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Tania Sordo Ruz

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A SURREALIST COUNTRY¹

*Tania Sordo Ruz*²

MEXICO, awakened from its past evil mythological continues to evolve under the protection of Xochipilli, god of flowers and lyrical poetry, and Coatlicue, the goddess of the earth and violent death, whose effigies, dominating in pathos and intensity all others, exchanged tip to tip of the national museum, over the heads of Indian peasants who are the most numerous visitors and more collected, winged words. This power of reconciliation of life and death is undoubtedly the main attraction at Mexico's disposal. In this regard remains open inexhaustible a record of sensations, from the most benign to the most insidious.

André Bretón (1896-1966).

Mexico is a country characterized by its cultural diversity. Mexico also shares a common past with most Latin American countries—the Spanish conquest. Nevertheless, the distinguishing element in Mexico is the fact that its indigenous people were the foundation of the Spanish empire in Mexico.

The resulting culture clash between the indigenous people and the Spanish brought about dramatic social, religious, political, and juridical changes. The constitution of the “moon's navel”³ affected the population's ideology differently. Many of these effects can still be seen as characteristics of Mexico's modern society.

Another conquest—a spiritual conquest—transformed Mexico into a country with one of the highest per capita Catholic populations in the

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1. Upon arriving in Mexico in 1938, André Bretón described Mexico by saying, “it is the most surrealist country.” Andre Breton (1896-1966), [http://www.mexicodesconocido.com.mx/notas/1156-Andr%E9-Bret%F3n-\(1896-1966\)](http://www.mexicodesconocido.com.mx/notas/1156-Andr%E9-Bret%F3n-(1896-1966)) (last visited June 23, 2008).
 2. Lic. Tania Sordo Ruz studied Law at the Instituto Tecnológico de Estudios Superiores de Monterrey and graduated “cuma sum laude,” is currently working as an assistant of the Executive Director of Rights and Political Parties (Director Ejecutivo de Prerrogativas y Partidos Políticos) at the Federal Election Institut (Instituto Federal Electoral), has studied at the Universidad de los Andes in Chile, and in the fall of 2009 will start a Masters Degree in Latin American Studies at the Instituto Ortega y Gasset in Madrid, Spain.
 3. The word Mexico comes from three words in the Nahuatl language: *metztli*, which means moon; *xictli*, which means navel or center; and *co*, which means place. Thus, Mexico translates literally and metaphorically as “in the navel of the Moon,” or put another way: “in the middle of the lake of the Moon” *Historia de México*, http://www.mexicohoteles.com.mx/historia_mexico.php (last visited June 23, 2008).

world.⁴ On the other hand, Mexico is distinguished by a strong racial conflict that is specifically targeted at its indigenous population. But, this racial conflict also affects every sector of society.

To combat this racial conflict, the Mexican government created the National Council to Prevent Discrimination (abbreviated CONAPRED in Spanish), which is a public institution charged with overseeing the right against discrimination and the right to equal opportunities and treatment of all Mexicans.⁵ CONAPRED has provided the following information regarding ethnic discrimination in Mexico:

- States with a high percentage of indigenous citizens, such as Puebla; Michoacán; Guerrero; Oaxaca; and Chiapas, were ranked in the bottom five spots in the national Human Development Index.⁶

- Of the 368 poorest municipalities, 209 municipalities list indigenous people as comprising the majority of their population.⁷

- Colcoyán de las Flores in Oaxaca, which is the municipality that ranks lowest on the Human Development Index, is predominantly indigenous. Its score in the index that is comparable to 1937's national average.⁸

- According to the development indices that pertain to education, as set out by United Nations Development Programme, the indigenous population have a notorious gap with respect to national education averages. Seventy-five percent of Mexico's indigenous population has not finished elementary school as opposed to the national average of 36 percent.

And while the terminal efficiency rate is 65 percent, the national average is 85 percent.⁹

- More than 50 percent of the houses located in indigenous regions do not have electricity, 68 percent lack piped water, 90 percent do not have sewage systems, and 76 percent have soil flooring.¹⁰

- Infant death rates among the indigenous population (48.3 per every one thousand) double the national average (28.2 per every one thousand).¹¹

This data reveals that the indigenous population is being left behind, and, the conditions under which these people live are alarming.

4. See People in Mexico. <http://portal.sre.gob.mx/tailandia/index.php?option=displaypage&Itemid=87&op=page&SubMenu> (last visited Nov. 6, 2008)

5. See generally CONAPRED. http://www.cdi.gob.mx/index.php?id_seccion=652 (last visited Nov. 7, 2008).

6. Mexico. Selected Issues of Internal Flight Alternatives (July 2003-July 2005), http://www.irbcisr.gc.ca/en/research/ndp/ref/index_e.htm?docid=289&cid=0&sec=CH05&disclaimer=show (last visited Nov. 9, 2008).

7. CONAPRED. *supra* note 4.

8. Roman Duarte & Carmina Hidalgo, *Pueblos Indígenas, Víctimas de Discriminación*, Aug. 1, 2007, <http://www.lasenda.info/?p=26>.

