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# Between the Collective and the Individual: Communitarian Police Forces in Mexico Challenging Human Rights and State Justice

GEO 620 Master's Thesis

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# Abstract

Although vigilantism often puts the focus on the interaction between state and non-state norms, different non-state sources are often ignored. Furthermore, legal pluralism is in many cases analysed in a very isolated way and ignoring other concepts and Latin American realities. The presented extended case study is about the *Policía Comunitaria* (Community Police Forces) in Guerrero, Mexico, a form of vigilantism rooted in indigenous traditions of community organization. On one hand, the administration of justice of the *Policía Comunitaria* is deeply in conflict with the state legislation, on the other hand, the communitarian norms are also deeply influenced by other values. This thesis broadens the concept of legal pluralism by looking at the practices of community policing, analysing by whom the communitarian norms are influenced and how the tensions regarding the relation to the state are shaped. Broadening the lens of legal pluralism regarding the interconnections of different non-state actors, the influence of values of the liberation theology on the administration of justice, due to the participation of priests, becomes visible. By looking beyond the legal and practical relations between the *Policía Comunitaria* and the state, which are marked by both coordination and repression, the tension between the collective and the individual right results to be the main debate. The notion of individual and universal human rights norms is especially in conflict with the collective right that the *Policía Comunitaria* refers to. Furthermore, this tension is deeply characterized by practices of (de-)legitimization by both the state and the *Policía Comunitaria*. It is argued, that this main tension between the collective and the individual right is essentially about the hierarchy of rights, it is a struggle over hegemony, it is about which concept of rights dominates the other, the concept of the individual or the collective right. This struggle is profoundly characterized by the practices of (de-)legitimization, which are weakening and reinforcing the dominance of the individual right. It is argued that the hierarchy of rights has to be abolished not only in order to reduce the present tension but also to create a new relationship between the Mexican state and the indigenous population. The presented case is especially interesting, because in July 2018, within the region of the *Policía Comunitaria*, the collective right was legalized through the introduction of a new level of governance, the so-called communitarian government.





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# 1 Introduction

*“The people were organizing themselves, because there was no justice. (...) They went to the public ministry, to the judges to seek justice and they never gave them any answer. For example, when someone was assaulted, they went to the ministerial police for help. And what did the ministerial police say? “Well, if you have 1’000 pesos, 2’000 or 5’000 pesos, let’s go and capture those people”.” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC-PF/CRAC-PC/UPOEG, interview, 26 June 2018, San Luis Acatlán)*

The state of Guerrero in Mexico has a long history of indigenous organizations, of insurgencies, resistance, and self-organization by a variety of non-state actors. Besides all these different movements and organizations, vigilantism has also always been present in different expressions. The *Policía Comunitaria* (Communitarian Police Forces) is one of these expressions. As Ventura Nava states, the *Policía Comunitaria* emerged in opposition to the lack of justice, characterized by impunity, corruption, as well as other factors, such as institutional racism and the absence of the state in general. But the history of the *Policía Comunitaria* was not free from conflicts, it was and still is deeply characterized by constant clashes, especially regarding the administration of justice and human rights issues, among other factors. A common argument of the state is for instance, that the *Policía Comunitaria* is violating human rights law. There are definitely tensions visible.

*“They [Commission of Human Rights of the State of Guerrero] say that it is necessary to respect the human rights of the detainee. And so, the colleagues say: “No, here we are the authority, our job is to lock up this guy who has committed a fault and who is transgressing the rights of the whole community. We have to arrest him, re-educate him and reincorporate him again. And if he doesn’t want to, because everyone doesn’t want to, it has to be done by force”. And then sometimes there is a question of violence, of violating certain rights on a personal level.” (V. Hernández Chapa, former regional coordinator/advisor CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

This master thesis focuses on the *Policía Comunitaria* of the state of Guerrero – namely the *Coordinadora Regional de Autoridades Comunitarias – Policía Comunitaria de los Pueblos Fundadores*<sup>1</sup> (CRAC-PC-PF) and the *Coordinadora Regional de Autoridades Comunitarias – Policía Comunitaria*<sup>2</sup> (CRAC-PC). I include both organizations in my research since they have the same origin, the same history, the same organizational structure, and share many values. Until 2013 it was one single organization. Due to a heavy internal conflict, partly promoted by the state politics of division, it broke apart; the two organizations mentioned currently operate independently. Nevertheless, the internal crisis of legitimacy still endures and power struggles are weakening the organizations. The term ‘*Policía Comunitaria*’ is used in this thesis to include both communitarian police forces, the CRAC-PC-PF and the CRAC-PC. The *Policía Comunitaria* operates in a setting characterized by different normative and

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<sup>1</sup> Regional Coordination of Communitarian Authorities – Communitarian Police Forces of the Founding Communities

<sup>2</sup> Regional Coordination of Communitarian Authorities – Communitarian Police Forces

legal systems that influence, are in conflict with, or reinforce each other, such as the communitarian norms, theological norms, human rights law, and the state legislation.

This master thesis builds on the existing work on vigilantism. Vigilantism and different expressions of indigenous justice have been treated extensively in the current literature, especially in Africa. Besides the common discourse of state failure, Pratten (2006, 2008b, 2008a) is one of the few scholars looking beyond this discourse, arguing that it is necessary to recognize the internal imperatives of vigilantism. The topic of vigilantes in Latin America is not as deeply investigated as similar cases in Africa. The focus is rather on privatization (Ungar, 2007), clientelism (Müller, 2010) or legitimacy (Goldstein, 2003; Nivette, 2016). The issue of vigilantism and indigenous justice in Guerrero, especially the case of the *Policía Comunitaria*, has been studied exclusively by anthropologists focusing on its context of neoliberal violence<sup>3</sup>, corruption and impunity (Gasparello, 2009; Sierra, 2005, 2010, 2013, 2015, 2017), its history (Estrada Castañón, 2014), its ethno-political practices and administration of justice (Flores Félix, 2007; Flores Félix & Sandoval Cuevas, 2012; Guzmán Hernández, 2014; Sandoval Cuevas, 2010) or the construction of a politicized identity that was necessary for the emergence of the *Policía Comunitaria* (Sánchez Serrano, 2012). Surprisingly – despite this normative mix – besides Sierra (2014, 2015) and Alonso (2014) who addressed the relation between the CRAC-PC and the state and partly Flores Félix (2007) and Sandoval Cuevas (2010) who included the participation of the priests into their research, although very superficially, no one has raised the issue of legal pluralism regarding the *Policía Comunitaria*. This thesis aims to frame the plurilegal setting the practices of the *Policía Comunitaria* and especially its administration of justice, the so-called re-education, are embedded in and to understand the on-going dynamics between the different legal and normative systems. The main research question that guides through this thesis is: **How do the different norms come together in the practices of community policing in the state of Guerrero, Mexico?**

This thesis uses the all-embracing conceptual lens of legal pluralism. Legal pluralism studies the interaction, compromise and struggle between different normative or legal systems, be it in the area of interaction between individuals, institutions or between individuals and institutions (Reyntjens, 2015). Legal pluralism exists whenever there can be identified “more than one source of law within a social arena” (Tamanaha, 2008: 375). Within the broad conceptual framework of legal pluralism, I focus specifically on the tension between the collective right and the individual right to gain insights into the plurilegal dynamics, especially regarding human rights law. Additionally, the concept of legitimacy which is deeply interconnected with legal pluralism helps to understand how practices of delegitimization and legitimization contribute to the tension between the different concepts of rights.

By including these concepts into the wider theoretical approach of legal pluralism, I want to broaden the conceptual lens of legal pluralism. By moving away from the discussion about twilight institutions and other approaches focusing on institutional competition, I want to start a discussion that goes beyond these debates, looking on the factors which form the basis of these discussions, such as the tension between the individual and the collective right and the

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<sup>3</sup> Neoliberal violence in this context refers to neoliberal dispossession. The state rents/sells mining concessions within the communitarian territory to mining companies.

practices of (de-)legitimization which weaken or reinforce this tension. Especially in Mexico and in Latin America overall, the collective rights of the indigenous population are part of a lively debate since the mid-1990s, but on the other hand legal pluralism was focusing mainly on Africa, wherefore the debate in Latin America was conceptually very limited. This thesis is therefore not only relevant regarding the case of the *Policía Comunitaria*, but also regarding many other indigenous movements which often take over tasks of providing security and justice. Furthermore, by not restricting the debate about legal pluralism to the interaction between state and non-state actors, respectively their normative systems, interesting influences of other norms and values, in this case, Christian values, are becoming visible.

After this introduction, chapter 2 discusses the existing literature and theoretical background and presents the research focus of this thesis. Next, the socio-economical, socio-political and historical context of the state of Guerrero and the case study area are presented in chapter 3. Chapter 4 clarifies the distinction between the different terms that are used to prescribe vigilantism in Mexico. After describing the methodological approach which was used in chapter 5, chapter 6 summarizes the structure, activities and presence of the *Policía Comunitaria* and presents the current tense situation. Chapter 7 and 8 give an overview over the collectiveness, or *lo comunitario*, respective over the values of the liberation theology and the participation of priests within the *Policía Comunitaria*. In Chapter 9, I explain the administration of justice which is based on *lo comunitario* and highlight the parallels between these communitarian norms and Christian values. The relation between communitarian norms and state legislation is clarified in chapter 10. Chapter 11 brings up the main tension regarding legal pluralism that becomes visible in this case, that is the tension between human rights and the communitarian norms based on a collective right. It is explained, how this tension looks like in practice, and how practices of legitimization and delegitimization are embedded within these dynamics. Chapter 12 ends with a discussion about the plurilegal setting, whether practices of (de-)legitimization are weakening or reinforcing the tension between the individual and the collective rights and how a possible solution looks like in practice. In Chapter 13, the main findings and points of discussion are revisited.

## 2 Vigilantism and Legal Pluralism

This chapter presents the main discussions regarding vigilantism in Latin America and especially the existing literature about the case of the *Policía Comunitaria*. Besides discussing the existing literature about vigilantism, the theoretical concepts used are introduced and discussed, putting in the center my understanding of the concepts and main focus. In the last section, I present my research focus and how my research question is embedded within these theoretical approaches, namely legal pluralism and the connected concepts of human rights, collective rights, and legitimacy.

### 2.1 Vigilantism

Vigilantism and different expressions of indigenous or religious justice have been treated extensively in the current literature, especially legal pluralism is a significant issue, although mainly restricted to Africa (Bagayoko et al. 2016; Lund, 2006; Meagher, 2012; Reyntjens, 2015). There is a vast variety about different aspects of vigilantism, but it has mainly to do with the interaction between state and non-state norms (Reyntjens, 2015). Besides the common discourse of state failure, there are also scholars looking beyond this discourse. Pratten (2006, 2008b, 2008a) argues, that it is necessary to recognize internal imperatives of vigilantism. Others argue that there is often an intimate relation between vigilantes and state structures (Buur, 2006) and that the focus has to be on the renegotiation processes that are happening in the political void (Baker, 2002).

The topic of vigilantes in Latin America is not as deeply investigated as similar cases in Africa and does not focus mainly on the interaction between state and non-state structures. Ungar (2007) describes the causes of vigilantism in Latin America, focusing mainly on the aspect of privatization of security. Others treat these policing efforts rather critically by demonstrating that vigilantism in Mexico-City is characterized by clientelism and corruption (Müller, 2010), or by criticizing the violations of human rights by vigilantes in Guatemala in the case of lynching (Snodgrass Godoy, 2002). Aguirre Ochoa and Leco Tomas (2016) see the emergence of vigilantes in the state of Michoacán, Mexico, as part of a process of democratization that still lacks institutional quality. A few scholars raise the issue of legitimacy, by studying the variability of public support for vigilantism and focusing on institutional illegitimacy, personal victimization and punitive attitudes (Nivette, 2016) and by exploring the ways in which vigilantism acts as a moral complaint against state inadequacy, challenges state legitimacy, and redefines ideas about justice, citizenship and law (Goldstein, 2003).

The issue of vigilantism and indigenous justice in Guerrero has been studied by a handful of scholars – almost exclusively anthropologists – predominantly the case of the so-called *Policía Comunitaria*. Sierra (2005, 2010, 2013, 2014, 2015, 2017) who accompanied the process during many years, addressed the context of neoliberal violence such as the mining frontier, the ambiguous legality of the *Policía Comunitaria* and argued, that the *Policía Comunitaria* challenges global capital and profiteers, an argument also shared by Benítez Rivera (2015). Others highlight the effectiveness of the *Policía Comunitaria* arguing that it is a viable and legitimate alternative to the impunity and corruption (Berber Cruz, 2017; Estrada

Castañon, 2014; Fuentes Sánchez, 2008; Gasparello, 2009, 2017; Rivera Rosales, 2014). Estrada Castañon (2014) and Sarmiento Silva (2014) focus on the history and antecedents of the *Policía Comunitaria* and Sandoval Cuevas (2010) focuses on its values and ethnopolitical practices. Also, the administration of justice, the so-called re-education, is addressed and explained (Guzmán Hernández, 2014). Flores Félix (2007), besides Sierra another anthropologist who accompanied the organization during years, puts the experience of the *Policía Comunitaria* in a broader context of the political organization and argues that the organization is reinventing democracy. Sánchez Serrano (2012) takes another approach and puts a strong focus on the construction of a communitarian identity in the Costa-Montaña region as a necessary antecedent organizational process for the *Policía Comunitaria*. Surprisingly, the topic of legal pluralism in the context of the *Policía Comunitaria* is only raised by Sierra (2014, 2015) and Alonso (2014), analysing the relation to the Mexican state regarding its legality and legitimacy, and partly by Flores Félix (2007) and Sandoval Cuevas (2010), who raise the issue of the influence of Christian values, although very superficially.

## 2.2 Legal Pluralism

This section discusses legal pluralism, which is used as an overall theoretical framework within this thesis. Furthermore, the related concepts of the individual right, the collective right and legitimate authority are introduced due to their relevance for this thesis.

Reading recent literature about vigilantes, legal pluralism is highly discussed (Bagayoko et al., 2016; Lund, 2006; Meagher, 2012; Reyntjens, 2015). In this thesis, I use legal pluralism as the main approach to reveal and explain the plurilegal setting the administration of justice of the *Policía Comunitaria* is part of. Legal pluralism is the appropriate theoretical framework due to its inclusive and passive characteristics, it only observes and does not value the different laws or normative systems, and is, therefore, more useful than hybrid governance, another highly discusses line of research.

There are principally two lines of research regarding the interaction between state and non-state norms: legal pluralism and hybrid governance. Modern legal pluralism was first presented as a proper research strand in the volume “*Le pluralisme juridique*” by Gilissen (1972). Already a year before, Pospisil (1971) questioned the notion of a single legal system by arguing that there are “as many systems as there are functioning subgroups” (Pospisil, 1971: 98). Weber (1978), a few years later, argued that a legal order exists wherever coercive means are available. Tamanaha (1993), after criticizing legal pluralism arguing that it is constructed upon an unstable analytical foundation, stated later that legal pluralism is indeed everywhere. “Legal pluralism exists whenever social actors identify more than one source of law within a social arena” (Tamanaha, 2008: 396). Additionally, he refers to “normative and legal pluralism” or “coexisting regulatory systems” (Tamanaha, 2008: 410-411), to include all sources of law. Reyntjens (2015) observed some main threads of legal pluralism. Besides the obvious observation that it concerns the interactions between normative orders, he realized that the production of norms happens usually in an unequally structured setting. Resulting from the uneven setting, there is a tension between normative propositions and empirical observation. Legal pluralism only observes, it is unable to say which law is more valid than the other. Additionally, while a lot of research focuses on the global south, legal pluralism claims



universality. Legal pluralism also notes a kind of shared sovereignty, a devolution of governance competencies from the state to non-state organizations of any kind. To summarize, the literature on legal pluralism has studied “the interaction, compromise and struggle – in brief, the articulation – between normative systems in a vast number of areas of interaction between individuals, individuals and institutions, and between institutions”. (Reyntjens, 2015: 350).

Hybrid governance is a much younger line of research. It emerged to investigate “the challenges posed to weak states by alternative, generally informal and sometimes criminal normative orderings that are nevertheless seen by some authors as avenues of state formation” (Reyntjens, 2015: 347). In opposition to legal pluralism, hybrid governance often studies non-state normative production in fragile or (post-)conflict environments and does not claim universal application. It usually focuses on borderlands (Zips & Weilenmann, 2011), discusses often the discharge of state functions to alternative authorities (Lund, 2007) and focuses less on the content of norms than on legal pluralism (Reyntjens, 2015).

Within the broader framework of legal pluralism, which is the main theoretical framework of this thesis, there is also a discussion occurring about individual human rights and collective rights, its interconnections, to which I refer as the (il-)liberal dilemma, and the struggles over legitimacy involved. These specific foci, that are essential for this thesis, are discussed in the next paragraphs.

Since the French revolution, human rights are part of a broader discussion (Donnelly, 2007; Jones, 1999; Shestack, 1998). Particularly the term ‘human rights’ and what is meant by it has been discussed among scholars for decades.

*“One of the initial questions in any philosophical inquiry is what is meant by human rights. The question is not trivial. Human beings, as Sartre said, are stalkers of meaning.”* (Shestack, 1998: 202)

Meaning is about the “why”, but definition can be crucial, especially in a world with different cultures and fragile implementation mechanisms (Shestack, 1998). Some scholars define human rights as those rights that are important, moral and universal (Jones, 1999), or simply as the rights one has because one is human (Donnelly, 2007). Reading the universal declaration of human rights of the United Nations, one has the same impression. More important than how human rights are defined – I do not want to start a philosophical debate here – I want to highlight two highly disputed characteristics of human rights. Most of the articles of the Human Rights Charta start with expressions such as “Everyone has the right...” or “No one shall...”. Therefore, the questions come up: Can a right borne by a collective be a human right? Are human rights always individual rights? According to some scholars, human rights are the rights of human beings and each human being is an individual being. That does not mean that groups do not have rights, groups can definitely possess certain rights, but human rights must be rights borne by human individuals. Group rights cannot be human rights (Jones, 1999).

*“A right is a group right only if it is borne by the group qua group. If the individuals who form a group hold rights as separate individuals, their several individual rights do not add up to a group right.”* (Jones, 1999: 82)

The relevant right is, therefore, the right held by each individual rather than by the collective. Even though the right might relate to a collectivity in its content, it is still not a group right. It is about the subject rather than the object; it is about who holds the right rather than what the right is aiming at (Jones, 1999). The doctrine of human rights is, therefore highly connected to egalitarian individualism, according to which 1) human individuals are the most fundamental moral order and 2) all human individuals are morally equal (Freeman, 1995). This notion is also questioned. Jones (1999: 81) argues, that “if we insist that human rights must be rights that people can hold only as independent individuals, our conception of human rights will not match the social reality of the human condition.”

