eviction in 2009, noting their current status, and illustrates the logic behind government eviction policy.¹⁶

<i>Village Name</i>	<i>Affiliation</i>	<i># of Resident Families</i>	<i>Size of Territorial Claim (ha)</i>	<i>Government Action Plan</i>	<i>Current Status</i>
Nuevo Agua Dulce	Zapatista/ EZLN	10	150	Negotiated Exit, Requires Strengthening Negotiation Channels	No Change from 2009
Nuevo Limar	Zapatista/ EZLN	48	450	Negotiated Exit, Requires Strengthening Negotiation Channels	No Change from 2009
Nuevo San Gregorio	ARIC-ID	23	1,977	Requires Renewed Attempt at Negotiation, Foresee Criminal Action	Threatened with Immediate Forced Eviction March 2012
Nuevo Villaflores	None	12	235	Negotiated Exit, Must Attend to Community's Existing Proposal and Incorporate it into Gov't Plan	Accepted Indemnification, Awaiting Payment
Ojo de Agua la Pimienta	ARIC-ID	20	50	Negotiated Exit, Requires Strengthening Negotiation Channels	No Change from 2009
Ranchería Corozal	ARIC-ID	13	515	Requires Renewed Attempt at Negotiation, Foresee Criminal Action	Threatened with Immediate Forced Eviction March 2012
Salvador Allende	ARIC-ID	23	800	Case in Process	Threatened with Immediate Forced Eviction March 2012
El Innominado ó San Pedro	Zapatista/ EZLN	3	150	Case in Process, Foresee Criminal Action against 3 families who refuse to leave	Forcibly Evicted Feb 2010
Nuevo Altamirano	Zapatista/ EZLN	25	1,647	Negotiated Exit, Must Attend to Community's Existing Proposal and Incorporate it into Gov't Plan	No Change from 2009
Benito Juárez Miramar	ARIC-ID	40	4,553	Regularize Land Title, Attend to Proposal and required paperwork	No Change from 2009
Seis de Octubre	Zapatista/ EZLN	50	1,016	Negotiated Exit, Requires Strengthening Negotiation Channels	No Change from 2009
Chumcerro la Laguna	ARIC-ID	15	1,750	Regularize Land Title, Attend to Proposal and required paperwork	No Change from 2009
TOTAL		282 Families	13,293 Hectares		

Denunciations of relocated community of Nuevo Montes Azules¹⁷

Note: the following bulletin was released by the Chiapas-based organization SIPAZ, in 2011. The subject of the bulletin is a grievance and public protest of villagers who were relocated from the Montes Azules Biosphere Reserve in 2005 and resettled in a planned community called Nuevo Montes Azules. A link to the community's grievance can be found in the notes below.¹⁸ This community is among several who have either been evicted or are engaged in negotiations with the government regarding resettlement.¹⁹ The grievance from Nuevo Montes Azules is particularly poignant because it demonstrates that even communities that have negotiated their resettlement with state authorities have received treatment that fails to meet the minimum standards required under international conventions such as ILO 169 and the UN Declaration on the Rights of Indigenous Peoples and the International Covenant on Economic, Social and Cultural Rights.²⁰

From SIPAZ (International Service for Peace, Chiapas, Mexico):

On 21 March, 2011, residents of the new population center "Montes Azules," municipality of Palenque, carried out a road-block on the federal highway that goes from Benemérito de las Américas to Palenque to demand that their rights be respected and that the commitments made by the state government during the community's relocation in 2005 be observed.

As noted by the civil organization Enlace, Capacitación y Comunicación in a call to support the struggle of the community: "On 4 February 2005, seven communities that were located in the Montes Azules Biosphere Reserve (REBIMA) of the Lacandon Jungle were relocated to a location in the municipality of Palenque. The communities accepted the relocation on the condition that, during the negotiation-process, the federal and state governments promised them that the lands to which they would be moved would be in a perfect state, that they would be regularized, that the houses were well-made, that electricity would be subsidized, that they would have quality educational and health services, potable water, as well as a modern system of drainage and treatment of waste. They were offered a dream, but they were given a nightmare. During the relocation to the new center of population, the persons left under the threat that if they returned to the jungle they would be incarcerated. Those who decided to stay were removed forcibly."