9. *Información Estadística Relevante Sobre la Discriminación en México 7-8 (Consejo Nacional Para Prevenir La Discriminación No. 3, 2004)* available at <http://www.conapred.org.mx/estudios/docs/E-04-2004.pdf>.

10. *Id.* at 7.

11. *Id.* at 8.

Discrimination is a key factor influencing both the marginalization of indigenous people and the widening of the gap between indigenous people and the rest of Mexican society. Discrimination is a phenomenon that occurs among and within groups and is rooted in the opinions a particular group has about another.

Discrimination is a dismal reality in Mexico that traces its origins to the Spanish conquest. For this reason, it is important to briefly assess the characteristics of the country before the conquest, which include its rich ethnic constitution.

The most important pre-Columbian cultures in America were the Olmec¹², the Chichimec, and the Mayan. In addition, the Aztec culture constituted a very important part of Mexican history, as they were the last of the indigenous groups to arrive in Mesoamerica.

The Aztecs formed an alliance with the lordships of Texcoco and Tacuba, creating what became known as the Triple Alliance.¹³ Under the command of its notable military leaders, they conquered central Mexico, Veracruz, the coast of Guerrero, part of Oaxaca, and dominated the Soconusco territory, which borders Guatemala.¹⁴

The Olmec inhabited the southern part of the Gulf, central and southern Veracruz, and the west of Tabasco.¹⁵ Little from the Olmec culture survives today, but it is believed that this empire had theocratic characteristics that extended to the states of Oaxaca, Chiapas, Guerrero, and Morelos.¹⁶

The groups that inhabited Mexico at the time of the conquest all had different development levels, but they all shared a greatly stratified society. A political union among the different groups did not exist. It can be better understood as a territory with diverse groups sharing a culture. The differences among the groups resulted in the lack of fusion among pre-Hispanic peoples of Mexico.

Due to the strong stratification of society, peasants were forced to pay tribute. Also, the administrative organization resembled a domination system. Because this system had proven to be successful when the Spanish arrived, the Spanish simply assumed the role as the head of the system and became the new lords.¹⁷

12. The term "Olmec" literally translates as "rubber people." Chris Bryant, *'Rubber People': The Americas' First Civilization*, RES. MAG., <http://research.ua.edu/archive2005/anthropology.html> (last visited Nov. 7, 2008).

13. Aztecs and Enemies, <http://www.balagan.org.uk/war/iberia/1492/mexico/index.htm> (last visited Nov. 7, 2008).

14. See generally Aztec Empire, http://www.mnsu.edu/emuseum/prehistory/latinamerica/meso/cultures/aztec_empire.html (last visited Nov. 9, 2008).

15. David Cheetham, *The Americas' First Colony?*, ARCHAEOLOGY, <http://www.archaeology.org/0601/abstracts/olmec.html> (last visited Nov. 7, 2008).

16. See generally CHRISTOPHER A. POOL, OLMEC ARCHAEOLOGY AND EARLY MESOAMERICA 20 (2007); K. Kris Hirst, *Olmec Timeline and Definition*, <http://archaeology.about.com/od/olmeccivilization/a/olmec.htm>.

17. See DONALD R. HOPKINS, THE GREATEST KILLER 207 (Univ. of Chicago Press 2002).

The society that emerged at the end of the conquest was a mixture of European and indigenous customs with traces of African customs. The arrival of the Spanish further broadened the hierarchical structure of the indigenous people.

The treatment received by the indigenous people was vile. They were considered animals by the Spanish, who considered them subjects for civilization. The spiritual conquest played a prime role in transmitting what the Spanish considered to be their truth.

The Jesuit order had a key role in the defending the rights of indigenous people. For this reason, they were expelled from the country when the Bourbon Reforms took place.¹⁸ In addition to centralizing the economy, these reforms sought the modernization of the colonies and their institutions.¹⁹

In addition to the central role played by the Jesuits in defense of the indigenous people—they encouraged Mexicans to begin to think of their rights and independence—several other individuals contributed to the consolidation of this independence. Among these individuals were Jacinto Canek²⁰ and “El Negro” Yanga.²¹ Both of these men led rebellions against the Spanish crown.²²

The sum of these factors led to the constitution of a heavily stratified society with its strata greatly determined by skin color. If a person appeared to be European, that person would be treated better.

The poor treatment of the darker, indigenous people ranged from the use of offensive monikers such as “Indio” (Indian) to the denial of certain basic rights such as education, healthcare, and justice. The third paragraph of the first article of the Constitution of the United Mexican States prohibits discrimination in Mexico for any reason.²³ The second article addresses indigenous people, their customs, and discusses autonomy and free determination.²⁴ It is important to note that this autonomy cannot contravene the Federal Constitution and Mexican Law.²⁵ But, in indigenous communities, the indigenous people can largely govern their own affairs according to their own rules and authorities. Additionally, indigenous people have the right to retain their traditions, culture, and identity. Also, the government has an obligation to allow indigenous Mexicans ac-

18. See LESLIE BETHELL, *THE INDEPENDENCE OF LATIN AMERICA HISTORY* 8 (1987).

19. See *id.* at 1.

20. Jacinto UC de los Santos led a rebellion against the Spaniards. See generally NANCY MARGUERITE FARRISS, *MAYA SOCIETY UNDER COLONIAL RULE* 68 (1984).