Additional to the claim to be individual, human rights are very closely tied to claims of universality. “Human rights are thus “universal” rights in the sense that they are held “universally” by all human beings. Conceptual universality is in effect just another way of saying that human rights are, by definition, equal and inalienable” (Donnelly, 2007: 283). Human rights are, therefore, equally and universally held by all. Besides the characteristic of a conceptual universality, human rights are functionally universal. The adjective ‘functional’ in this sense refers to the social, economic and political transformations of modernity. Human rights ideas were first developed in the so-called “global north”, that is a fact. The influence of the “global north” should not be underestimated. Therefore, the question whether the consensus about their universality is voluntary or coerced, given the economic and political power of Western Europe and the United States, arises. But rather than their western origins, the expansion of the capitalist markets and sovereign bureaucratic states, radically transforming traditional systems of support and obligation, make human rights universal. They have relevance wherever the political and economic frontier passed. They exist to protect the people against the threats of modernity (Donnelly, 2007). Furthermore, there is a widespread endorsement of human rights, internationally. An international legal universality was achieved. Human rights are becoming more and more the preferred option to provide the basis for realizing egalitarian values (Donnelly, 2007). Human rights are, therefore, in many ways, universal.

Human rights have two main characteristics that are relevant for this thesis: individuality and universality. But there is also going on a debate about these characteristics of human rights law, especially the first characteristic is also deeply questioned. For the last couple of decades, the individual rights framework has constantly been challenged by a new kind of framework named collective right. Peces-Barba (2001) states that the debate about collective rights is undoubtedly of scientific interest, since it “affects many dimensions of current affairs, it affects very sensitive parts of political culture and it sometimes conveys feelings and emotions that are difficult to channel. This importance, and this possible emotionality of the subject, produce many spontaneous reactions, not based on rational arguments, and contributes to the need for an academic approach to clarify ideas, analyze concepts and isolate them from the sources of emotion that can distort them” (Peces-Barba, 2001: 67). The study of the collective right is necessary, since its existence is a reality, it is present in daily life (Rivera Morales, 2007).

According to Grijalva (2009), collective rights are specific rights ascribed to a group of human beings, a collectivity. He sees it in the tradition of the third generation of human rights, which includes, for instance, the right to development, to peace, to a clean environment and the indigenous rights, among others (Grijalva, 2009). One of the key works on collective

right is “*Una discusión sobre derechos colectivos*” (“A discussion about collective rights”) by López Calera (2002). According to López Calera (2002) and Simbaña (2005), the individualist philosophy keeps dominating, the collective rights are dominated by the individualist discourse. It is still argued, that the only thing that really exists, that is valuable, is the individual human being. Therefore, they argue that it is time to justify collective rights. The dominance of individualism can be seen on the basis of the right of nations of sovereignty, a collective right invented by modern individualism (López Calera, 2002). López Calera (2002) argues, that many severe doctrinal and political conflicts were supported by the collective right of nations, be it the two world wars, the violent processes of decolonization or the war in the Balkans. But on the other hand, individualism is also challenged by multiculturalism in the sense that subgroups within a state demand their collective rights (López Calera, 2002). Provocatively said: “Modern societies are increasingly challenged by minority groups demanding recognition of their identity and accommodation of their cultural differences, something often referred to as the challenge of multiculturalism” (López Calera, 2002: 19).

Peces-Barba (2001) makes a distinction between general and fundamental collective rights. Fundamental collective rights can be, therefore, only those who target a collective subject. He also makes it clear that the collective rights should not be confused with competences. Third, individual rights do not become collective rights only because an individual demanding a right is part of a collectivity (Peces-Barba, 2001).

López Calera (2002) states three reasons why it is necessary to reflect collective right and to continue with the debate. Firstly, collective rights are undoubtedly part of political reality and of contemporary legality. Secondly, the dominant individualism of our time is not as individualistic as it seems to be. Thirdly, the inevitable sociality of human being reinforces the need to justify the existence of collective rights. But despite the vehement argumentation in favour of collective right studies, López Calera (2002) agrees with the liberal and individualistic assumption that the only sense of the collective right is to serve the individual right; without the existence of individual subjects, the collective subject would not even exist.

Regarding the discussion about liberalism and individualism, Grijalva (2009) states that the collective rights are not in opposition to the human rights, which are individual rights. There is not necessarily a conflict between the two different concepts of rights. The collective rights protect the individual rights of the individuals of a collectivity and are, therefore, complementary. Nevertheless, it is also argued that, depending on the collective right, there are certain conflicts. The common example raised is the administration of indigenous justice (Grijalva, 2009; Salgado, 2002; Walsh, 2002).

The debate over collective rights was conducted especially in Latin America. It was particularly a debate that came up when Latin-American states tried to establish a new relationship between them and their indigenous peoples. Therefore, the discussion was mainly about indigenous rights (Anaya-Muñoz, 2004; Grijalva, 2009; Simbaña, 2005; Stavenhagen, 2008). An exemplary showcase is the case of Ecuador, the only Latin-American country that radically changed its constitution due to that debate. In Ecuador, the collective rights – at least some, the rights regarding the environment, ethnicities, and consumption – are constitutionally recognized (Grijalva, 2009; Simbaña, 2005).

Having discussed the main debate regarding the collective right, its distinctions, the individualistic domination, the “challenge of multiculturalism”, the ambiguous relation to human rights and the special case of Latin America, I want to bring up the main dilemma involved, which is that of the tension between human rights and legal pluralism, between the individual and the collective right, to which I refer as the (il-)liberal dilemma. The (il-)liberal dilemma is central for this thesis and highlights the ongoing tension that is not only discussed in theoretical debates, but that becomes also very visible when having a closer look at the practices of the *Policía Comunitaria*.

The relationship between human rights and legal pluralism, whose expression can be the collective right, is a very complex one and has been part of a discussion especially within legal studies and among political theorists. It is mainly about whether a specific form of legal pluralism in its existence is compatible with international human rights law. To address this debate, I want to briefly discuss the article by Michael Freeman (1995) “Are there Collective Human rights?”, to frame the main dilemma regarding this issue and then, to clarify Helen Quane’s point of view (2013) regarding the compatibility of these two legal systems, discussed in the article “Legal Pluralism and International Human Rights Law: Inherently Incompatible, Mutually Reinforcing or Something in Between?”.

The dilemma raised by Freeman (1995) is strongly imbedded in liberal thinking. I call it the ‘(il-)liberal dilemma’, since it is a dilemma among liberalists, a double bind between liberalism and giving up its principles. The doctrine of human rights is based on fundamental principles of liberalism, such as the concentration on the individual and the equality of all individuals. Freeman (1995) argues that, in fact, both individual rights and collective rights have a very similar story, since they both have been oppressed throughout history. Although human-rights theorists argue that only individuals can have human rights, according to Freeman (1995), associations and corporations can have both moral and legal rights as well. States, for instance, can possess collective rights according to liberal theory. Therefore, sub-state collectives may have these rights too, although, the right is being denied. Freeman (1995) argues, that “collective rights may be necessary to protect individual rights. The individualistic, egalitarian form of democracy in ethnically plural societies may lead to the violation of the human rights of members of minority collectivities.” (Freeman, 1995: 32). Collective problems require collective solutions. It can be argued that if the problem affects groups; these have to be defended. Therefore, we are already talking about a collective right. Starting with the assumption, that both, collective rights and individual rights can exist, there is a possible conflict to which I refer as the ‘(il-)liberal dilemma’:

*“A dilemma arises when a community that has a plausible rights-claim to self-government to protect some important rights of its members has political traditions which violate some other human rights.”* (Freeman, 1995: 34)

There are potential conflicts between peoples’ rights and individual human rights. Freeman (1995) argues that it is conceptually unsatisfactory as it encourages collectivities to violate individual rights in the name of collective rights. Communities can be oppressive. Besides, they are often very heterogeneous. Individuals are required to behave according to the wills of those with the most power in the community. On the other hand, restrictions of the individual rights of community members may serve to prevent actions that are detrimental for the com-

munity as a whole. In liberal theory, there is a dilemma between tolerating communities that do not respect human rights and imposing the individual right by force. It is a dilemma between “illiberal collaborationism” and “liberal imperialism” (Freeman, 1995).

Quane (2013) takes the dilemma for granted and focuses on how it can be solved. According to Quane (2013: 677), “there is a certain duality to this relationship stemming from the fact that while international human rights law can provide an impetus for legal pluralism, it can also act as a constraint on its existence or manner of operation”. Some argue that legal pluralism and human rights are inherently incompatible, while others argue that they are mutually reinforcing each other. The state has a certain obligation to protect the human rights of an individual from interferences by other individuals. Measures have to be taken to ensure that customary laws are interpreted in line with international human rights laws (Quane, 2013). When considering the relationships between human rights law and legal pluralism, the response is depending on whether it is analyzed from the perspective of regional or global human rights law. The European Court of Human Rights, for instance, practically forbids the existence of legal pluralism while the African Charter on Human and Peoples Rights argues, that legal pluralism is not per se incompatible with human rights laws. The Inter-American System takes another approach and has a strong focus on customary and indigenous norms. It argues, that “applying customary law can be essential to maintaining the physical and cultural wellbeing of members of the group in a way that could not be served by alternative means” (Quane, 2013: 692). Legal pluralism is not only compatible with, but it can also reinforce human rights law. Regarding the relationship between legal pluralism and human rights laws, Quane (2013) argues that states have to take measures to ensure that customary law is interpreted in ways compatible with human rights. To achieve this, an inclusive and participatory law reform process has to take place. Various stakeholders in society have to be part of a constructive dialogue regarding customary law can be applied in compliance with human rights. The (il-)liberal dilemma and the approach mentioned will help to understand the tension that is very visible in the practices of the *Policía Comunitaria*.

Besides the focus on the individual and collective right, legitimate authority is a focus I want to include in this thesis. Since the *Policía Comunitaria* is a non-state actor representing the authority in its territory, the concept of legitimacy, or legitimate authority is very central, as well. The concept of legal pluralism is strongly connected to political legitimacy and the struggles over legitimacy. Some scholars connect these studies with the studies of legitimacy by analysing how state legitimacy is challenged by non-state actors (Goldstein, 2003; Nivette, 2016), but also the other way around, how the contest over norms creates legitimacy over time (Schiff Berman, 2006). Lund (2006) gives a very good and precise introduction into the topic of legitimacy and what it is about.

*“If the institutional boundaries are blurred, political processes socially and spatially diffuse, and meaning not fixed to specific institutions, what are the implications for political legitimacy? The exercise of authority is intimately linked to the legitimacy of the particular institution. Not only in the sense that an institution has to be legitimate to exercise authority, but especially because the actual exercise of authority also involves a specific claim to legitimacy.”* (Lund, 2006: 693)

When exercising authority, there is always a claim to legitimacy involved. Lund (2006) does not stand alone with this view, it is widely accepted that legitimacy and authority are strongly interconnected, as explained more explicitly in the following section.

When talking about authority, legitimacy has to be considered too. Legitimacy refers to the “normative belief by an actor that a rule or institution ought to be obeyed. It is a subjective quality, relational between actor and institution, and defined by the actor’s perception of the institution. The actor’s perception may come from the substance of the rule or from the procedure or source by which it was constituted” (Hurd, 1999: 381). According to Weber (1978), authority cannot exist without legitimacy. Political authority represents a fusion of power with legitimacy. Where an actor acts according to a rule because it perceives it as legitimate, that rule becomes authoritative over the actor. The character of power changes when it is exercised within a legitimate structure; the concepts of power and legitimacy then come together in the idea of authority (Hurd, 1999). Authority is a sphere of legitimate command. Where authority exists, ordered interaction is possible. The more legitimate order is, the more binding it is and, therefore, the more stable it is. (Spencer, 1970).

Furthermore, Lund (2006) argues that it does make more sense to not see legitimacy as something fixed and absolute but as something that is continuously (re-)established through processes.

*“It is not useful to see legitimacy as a fixed absolute quality against which actual conduct could be measured. It is more fruitful to investigate the processes through which various actors and institutions attempt to legitimate actions and vindications. What is legitimate varies between and within cultures and over time, and is continuously (re-) established through conflict and negotiation.”* (Lund, 2006: 693)

The processes should not only be seen as practices. The processes of legitimacy are always about practices and image. According to Migdal and Schlichte (2005) and the theory of the post-Weberian state, the struggle for legitimacy is a field of power marked by the image of a coherent and controlling organization within a territory and the actual practices, which might differ.

In my thesis legitimacy is used as a lens to make the dynamics of power between the different normative systems in the Costa-Montaña region of Guerrero visible.

## 2.3 Research Focus and Question

Legal pluralism observes, it does not prescribe (Reyntjens, 2015). This thesis aims to observe the plurilegal setting the *Policía Comunitaria* is located in and to show how this setting is shaped by the *Policía Comunitaria* itself but also by other actors and normative systems. The politics of (de-)legitimization are strongly connected to this plurilegal setting, wherefore this will be part of this thesis as well by explaining how legal pluralism is shaped by the dynamics of legitimacy. However, this thesis does not only picture the setting and dynamics, it also tries to provide answers regarding the tensions that become visible, how these tensions can be solved, and how the dynamics of legitimacy are strengthening or weakening this strain.

The following research questions guide through this thesis:

**How do the different norms come together in the practices of community policing in the state of Guerrero, Mexico?**

- How is the *Policía Comunitaria* organized and structured?
- In which ways do different normative systems influence the communitarian norms?
- Which tensions are becoming visible and how are they shaped?
- How does the struggle over legitimacy contribute to these tensions?

This chapter discussed the concepts and the debates about legal pluralism, its relevant focuses for this thesis, and legitimacy. It is shown, that these concepts are also very interconnected in some ways. In the following chapter, the methodological approaches used to answer the research question, are explained.

### 3 Guerrero – Cradle of the *Policía Comunitaria*

The emergence of the *Policía Comunitaria*, its ambiguous relationship with the state, and the fact that the organization still exists, has a lot to do with the socio-political context of the state of Guerrero. Guerrero is not just another of the 32 federal entities of Mexico. Guerrero has a long history of resistance against the establishment, but also of an authority characterized by political patronage and the principle of governing by force. The aim of this chapter is to give some informative facts about the state of Guerrero and to address these specific particularities that, on one hand, contributed to the emergence of the *Policía Comunitaria* and, on the other hand, give contextual knowledge that is essential to understand why the communitarian system still works, despite its difficulties and challenges. I introduce both the socio-economical and the historical context of the state of Guerrero before focusing on the specific region where the *Policía Comunitaria* emerged.

#### 3.1 A State Marked by Poverty and Marginalization

Guerrero is a southern Mexican state at the Pacific Coast, surrounded by the states of Michoacán, México, Morelos, Puebla, and Oaxaca. It is the state with the 6th highest indigenous population of Mexico (456'774 in 2010), which represent 13.5% of the total population of Guerrero (3'388'768 in 2010). The indigenous people belong to the ethnic groups of Nahuas (35,2%), Ñuu Savi (Mixtecos) (28,8%), Me'phaa (Tlapanecos) (24%) and Nn'ancue (Amuzgos) (9.8%)<sup>4</sup>. The highest percentage of indigenous people can be found in the Montaña and the Costa Chica region (Instituto Nacional de Estadística y Geografía, 2010).

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<sup>4</sup> The Spanish names are in parentheses ('nahuas' is both Spanish and Nahuatl). From now on I am going to use the indigenous terms, as a way to decolonize academic writing.





Figure 1: Location of the state of Guerrero (Map: Manuel Müller, data retrieved from Instituto Nacional de Estadística y Geografía (2015) and Sandvik (2009))

Guerrero is a state marked by poverty and marginalization. It belongs to the three poorest states in Mexico; 64.4% live in poverty and 23% in conditions of extreme poverty, according to the indicators of the National Council of the Evaluation of Social Development Policies (CONEVAL, 2016). The latest data of the National Population Council (CONAPO) in 2010 – unfortunately, they only collect data every 15 years – shows the same pattern. Guerrero takes first place in the Index of marginalization, before the states of Chiapas and Oaxaca. The Index is based on indicators such as illiteracy of the population of 15 years or older (GRO: 16.82%), non-completion of primary school of the population of 15 years or older (GRO: 31%), households without sanitary facilities (GRO: 12.62%), households without energy (GRO: 4.38%), households without running water (GRO: 29.79%), households with a salary under two minimum wages (GRO: 54.94%) or infant mortality per 1000 children (GRO: 20,7) among others (CIPD, 2015; CONAPO, 2011). The numbers would be significantly higher, considering the indigenous population only (Sarmiento Silva et al., 2014).



Figure 2: The community of Buenavista, municipality of San Luis Acatlán, a typical village in rural Guerrero (Photo: Manuel Müller)

Due to this reality, the state of Guerrero belongs to the top five states regarding emigration (Zamora Ramos & González Rosas, 2014). Among the indigenous population, the emigration is significantly higher. In the *Montaña* region of Guerrero, 80% of the households have at least one family member who emigrated to another state or to the United States of America (Sarmiento Silva et al., 2014).

This short introduction regarding the economic and social circumstances of Guerrero clearly shows that the indigenous population of Guerrero live in terrible conditions. Their situation of extreme poverty led to emigration – driven by the hope for new opportunities elsewhere – but also to a new kind of self-organization regarding different issues, mainly production, infrastructure, indigenous rights, policing and justice (Sarmiento Silva et al., 2014). The *Policía Comunitaria* is one of these examples of self-organization that emerged at least to some extent due to the horrible living conditions.

## 3.2 An Insurgent and Violent State

To understand the current situation in the state of Guerrero and the emergence of the practice of community policing, it is important to consider its historical context. Two terms that were used in the media are discussed here to understand the particularities of the state's politics characterized by its caciquist structure; the use of force to solve conflicts and its counter-insurrectionary vision: The *Montaña Roja* and *Guerrero Bronco*.

### 3.2.1 *Montaña Roja*

The term '*Montaña Roja*' (Red Mountains) was commonly used in the media in the 1970s and 1980s when talking about the indigenous movements in the *Montaña* region of the state of Guerrero. The region was seen as a stronghold of the communists. Nevertheless, the organization of the indigenous people of the *Montaña* region, with the help of the Mexican Communist Party and other organizations, started already in the 1960s (Sandoval Cuevas, 2010).

