



CRISIS IN OAXACA: DOMESTIC AND INTERNATIONAL IMPLICATIONS

By Robert Donnelly and Verónica López Arellano
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Brief Overview

Oaxaca City is in crisis. Since July, when a teachers’ strike metastasized into a broad anti-government “people’s movement,” Oaxaca’s capital has been in a state of conflict approaching anarchy. Strikers and protesters battle intermittently with federal troops, while the embattled state governor relies on a riot-police bodyguard to walk the streets. Plainclothes police officers are accused of killing protesters, arsonists have torched government buildings, and scores of demonstrators have been arrested without due process. During the roughly six months since the social unrest began, up to a dozen persons or more – mostly anti-government protesters – have been killed, virtual lynch mobs have taken rank-and-file police officers hostage, and federal troops have been able to hold only itinerant control of one of Mexico’s most celebrated colonial cities.

Nationwide, the Oaxaca crisis has threatened to touch off other regional hotspots inflamed by long-simmering agrarian disputes, heightened drug-cartel violence, and populist disenchantment with the summer presidential vote. Heraldng Oaxaca as a second Mexican revolution or at least exploiting the crisis to reenergize their bases, leftist and populist politicians have dovetailed a championing of the “people’s movement” with calls to

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destabilize the incipient administration of Felipe Calderón. For Calderón, Oaxaca threatens to overwhelm the agenda of an administration also forced to contend with the undermining denunciations of fraud and illegitimacy from

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defeated leftist presidential candidate Andres Manuel López Obrador (AMLO).

With regard to the bi-national relationship, the crisis has led to voiced consternation from the U.S. State Department, whose embassy in Mexico City identified a “critical need for a return to lawfulness and order in Oaxaca,” following the deaths of a U.S. activist-journalist and two Mexicans

Oct. 27. As expectations grow doubtful on the full restoration of law and order, the Oaxaca crisis and its aftermath may encourage further out-migration to southern California or other popular receiving sites in the United States. At the same time, the social unrest may prompt U.S.-based migrants to delay returns to Oaxaca or to settle more permanently in the United States. Not surprisingly, tourism and cultural and student exchange will likely continue to suffer greatly from the turbulence in the coming year.

The Oaxacan state justice system has experienced and will continue to bear grave and protracted problems due to the recent strife. And the long-term consequences of the social unrest will most likely take months if not years for the state courts to rectify. The state’s legal community will be called on to display resilience after the torching of the state supreme court building by vigilantes, a crime that destroyed thousands of case files. On the other side of the coin, the arrests of hundreds of leftist protesters by the state and federal police have likely taken place absent due process, and, in a state of emergency, state prosecutors have one-sidedly pursued charges against demonstrators while ignoring the crimes

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of pro-government militia hoodlums, to the detriment of long-term credibility in the justice system.

Background to the Oaxaca Conflict

The genesis of the Oaxaca crisis can be traced back to June 14, 2006, the day that state police unsuccessfully attempted to dislodge striking teachers from the Oaxaca City zócalo, a central square downtown. In an annual bargaining ritual, the teachers had been squatting the zócalo since the powerful Local 22 teachers union called for a strike on May 23. Initially, the exercise in civil disobedience was seen as merely the playing out of an annual ritual as teachers symbolically made to dig in their heels during contract negotiations with the state employer.

But shortly after the May 23 convocation date, early rumblings suggested that the movement would be more aggressive and radical than in past years. On May 31, about a week after the strike's official start, *Reforma* newspaper reported that teachers from coastal Oaxaca had cut down 15 parking meters in downtown Oaxaca City, while other teachers were said to have blocked access to the Mexico City-Oaxaca superhighway (an important freeway), temporarily interrupting the flow of toll revenues.

Fewer than two weeks after the strike began, still other teachers blocked entranceways to banks and gasoline stations in the city center, while others illicitly broke into and temporarily suspended broadcasts at some local radio and TV stations. It is unclear if such actions were brinkmanship in a stage-managed contract-negotiation strategy or were rather the uncoordinated acts of some loose cannons. However in several news reports Local 22 leader Enrique Rueda Pacheco signaled that the actions were pressure tactics that would continue until authorities agreed to a 720-million-peso salary hike for the some approximately 70,000 teachers in the union. At the time, however, the state had authorized only a 60-million-peso pay increase.