The demands of the community Nuevo Montes Azules include being attended by the three levels of government to assure its deed to the land on which it finds itself, something that has yet to be done, in addition to the "immediate cessation of the threats on the part of the Federal Commission of Electricity to suspend services to the population," a controlled price for the community, and the cancellation of accumulated debts, together with the construction of the classrooms for the high school and of a clinic and pharmacy. The community has denounced in particular that "in the three months of this year 48 persons have come down with malaria, and people have died. The majority of the sick have to buy our medicine. When Agrarian Reform brought us here it promised us a clinic and a permanent doctor. These promises were false. We are 117 families who are affected. We ask the National Commission on Human Rights to intervene soon, and we request that the three levels of government engage in a dialogue with officials, given that the functionaries have not exhibited the capacity to solve these problems during the past seven years."

NOTES

- ¹ Research compiled by Friends of the Earth-US; for further information, contact: jconant@foe.org
- ² Harvey, Neil. *The Chiapas Rebellion: The Struggle for Land and Democracy*. Durham, NC: Duke University Press, 1998. Villafuerte Solís, D. et al. "La tierra en Chiapas, viejos problemas nuevos." Plaza y Valdés, Universidad de Ciencias y Artes del Estado de Chiapas, México, 1999. Womack, John. *Rebellion in Chiapas: An Historical Reader*. New York: New Press, 1999.
- ³ De Vos, J. "Una tierra para sembrar sueños: historia reciente de la selva Lacandona, 1950-2000." México, D.F.: Centro de Investigaciones y Estudios Superiores en Antropología Social, 2002.
- ⁴ Legorreta Díaz, Ma. del Carmen, "Religión, Política y Guerrilla en Las Cañadas de la Selva Lacandona", Edit. Cal y Arena, México, 1998.
- ⁵ Ascencio Franco, Gabriel, "Regularización de la propiedad en la Selva Lacandona: cuento de nunca acabar" Tuxtla Gutiérrez, Universidad de Ciencias Artes de Chiapas, 2008.
- ⁶ De Vos, J., 2002. Op cit.
- ⁷ Harvey, Neil. 1998. Op cit. Villafuerte Solís, D. et al. 1999. Op cit. Womack, John. 1999. Op cit.
- ⁸ Ronfeldt, David, John Arquilla, Graham Fuller and Melissa Fuller. *The Zapatista "Social Netwar" in Mexico*. Santa Monica, CA: RAND Corporation, 1998. http://www.rand.org/pubs/monograph_reports/MR994.
- ⁹ Howard, Philip; "The History of Ecological Marginalization in Chiapas" 1998. *Environmental History* Vol 3 No. 3 Jul 1998. Sanchez Perez, Hector Javier. "Excluded People, Eroded Communities: Realizing the Right to Health in Chiapas, Mexico." Physicians for Human Rights, El Colegio de la Frontera Sur. 2006
- ¹⁰ Mendoza, E. and R. Dirzo. 1999. Deforestation in Lacandonia (southeast Mexico): evidence for the declaration of the northernmost tropical hotspot. *Biodiversity and Conservation* 8:1621-1641.
- ¹¹ Durand et al. "Inclusion and exclusion in participatory strategies in the Montes Azules Biosphere Reserve, Chiapas, Mexico." *Conservation and Society*, Accepted for Publication 2013
- ¹² Cortez, Carlos, and Luisa Paré. "Conflicting rights, environmental agendas and the challenge of accountability: Social mobilization and protected natural areas in Mexico." In *Rights, Resources and the Politics of Accountability*, ed. P. Newell and J. Wheeler Zed: 2006.
- ¹³ Castro Soto, Gustavo. "El Pukuj Anda Suelto en Montes Azules: Biopirateria y Privatización de la Vida," San Cristobal de las Casas, Chiapas. 29 Abril 2004.
- ¹⁴ E/CN.4/2004/80/Add.2; 23 de diciembre de 2003
- ¹⁵ A/HRC/4/32; 27 de febrero de 2007
- ¹⁶ Secretaria de Medio Ambiente y Vivienda, Gobierno de Chiapas, "Atención a Grupos Irregulares dentro de la Reserva de la Biosfera Montes Azules y Comunidad Zona Lacandona." Official Powerpoint: September 26 2009. Secretaria de la Reforma Agraria, Gobierno Federal de los Estados Unidos Mexicanos, "Programa de Atención Integral Bienes Comunales Zona Lacandona Reserva de la Biosfera Montes Azules: La Disputa por la Tenencia de la Tierra en la Selva Lacandona." Official Powerpoint: February 2006.
- ¹⁷ <http://sipazen.wordpress.com/2010/02/09/chiapas-montes-azules-evictions-jeopardize-peace-in-chiapas/>
- ¹⁸ <http://sipaz.files.wordpress.com/2011/03/comunicado-oficial-nuevo-montes-azules.pdf>
- ¹⁹ <http://sipazen.wordpress.com/2010/02/03/chiapas-new-evictions-in-montes-azules/>
- ²⁰ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>