The term '*Montaña Roja*' not only refers to the indigenous movements and political organizations, but it also highlights the importance of a few political leaders that were very important regarding the organization of the indigenous people in the 1960s and 1970s. One of these key actors was Othón Salazar. He was a teacher and leader of the revolutionary wing of the national magisterial movement for years. After his time in prison, due to teacher's protests he spearheaded, he returned to his hometown, Alcozauca, in the *Montaña* region of Guerrero, became a leader of the communist party and began organizing the indigenous people through the parliamentary way. In this municipality, the communist influence strengthened the organization of the indigenous people, not only on a local level, but also in a wider context by actively participating on a state and national level through the *Consejo de Pueblos de la Montaña*. Parallel to the conquest of the municipal government, the communists started organizing the indigenous people (Sandoval Cuevas, 2010). Despite the importance of the communists regarding the organization and bringing the demands of the indigenous people to the agenda, the results were not only positive. Alcozauca as well as Metlatónoc, both under

communist government during that time, still belong to the poorest municipalities of the country (Sarmiento Silva et al., 2014).

The influence of the communists and Othón Salazar led to other types of indigenous organization, also armed movements such as the guerrilla *Partido de los Pobres* (Party of the Poor) spearheaded by Lucio Cabañas Barrientos and the guerrilla *Asociación Cívica Revolucionaria* (Revolutionary Civic Association) founded by Genaro Vázquez Rojas. Beside Othón Salazar, they belonged to the key actors regarding the revolutionary movement of Guerrero in the second half of the 20th century (Sandoval Cuevas, 2010; Warnholtz Loch, 2017). The term *Montaña Roja* is referring to the 1960s and 1970s when the revolutionary discourse of these three social leaders enjoyed significant support among the people of the mountainous regions of Guerrero. But still to this day, this term has a certain validity, since the Costa-Montaña region of Guerrero is a stronghold of the two biggest classic guerrillas in Mexico, the *Ejército Popular Revolucionario* EPR (Revolutionary Popular Army) and the *Ejército Revolucionario del Pueblo Insurgente* ERPI (Revolutionary Army of the Insurgent People) (Flores Félix, 2007).

The presence of magisterial and guerrilla leaders in the *Montaña Roja* is not very well documented in the official history. They were nonetheless crucial, both on a regional and national level (the latter especially through the magisterial movement), to reclaim the indigenous voice oppressed by the hegemonic power of the Mexican nation-state (Sandoval Cuevas, 2010), that in the second half of the 20<sup>th</sup> century still pushed forward the process of erasing indigenous identity (Kollewe, 2001).



Figure 3: Police forces of the CRAC-PC guarding the inauguration of the memorial of the guerrillero Genaro Vázquez Rojas in San Luis Acatlán (Photo: Manuel Müller)

The so-called stage of the *Montaña Roja* is of major significance regarding the indigenous organization in Guerrero today. It is a history of negotiation between the different indigenous people, as well as the mestizos in a very heterogeneous geographical space that challenges the dominant imagination of society (Sandoval Cuevas, 2010). The *Montaña Roja* is a social space loaded with stories of cooperation and fragmentation between indigenous communities, mestizos, local, and national movements that lay the foundation of multiethnic and heterogeneous movements and organizations that cleared the path for the *Policía Comunitaria* CRAC-PC (Sandoval Cuevas, 2010; Sarmiento Silva et al., 2014).

### 3.2.2 *Guerrero Bronco*

*“Guerrero is a violent entity. Not because of the failure of the law, but because of the unwritten rule of its political culture, that reason and law do not matter, but strength and force. In Guerrero, the political leaders govern with force, the dispute power with force, and when the defeated tries to shake off the leader, they almost always end up appealing to the force. The social key par excellence is an order based on fear. Too many Guerrerenses die on their feet. Too many deaths in a state where the death by bullet counts as a natural death. If it is true that the dead people do not rest, Guerrero is an immense congregation of sleepless dead.”* (Bartra, 2014: 24).

Armando Bartra (2014) perfectly describes the culture of force that rules in the state of Guerrero. Due to the way conflicts are resolved, the state of Guerrero received the attribute “bronco”, which means, “tough” (Flores Félix, 2007). This becomes very visible when having a closer look at the elite of Guerrero. Generally, the so-called *caciquismo* can be encountered throughout Mexico. It is particularly prevalent in Guerrero. A *cacique* is a local leader who exercises major power over the local political and economic system that results in absolute impunity of his or her actions. In the state of Guerrero, a small group of the elite, the *caciques*, hold the richness and fortune of the state in their hands, passing their power from generation to generation. While a century ago, the *caciques* profited at the expenses of the population, today they maintain the power through political parties (Witte, 2015). Due to the impunity of the *caciques*, the use of violence exercised by the ruling parties has increased. The *caciquismo* stands, therefore, not only for the concentration of richness in a few hands, but also for the ‘ruling by force’ described by Bartra (2014), the indifference of the state regarding the necessities of the communities, and the incredibly high impunity, which lies in Mexico with 99.3%, according to the Global Index of Impunity (Le Clerc Ortega & Rodríguez Sánchez, 2018; Witte, 2015).

Given the power of the *caciques* and the tendency of the security forces towards the increasing use of violence, protesting in the streets and defending human rights has long been dangerous for the people of Guerrero (Witte, 2015). According to Gasparello (2009), within this connection between authoritarian power, corrupt legal order and repression, the actor with the key role is the police force. According to data provided by the Commission of Human Rights of the State of Guerrero and the human rights NGO *CDHM Tlachinollan*, the army and the police forces are responsible for most of the violations of human rights (Gasparello, 2009; Interview with FER, 31.08.2018, Chilpancingo). Protesting became even more dangerous with the growth of the drug cartels in the region. The climate, the topography, and the location of Guerrero could not be better for the cultivation of marijuana and opium poppies. It is estimated that Guerrero is responsible for 50% to 70% of the total production of heroin in Mexico (Kyle, 2015). And the business has become even more lucrative with the increasing demand in the United States. From the mid-1990s until 2008 the cartel of Beltrán Leyva basically had the monopoly over the production and traffic of drugs within Guerrero. Between 2008 and 2009, the changing policy of the government headed by Felipe Calderón who started confronting organized crime led to the division of the cartel into several small cartels and cleared the path for competing cartels of other states. At the same time, those cartels focused their activities not only on the production and traffic of drugs anymore, but also on

extortion and kidnapping, among other activities. In 2015, 26 of the 80 criminal groups identified in Mexico were based in the state of Guerrero (Witte, 2015).

The political climate characterized by the *caciquismo*, impunity, and the use of force as well as the culture of resistance described with the term '*Montaña Roja*', becomes clearly visible through the many incidents of national relevance that happened in Guerrero, where the involvement of state forces is not deniable or at least proven until a certain degree. In the 1990s the massacres of *Aguas Blancas* and *El Charco* occurred where 17 respectively 11 farmers were killed by state forces (Barrera, 2018). These incidents were the peak of the so-called *Guerra Sucia* (Dirty War) when the Mexican army pursued an anti-insurrectionary strategy that involved torture and extrajudicial executions. The most recent case in Guerrero is probably the internationally known case of Ayotzinapa in 2014, where 43 students disappeared. This case has not been solved as of today, despite the international pressure, and state involvement cannot be denied. Even the United Nations and the International Commission of Human Rights rejected the official version of the Mexican state (Barrera, 2018).

The case of Ayotzinapa is emblematic to describe the predominant political climate in Guerrero. Firstly, the forcibly disappeared teenagers were students of an *Escuela Normal Rural*. These pedagogical colleges located in marginalized regions were founded after the Mexican revolution with the aim of forming teachers for the rural population. The schools became very well known for their government-critical education, wherefore they were a breeding ground for several social movements and guerrillas, such as the *Partido de los Pobres*, a Mexican Guerrilla in the 1970s. Secondly, the participation of *caciques* in this incident cannot no longer be denied. Disclosed documents of the Mexican intelligence service state, that the federal government suspected that at least 12 municipal presidents of the ruling party of the democratic revolution (PRD) had links to criminal groups. Following the case of Ayotzinapa, the army took control over 13 municipalities of Guerrero, because they no longer trusted the municipal authorities (Gasparello, 2017). Thirdly, the resources of the commission of human rights of the state of Guerrero (CDHEG) are very limited and the commission is not able to process all the cases reported, especially cases that directly accuse government authorities. Despite its constitutionally determined autonomy, the CDHEG is in practice very restricted in its work, because of its financial dependence on the state government (Interview with FER, 31.08.2018, Chilpancingo). The government of Guerrero often considers the victims of violence as criminals, especially in the cases where victims are murdered by state agents. The students of Ayotzinapa were definitely not the only innocent victims (Witte, 2015).

The term '*Guerrero Bronco*' stands, therefore, for the deployment of discretionary powers that are exercised through violence (Gasparello, 2009). In Guerrero, the order is preserved or modified by actions at the margins of the law, not by exception, but by rule. This includes the caciquist arrogance, as well as the arbitrariness in which the government employs its bureaucratic power and the public force. Arbitrariness and discretionary, for instance, become visible in the institutional racism. As an indigenous, the probability that your case is attended is automatically significantly lower (Gasparello, 2009; Interview with VVN1, 21.06.2018, San Luis Acatlán). Furthermore, the margins of the law are becoming more and more blurred. The fact that the Mexican army de facto enjoys impunity, promotes the use of violence. Social activists are murdered or arrested with fictional arrest warrants (Interview with ACH, 24.08.2018, San Luis Acatlán). From all the recommendations of the CDHEG, 57.5% were

emitted concerning violations of human rights by public security forces or by the judicial system. Also, considering the black figure the percentage is estimated to be even higher (Interview with FER, 31.08.2018, Chilpancingo). Recent data shows, that 97% of the crimes in Guerrero are not reported. This extremely high number clearly shows the mistrust of the judicial system (Le Clerc Ortega & Rodríguez Sánchez, 2018), caused by its arbitrariness and discretionary. According to the Rule of Law Index of the World Justice Project, Guerrero occupies the last place in Mexico, be it regarding the limits of state power, fundamental rights, security or justice (Gutiérrez, Ponce, Rodríguez, & Solís, 2018). To sum up, the term ‘*Guerrero Bronco*’ describes meta-legal practices that are frequently violent in the context of a biased judicial authority (Bartra, 2014).

### 3.3 Costa-Montaña as Indigenous Territory

I am focusing on the administrative regions Costa Chica, Montaña, and the very eastern part of the Centro region of the state of Guerrero, a region that is also known as Costa-Montaña. Although, in a very narrow sense, this term only refers to the intersection of the Costa and Montaña region, it is used both by scholars and the CRAC-PC/CRAC-PC-PF when referring to this territory, including the eastern Centro region. Thus, I am going to use this term from now on.

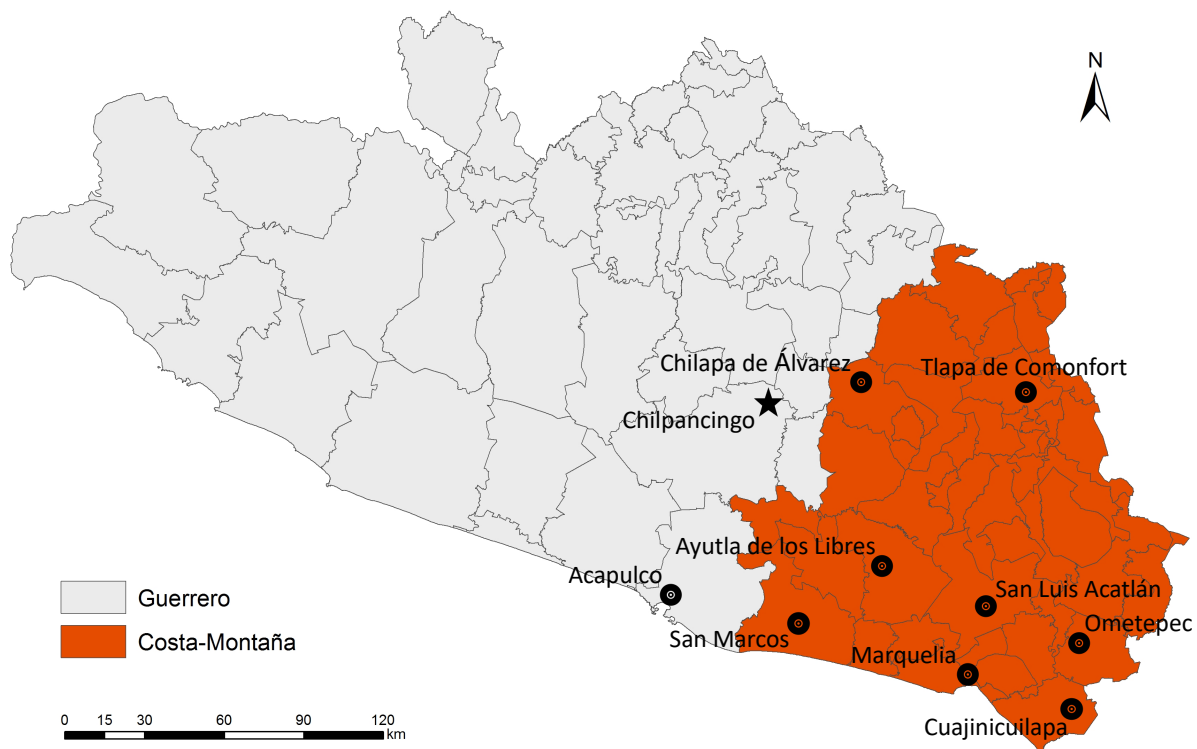


Figure 4: The Costa-Montaña region (Map: Manuel Müller, data retrieved from Instituto Nacional de Estadística y Geografía (2015))

The Costa-Montaña is mainly inhabited by indigenous people of the ethnic groups of the Ñuu savi, Me’phaa, Nn’ancue and Afro-Mexicans who share the territory with poor Mestizo farmers (Flores Félix, 2007). The commercially important centers of this region are Chilapa



de Álvarez in the Centro region, Tlapa de Comonfort in the Montaña region, San Luis Acatlán, Ometepec, Cuajinicuilapa, Marquelia, San Marcos, and Ayutla de los Libres in the Costa Chica region.

The Costa-Montaña region as a single entity is socially constructed. Although belonging to two different administrative entities, it is recognized by its inhabitants as the Costa-Montaña, as a way to distinguish its singularity (Sánchez Serrano, 2012). One of the major reasons for this constructed single territory known as Costa-Montaña is the historically deep commercial relations between these two regions, the Costa Chica and the Montaña. The roots of these relations lie within the cultivation of coffee that became one of the major production factors within this area. The cultivation of coffee led to strong ties between the different communities. It permitted them to organize themselves in cooperatives and other kinds of productive organizations in order to compete on the external market and to not to be dependent on intermediaries (Sánchez Serrano, 2012).

## 4 Different Expressions of Self-organization

With the sudden emergence of self-defence groups in the state of Michoacán in 2013, the terms ‘*Grupos de Autodefensa*’, or simply ‘*Autodefensas*’, became a common circumscription for communities, municipalities or even bigger regions that started to organize themselves regarding issues of insecurity and sometimes even justice. However, there are certain discrepancies between the different organizations. Indeed, the distinction is not always made by the media, which contributes to the delegitimization of some and legitimization of other organizations. This is why it is crucial to clarify the significance of these terms. The *Autodefensas*, the *Guardias Blancas*, the *Policías Rurales*, the *Paramilitares*, the *Policía Ciudadana y Popular*, the *Policía Ciudadana*, and the *Policía Comunitaria* are seven very distinctive types of experiences (López Bárcenas, 2014; Ramírez Cuevas, 2014; Interview with FT, 04.06.2018, Mexico City). Here, I want to focus on the distinction between the *Autodefensas*, the *Policía Comunitaria*, the *Policía Ciudadana*, and the *Policía Ciudadana y Popular* since these distinctions are not always clear – particularly the term ‘*Autodefensas*’ is used commonly to generalize – and because these forms of organizations are present in the Costa-Montaña region of the state of Guerrero, except for the *Autodefensas*.

In Mexico, a historical tradition of self-organization exists among the indigenous and rural communities. Some experiences have already existed since the 19<sup>th</sup> century, such as the *Policía Comunitaria* of the Seris and Yaquis in the north-west or the *Policía Comunitaria* of the Mayas of Chan Santa Cruz in the south-east of Mexico, which has its origins in the war of the Maya against colonialism and slavery (Ramírez Cuevas, 2014). On one hand, the *Policía Comunitaria* results as the last remedy to defend the community against crime. On the other hand, the *Policía Comunitaria* is also about indigenous autonomy. This can be observed in the resistance against local *caciques*, the government, and the defence of the communitarian territory against mega-projects, such as hydro electrical power plants or industrial mining (Ramírez Cuevas, 2014). Thirdly, the *Policía Comunitaria* is organized in a very democratic and grassroots way. That means that the assembly of the people elects the police forces and authorities for a certain period and the assembly can also discharge them at any point. The organizational structure of the *Policía Comunitaria* is based on indigenous traditions of coexisting, wherefore it is mostly present in indigenous communities. In the Costa-Montaña region of the state of Guerrero, the CRAC-PC-PF and the CRAC-PC are considered to be *Policías Comunitarias*.

The term ‘*Autodefensas*’ refers to citizens who defend themselves against the delinquency, although there are examples of groups that protect their people against official aggressions and entrepreneurial projects. The *Autodefensas* develop their own norms of justice and they do not have to report to anyone. That means that they are not necessarily organized in a democratic way, neither are they elected by the people nor part of the organizational structure of the communities. Furthermore, they are not categorically linked to the indigenous struggle for self-determination (López Bárcenas, 2014; Ramírez Cuevas, 2014). *Autodefensas* are not



present in the Costa-Montaña region. They can rather be found in other parts of Guerrero, such as the Tierra Caliente.