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Besides engaging in a perhaps more radicalized brand of civil disobedience than in prior contract-negotiating seasons, the teachers had

also apparently prepared for a state police incursion and were reportedly arming and equipping themselves with implements available at zócalo-area hardware stores. For example, one news article from June suggests a run on gas masks. And another suggests teacher-protesters were girding for a confrontation with the police along the lines of the rioting and police brutality that scandalized the town of Atenco in the State of Mexico in early May – a government fiasco still fresh in the public mind.

Ultimately, the presentiments of the teachers proved accurate as Gov. Ruiz Ortiz ordered in the state police to force them out. After negotiations failed, and with the summer tourist season closing in, Oaxaca Governor Ulises Ruiz Ortiz ordered state police to forcibly dislodge the teachers from the square. However the

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police action—consisting of 1,500 officers, helicopter fly-bys, and teargas lobbed at the teachers' makeshift shelters—was repelled when the protestors fought back. Local 22 announced that three teachers were killed in the melee, a claim the state government disputed.

Emboldened, the teachers and protesters became even more entrenched, and the prospect of a swift negotiated settlement to what had started out as a mere salary dispute vanished. Shortly after, a confederation of more than 350 civil society groups was formed calling itself APPO, Spanish acronym for the Popular Assembly of the Oaxacan Peoples. Uniting the somewhat disparate agglomeration of labor, leftist, women's, indigenous, and social justice groups was a common cause: the ouster of Ruiz Ortiz, a governor considered a dictatorial repressor of dissident voices whose gubernatorial victory in 2004 was tainted by widespread vote fraud.

While the APPO grew in strength in July and August, the teachers movement faded into the background, with some teachers voting to return to classrooms and others actively participating in what was transforming itself into a nascent “people's movement.” Although the teachers eventually got their salaries increased, by September the movement was now firmly in the APPO's hands and apparently not even the intercession of the powerful teachers union national president succeeded in slowing down the snowballing protest. Organizing frequent “mega-marches,” the APPO also began attracting greater support from poor

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must go. Meanwhile, the increasingly beleaguered governor, known by his initials as URO, presided over the nominal government from Mexico City where he lobbied congressional members of his centrist Institutional Revolutionary Party (PRI) not to impeach him or federalize the state, legislative motions that would have effectively ousted him from power.

Around Aug. 10, the first widespread news accounts emerged of deaths attributed to confrontations between APPO demonstrators and pro-government militia members. That most of the deaths were of rank-and-file APPO sympathizers fed conspiratorial assertions of an orchestrated, state-sponsored repression of the Left. The Oaxaca rebellion transformed into a leftist cause célèbre that drew widespread attention throughout Mexico and worldwide. Through August and September, tensions intensified and violence escalated until an Oct. 22 confrontation, variously reported as an “exchange of gunfire,” a “shootout,” and a “massacre,” ended in three killings, including that of an activist U.S. journalist allegedly gunned down by plainclothes police officers. An ensuing statement from the U.S. Embassy, combined with growing international notoriety, prompted the Fox administration to finally send in a federal police detachment under orders to stabilize the city. Yet the incursion by the Federal Preventive Police (PFP) was aggressively resisted by the APPO protesters who waged a tense standoff with the police contingent for weeks.

On the national scene defeated leftist presidential candidate Andres Manuel López Obrador, of the center-left Party of the Democratic Revolution (PRD), was eyeing the volatile situation as a possible vehicle to energize his ongoing campaign against the new Calderón administration. Along with the Oaxaca protesters, López Obrador supporters mobilized a “mega-march” on Nov. 10 in the national capital, while APPO sympathizers took over some university campuses in the Federal District also in November. At the same time, PRD national party president Leonel

Oaxacans, assumed *de facto* control over parts of downtown Oaxaca City, and commandeered local radio and television to broadcast its main demand: that Ruiz Ortiz

Cota and party spokesman Gerardo Noroña were openly discussing building common cause with APPO to apply firm pressure on the Calderón administration.

Ruiz Ortiz: A Polarizing Figure

Affiliated with the old guard populist wing of the centrist Institutional Revolutionary Party (PRI), Gov. Ruiz Ortiz spent his formative years in the town of Juchitán. Located on the Isthmus of Tehuantepec, Juchitán is also the base of the independent grassroots coalition called the Worker, Student, and Campesino Coalition of the Isthmus (COCEI), a champion of regional interests not aligned with any of the major national political parties. Later, Ruiz Ortiz received his secondary school and university education – he has a law degree from the national university – in Mexico City where he spent part of his political career as a federal deputy in the 2000-2003 legislature.