21. A black man named Yanga—who fought for equality and freedom in Mexico—commanded a rebel group against the Spaniards. See generally Edgar F. Love, *Negro Resistance to Spanish in Colonial Mexico*, 52 *J. NEGRO HIST.* 89, 97 (1967).

22. FARRISS, *supra* note 19, at 68; see generally also LOVE, *supra* note 20, at 97.

23. *Constitución Política de los Estados Unidos Mexicanos* [Const.] Artículo 1, *Diario Oficial de la Federación* [D.O.], 5 de Febrero de 1917 (Mex.).

24. *Id.* at Artículo 2.

25. *Id.*

cess to the same opportunities that all other Mexicans enjoy.²⁶

As established in article two of the constitution, indigenous people are allowed to keep their own habits and customs so long as they do not contradict the constitution.²⁷ Article two of the constitution specifically refers to individual rights.²⁸ Ignacio Burgoa—a Mexican jurist and defender of the constitution—and *Amparo* law categorizes individual rights in four groups: juridical equality rights, freedom rights, juridical security rights, and property rights.

It is also important to consider a particular constitutional reform that took place during Vicente Fox's administration. This particular reform used the proposal that was established in the San Andres Accords. The San Andres Accords consist of three main sections.²⁹ The group that gave rise to these reforms was the *Ejercito Zapatista de Liberación Nacional* (Zapatista Army of National Liberation or EZLN).³⁰ The EZLN is probably one of the most internationally renowned social movements, with many foreigners among its followers. The indigenous movement in Chiapas was brought about largely because of discrimination, turmoil surrounding property ownership due to demographic growth, unemployment, the intromission of the Catholic church inspired by Liberation Theology³¹, the magisterial union movement, and the arrival of thousands of Guatemalan refugees.

The EZLN was founded on November 17, 1983.³² EZLN's founding corresponded with a time in which former president Carlos Salinas de Gortari celebrated the signing of NAFTA and Mexico's entrance into the first world.

The EZLN started as a guerrilla group, but, given the circumstances under which it became known publicly, it is now considered more of a political movement. The San Andres Accords were promulgated in 1996 as an effort to reform the constitution in order to provide indigenous people with certain rights through the *Comisión de Concordia y Pacificación* (Agreement and Pacification Commission or COCOPA).³³ COCOPA was founded by Salinas de Gortari. COCOPA is an integrated commission consisting of a government representative, a delegate who represents the political parties, a representative the civil society, and an EZLN spokesperson. Among other international precepts, the agreements

26. *Id.*

27. *Id.*

28. *Id.*

29. 9 SIPAZ REP. 1 (2004), available at <http://www.sipaz.org/informes/vol9no1/vol9nole.htm>.

30. *See generally id.*

31. Liberation theology was a radical movement that grew up in South America as a response to the poverty and the ill-treatment of ordinary people." Liberation Theology, <http://www.bbc.co.uk/religion/religions/christianity/beliefs/liberationtheology.shtml> (last visited Nov. 8, 2008). Its adherents believe that poor people should defend their rights and seek a more dignified life on earth. *See generally id.*

32. Antonio Luper. *Fox and EZLN: The Zapatista Rebellion in Mexico*, HARV. INT'L REV. Summer 2004, at 10.

33. SIPAZ REP., *supra* note 28.

formed under COCOPA are based on the Universal Declaration of Human Rights and ILO's agreements on this matter.

Currently, the EZLN argues that recent changes made to the constitution are different from the proposed constitutional changes in both form and background.³⁴ Today, the EZLN continues as a social movement rather than as a guerrilla group.

In the Mexican republic there are eight federal entities that have determined that discrimination is a crime: Aguascalientes, Chiapas, Chihuahua, Coahuila, Colima, Distrito federal, Durango, and Veracruz. Likewise, the states of Baja California and Nuevo León classify discrimination as a crime in an indirect way. These two states place discrimination within the penal categories for "injuries" and "exploitation to disadvantaged people" respectively.

Though there has been a strong effort made to stop discrimination in my country, these efforts are not enough. Discrimination is rooted in Mexican culture. The Mexican people need a change in both their vision and their education. It is necessary to inform Mexicans of the reality in which we live. That reality is that Mexican culture has its origins in the culture of the indigenous people of Mexico both in the past and in the present.

This non-identity in Mexico—this moral and empty age in which we are living—causes Mexican society to perpetuate this problem rather than solving this problem merely by altering our collective attitude. It is up to the Mexican youth to become aware of this problem and to take actions that ensure that all people are respected in the same way.

34. *See generally* Table Comparing Initiatives Sent in December of 2000 to Opinions Adopted by the Senate in 2001, <http://www.redindigena.net/ser/departamentos/documentos/comparativosnandrs.html> (last visited Nov. 8, 2008).