The *Policía Ciudadana* shares many principles and values of the *Policía Comunitaria*. This has also to do with its origin. The *Policía Ciudadana* in Guerrero emerged from the internal conflict within the CRAC-PC. The founders of the *Policía Ciudadana* were former authorities of the CRAC-PC (Interviews with AB, 20.08.2018, Tlapa de Comonfort; MCH, 19.08.2018, Xalpatlahuac). The expression of the *Policía Ciudadana* in Guerrero is the SSyJC of the UPOEG<sup>5</sup>. Mainly four differences are mentioned, whereby the first two are questioned by the CRAC-PC, arguing that they are doing so too. First, the *Policía Ciudadana* emerged with a more integral view on how to overcome the issue of insecurity. Issues such as development, health, education, and production were integrated as well (Warnholtz Loch, 2017; Interviews with BPV, 26.06.2018, Buenavista; MCH, 19.08.2018, Xalpatlahuac). Secondly, the *Policía Ciudadana* does not primarily see itself as an indigenous organization. It is rather about the unification of the inhabitants of the territory to be able to confront certain problems (Warnholtz Loch, 2017; Interview with BPV, 26.06.2018, Buenavista). Thirdly, the *Policía Ciudadana* maintains stronger relations to the government than the *Policía Comunitaria*, arguing that it is necessary to receive new infrastructure projects for the region (Interview with BPV, 26.06.18, Buenavista). Additionally, whilst the *Policía Comunitaria* sees itself as a defensive organization that does not openly attack organized crime, the *Policía Ciudadana* openly confronts delinquent structures (Interview with VHC1, 23.08.2018, San Luis Acatlán).

The *Policía Ciudadana y Popular* can be seen as an expression of the *Policía Ciudadana*, but there is a significant difference. Whilst the *Policía Ciudadana* maintains strong relations to the government, the *Policía Ciudadana y Popular* does reject any approach to the state. This has to do with the political element it contains; it is an organization with a very leftist political vision. Besides providing security, the *Policía Ciudadana y Popular* also promotes a socialist worldview and commemorates former guerrilla leaders of the region, such as Lucio Cabañas. In the Costa-Montaña region, the CRSJ-PCP<sup>6</sup> defines itself as *Policía Ciudadana y Popular* (Interview with FT, 04.06.2018, Mexico City).

Just to quickly mention it, the *Guardias Blancas* and the paramilitary groups are well distinguishable. Caciques, great landowners, or entrepreneurs create the *Guardias Blancas* to impose their dominance and their interests. The Mexican army founded paramilitary groups to act in the irregular war against guerrillas and social movements and to do the “dirty work”, that means the military measures that involve the violations of human rights (López Bárcenas, 2014; Ramírez Cuevas, 2014).

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<sup>5</sup> *Sistema de Seguridad y Justicia Ciudadana de la Unión de Pueblos y Organizaciones del Estado de Guerrero* (System of Civic Security and Justice of the Union of Peoples and Organization of the State of Guerrero)

<sup>6</sup> *Coordinadora Regional de Seguridad y Justicia – Policía Ciudadana y Popular* (Regional Coordination of Security and Justice – Popular and Civic Police Forces)

## 5 Methodology

My methodological approach is the extended case study method by Burawoy (1998). Besides explaining how I applied the method, including the specific data collection methods, this chapter gives an overview of the entire process, from my strategies regarding field access and sampling to the point of the challenges I faced, my detailed data processing and analysis, and a critical reflection of my positionality.

### 5.1 Access to the Field and Sampling Strategy

Flick (2006) states, that the access to data in qualitative research is significantly more difficult than in quantitative research. This is due to the required close and intense relationship between the researcher and the research subject (Flick, 2006). Most social science researchers gain access to the data through so-called gatekeepers. That means that access is gained through open and consensual negotiation with someone who is part of the organization, institution, milieu or other kinds of setting under study (Broadhead & Rist, 1976). In my case, the access to the field was facilitated by two local NGOs, firstly, by the *Centro Integral de Comunicación Comunitaria (CICC)* and especially its member and journalist José Luís Santillán. He was my gatekeeper to the CRAC-PC-PF. He introduced me to Jesús Plácido Galindo, the main promoter of the CRAC-PC-PF and coordinator of the *Consejo Indígena y Popular de Guerrero – Emiliano Zapata*<sup>7</sup> (CIPOG-EZ). Jesús Plácido Galindo ended up as my main gatekeeper within the field to the communities. Thanks to his wide network of people, he was able to introduce me to several interviewees and to provide me with interesting insights through activities I could take part in. Furthermore, he accompanied me to many places, where I would not have had access without him and where I would not have gone alone due to safety reasons. My access to the CRAC-PC was facilitated by Leon Alberto Pérez Manzanera of the NGOs *Serapaz*, who introduced me to Luís Ramos, who gave me access to the CRAC-PC, and to his family, some of which are former members of the CRAC-PC.

The initial reliance on gatekeepers also raised some questions regarding the objectivity of my research. Gatekeepers may influence the research in several ways: by defining the field, both the access to interviewees and to the area, and by restricting the scope of analysis (Broadhead & Rist, 1976). The problem of being dominated by the gatekeeper in the sense of controlling research, as just described, was also a major challenge for my research (chapter 5.2.1).

Other possible challenges when approaching an organization or an institution, such as the process of authorization of my research or a defensive reaction provoked by me as a disruptive factor (Flick, 2006) were not a major issue. On the contrary, both the CRAC-PC-PF and the CRAC-PC saw my research as a way to legitimize themselves, as a way to bring their message out and to fix the damage of their image. The internal conflicts in 2013 and the resulting division of the communitarian system (chapter 6.1.4) led to a slandering of reputation of both the CRAC-PC and CRAC-PC-PF. They were suddenly seen as corrupt (in the

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<sup>7</sup> Indigenous and Popular Council of Guerrero – Emiliano Zapata

case of the CRAC-PC) and as paramilitaries (in the case of the CRAC-PC-PF) by others. Therefore, from the beginning on, I was confronted with these expectations from their side. This was especially the case of the CRAC-PC-PF, since the media covered only the point of view of the CRAC-PC after the division in 2013.<sup>8</sup> This was something I had to deal very carefully, and I had to make my role clear regarding my impact and their expectations. Therefore, I clarified the impact a master thesis has and how my contribution besides the master thesis might look like.

Other contacts in the field were established through different journalists and scholars I contacted via e-mail before entering the field. I went to the field several times for one to three weeks and spent the rest of the time in Mexico City transcribing interviews and planning further steps.

Within the field, I realized several long stays in the communities, mainly in the community of Buenavista in the municipality of San Luis Acatlán, in its municipal seat San Luis Acatlán, and in the community of Acahuehuetlán in the municipality of Chilapa de Álvarez. I ended up in Buenavista and Acahuehuetlán because of two reasons. Firstly, Buenavista is the home of Jesús Plácido Galindo, one of my gatekeepers, as well as some important founders and indigenous leaders of the *Policía Comunitaria*. I stayed in Acahuehuetlán, because of the festivities of the 4th anniversary of the CRAC-PC-PF of Chilapa de Álvarez and also due to the fact that one of the three *Casas de Justicia* of the CRAC-PC-PF is located there. This region is particularly interesting, because it integrated itself into the CRAC-PC-PF after the internal division and, in contrast to the other regions of the CRAC-PC-PF, faces not only ordinary violence, but also constant repression from the government severe attacks by the local drug cartel called *Los Ardillos*. In the municipal seat of San Luis Acatlán, the main *Casa de Justicia* of the CRAC-PC is located there, wherefore I decided to stay mainly there to have a closer look on this organization. Besides these three home bases, I visited the community of San Nicolás in the municipality of Cuajinicuilapa where another of the *Casas de Justicia* of the CRAC-PC-PF is located, the community of Pueblo Hidalgo in the municipality of San Luis Acatlán, and the community of Papaxtla and Alcozacán in the municipality of Chilapa de Álvarez. In the municipal seat San Luis Acatlán my presence did not raise major questions since it is usually the place where journalists or scholars arrive when talking to the CRAC-PC. In all the other communities, my presence caused more sensation since the presence of journalists and scholars is not usual at all. In the communities of Papaxtla, Acahuehuetlán, Alcozacán and San Nicolás, for instance, a place where no journalists or academics arrive, instead of distrust against my presence I had the impression that the inhabitants were proud that a foreigner was interested in their organization. It resulted to be an advantage for my research, in the sense that they talked very openly with me, since they haven't had any bad experience with academics or the media. This often resulted in group interviews, many people wanted to contribute somehow to my research. The benefit was that in these communities I did not only talk to persons in key positions, but also to the police forces and commanders, something that allowed me to have a more complete overall picture.

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<sup>8</sup> Field diary; Interviews with CPV, 26.06.2018, Buenavista; JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac

For my choice of groups, organizations and individuals, I used a gradual strategy of sampling, based on theoretical sampling. According to Flick (2006: 65), theoretical sampling implies that “decisions about choosing and putting together empirical material (cases, groups, institutions etc.) are made in the process of collecting and interpreting data”. Individuals, groups, institutions or organizations are chosen according to their possible new insights for the theory that is being developed, related to state of theory elaboration so far (Flick, 2006).

Part of my sampling strategy was also the snowball sampling (Patton, 1990). New contacts during my stay were permanently established through the people I met in the field, who gave me access to other possible interviewees. This method resulted to be an advantage. Throughout my fieldwork I became more and more independent of my initial gatekeepers. The growing network both within the community polices and other milieus, such as experts, NGOs and the church, allowed me to do my research more independently. While at the beginning of my research I was very much guided by my gatekeepers, I became more and more able to choose my interviewees over time or even places I wanted to visit by myself since I established direct contacts to people of interest and thus, did not have to go through my initial gatekeepers.

Qualitative studies involve small data sets, which involve a deep relationship. Therefore, it is necessary to deliberate about whether the new insights are relevant for the development of the theory (Flick, 2006). The groups I integrated into my research can be found in the following 5 fields: community policing, human rights organizations, church, government and experts. Within the first field, I put my focus firstly on the CRAC-PC-PF, a group of founding communities of the CRAC-PC, whose members separated themselves from the CRAC-PC during the internal conflict in 2013. I decided to approach this group because I first got access to the main promoter of the organization and because of the inconsistent information I had about it. The contradicting statements I heard in expert interviews and in the media definitely aroused my curiosity. Later, I decided to integrate the CRAC-PC too, because I realized that it is necessary to listen to both sides of the internal conflict, and also because of the whole history they share together. Within the second group I chose the NGO *Centro de Derechos Humanos de la Montaña Tlachinollan*, due to its proximity to the *Policía Comunitaria* and its moral authority within the Costa-Montaña region, *Serapaz*, one of the biggest human rights NGOs in Mexico due to its knowledge about human rights in Mexico and its mediating role during the conflict within the CRAC-PC during its division, and finally the Commission of Human Rights of the state of Guerrero (CDHEG), to include the view of the government. The perspective of the government includes the CDHEG again and the municipal government of San Luis Acatlán. The access to the state government was unfortunately denied, possibly because of the rather complicated relationship between them and the CRAC-PC, which has to do with a very recent constitutional change on the state level that removes the legal backing of the *Policía Comunitaria*. The field of the church consisted of priests of the diocese of Tlapa de Comonfort and the diocese of Acapulco de Juárez that still play or have played a certain role within both the CRAC-PC and CRAC-PC-PF. The last field consisted of several scholars, all of them anthropologists or theologians, and journalists that I considered as experts within my topic.

I chose the participants within these fields for several reasons. They needed to have the necessary knowledge and experience, that means that they had to be in possession of relevant information for my research. Individuals who are able to give a relevant description of an

experience are mainly those who have had or are still having the experience (Polkinghorne, 2005). Furthermore, they should also have time to be asked or observed. Of course, ethically very important, they had to be willing to participate and share the information with me. This point is based very much on a trustful relationship. It happened to me at the beginning that I met some coordinators and commanders, who did not want to be interviewed. A few hours later, after having lunch together, they asked me to do the interview, something I did not count on. Also, they had to be accessible, which means, there had to be the possibility to contact possible participants in a way. This was partly depending on my gatekeepers but also on many coincidences. Regarding the accessibility, it helped tremendously that I decided to stay several times for longer periods within the field. Shortly thereafter, I realized that many interviews cannot be planned in advance. Some of my participants were very busy and many issues suddenly came up. Therefore, being in the field for longer periods permitted me to be there when they spontaneously had time for me.

## 5.2 Extended Case Study Methods

As my overall methodological approach, I applied the extended case method by Michael Burawoy (1998). The extended case method is a counterpart of positive science methods. Instead of containing the ethnographic condition, it is turned into an advantage. This means that a participatory approach is used to collect data. It is based on a reflexive model of science, where participation in the world we study is thematized (Burawoy, 1998).

*“The extended case method applies reflexive science to ethnography in order to extract the general from the unique, to move from the “micro” to the “macro”, and to connect the present to the past in anticipation of the future.” (Burawoy, 1998: 5)*

The core of this method is to collect data on what the research subjects actually were doing, instead of collecting information about what they ought to do (Burawoy, 1998). Therefore, participant observation is a key activity.

Burawoy (1998) rejects the four principles of positive science (reactivity, reliability, replicability, representativeness). He takes a different approach and proposes the following principles: Intervention, process, structuration and reconstruction. Firstly, “intervention is not only an unavoidable part of social research but a virtue to be exploited” (Burawoy, 1998: 14). The mutual reactions reveal the properties of the social order. Secondly, since interviewees have their own expectations and experiences, the observer needs to move with the participant through their space and time. For instance, something may be discovered by doing things with those studied. Thirdly, the field cannot be held constant, wherefore the researcher has to consider that it is constantly shaped by external forces. Fourthly, instead of elaborating a new theory, the case can be a contribution to reconstruct an existing theory (Burawoy, 1998).

Of course, there are certain limitations that have to be considered and, if possible, reduced: domination, silencing, objectification and normalization (Burawoy, 1998). As a social scientist, it is impossible to avoid domination as well as being dominated. Within the field, there is always a power struggle happening (Burawoy, 1998). The second limitation refers to the first, the interest of the dominant is the interest of all. Thirdly, “hypostatizing social forces as

external and natural” (Burawoy, 1998: 23) is a real danger for this method. Finally, due to the fact that a theory reconstructing is aspired, “the world is reduced to categories that can be investigated” (Burawoy, 1998: 24).

To conduct the extended case method, I made use of participant observation, ethnographic interviews, exploratory expert interviews, and systemizing expert interviews. Participant observation is a core activity in ethnographic fieldwork. It is used to “establish a place in some natural setting on a relatively long-term basis in order to investigate, experience and represent the social life and social processes that occur in that setting” (Atkinson et al., 2007: 352). The method of participant observation implies taking field notes. Field notes are observations and reflections regarding the field (Atkinson et al., 2007). That means that the ethnographer “turns it from a passing event, which exists only in its own moment of occurrence, into an account, which exists in its inscription and can be reconsulted” (Atkinson et al., 2007: 353). Field notes are, therefore, a representation, they reduce observations to written accounts (Atkinson et al., 2007). There are several approaches to conduct participant observation and several methods to write it down.

Regarding the approaches, I took the approach recommended by Burawoy (1998). This means that intervention has to be exploited. “It is by mutual reaction that we discover the properties of social order” (Burawoy, 1998: 14). There were many interactions between the so-called research subjects and me as a researcher. I offered my help and engaged in many activities not only because of the methodology, but also because I felt the obligation to do so, since I’m extracting information. I joined many policing activities. I was basically part of the *Policía Comunitaria* but unarmed. I accompanied the patrols, I joined some smaller operations and surveillance activities. I was also present when coordinators received denunciations, interrogated the victims of crimes, and deliberated on the case. I took over administrative work that consisted of taking copies of internal or public documents, digitalizing information, writing official documents for the assemblies, writing speeches for the festivities of its anniversary and maintaining press relations. Doing press work, for instance, consisted of sending communiqués and pictures of events to the different newspapers and responding to the basic questions of the journalists via WhatsApp.

Something else Burawoy (1998) highlights is to move with the participants through space and time. As previously explained, this is exactly what I did. Often, I did not go to the headquarter of the *Policía Comunitaria* at a certain time for a planned interview. I went there after having breakfast and left before dinner. In the meantime, I was with the *Policía Comunitaria*, I joined the activities mentioned above that came up and took over pending paperwork.

All these activities resulted to be very positive for my research. It was crucial not only to gain confidence, but it also to give me insights I would not have had without any active engagement. I had access to all the documents and I also encountered some difficult situations where some internal discrepancies became visible. Furthermore, the engagement also helped me to justify my presence, or in other words, to earn the information in a way.

I strictly wrote down my observations every day in a very detailed way, usually when I had some time for myself in the evening or during another quiet moment. Regarding writing styles, according to Atkinson et al. (2007) field notes are unruly or messy, changing between different styles, incoherent and inconsistent. This was partly the case during my fieldwork.

They were messy and almost indecipherable but still consistent regarding the labelling, for instance, if it was an observation, a citation, a comment or an analysis.

The way I took notes during interactions – mental notes, jotted notes or even recording – was depending mainly on the situation and the people around me. Important was for me, that the discussion or the situation was not distorted, that means that reactive effects (Atkinson et al., 2007) that could appear while seeing me taking notes are minimized. Especially when talking about sensitive topics such as the fracture in 2013, I avoided to take notes on site.

I used ethnographic interviewing as my second core method. Ethnographic interviewing helps to collect detailed data directly from the research subjects in the social world we study. This method empowers the interviewees, enables them to shape the questions being asked according to their worldviews or even the focus of the research project. Therefore, the job of the ethnographer is to find out what the participants know in the way *they* know it. There is a different power relation than in other interviewing techniques, the interviewee becomes the teacher and helps the researcher to understand (Atkinson et al., 2007). The focus of my research definitely changed during my fieldwork, from a focus on three normative systems (state legislation, human rights norms, communitarian norms) to the focus on the collective right and the tensions it implicates. This is something that came up during the first interviews when I realized that the collectiveness, something the *Policía Comunitaria* always refers to, creates tensions not only with the state legislation but also with human rights norms that are based on individual rights.

Besides the power relation, there are two main factors that distinguish ethnographic interviewing from other methods. The time factor, that is the duration and the frequency of contact, and the quality of the relationships. That implies, that a respectful and on-going relationship with the interviewees is needed, including an exchange of views and enough time for openness in the interviews to be able to explore together, both the researcher and the participant, the meanings they place on events (Atkinson et al., 2007). My several long stays in the communities previously mentioned helped me to establish trustful relationships. This influenced the quality of the relation with my interviewees and also allowed me to talk about our different worldview in general. In my case, I often spent time with the communitarian policemen at the *Casa de Justicia* and the relationship became more and more trustworthy.