Not owing his political fortune to cultivating support among Oaxacan civil society groups, Ruiz Ortiz’s political career instead relied on the patronage-disbursing machine of the PRI. He was the handpicked successor of the hard-line party boss José Murat, also accused of running the state dictatorially during his 1998-2004 tenure as Oaxaca’s

governor. Increasingly, a portrait begins to emerge of a politician who owed his political fortune to allegiance to a former strongman, who got his law education in Mexico City where he spent much of his political career, and who was despised by the grassroots civil society groups of his home state.

Possibly beholden to powerful tourism interests, themselves worried about the educators’ protest disrupting the summer tourist season, Ruiz Ortiz may have been predisposed toward favoring a heavy-handed police action over the teachers from the beginning of the conflict. Ruiz Ortiz faced intense pressure from business interests and from regular citizens to resolve the teachers’ disruptive protest and occupation of the Zócalo. A chief retailers group representative reportedly said shortly before the riot police action: “We are who give orders here, not you all, we elected you. And you know what Ulises, you think you’re a great big Ulises. But you are our minion, our administrator.”

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Smoldering Resistance

Although the June 14 police strike on the teachers' protest camp started the violent conflict, a smoldering opposition to Ruiz Ortiz had been feeding itself since the highly disputed gubernatorial election in 2004 that catapulted him into office. In fact, deep enmity between Ruiz Ortiz and his detractors far predated the assault by the state police or the strike convocation by Local 22.

The 2004 gubernatorial election was a notable election since it was the first gubernatorial vote to take place in Oaxaca since the PRI lost the presidency in 2000, after 71 consecutive years of controlling that office. Also unlike in past elections, the outcome of the 2004 vote was not foreordained and an opposition coalition posed a formidable challenge to the PRI's more-than-70-year hold on the state governor's seat. The election was significant for other reasons as well. It represented a proving ground for then-PRI Pres. Roberto Madrazo, whose status as the party's standing candidate for the 2006 presidential election, would be imperiled by a loss in the historically pro-PRI southern state, something he, no stranger to charges of campaign-spending excesses, worked energetically to avoid.

Ruiz Ortiz's detractors say the 2004 election was rigged in Ruiz Ortiz's favor by the outgoing governor, a *priista* named José Murat. Reportedly, Murat's zeal to see through the ascension of his handpicked successor led him to stage a hoax self-assassination attempt (it led to the death of a bodyguard and the opening of an investigation by the Federal Attorney General's Office (PGR)) and encouraged him to form a splinter party with the sole aim of diverting votes away from the strong opposition candidate.

Ultimately, Ruiz Ortiz garnered a plurality though not a majority and squeaked into the governor's chair by a margin of 3.21 percentage points over his opponent, the PRD-PAN coalition nominee Gabino Cué Monteagudo. Yet in Oaxaca City, the center of the ongoing conflict, Ruiz Ortiz did much more poorly than the statewide figures suggest. In the “Oaxaca de Juárez Norte” and “Oaxaca de Juárez Sur” precincts of the city, he garnered less than 40 percent of all votes

cast in the gubernatorial vote, while Cué received 54 percent of the total in the precincts. See <http://www.iese-oax.org.mx>. The numbers are illuminating since they point to extreme opposition to Ruiz Ortiz in Oaxaca City, an opposition that was invigorated by Ruiz Ortiz's allegedly dictatorial governing style in spite of its weak mandate from voters in the capital city.

Oaxaca: A ‘Time Bomb’

Oaxaca may have been fertile ground for rebellion even earlier than the 2004 gubernatorial vote or the late-spring 2006 conflict. According to Flavio Sosa, the unofficial leader of the Popular Assembly of the Oaxacan Peoples (APPO) later jailed by federal authorities, “Oaxaca was a time bomb waiting to go off. Ruiz was just the detonator.” A state with tiny pockets of concentrated wealth in tourist centers like Oaxaca City or the coastal resort creation of Huatulco, it is also a state with high rates of underemployment where in many municipalities up to *half* of the wage-earning population earns less than the going minimum wage (*see map, p. 5*).