Due to the characteristics of ethnographic interviewing mentioned previously, I considered some key points proposed by Atkinson et al. (2007), some of them, I agree, too late. I always tried to listen well and respectfully, to develop an ethical engagement with the participants during all stages of the investigation by making the participants feel that their participation is valued and very much appreciated. A critical point is the construction of meaning during the process. This issue is something I had to deal with from the very beginning on. Since my expectations were different regarding the results, due to reasons explained in the next section, I had to be careful while interviewing, in the sense that the expected answer was not reflected in the question I posed. I also tried to be always self-conscious about ways both the relationships between the participant and I but also the social context, could affect the process and the outcomes. The challenge here was my relationship to some key persons with whom I developed a very amicable association, which provoked the mistrust of others. That was something I could have considered more when entering the field. Another key characteristic of ethno-

graphic interviewing that I had some difficulties with, was that we will never achieve the full knowledge about the processes we study. Here, at some point, I had to draw a line and focus on the information I already had.

During the first weeks before entering the field, I conducted five exploratory expert interviews. Exploratory expert interviews are used during the first weeks with the objective of winning conceptual knowledge, for an initial orientation in the field and to prepare further steps (Bogner & Menz, 2002). It definitely helped me to orientate myself, particularly within the normative system of the CRAC-PC and CRAC-PC-PF and its antecessors. Nevertheless, while some topics were clarified, I got confused about others, particularly about the current situation regarding the different fractions. As explained in the section on limitations and challenges, the tendency within the media can also be observed within the academia and I had to disprove some information resulting from these interviews.

After coming back from the field or in between fieldtrips, I conducted 6 systemizing expert interviews. A systemizing expert interview is applied to obtain systematic and complete information about practical and experience-based knowledge (Bogner & Menz, 2002). Therefore, I used it mainly to triangulate my data and to get contextual information. The following figure gives an overview over the methods applied.

Exploratory expert interviews	Systemizing expert interviews	Ethnographic inter-views	Participant observa-tion
5	6	26	Always when in the field

Table 1: Overview over data collection

To have different perspectives on my topic and therefore a deeper understanding, I used two different kinds of triangulation: Triangulation of methods and triangulation of data.

The methodological triangulation combines two different methods (Flick, 2006). I used ethnographic interviews and participant observation. Besides interviewing, I spent much time joining activities and having many informal talks.

The triangulation of data includes different data sources to examine the same phenomenon at different places, at different times and with different people (Flick, 2006). For this method, I used the interviews conducted in the field and I also conducted interviews with scholars and journalists that followed my case for many years. Furthermore, I conducted interviews with the different fractions, the CRAC-PC-PF and the CRAC-PC that was very crucial.

### 5.2.1 Ethics, Challenges and Limitations of Field Work

“How can we form judgements about what will count as ethical practice in ethnography?” asks (Atkinson et al., 2007: 339). These concerns are translated by Beauchamp et al. (1982) into a set of principles to guide research practices.

The first principle is the rule of non-maleficence. The researcher should avoid harming participants. I tried to follow this principle by protecting my data as described in the next section and by trying to uphold a balanced power relation between myself as a researcher and



the participants. Secondly, some positive outcome should result from the research rather than simply self-enrichment. I discussed some possible collaborations with my interviewees. Thirdly, the values and decisions of the research subjects must be respected. This is something I always made clear before conducting interviews. Fourthly, everyone that is equal on relevant respects has to be treated equally. During my fieldwork, that was the case when approaching the CRAC-PC. After knowing all the accusations by other people against my interviewee, I tried fading them out and focusing only on the interview itself.

Besides the ethical challenges, other constraints and limitations appeared during fieldwork. One of the challenges I faced during my research was the problem of “negotiating proximity and distance in relation to the persons studied” (Flick, 2006: 60). In my case, I had to be very careful with my role in the field and with my personal political conviction regarding the studied issue. That is to say, I needed to differentiate between being a researcher and being an activist.

Furthermore, in the beginning I had to be careful to not to be guided by my gatekeepers, since I was very dependent on them to talk to some people. Interestingly, this was not only within the field, but also within the academia. The academia, as well as the *Policía Comunitaria*, is divided into supporters of the different fractions of the *Policía Comunitaria* (CRAC-PC, CRAC-PC-PF). This sometimes led to refusal of support for my research. Some scholars denied giving me the contact details of others who supported another group. This was a problem I had to deal with from the very beginning. I had to put a lot of effort in finding other ways of gaining access to some academics I wanted to talk to. This problem of domination by my gatekeepers mentioned by Burawoy (1998), was something I had to deal with many times during my research, mainly provoked by the deep internal discrepancies within the *Policía Comunitaria*. This problem became less important the longer I stayed in the field, the better knowledge I had about the situation and the bigger local network I established.

Fifthly, I had to deal with something Burawoy (1998) mentions from the very beginning of my fieldwork. Ethnographic interviewing follows the principles of reflexive science discussed by Michael Burawoy (1998) and the extended case method my methods are based on. The process of widening the researcher’s lens by empowering the interviewee also leads to moments of shock described by Burawoy (1998), when the interviewee responds differently to the assumptions the ethnographer has, based on previous work. Of course, this can lead to unexpected twists and turns, according to what the interviewees choose or are willing to share (Atkinson et al., 2007). I was also confronted with this “shock”. Since the media and the academia focused only on one fraction, the CRAC-PC – also due to the power relations within the fractions –, other fractions such as the CRAC-PC-PF were not considered, not even to respond to accusations against them. That is definitely something the majority of scholars writing about the topic can be criticized for. During an exploratory expert interview, I was even told that the CRAC-PC-PF was no longer operating, a statement that resulted to be completely false when I passed the first checkpoint of the CRAC-PC-PF, where I realized that even experts have a very selective knowledge about the case. This is possibly due to the fact that they are biased or are writing from the commodity of their office. This was a critique I heard several times from people that were very close to the issue. Due to my gatekeeper José Luís Santillán, I first got access to the CRAC-PC-PF, something that according to a scholar is very rare since everyone approaches the CRAC-PC due to the discourse in the media and the

easier access. José Lu s told me later on, that he immediately responded my request because he did not want me to go with the CRAC-PC, but to see the project of the CRAC-PC-PF, too. Therefore, I was confronted with the two versions from day one and was able to avoid falling into the trap many other scholars did. When I visited the CRAC-PC-PF the first time in June 2018, it took me some time to break with the naturalized discourse, with the discourse that distinguished between the good and the bad, between the “real” CRAC-PC and the betrayers who apparently lost the communitarian principles, the CRAC-PC-PF. According to the predominant discourse, I was on the wrong side at the beginning of my fieldwork. During the first week, I was travelling a lot with Jes s Pl cido Galindo and we went to several communities of the CRAC-PC-PF. During this first week in the field, hearing the other version of what happened since 2013, clarified many dubieties I had hoped to clarify before with the help of introductory expert interviews, which did not completely work out. Of course, I was aware that during this week I only heard one version and that this might not reflect reality. But it definitely helped me to understand better the complex relationships between the groups, the frictions, the differences regarding their worldviews and values.

### 5.3 Data Protection

In a globalized world, data protection became more and more important. This is mainly due to the range of access to academic literature. Therefore, it has to be considered, that behind the research in social science there are always human beings with a right to privacy. Among other academic standards, ethical standards such as the integrity of interviews persons should be an important part of any research in social science (Kaspar & M ller-B ker, 2006). Kaspar & M ller-B ker (2006: 128) state that “it is part of the researcher’s responsibility to ensure that her or his informants are not exposed to potential injury or put at risk of harm, scandal or ridicule”.

Since I raised some delicate issues in my research, I took the issue of data protection very seriously. Therefore, I followed the guidelines of the Department of Geography of the University of Zurich. Both Interview-audio files and the transcriptions of them were anonymized. I decided that factual anonymization is appropriate in my case. That means that a person’s identity can be revealed if the reader has additional knowledge. Factual anonymization does not always completely mask someone’s identity. With contextual knowledge, specific knowledge of the organization and its people, so-called ‘insider knowledge’, depending on what is said during the interview, the identity can be revealed (Kaspar & M ller-B ker, 2006). I decided to do so, because both audio-files and transcripts, were stored in encrypted folders, a backup in an encrypted cloud. For both I used an end-to-end encryption. Furthermore, some of my contacts on my phone were saved under another name.

I took these precautions to ensure the safety and wellbeing of my interviewees but also of myself. There were several possibilities, others, such as government authorities or adversaries of the CRAC-PC or the CRAC-PC-PF, could have had access to my data. Firstly, I had to pass the many military checkpoints in the state of Guerrero many times, including interrogations and car revisions. Secondly, there was the possibility of loss or theft of my data, meaning my computer, recorder, camera or USB-stick. Thirdly, the article 33 of the Mexican constitution, that states that it is forbidden to foreigners to interfere in political issues and

results in its expulsion. Of course, “political issues” is defined very vague and in the past, the sanctions were imposed on inconvenient journalists and human rights activists (Coria & Martínez, 2014; Interview with FT, 04.06.2018, Mexico City). Therefore, I tried to minimize that risk by taking the measures explained regarding data protection, but also by making my role as an investigator very clear at checkpoints and by distancing myself from any kind of activism. These measures were recommended by an anthropologist and journalist friend of mine.

## 5.4 Data Processing, Analysis and Coding

Most of the interviews were recorded, except for a few where the situation did not permit recording. The clear advantage of recording is that no information of the interview gets lost. But there is also a major disadvantage: not everyone is willing to share all the information when being recorded. It happened for instance, that my interviewee asked me to turn off the recorder to talk about some issues. Or that I had the feeling that my interviewee knew more about a specific case than the information she or he shared with me. Also due to this reason, I started raising some delicate issues during informal talks in a more relaxed environment.

The transcription was done word by word. Though, sometimes small changes were made for a better readability. This often had to do with the language in which I conducted the interviews, which was Spanish. Many of my interviewees had Spanish as their second language. Most of them were indigenous and had *ñuu savi* or *me’phaa* as their native language, wherefore I smoothed the transcripts by correcting small grammatical mistakes.

As an analysis strategy I decided to apply the strategy based on theoretical propositions by Yin (2003). A case study that starts with some theoretical propositions is easier to conduct than without any initial propositions. Propositions are central in research, since they shape the research design, the question and the literature review. Not only before entering the field, but also during data analysis, propositions can be a guidance to focus on specific data. It is important to highlight that these propositions are not invariable, new and more grounded propositions are constantly being developed (Yin, 2003). Propositions are basic in the explanation building method. This method reflects the propositions constantly and does not take them for granted. There are several steps of the explanation building method. After having an initial proposition about the case, the findings are compared with the proposition made, the proposition is revised and then other details of the case are compared against the revision. If there are several cases studied, the revision is compared to the findings of the other cases. This process is repeated as many times as needed (Yin, 2003). This method resulted to be very suitable for my research since I already engaged as deeply as possible with the existing literature about this and similar cases. Therefore, I already had developed some propositions before entering the field. During and after the fieldwork, I went through the procedure mentioned. Due to this constant reflection of my propositions, I was able to be open regarding new or unexpected findings and ideas. My research focus was adjusted several times, especially during the first two months of my fieldwork.

My coding was characterized by both, inductive and deductive codes (Strauss & Corbin, 1996). My codes can be seen within two main groups. One is about the *Policía Comunitaria*,

its history and structure; these codes are very descriptive. The other group is about the case itself on which my findings are based on. Within the first group, as a first step I focused on the descriptive level and made several main groups (with many subgroups) such as the history of the *Policía Comunitaria*, its structure, the characteristics of the CRAC-PC-PF and those of the CRAC-PC and the internal conflict (all black in the figure). Within the second main group, several groups with many subgroups have crystallized out with the focuses on 1) legality, meaning the legal backing of the *Policía Comunitaria* and legal tensions (green in the figure), 2) the practical relation between the *Policía Comunitaria* and the government (green in the figure), 3) the tension between the collective and individual rights (red in the figure), 4) the role of the priests and the influence of the liberation theology (blue in the figure) and 5) (de-)legitimization (yellow in the figure). Some of the codes were defined before, and many during the coding procedure. For the coding process, I used the software MAXQDA, which especially helped me to have an overview over the codes and to develop my analytical frame.

The following figure shows my detailed coding, including the main subgroups – although not all of them and only a few sub-subgroups – and the relations between them. It shows for instance the close relationship between the tension between the collective and the individual right (red) and the practices of (de-)legitimization (yellow) who are closely connected to this tension. It also shows the importance of the discussion about human rights, which is a big part of the red coloured section and the parallels between the liberation theology and the administration of justice of the *Policía Comunitaria*, which is also a major part of the whole framework (blue).

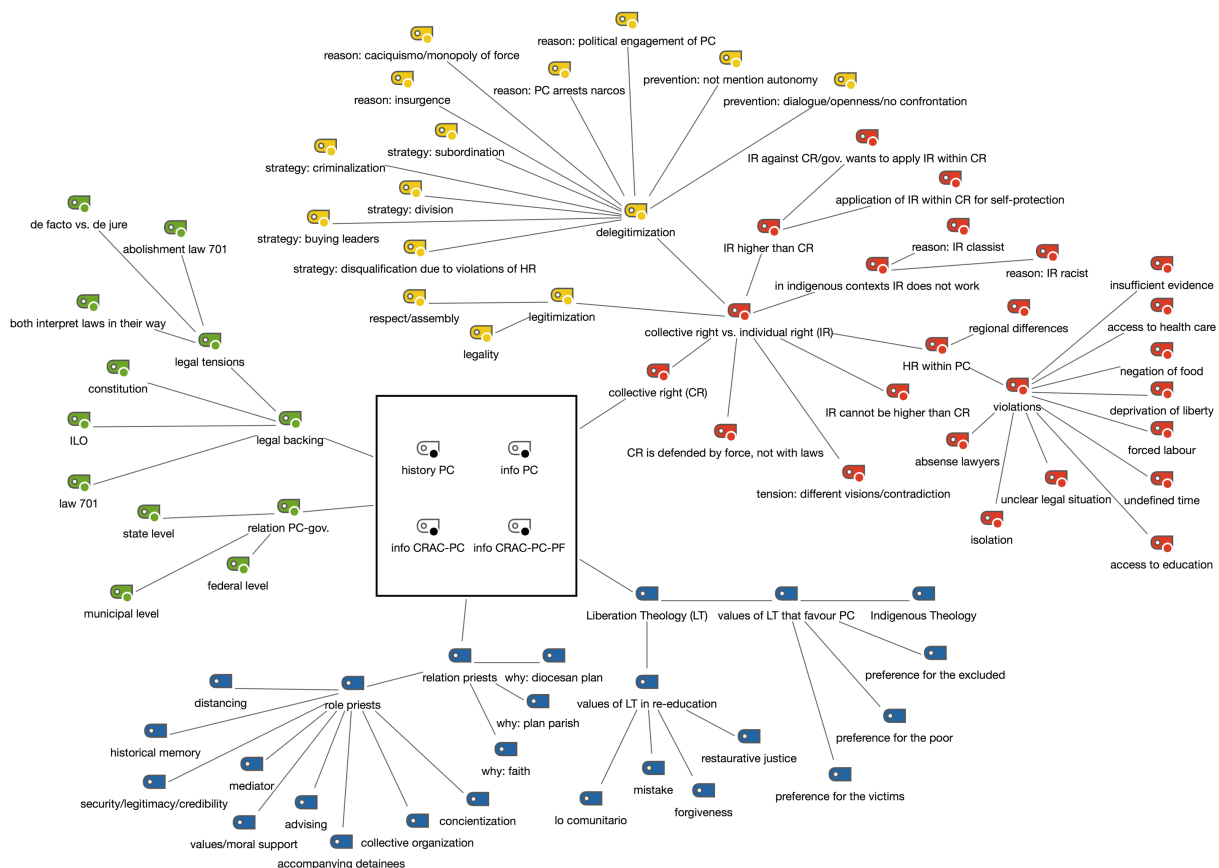


Figure 5: Coding Map

## 5.5 Positionality

Due to the fact that I entered the field through private persons and close friends of my gatekeepers within the field, I did not face the challenges I thought I might face by entering the field through an NGO. Yes, they were part of an NGO too, but that was not their positionality when putting me in contact with them. This positionality of my gatekeepers helped me to have access to information without restrictions encountered when entering the field through NGOs, in the sense that the research participants feel obligated to respond according to the position of the NGO to have access to funds or support. Therefore, from the beginning on I was seen as a master student without any affiliations to NGOs, something that otherwise definitely could have changed some answers of the interviewees.

Nevertheless, my positionality changed when I approached the CRAC-PC on a later stage of my fieldwork after having been in contact for a while with the CRAC-PC-PF. The leaders of the CRAC-PC knew that I approached the CRAC-PC-PF first. Nevertheless, since at the beginning I was not talking about sensitive issues and I made very clear the objectives of my research, a trustworthy relationship was established, and sensitive topics were discussed too. But, of course, both the CRAC-PC and the CRAC-PC-PF tried to convince me of their version of the internal conflict.



## 6 *Policía Comunitaria* – A History of Prosperity, Challenges and Conflicts



Figure 6: Marching ceremony during the festivities of the 4th anniversary of the CRAC-PC-PF of the municipalities of Chilapa de Álvarez and José Joaquín de Herrera (Photo: Manuel Müller)

The *Policía Comunitaria* has been operating for many years now. It has been a history of conflicts and coordination, of crises and prosperity; and especially a history of continuous development of the organization. This chapter is aiming to give an overview of the whole process of the organization. First, I want to give an overview of the history of the *Policía Comunitaria*. After having explained the whole process until today, I explain the structure of the *Policía Comunitaria*, the activities conducted and show the regions where the organizations are operating and rooted in.

On one hand, the retelling of its history is important since there does not exist an outline of the CRAC-PC-PF/CRAC-PF that is up-to-date; especially the available information about the current situation is rather confusing. On the other hand, it is necessary to know its history, structure and current difficulties in order to understand the discussion about legal pluralism and legitimacy.

## 6.1 History of the *Policía Comunitaria*

Why can such an armed and big organization persist for more than 20 years? This section addresses this question by explaining why the *Policía Comunitaria* emerged and how the further development looked like. The history is divided into various sections highlighting the important events. The first section addresses the organizations that decided to found the *Policía Comunitaria* and explains its motivation. Then, the first years from 1995 to 1998 are addressed, from the founding assembly to the initiation of the administration of justice. Within the third section, the so-called ultimatum and the years after, the period of prosperity and challenges, is explained before addressing the sensitive topic of the internal conflict in 2013 as well as the current debilitated situation of the *Policía Comunitaria*. Within the section about the current internal tensions, I present the consequences regarding the legitimacy of the CRAC-PC and CRAC-PC-PF. Within this section, I also want to focus on the current situation and crisis of the organization, relativizing the romanticized history of success promoted by others.