Worsening income inequality has further made Oaxaca vulnerable to rebellion. Tourism and remittance incomes have helped some Oaxacans, but deep income

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inequalities remain and some residents may be particularly sensitive to distortions caused by the heavy influx of dollars into the economy. In fact, the tourist trade was an early

target of the protest movement, as foreign tourists were singled out for harassment on the streets and the APPO ensured that the Guelagueta, a major arts-and-culture festival held annually in July, got canceled.

Besides the stark income inequalities, the state's persistent agrarian conflicts have made it all the more vulnerable to social strife, and bloody land disputes have spawned localized incidents of violence throughout the state for decades. According to Mexican criminal justice expert Guillermo Zepeda, Oaxaca is one of the leading Mexican states in “intentional homicides.” In his book, *Crimen Sin Castigo*, Zepeda observes that Oaxaca's homicide rate—54.03 murders per 100,000 residents in 2000—was significantly higher than the second-leading state, Guerrero (which had 45.43 per 100,000). While Oaxaca outpaces other states in murders, state prosecutors have been unable to obtain many murder

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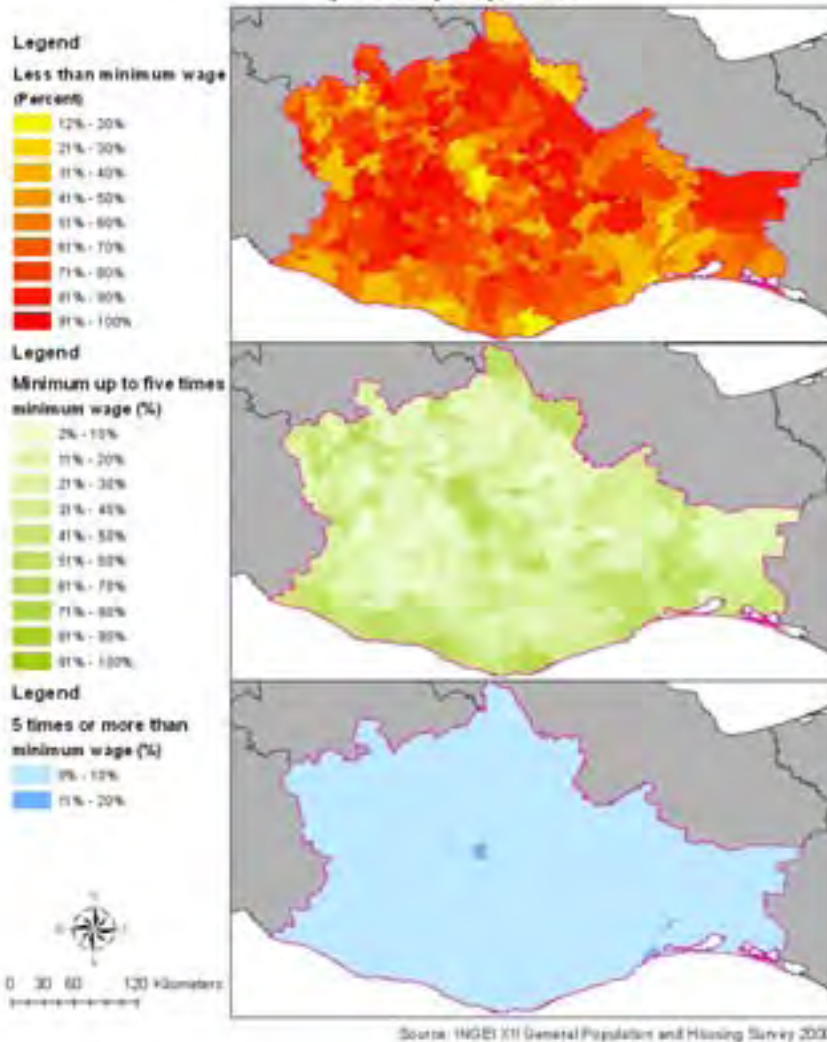
Enter APPO: The Popular Assembly of the Oaxacan Peoples

The Popular Assembly of the Oaxacan Peoples (APPO) represents a confederation of 365 civil society groups, including women’s, labor, indigenous-rights, and agrarian-rights groups united by the common desire to see through the ouster of Ruiz Ortiz, whom the groups view as an autocrat who stifles political dissent and whose 2004 gubernatorial win was rigged. According to the APPO website (www.asambleapopulardeoaxaca.com), the assembly came into being on June 17, 2006, in reaction to the government’s heavy-handed assault on the encamped striking teachers. Defining itself with charged anti-establishment rhetoric – “fascist” and “autocrat” are frequent invectives used to criticize the Mexican government– APPO has defied definition except for the common demand of its members: that Ruiz Ortiz must go. The amorphous character of the leaderless “people’s movement” has made it all the more difficult for government authorities to negotiate with. “They are a very hard group to bargain with,” Mexican Interior Undersecretary Arturo Chavez told *the Associated Press*. “We talk to some leaders but then we are not sure if other leaders agree with them.”