### 6.1.1 Predecessor Organizations

The *Policía Comunitaria* did not just emerge from a vacuum. The creation was supported and influenced by different social and productive organizations that emerged in the second half of the 20<sup>th</sup> century due to the political context of the state of Guerrero (Sandoval Cuevas, 2010). This section explains the origins of the *Policía Comunitaria* and the motivation behind its foundation.

The origins of the *Policía Comunitaria* can be found in organizations coming from three different kinds of social organization. Firstly, the reconstitution of the indigenous people as political subjects played a major role. The process started already in the 1980s or even earlier through other movements during the stage of the *Montaña Roja* (chapter 3.2.1) (Sandoval Cuevas 2010; Interview with JJFF, 05.06.2018, Mexico City). Besides these rather political experiences of the 1960s and 1970s previously mentioned, which can be seen as pre-predecessors, some organizations were directly involved in the emergence of the CRAC-PC. With the withdrawal of the Mexican state during the first neoliberal reforms, many subjects and identities reappeared and started to integrate themselves into national politics. The indigenous people appeared on the national agenda and tried to integrate themselves within the legal framework, within the Mexican constitution, looking for recognition. This was where the discussion started about the need to include not only the right of the indigenous people to be subjects of rights but also about how they were going to be subjects. This included the recognition and activation of laws and decrees that did not exist before. This process was driven forward by the demands of the international capital. Since the Mexican state wanted to have access to international capital through institutions such as the World Bank and the

International Monetary Fund, several conditions had to be fulfilled. One of them was the respect of human and indigenous rights. The result was, for instance, the ratification of the article 169 of the International Labour Organization in 1989, which acknowledged the right of self-governance of the indigenous population (Flores Félix & Sandoval Cuevas, 2012). In Guerrero, this reconstitution of the indigenous as political subjects became visible in the *Consejo Guerrerense 500 años de Resistencia Indígena, Negra y Popular (CG-500)*<sup>9</sup>, part of the *Consejo Mexicano 500 años de Resistencia Indígena, Negra y Popular (CM-500)*<sup>10</sup>. Near the end of the 1980s, the ibero-american governments agreed to celebrate the 500 years since the arrival of the Europeans to Latin America (Sandoval Cuevas, 2010), the festivities were called *el encuentro de dos mundos*, the encounter of two worlds. However, the indigenous people did not agree to celebrate such a genocide and started to organize themselves (Flores Félix, 2007).

*“500 years of being and not being. (...) That is where the indigenous movement started. That is where the uncomfortable people started organizing themselves again. That is where the resistance struggle began. That is where the fight for constitutional recognition began. 500 years has not been enough to finish with us. Here in Guerrero, with all the discrimination, all the dead, all the hatred against us, here we are. We have broken the fear.” (C. Plácido Valerio, co-founder CRAC-PC and main promotor CRAC-PC-PF/CIPOG-EZ, interview, 28 June 2018, Buenavista)*

The CG-500 was founded in 1991 and was definitely one of the most important experiences of indigenous organization on a national level as well as in the state of Guerrero (Sarmiento Silva et al., 2014). It achieved to reinvent the tradition of resistance that has been lost for many years (Flores Félix, 2007). Another expression of this reconstitution of the indigenous as political subjects was the resistance against a hydroelectric power plant in San Juan Tetelcingo led by the *Consejo de Pueblos Nahuas de Alto Balsas (CPNAB)*<sup>11</sup> (Sánchez Serrano, 2012; Sarmiento Silva, Mejía Carrasco, & Rivaud delgado, n.d.; E. Sánchez Serrano). These two experiences created a very strong indigenous movement in Guerrero that had to do with the reinvention of the indigenous. Leaderships arose, and above all, a strong indigenous thinking emerged that cleared the path for other kinds of organizations such as the *Policía Comunitaria* (Interview with JJFF, 05.06.2018, Mexico City).

Another key role regarding the constitution of the *Policía Comunitaria* can be ascribed to the productive organizations. Leading were the coffee producers such as the *Unión Regional Campesina*<sup>12</sup>, *Triple SSS de Café*<sup>13</sup>, the *Unión de Ejidos ‘Luz de la Montaña’*<sup>14</sup> and the *Consejo Comunitario de Abasto*<sup>15</sup> (Estrada Castañón, 2014; Hernández Navarro, 2014; Sánchez

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<sup>9</sup> Council of Guerrero of 500 Years of Indigenous, Black and Popular Resistance

<sup>10</sup> Mexican Council of 500 Years of Indigenous, Black and Popular Resistance

<sup>11</sup> Council of the Nahuas People of Alto Balsas

<sup>12</sup> Regional Farmers Union

<sup>13</sup> Triple SSS of Coffee

<sup>14</sup> Union of Ejidos ‘Light of the Mountain’

<sup>15</sup> Abasto Community Council



Serrano, 2012). While the CG-500 pushed forward the indigenous organization in a political sense, economic interests drove the productive organizations. These organizations were directly affected by insecurity, since the coffee growers and other farmers were assaulted on the way to the market where they sold their products.<sup>16</sup>

Thirdly, on a closer level, the catholic church has played a very important role in the construction of the system of community policing, particularly the priests of the parishes within the territory where the *Policía Comunitaria* emerged, namely Mario Campos Hernández and Bernardo Valle (Flores Félix, 2007).<sup>17</sup> The church was important especially as an articulator and facilitator of a new ethical, political, and juridical discourse which permitted the creation of the *Comité de Autoridades Indígenas (CAIN)*<sup>18</sup> in 1992, an organization founded by local priests mentioned previously (Sandoval Cuevas, 2010; Interview with MCH, 19.08.2018, Xalpatlahuac). The CAIN emerged first in all the communities where the priests Mario Campos and Bernardo Valle had their influence (Sandoval Cuevas, 2010). One of the first tasks of the new organization was to organize the communities according to their most urgent necessities. These were: means of communication and education (Sandoval Cuevas, 2010; Interview with MCH, 19.08.2018, Xalpatlahuac). The first two achievements were the construction of the road Tlapa-Marquelia, which connected the mountainous region with the coast and the inauguration of a teacher's college in the region (Interview with MCH, 19.08.2018, Xalpatlahuac).

In 1994, the issue of insecurity made all these organizations come together in various assemblies to address this issue. The absence of the state and the resultant insecurity became the most urgent task for all the organizations.

*“A 7 years old girl gets raped in Pueblo Hidalgo, another gets raped here, another 14 years old student there, and they kill a colleague who transported coffee. Additionally, there were 6 assaults per day. The police, no one did anything. And that's when people got upset.” (J. Reyes Bonifacio, former coordinator CRAC-PC and promotor CRAC-PC-PF, interview, 21 June 2018, San Luis Acatlán)*

However, it would be naïve to only blame the insecurity for the emergence of this kind of organization. Additionally, institutional racism at that time was another reason for the creation of the *Policía Comunitaria*, of course related to the issue of insecurity. Usually, when the indigenous went to the municipal seat to denunciate a case, there was no interest to investigate or to attend the case, arguing that they are indigenous and therefore the crimes are less important. Furthermore, they pay less. Racism on all levels is a factor that highly contributed to the case.<sup>19</sup>

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<sup>16</sup> Interviews with CMM, 04.09.2018, San Luis Acatlán; ESS, 15.08.2018, Mexico City; JJFF, 05.06.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac

<sup>17</sup> Interviews with CPV, 28.06.2018, Buenavista; ESS, 15.08.2018, Mexico City; JJFF, 05.06.2018, Mexico City; JPG, 26.05.2018, Mexico City; MTS, 17.08.2018, Mexico City

<sup>18</sup> Committee of Indigenous Authorities

<sup>19</sup> Interviews with ACR, 26.08.2018, Acahuehuetlán; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; MNG, 24.06.2018, Chilpancingo; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán

In 1995, the organizations mentioned previously with very different backgrounds agreed to found the *Policía Comunitaria* under the name *Coordinadora Regional de Autoridades Indígenas (CRAI)*<sup>20,21</sup>

## 6.1.2 From CRAI to CRAC-PC

1998 was a key year regarding the beginnings of the organization; it extended not only its activities towards the impartation of justice but became also more inclusive. These two main happenings are addressed in this section.

The CRAI started operating in 1995 and did not administer justice until 1998. The delinquents were handed over to the public ministry. At the beginning the relationship with the government was rather respectful. In 1996 the political recognition of the *Policía Comunitaria* was achieved, not on paper but de facto. The CRAI received financial resources for uniforms, equipment, arms, and even received a training by the Mexican army (Sánchez Serrano, 2012).<sup>22</sup> Until 1998, the CRAI was not only tolerated but also supported in some ways.

The impartation of justice started three years after its foundation, in 1998, due to the widespread corruption among state authorities.<sup>23</sup> Two former promoters of the *Policía Comunitaria* explain this issue as follows:

*“At this time, (...) we handed the delinquents over to the public ministry. But before we were back in our village, the delinquent was already free. Because the person who has money buys them [state authorities], they liberate him and it gets worse. We have seen this process of corruption.” (A. Cortés Robledo, co-founder CRAC-PC and promotor CRAC-PC-PF/CIPOG-EZ, interview, 26 August 2018, Acahuetlán)*

*“In 1998, the first council of authorities was founded, which began from there, to impart justice. Because in this first period, when it only took care of the security, the comrades handed over the detainees to the public ministry, to the instances of the state, only to generate more corruption. And that also led to the murder of several comrades who were killed by the same criminals who were released soon after [by the state authorities].” (V. Hernández Chapa, former regional coordinator/advisor CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

There was a consent, that the problem was not solved at all. On the contrary, the authorities of the CRAI recognized that they even contributed to the corruption since the state authorities

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<sup>20</sup> Regional Coordination of Indigenous Authorities

<sup>21</sup> Interviews with ABC, 26.08.2018, Acahuetlán; CPV, 28.06.2018, Buenavista; MCH, 19.08.2018, Xalpatlahuac

<sup>22</sup> Interviews with CPV, 28.06.2018, Buenavista; MCH, 19.08.2018, Xalpatlahuac

<sup>23</sup> Interviews with ABC, 26.08.2018, Acahuetlán; ACA1, 23.08.2018, San Luis Acatlán; ACH, 24.08.2018, San Luis Acatlán; ACR, 26.08.2018, Acahuetlán; AEC2, 03.09.2018, San Luis Acatlán; CPV, 28.06.2018, Buenavista; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LPM, 13.08.18, Mexico City; LSR, 20.06.2018, Papaxtla; MCH, 19.08.2018, Xalpatlahuac; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; VHC1, 23.08.2018, San Luis Acatlán; VVN1, 21.06.2018, San Luis Acatlán

were making money with the delinquents they received.<sup>24</sup> Due to the corrupt judicial system of the state, the CRAI started to administer justice by itself.<sup>25</sup> With the administration of justice, there was also a need for internal regulations. Therefore, the first draft of a set of rules was adopted (Estrada Castañón, 2014). When the CRAI started to take the administration of justice in its own hands, the relationship with the government became immediately tense (Interview with ESS, 18.08.2018, Mexico City).

At the same time, in 1998, many non-indigenous communities were interested in joining the organization. Therefore, the name was changed from CRAI to CRAC-PC (Coordinadora Regional de Autoridades Comunitarias – Policía Comunitaria<sup>26</sup>) to include the Mestizos too. ‘The Indigenous’ was replaced with ‘the Communitarian’ to integrate all different kinds of ethnic groups (Interviews with CPV, 28.06.2018, Buenavista; JPG, 27.05.2018, Mexico City).



Figure 7: Logo of the Policía Comunitaria which states: "The respect for our rights will be justice. Communitarian territory." (Photo: Manuel Müller)

### 6.1.3 The Ultimatum

It is indispensable to mention the name of René Juárez Cisneros when talking about the history of the *Policía Comunitaria*. Juárez Cisneros is responsible for the first severe crisis of the CRAC-PC.

In 1999 René Juárez Cisneros of the Institutional Revolutionary Party (PRI) won the elections for governor of the state of Guerrero. From the beginning, when he took office, the posture of the state government towards the CRAC-PC was rather disrespectful. The peak of the tense relationship was the so-called “ultimatum” in 2002, when the Juárez Cisneros announced, that the *Policía Comunitaria* had 24 hours to disarm itself and disappear.

*It was the ultimatum by René Juárez Cisneros. (...) That's when the government of René Juárez Cisneros told us that within 24 hours we have to disappear the name of the Policía Comunitaria and to hand over the weapons. (...) "Wait, let's ask our people, if they say we should hand them over because you say so, we will do so, but if the people say no, wait for the answer, you bastard." (...) They [the people]*

<sup>24</sup> Interviews with CPV, 28.06.2018, Buenavista; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac

<sup>25</sup> Interviews with ABC, 26.08.2018, Acahuehuatlán; ACA1, 23.08.2018, San Luis Acatlán; ACH, 24.08.2018, San Luis Acatlán; ACR, 26.08.2018, Acahuehuatlán; AEC1, 23.08.2018, San Luis Acatlán; CPV, 28.06.2018, Buenavista; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LPM, 13.08.2018, Mexico City; LSR, 20.06.2018, Papaxtla; MCH, 19.08.2018, Xalpatlahuac; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; VHC1, 23.08.2018, San Luis Acatlán; VVN1, 21.06.2018, San Luis Acatlán

<sup>26</sup> Regional Coordination of Communitarian Authorities

*said: "No, by no means". And a commander said: "If I have to hand over my weapon, I prefer to kill myself." (...) And the cattle-breeders came from San Luis Acatlán and they said: "If you are going to fight, we will put food for you, here it is." (...) All the cattle-breeders brought food, a lot, and about 8'000 people were mobilized. The people gathered to give the answer to René Juárez Cisneros. (...) [They said:] "We did not come to ask you to recognize us, our people have already recognized us. You are nobody to recognize us, we have a law, we have a right"."* (J. Reyes Bonifacio, former coordinator CRAC-PC and promotor CRAC-PC-PF, interview, 21 June 2018, San Luis Acatlán)

The so-called "ultimatum" was one of the most critical moments in the history of the CRAC-PC, and also showed the strength of it: the popular support and the strength of the assembly. The *Policía Comunitaria* defied the ultimatum by asking the assembly, that means the people who legitimize it, and due to social mobilization. The people themselves decided that the arms should not be handed over. An assembly took place in every community belonging to the communitarian system where the populations were consulted regarding the threat of the state government, and the vast majority double-crossed the plans of the governor and decided not to hand over the weapons. (Interviews with MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán).

The years after the ultimatum were characterized by a further elaboration of the internal regulations and a continuous growth of the CRAC-PC. The internal regulations were adapted from 2002 to 2004 and again in 2007 (Estrada Castañón, 2014). Furthermore, more and more communities were integrated into the communitarian system. Due to the expansion, there was the necessity to inaugurate new *Casas de Justicia*<sup>27</sup>. Additionally to the already existing *Casa de Justicia* in San Luis Acatlán, new courts were established in Espino Blanco, municipality of Malinaltepec, in Ziltlattepec, municipality of Metlatónoc, and in El Paraíso, municipality of Ayutla de los Libres (Estrada Castañón, 2014).

Additionally, in 2005 during the 10<sup>th</sup> anniversary of the CRAC-PC, the communities started discussing about how to proceed, since exhaustion became noticeable. Therefore, the organizations started to evaluate how to address other issues such as education, health, communication, and production. For instance, the CRAC-PC started to operate a radio station and to distribute a newspaper. Working groups together with teachers and doctors were established and pharmacies with natural remedies were inaugurated (Interview with VHC1, 23.08.2018, San Luis Acatlán). All this continued until 2013 when the communitarian system was confronted with its biggest crisis. Until today, the *Policía Comunitaria* has not regained the strength and legitimacy it had before.

#### 6.1.4 The Internal Conflict and Current Crisis

First of all, I want to clarify my intention by addressing the topic of the internal conflict in-depth. The division of the *Policía Comunitaria* is crucial to understand the relationship between the *Policía Comunitaria* and the government, respectively the church, as well as the dynamics of legitimacy nowadays. Nevertheless, since the role, the motivation or the affiliation of some people who are in some way still active to this day within the CRAC-PC, the

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<sup>27</sup> Regional headquarter and «court»

CRAC-PC-PF or the UPOEG is not clear or I cannot prove with certainty, because some data did not survive the process of triangulation, I resign to expose those persons by name or in any other form or to bring up issues or happenings that are not relevant to understand the dynamics of the conflict. Additionally, I keep most of my sources regarding the internal crisis anonymous, since it is irrelevant and I do not want to sow discord. This chapter is not aiming to contribute to the ongoing conflict or to prevent a possible process of reconciliation.

The tensions within the CRAC-PC became visible in 2010. Since then, there has been two currents predominant within the *Policía Comunitaria*. One current was the vision of the original leaders of the CRAC-PC, including the priests who were supporting the organization from the beginning. One vision can be described as follows:

*“Political strategies were also disputed. There are different fractions and ways of acting. The CRAC-PC arises ideologically from a millenarian, religious vision, similar to the time of the first Christians. The CRAC-PC is created by the presence and leadership of the Catholic Church in Guerrero. They [the priests] propose a kind of reinvention to recover the human condition of the communities. (...) And this is the thought that strengthens the first moments of the Policía Comunitaria. Because they empower the traditional authorities, they promote that millenarian thought and search for a legality that is equipped with legitimacy.” (J. J. Flores Félix, anthropologist UAM, interview, 5 June 2018, Mexico City)*

The current lead by some of the founders of the CRAC-PC was strongly influenced by the Catholic Church, Christian values, and by the indigenous view of what it means to live in a community, as a collective. Key actors within this current were mainly former indigenous leaders of the CG-500 and priests of the Catholic Church that always played a key role within the CRAC-PC (Interviews with A1 and A2, 2018, Guerrero; JJFF, 05.06.2018, Mexico City).

Mestizos who joined the CRAC-PC later spearheaded the other current. They arrived with a very distinctive vision, a vision characterized by a more militaristic and leftist mindset (Interviews with A1, A2 and A3 2018, Guerrero; JJFF, 05.06.2018, Mexico City).

*“But on the other hand, in Guerrero there is a very strong military thinking. There are people who think that everything can be achieved through arms. And that also generates a dispute...within the CRAC-PC leadership. Over there...in 2010 there is a group that comes from this kind of thinking and begins to act, it begins to discharge the community leaders who are close to the catholic church. They are discharged, and they are practically expelled from the CRAC. And the new members arrive who have a more militaristic thinking.” (J. J. Flores Félix, anthropologist UAM, interview, 5 June 2018, Mexico City)*

From 2010 on, the group affiliated to the latter vision was gaining more and more power and the priests accompanying the organization were seen increasingly critically. After changing the discourse of the CRAC-PC towards a more militaristic and leftist discourse, a less indigenous discourse, Special Forces were introduced, justified by the increased presence of drug cartels within the region. This was something completely new that had not existed before and caused disagreement among the communities. In 2013, proposed by the group in power, Eliseo Villar Castillo joined the group of regional coordinators of the CRAC-PC in San Luis Acatlán. He was elected in an assembly characterized by confusion and intimidation. The

arrival of Villar Castillo to the CRAC-PC was a key moment during the conflict (Warnholtz Loch, 2017; Interviews with A1, A2, A5, 2018, Guerrero). Eliseo Villar Castillo took more and more control of the *Policía Comunitaria* and the assembly, the highest authority of the CRAC-PC, became less and less significant. Angel Aguirre Rivero, the governor of the state of Guerrero at that time, started to hand over financial resources (1'000'000 MXN/month) to the CRAC-PC lead by Villar Castillo. Policemen who were not elected by the communities but who were close to Villar Castillo were incorporated and Villar Castillo started to pay the police forces. The government registered all the members of the CRAC-PC. Furthermore, delinquents were released in exchange for money and victims were extorted. All these were practices that had not existed within the *Policía Comunitaria* before and that violated the original principles of the CRAC-PC. Eliseo Villar Castillo acted on his own, without consulting the other coordinators, even less the assembly. Villar Castillo created a new *Casa de Justicia* in Juchitán and deprived others, leaders of both currents were expelled or imprisoned (including leaders belonging to the second current who supported him at the very beginning) and financial resources received from the government, designated to buy arms, disappeared. At the same time the state police arrested leaders of the CRAC-PC who were expelled by Villar Castillo. The founding indigenous leaders of the rather religious and indigenous current of the CRAC-PC and their group first tried to discharge Villar Castillo in a regional assembly, unsuccessfully, and then, to take over by force the *Casa de Justicia* in San Luis Acatlán lead by Villar Castillo. Nevertheless, they had to cancel the operation to avoid a severe armed confrontation resulting in many dead. Therefore, the communities belonging to the first current separated themselves officially from the CRAC-PC and formed the CRAC-PC-PF, based in a new *Casa de Justicia* in Santa Cruz del Rincón, municipality of Malinaltepec. This group considered its organization as “the original *Policía Comunitaria*”, following the original principles established in 1995, wherefore its members called themselves ‘the founding communities’ (the appendix ‘PF’ due to its Spanish acronym). Villar Castillo was expelled after several armed confrontations between himself, his people, and the remaining group of the CRAC-PC, who did not support him (not the CRAC-PC-PF, this organization was already operating separately), which resulted with injured and dead people. He fled to the *Casa de Justicia* in Juchitán, which he established during his leadership, where the state police later arrested him. Nowadays, he still remains in state prison (Field diary; Interviews with A1, A2, A3, A4, A5, 2018, Guerrero).

Another story that contributed to the division of the CRAC-PC was the unsuccessful expansion towards the coast. This led to the foundation of another organization, the UPOEG, which follows a more integral approach regarding not only security, but also development and social participation within governance. Many former leaders of the CRAC-PC were and are still promoting the case of the UPOEG. The UPOEG separated itself before the arrival of Eliseo Villar Castillo due to reasons that are not relevant for the understanding of the conflict between the CRAC-PC and the CRAC-PC-PF, wherefore I won't discuss the process of the UPOEG here.

Besides all the accusations against each other, all the actors of the different fractions agree nowadays that Angel Aguirre Rivero, governor of Guerrero at that time, promoted the division.

*“So there, the government took another strategy, it wanted to intervene, it interfered, it divided. It must also be said that it intervened because of the violence and because of the mining companies. They are there. It doesn't suit them. The government doesn't want a strong, autonomous organization that really puts limitations to its economic interests. It's good enough to resolve issues regarding security, but that's as far as it goes. Don't let them go any further.” (M. T. Sierra, anthropologist CIESAS, interview, 17 August 2018, Mexico City)*

The role of the government is not contested by any of the fractions of the *Policía Comunitaria*, nor by experts and NGOs I consulted.<sup>28</sup> It is also very clear that to gain control over the CRAC-PC, the state government instrumentalized Eliseo Villar Castillo. Villar Castillo had a criminal history, several arrest warrants were pending when he joined the *Policía Comunitaria*. The only thing the government had to do when he was not useful anymore was to activate the arresting orders. The government tried, on one hand, to weaken the process, and on the other hand, to subordinate the *Policía Comunitaria*. For example, the leaders of the CRAC-PC of Ayutla de los Libres and Olinalá, leaders that were openly supporting the resistance against large-scale mining or the teacher's protests, were immediately arrested after being expelled by Villar Castillo (Interview with A2, A3, A4, A6, 2018, Guerrero). Another issue that caused major concern among the bases of the CRAC-PC was the registering of the elected police forces, also a tool to gain control over the organization (Interviews with A2, A3, A7, 2018, Guerrero).

*“When the Policía Comunitaria was founded, the assembly gave you the true credential, and only to the authority that was elected in an assembly. It wasn't an official credential of the government that recognizes you. (...) And here they didn't, they went with the official part and the army began to register them. (...) We never had to ask the government for permission. Our assembly defined, the assembly authorizes. (...) And the government says: “We are going to legalize you, but you are going to use pure shotguns.” You're kidding, the delinquent doesn't carry a shotgun, he carries a bazooka! In other words, we have already gone to a level of the process, that we could no longer have weapons and the criminals carry everything then. That's how this whole process was.” (J. Pérez<sup>29</sup>, former commander CRAC-PC, interview, 2018, Guerrero)*

*“The comrades called it treason. (...) They sign the credential of the Policía Comunitaria in exchange that they receive money (...) there was a sale of project to the government.” (J. Rodríguez<sup>30</sup>, former coordinator CRAC-PC, interview, 2018, Guerrero)*

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<sup>28</sup> Interviews with ABC, 26.08.2018, Acahuehuatlán; ACA1, 23.08.2018, San Luis Acatlán; ACH, 24.08.2018, San Luis Acatlán; ACR, 26.08.2018, Acahuehuatlán; AEC1, 23.08.2018, San Luis Acatlán; CPV, 28.06.2018, Buenavista; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LPM, 13.08.2018, Mexico City; LSR, 20.06.2018, Papaxtla; MCH, 19.08.2018, Xalpatlahuac; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; VHC1, 23.08.2018, San Luis Acatlán; VVN1, 21.06.2018, San Luis Acatlán

<sup>29</sup> Name changed due to anonymization

<sup>30</sup> Name changed due to anonymization

As a result of the heavy internal conflict with its peak in 2013, there were several groups denominating themselves CRAC-PC and several independent *Casas de Justicia*. Or in the words of a former commander of the *Policía Comunitaria*: “Many *Casas de Justicia* were founded, as if they were OXXOs<sup>31</sup>. The route was not defined as it should be (...) everyone promoted his own group.” (Interview with José Pérez, 2018, Guerrero) Besides some *Casas de Justicia*, which were operating autonomously, the two biggest fractions were – not considering the UPOEG since it separated itself very early in the process and took a completely different path – the CRAC-PC-PF and the CRAC-PC. Both organizations had to restructure their regions and to define the route to follow and did not operate until 2014. Nowadays, they both are operating. The CRAC-PC-PF has lost some communities and *Casas de Justicia* to the CRAC-PC, but both organizations are functioning autonomously (Field diary; Interviews with A1, A2, A3, A4, A4, 2018, Guerrero).

Nevertheless, the two discourses are still very present. While the CRAC-PC-PF can be assigned to the first discourse, the CRAC-PC can be ascribed to the latter. Besides the respect towards the church as an institution and towards its values, the CRAC-PC-PF is more critical regarding the government. According to a resolution during an assembly in 2014, any financial support from any government institution is rejected (CRAC-PC-PF, 2014a). The CRAC-PC, on the contrary, receives some financial resources on a municipal level and it does not close itself towards the government (Field diary; Interviews with JVG, 24.08.2018, San Luis Acatlán; VHC1, 23.08.2018, San Luis Acatlán). Furthermore, the CRAC-PC-PF is more connected to the indigenous struggle for self-determination and critically inclined towards mestizo communities, since they accuse some mestizo leaders of having divided the *Policía Comunitaria* (Interviews with A1, A4, 2018, Guerrero). In contrast to the CRAC-PC, the communities of the CRAC-PC-PF are strongly connected to the CIPOG-EZ and are therefore part of the *Congreso Nacional Indígena (CNI)*<sup>32, 33</sup>. This has a lot to do with former leaders of the CG-500 who are nowadays leading the CRAC-PC-PF and the CIPOG-EZ.

#### 6.1.4.1 Crisis of Legitimacy

*“The Policía Comunitaria has lost recognition, the PC [Policía Comunitaria] has moved away from the people, the root is thin.” (A. Barrera, head of the NGO CHDM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

The current on-going conflict is deeply connected with a decay of legitimacy. How is the crisis of legitimacy connected to the internal discrepancies? I want to address this question here and show thereby, how this decay of legitimate authority becomes visible.

The current situation can be seen as a still on-going crisis of legitimacy. This crisis of legitimacy becomes very visible during the daily routine of the *Policía Comunitaria*.

*We have to go back to the original principles. Because a lot of people distanced themselves. Before, the citizens arrived with eggs, with tomatoes, with corn, with*

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<sup>31</sup> OXXO is a very rapidly growing Mexican chain of convenience stores

<sup>32</sup> National Indigenous Congress (a national indigenous movement fighting for indigenous rights)

<sup>33</sup> Field diary; Interviews with ABC, 26.08.2018, Acahuehuetlán; ACR, 26.08.2018, Acahuehuetlán; CPV, 28.06.2018, Buenavista; JPG, 27.05.2018, Mexico City



*beans, to support them [the police forces at the Casa de Justicia]. People identified themselves very well with them. I don't want to get too involved in this issue anymore, it is complicated. (J. Vázquez García, major San Luis Acatlán, interview, 24 August 2018, San Luis Acatlán)*

There is clearly less support from the local population. This can also be observed during the assemblies. It is a fact, that nowadays so-called micro-regional assemblies, instead of regional assemblies are taking place. These micro-regional assemblies are not representing the whole region. This is actually something that does not coincide with the internal regulatory framework. Furthermore, the assemblies, be it regional or micro-regional, are attended by very few people. Before the crisis, the amount of people attending the regional assemblies was at least three times more.<sup>34</sup> In November 2018, during a regional assembly, the former spokesman of the CRAC-PC Valentín Hernández Chapa was expelled by a decision taken by 40 people that were present, meaning with a majority of at least 21 people (Bautista, 2018; Velázquez, 2018). This does not only show the crisis of legitimacy, but also the irregularities according to the internal regulatory framework which states, that at least 50 percent plus one of the people having a right to vote have to be present at a regional assembly. The assemblies can be seen as the main indicators of representation and therefore of legitimacy. The micro-regional assemblies are a clear sign that the crisis of legitimacy is still ongoing.

The reasons for the decay of legitimacy can be seen in various factors. Several reasons were mentioned regarding this crisis. Acts of corruption that happened within the CRAC-PC, especially during the time of Eliseo Villar Castillo was a major issue.<sup>35</sup> Secondly, the subordination to the government is seen very critically by the communities. One expression is the credentialization that happened in 2013<sup>36</sup>, another is the focus on legal aspects, the strive for a legalization of the *Policía Comunitaria* by some (former) leaders, and the proximity to political parties and political patronage<sup>37</sup>. This point will be part of a larger discussion in chapter 11.3.1. Thirdly, the ignorance of the assembly is something that is still happening especially within the CRAC-PC, which is still marked by strong leaderships (Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort). Also, the dissociation from the priests is seen critically. It is argued, that the spiritual, the faith has been lost (Interviews with MCH, 19.08.2018, Xalpatlahuac; JFFF, 05.06.2018, Mexico City). Additionally, there is a crisis of re-education. The re-education is not always executed according to the internal regulatory framework, be it missing talks to the detainees or simply imprisonment instead of communitarian work (Field diary; Interview with CPV, 28.06.2018, Buenavista). Besides all that, there is an exhaustion after so many years operating. For the young community members for instance, the *Policía Comunitaria* has no priority, since they have grown up in peace and

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<sup>34</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; ECP, 22.06.2018, San Nicolás; JPG, 27.05.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

<sup>35</sup> Interviews with CPV, 28.06.2018, Buenavista; ECP, 22.06.2018, San Nicolás; FER, 31.08.2018, Chilpancingo; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; MRM, 21.06.2018, San Nicolás; VVN2, 07.07.2018, San Luis Acatlán

<sup>36</sup> Interviews with FER, 31.08.2018, Chilpancingo; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán

<sup>37</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; BPV, 26.06.2018, Buenavista; CPV, 28.06.2018, Buenavista; JRB, 21.06.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

safety. The CRAC-PC and the CRAC-PC-PF sometimes have difficulties to motivate the youth to be part of the project.<sup>38</sup>

These factors mentioned can be summarized as a loss of “the collective” or “*lo comunitario*” (chapter 7). Besides the exhaustion of the communities, all the other factors are somehow connected to the internal conflict. The corruption, the subordination to the government, the ignorance of the assembly, the discrediting of the participating priests and the proximity to political parties – Eliseo Villar was heavily involved in all of the factors – caused the crisis of legitimacy, which can be seen as the main factor provoking the internal conflict. There is a strong interdependence between the internal crisis and legitimacy. As long as the crisis of legitimacy continues, the internal conflict will persist.

## 6.2 Communitarian Structures

This section addresses the questions of how the *Policía Comunitaria* is organized, how the operative structure looks like in detail but also where the weapons and financial resources are from. The organizational structure of the CRAC-PC-PF and the CRAC-PC is the same, except a few differences. While the CRAC-PC adopted a revised internal regulatory framework in 2018, the CRAC-PC-PF is still in the process of its revision and has not adopted it yet. Nevertheless, once adopted it will look very similar to the regulatory framework of the CRAC-PC, since the draft of the new internal regulations was elaborated by the same group of people. Therefore, I am going to present the structure of the CRAC-PC.

The *Policía Comunitaria* is organized on three levels: communal, regional and territorial. On all the three levels, the highest authority is the general assembly of the respective level.

On a communal level there is the **general communitarian assembly**. It takes place when considered as necessary and consists of the people over 18 years old – or younger if married – who live permanently in the community. It is the decision-making instance on a communal level. It is the instance in which the population analyses, proposes, organizes and participates in decisions about the challenges faced by the community and in which it validates the actions and decisions taken and legitimizes the authorities elected to coordinate its execution. The municipal commissioners, the group of communitarian police forces and the local advisors are elected by the general communitarian assembly. The general communitarian assembly is the authority, which means that they can also be discharged by it. The **municipal commissioner** imparts justice in his community, he is basically the judge, and coordinates the *Policía Comunitaria* on a communal level. Each community has 12 **communitarian police officers**. Two of them are **commanders** (a first and a second commander). It is the first operative instance regarding security. The **local advisors** are an instance of orientation. The local advisors are the oldest people of the community, who have held all or most of the charges or positions in the community and who have a big experience and great moral solvency. They are advisors on a communal level. That means that they give orientation to the commissioner, give their opinion during communitarian assemblies and provide talks of orientation and reflection to the detainees of the community (CRAC-PC, 2018).

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<sup>38</sup> Interviews with BPV, 26.06.2018, Buenavista; CMM, 04.09.2018, San Luis Acatlán; ECP, 22.06.2018, San Nicolás; MRM, 21.08.2018, San Nicolás; VHC1, 23.08.2018, San Luis Acatlán



Figure 8: Regional advisors, regional commanders and communitarian police forces of the CRAC-PC-PF in front of the Casa de Justicia in San Nicolás (Photo: Manuel Müller)



Figure 9: Regional assembly of the CRAC-PC in San Luis Acatlán (Photo: Manuel Müller)

On a regional level there is the **regional assembly of communitarian authorities**. The regional assembly is the decision-making instance on a regional level. It takes place ordinarily every three months. A region is defined through the belonging to a *Casa de Justicia* or a *Comité de Enlace*. Each region has one *Casa de Justicia*, which is similar to a regional headquarter. The *Casas de Justicia* is where the regional coordination of communitarian authorities (CRAC) and the executive committee is located (see below). A *Comité de Enlace* is a region that does not have a proper *Casa de Justicia* yet, due to its recent integration into the system. Another *Casa de Justicia* administrates it. The regional assembly consists of all the people in charge from all the communities belonging to the respective *Casa de Justicia* and the people in charge on a regional level (municipal commissioners, local advisors, local commanders, police forces, regional coordinators, regional advisors, regional commanders). Depending on the regional assembly are the following authorities on a regional level: The regional coordination of communitarian authorities CRAC (due to its Spanish acronym), the executive committee and the regional advisors. The **regional coordination of communitarian authorities (CRAC)** is the operative instance on a regional level and consists of the regional coordinators. The regional coordinators are the representative authority of a *Casa de Justicia* or a *Comité de Enlace*, where they are permanently based. The main task of the regional coordinators is to impart justice in cases that are not solved by the municipal commissioner. The cases that cannot be solved within the communities due to their complexity or their severity are received and solved by the CRAC. If the CRAC cannot solve the case, only then is it transmitted to the regional assembly of communitarian authorities. In this case, the regional assembly defines the measures taken. The **executive committee** is the main operational management body of the *Policía Comunitaria*, it is in charge of the security and the regional coordination of the groups of communitarian police forces. It consists of regional commanders. They are permanently based at the *Casa de Justicia* or the *Comité de Enlace* and, besides coordinating operatives and security tasks, they also coordinate the process of re-education (chapter 9). Same as the local advisors, the **regional advisors** are an instance of orientation; they are moral authorities within the communitarian system on a regional level. The regional advisors have to be consulted by both the CRAC and the executive committee to

solve internal problems, mainly regarding the administration of justice, security, and the organizational process. Furthermore, they have to be consulted to plan special operatives or to define the relationship with the government and other social organizations. Same as the local advisors, the regional advisors need to have served for the *Policía Comunitaria* in several positions and they are not allowed to have any criminal history (CRAC-PC, 2018).