The APPO’s ability to defy state and federal authorities for so long (the Oaxaca City crisis is the largest and most significant in a city of its size in recent memory) appeared to be due to the movement’s great success at popular mobilization. Organizers were able to turn out thousands for the group’s seven major “mega-marches,” with a recent one taking place on the historically portentous commemoration of the Mexican Revolution, Nov. 20. However, the group’s reliance on popular mobilization may have made it especially vulnerable when the government began making mass arrests of rank-and-file APPO protestors.

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Earnings in Oaxaca, MX Relative to Minimum Wage by Municipality, 2000



GIS maps created by Theresa Firestine, TBI research assistant

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convictions. Only around 15% percent of murder cases end in convictions, according to Zepeda’s analysis, well below the national average of 20 percent in 2000.

In short, the deeper roots of the 2006 crisis may perhaps be found in disturbing levels of destitution and violence that will need to be addressed if Mexican authorities are to resolve the Oaxaca “situation” in the longer-term.

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The APPO has maintained that it engages in civil disobedience and that its demonstrations are protected by freedom of expression and assembly rights. Yet televised news reports show individuals identified as APPO protesters lobbing Molotov cocktails and homemade bombs at PFP troops. The protesters are also accused of engaging in more aggressive military-style tactics, contradicting the claim that the “people’s movement” is at its heart non-violent.

While the APPO has displayed an increasingly aggressive personality, the federal government has also appeared to crack down more severely on both the group’s everyday followers, as well as its “leaders.” In the first week of December, the government arrested Flavio Sosa, a key APPO spokesman, after luring him to Mexico City on the promise of negotiating the conflict. For his part, Sosa — A longtime political activist—had been unrepentant in his calls for the ouster of Ruiz Ortiz and had gone so far as to be quoted in the press as calling for the “head” of both Fox and Calderón. While it is unclear if the mass arrests and the loss of Sosa signal the decline of the group’s ability to rally mass support, the confederation appears to have hurt its chances of obtaining much new support in the state capital. In a recent Consulta Mitofsky poll of Oaxaca City residents, 70 percent of respondents asserted that the movement’s leaders had acted improperly.

Where’s the Federal Government?

Various reasons explain why the federal government did not take consequential action to resolve the Oaxaca conflict during the summer.

Following the Nov. 20 march, it was reported that 171 APPO “sympathizers” had been arrested and sent to a detention center in the far-off state of Nayarit for their safety. The arrests could have a chilling effect, said MexicoWatch analyst Jeffrey Wright, who predicted that fewer Oaxacans would dare

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Mexico’s federalist structure, political plurality, and the presidential election and campaign season all acted to inhibit vigorous and swift action to restore law and order to the city. At the same time, a lame-duck president, possibly wary that a federal police action would trigger allegations of brutality and stain an otherwise benign tenure, may have been inclined toward inaction. (Recall the human rights furor that followed the rioting between land activists and state police at the State of Mexico town of Atenco in early May.)

Inter-governmental negotiating also largely failed. As a member of the PRI, Ruiz Ortiz was under no obligation to kowtow to any top-down request imposed on him by Fox, a member of the center-right National Action Party (PAN). So, in spite of repeated attempts, exhortations, and threats by the executive and high-placed congressional leaders to get Ruiz Ortiz to step down, the Oaxaca governor, armed with the backing of PRI leaders, determinedly refused. The inability of the

two camps to arrive at a negotiated settlement was illustrated by Interior Secretary Carlos Abascal’s qualification of a meeting with Ruiz Ortiz as “not cordial.” Though unable to force out Ruiz, the executive finally did take action, ordering in federal police to restore order to downtown Oaxaca City, a move, however, that exposed the government to charges from the Left

that the action was only aimed at propping up Ruiz Ortiz and repressing the democracy of an authentic “people’s movement.”

While the Fox administration for various reasons chose not to take on the Oaxaca conflict during the summer, the Mexican Congress also failed to take decisive action. Ultimately, fractionalization in the Congress (where no one party holds a simple majority in either the upper or the lower house) damned passage of legislation that would have “federalized” Oaxaca, making the state a temporary ward of the federal government. Complicating an agreement to devolve control of the state to the federal government, the PRI appeared to close ranks behind Ruiz Ortiz and the party’s delegation opposed

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any plan that entailed his removal from office. Meanwhile, the other two major parties in the legislature, the center-left PRD and the center-right PAN, were unable to bridge the deep political divide that followed the highly contentious July 2006 presidential election. In Mexico's divisive national political context, a legislative solution to the Oaxaca crisis proved elusive.

Still, the Congress was able to muster approval for a resolution that officially endorsed the PFP incursion into Oaxaca City. All the while, APPO actions in Oaxaca City were taking on a more militaristic character and opinions were forming that a Ruiz ouster would not necessarily spell an end to the state's political strife. In fact, a Mitofsky survey reported that nearly half of Oaxaca City respondents believed that the social unrest in the state would not be resolved by Ruiz Ortiz's stepping down.

What does it mean for Calderón?

The Oaxaca crisis represents the weighty challenges ahead for President Felipe Calderón Hinojosa. On the one hand, the conflict represents an opportunity to burnish the law-and-order credentials of his young administration, demonstrate to the country the new president's reportedly formidable negotiating abilities, and divert media attention away from the vociferous claims of defeated presidential candidate López Obrador. On the other hand, given the underlying challenges of poverty and economic inequality that contributed to the crisis, the situation also poses the risk of longer-term failure and, should it broaden in scope nationally, could become a vehicle for galvanizing and uniting the Mexican Left.

Initially at least it appears that Calderón has followed through with his promises to apply a "firm hand" to lawbreakers, especially after bombs, believed planted in retaliation for the PFP incursion, exploded in Mexico City in early November. During the first week of his tenure, Calderón obtained the arrest of the charismatic leader Sosa, oversaw the mass detention of

APPO protesters, and sent a clear signal by appointing law-and-order pick Francisco Ramírez Acuña as interior minister, the Cabinet officer charged with

inter-governmental negotiation and who plays a weighty role in domestic security. But the Left has not missed a beat either, and leftist and populist politicians appear to be using "Oaxaca" as a vehicle to kick start a national "people's movement."

Even PRD national party president Leonel Cota has floated in the press a collaborative venture between his party and the APPO, calling for a "swapping of strategies." The national PRD spokesman, Gerardo Noroña, meanwhile, has attempted to build common cause with the APPO, exhorting the government to release the group's "political prisoners." An icon to the Left, "Delegado Cero," a.k.a., "Subcomandante Marcos," the Zapatista rebel leader, also has hoped to nationalize the Oaxaca controversy and jumpstart a broad anti-government movement.

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Impacts on the Mexican Justice System

The Oaxaca crisis poses exceptional challenges for promoting the rule of law in Mexico in another way: impacts on the state justice system. Beside the egregious problems associated with the breakdown of the rule of law in the state, the mass arrest of demonstrators, likely conducted without due process, poses long-term problems for the justice system for months if not years to come. Already, opposition politicians have denounced what they call the illegal arrests of APPO supporters in Oaxaca and have charged state police with lacking proper documentation and warrants to conduct searches. At the same time, the state attorney general is charged with failing to take action against those pro-government militia members and plainclothes police officers who are accused of gunning down APPO supporters, including U.S. activist-journalist Brad Will. On the other side of the coin, APPO protesters have corroded respect for the rule of law, have embraced vigilantism when it favors their nebulous cause, and have even burned down the state supreme court building, destroying thousands of case files. Undoubtedly, the Oaxacan justice system will have to devote years to recovering from the conflict presently gripping the city.

Tentative Conclusions

In sum, the Oaxaca crisis is an unfortunate conclusion to the Fox administration, and a worrisome beginning to that of Felipe Calderón. At its heart lie the two most significant challenges the Mexico faces today: addressing the paradox of continued underdevelopment in the world's thirteenth largest economy and strengthening the rule of law while respecting popular expression under new democratic circumstances. Over the next six years, Calderón will need to walk a fine line, while at the same time building the political consensus he needs in the legislature and in his own government to tackle these difficult challenges. Without doubt, Oaxaca will remain a reminder of these challenges, and a source of continued concern for the new administration.

Author Biographies

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