The highest instance of decision-making within the communitarian system, on a territorial level, is the **general assembly of communitarian authorities**. It consists of all the people in charge of all the different levels. It ordinarily takes place once a year. It is the instance responsible to ensure and guarantee compliance in accordance with the historical principles, the internal regulations, and the integrity of the communitarian system. The **commission of general coordination** depends on the general assembly of communitarian authorities. It consists of regional advisors and coordinates the different structures of the communitarian system. Additionally, they officially represent the communitarian system to the outside, that means to the government, to NGOs and other organizations (CRAC-PC, 2018).

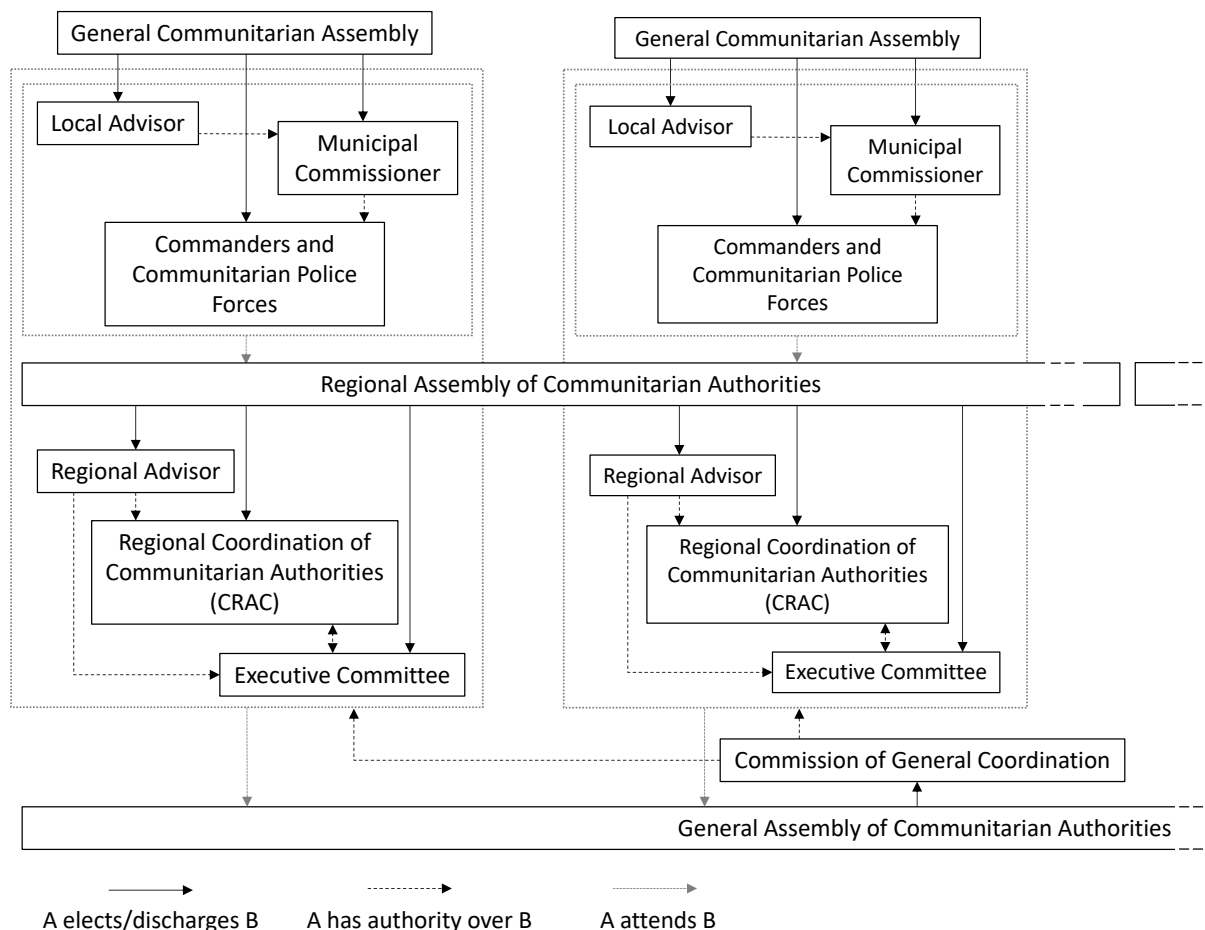


Figure 10: Organizational structure of the Policía Comunitaria (Diagram: Manuel Müller, based on CRAC-PC-PF (2013b) and CRAC-PC (2018))

Furthermore, there are task forces regarding other areas such as health, education, production, communication, administration, formation, and human rights. Nevertheless, they are only partly or not working at the moment. Both fractions are operating a radio station (although the radio station of the CRAC-PC-PF and the CIPOG-EZ has to be repaired right now and the

station of the CRAC-PC lacks personal resources, this is why there is only music transmitted). Additionally, there are serious efforts of the CRAC-PC-PF and the CIPOG-EZ to establish an educational center to empower the indigenous population and to strengthen its political identity (CRAC-PC-PF, 2018; Field diary; Interview with JPG, 27.05.2018, Mexico City).

It has to be said that the CRAC-PC and the CRAC-PC-PF are still in a process of re-structuration and re-organization due to the consequences of the internal conflict. Although the internal regulatory framework defines very well the different instances, authorities and positions, in practice, not everything works according to the internal regulations. For instance, others execute the tasks of the commission of general coordination, such as regional coordinators. And of course, strong leaderships that influence certain decisions taken in assemblies mark the CRAC-PC and the CRAC-PC-PF. Furthermore, especially the CRAC-PC-PF has more difficulties to coordinate its different regions, since they are not connected to each other territorially, wherefore the instances and authorities on a territorial level do not have the importance they should have or sometimes they do not even exist. Furthermore, the CRAC-PC-PF does not have any *Comités de Enlace*.

Regarding the financial resources, there are certain differences between the CRAC-PC and the CRAC-PC-PF. In general, the *Policía Comunitaria* is an organization where the people serve the communities without receiving any salary or any other kinds of financial benefit. This is also something that is constantly discussed.<sup>39</sup> Asking a coordinator and a commander of the CRAC-PC-PF about the difficulties they face, their answer was:

*“The most difficult thing...you don't get paid. But with the same effort we bear up, we keep doing our service [to the community]. We want it and encourage ourselves, you have no other choice.” (D. F. Santos, regional coordinator CRAC-PC-PF, interview, 20 June 2018, Papaxtla)*

*“We give ourselves some time to work. We are 12, 6 of us work in the fields this week to support their families. (...) The next week, the others arrive and we go to our fields like the others last week. In the moment of sowing they sow their corn or their beans. We give ourselves a certain amount of time to be able to support ourselves. Here we don't receive any salary, nothing like that.” (R. Santos, commander CRAC-PC-PF, interview, 20 June 2018, Papaxtla)*

The community alimts the people in charge as well as the detainees. In the case of the *Casas de Justicia*, there is a rotative system. Besides the CRAC and the Executive Committee, which are always present, there is always one community responsible to guard the *Casa de Justicia* for eight days. That means that some of the twelve police forces of the respective community, including one commander, are sent to the *Casa de Justicia* during this period. The community guarding the *Casa de Justicia* is also responsible for the alimentation of the people there, including the CRAC and the executive committee (CRAC-PC, 2018).

The weapons are bought by the communities and belong to them. To clarify, there is no law legalizing the carrying of weapons by the *Policía Comunitaria*. Even though Mexico has rather strict gun politics and laws, the laws are not strictly enforced and it is usual to buy weapons informally (Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; JPG,

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<sup>39</sup> Interviews with DFS, 20.06.2018, Papaxtla; RS, 20.06.2018, Papaxtla; VHC1, 23.08.2018, San Luis Acatlán

27.05.2018, Mexico City). Some of them are acquired from criminals they have arrested or are donated by community members. In general, the *Policía Comunitaria* is not heavily armed, most of their arms are M1 carbines (an automatic rifle of World War II) or hunting weapons, that means one-shot weapons (Field diary).

Regarding the financial resources, there are some differences between the CRAC-PC and the CRAC-PC-PF. Since the CRAC-PC receives money from the municipal governments (chapter 10.1) they are able to financially support the regional coordinators, because they have to be at the *Casa de Justicia* full-time (Interviews with ACA1, JCF1, VHC1, 23.08.2018, San Luis Acatlán). Furthermore, the CRAC-PC has recently bought some heavy arms (M4A1 carbines) for the police forces guarding the *Casa de Justicia* in San Luis Acatlán, justifying by the increasing presence of organized crime (Interview with VHC1, 23.08.2018, San Luis Acatlán). The CRAC-PC-PF instead does not pay any person in any charge nor do they possess heavy arms (Field diary).

### 6.3 Communitarian Territory

Since the internal discrepancies in 2013, the information in the media regarding the presence of the CRAC-PC-PF and the CRAC-PC is very contradicting and incomplete. This section clarifies the extension of the communitarian territory and the location of the operating *Casas de Justicia*.

The CRAC-PC and the CRAC-PC-PF are present in the Costa-Montaña region of Guerrero. The CRAC-PC-PF has presence in five municipalities: Chilapa de Álvarez, José Joaquín de Herrera, Malinaltepec, San Luis Acatlán and Cuajinicuilapa. There are three *Casas de Justicia*. One is located in the community of Acahuehuatlán in the municipality of Chilapa de Álvarez attending the communities of Chilapa de Álvarez and José Joaquín de Herrera, another in the community of Santa Cruz del Rincón in the municipality of Malinaltepec, attending the communities of Malinaltepec and San Luis Acatlán, and a third *Casa de Justicia* in the community of San Nicolás in the municipality of Cuajinicuilapa, attending the communities of this municipality. The CRAC-PC-PF is rooted in around eighty communities.

The CRAC-PC is active in twelve municipalities: San Luis Acatlán, Malinaltepec, Metlatónoc, Ayutla de los Libres, Acatepec, Acapulco de Juárez, Tecoaapa, Tixtla de Guerrero, Huamuxtitlán, Olinalá, Cochoapa el Grande and Xochistlahuaca. At the moment, there are five *Casas de Justicia* operating and six *Comités de Enlace*. The *Comités de Enlace* are attended directly by the *Casa de Justicia* of San Luis Acatlán. Besides the *Casa de Justicia* in San Luis Acatlán, the first one to be established, there are others in Colombia de Guadalupe in the municipality of Malinaltepec, in Zitlaltepec in the municipality of Metlatónoc, in El Paraíso in the municipality of Ayutla de los Libres and in Caxitepec in the municipality of Acatepec. The *Comités de Enlace* attended by San Luis Acatlán are six in total and the following: Cacahuetepec (municipality of Acapulco de Juárez), Tecoaapa (municipality of Tecoaapa), Tixtla de Guerrero (municipality of Tixtla), Olinalá and Huamuxtitlán (municipalities of Olinalá and Huamuxtitlán), Xinistlahuaca (municipality of Metlatónoc) and Dos Ríos (municipality of Cochoapa el Grande). Xochistlahuaca, although far away from San Luis

Acatlán, is not a *Comité de Enlace* yet and belongs directly to the *Casa de Justicia* of San Luis Acatlán. The CRAC-PC is rooted in at least 200 communities.

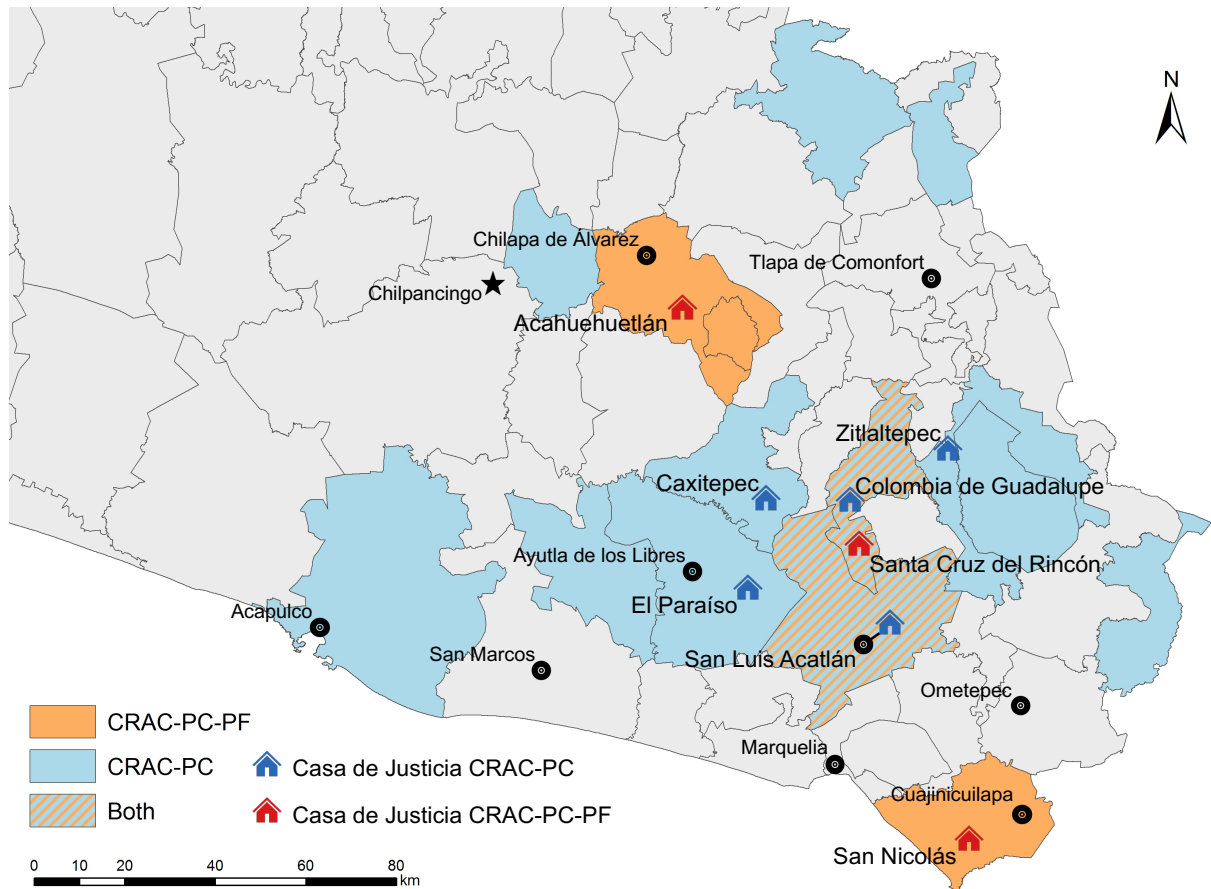


Figure 11: Presence of the Policía Comunitaria (Map: Manuel Müller, data retrieved from Instituto Nacional de Estadística y Geografía (2015))

There are municipalities where both organizations are present. That means, that a community belongs to one, and another to the other organization. There are also a few communities both the CRAC-PC and the CRAC-PC-PF claim and where for me as an external researcher was not clear to whom they belong. They sometimes rather act autonomously. Furthermore, due to leadership struggles within the CRAC-PC, some *Comités de Enlace* are informally expelled by some leaders and recognized by others (Chávez, 2018c; Field diary).

## 7 *lo comunitario* – The Rise of a Collective Identity

The concept of identity is central to understand not only the emergence of the *Policía Comunitaria*, but also to understand the discussion about collectiveness, or “lo comunitario” as it is called in the Costa-Montaña region of Guerrero, wherefore I want to discuss the emergence of a politicized identity and to clarify the term ‘*lo comunitario*’ within this chapter.

Identity definitely matters, even though opinions about this statement diverge among scholars (Jenkins, 1996). But, what does the term ‘identity’ embrace?

*“...Identity is the human capacity – rooted in language – to know ‘who’s who’ (and hence ‘what’s what’). This involves knowing who we are, knowing who others are, them knowing who we are, us knowing who they think we are, and so on: a multi-dimensional classification or mapping of the human world and our places in it, as individuals and as members of collectivities. It is a process – identification – not a ‘thing’. It is not something that one can have, or not; it is something that one does.” (Jenkins, 1996: 5)*

Identity matters. Identity is not something that does exist regardless any processes; identity is made, it is something constructed, it is a process. While sociologists focused on the tensions between individual identity and social structures (Giddens, 1991; Jenkins, 1996; Stryker, 1980), anthropologists discussed the cultural expression of identity and especially, how it is preserved at group boundaries (Barth, 1998; Cohen, 1982). These discussions are not restricted to the individual level. It is clear that identity is not only ascribed to an individual, but also to a group. Group identities are often treated as the most powerful forms of identification, powerful regarding the capacities to mobilize people (Jenkins, 1996). A so-called political identity is nearly always associated with a group affiliation. It describes the ways in which being a member of a specific group might influence political opinions and attitudes (Frueh, 2002).

To understand the emergence of a new politicized identity in the Costa-Montaña region of Guerrero, its historical, economical, ethnopolitical, ecclesiastical, as well as its geographical aspects have to be considered. One major factor that contributed to the creation of a new identity, crossing borders between different indigenous ethnos, is the geographical location of the region that permitted the cultivation of coffee.

*“The cultivation of coffee allowed them [the indigenous people of the Costa-Montaña region] to build relationships and to organize themselves with the particular dynamics of the indigenous people, sustained by their own normative systems; that is how they organized themselves to be able to compete in foreign markets, to negotiate directly with government institutions and, specifically, with the then Mexican Coffee Institute (Inmecafé). (...) The productive vocation of the region, despite of the coffee crises, motivated the producers to assume organizational responsibilities and they found a productive alternative in the cultivation of coffee. When Inmecafé disappeared at the end of the 1980s, they recovered the forms of peasant organization, the appropriation of the productive process, the horizon-*



*tal decision-making process and a position of autonomy vis-à-vis the state.”*  
(Sánchez Serrano, 2012: 21)

Within this entire process, the productive organizations mentioned in chapter 6.1.1 played a major role and pushed the construction of a collective identity through commercial relations forward (Interviews with CMM, 04.09.2018, San Luis Acatlán; ESS, 15.08.2018, Mexico City)

At the same time, the ibero-american governments prepared the celebrations of the 500 years since the “discovery” of the Americas, which strengthened an ethno-political identity within the region. An expression of this process is the CG-500, an organization that emerged within this context (see chapter 2). While the ethnic component gained importance due to the planned festivities on the whole American continent, the political aspect regarding the creation of a new political identity in the Costa-Montaña region started already in the 1960s and 1970s. The political organization within the stage of the *Montaña Roja* through Guerrillas and other leftist political organizations contributed significantly to a new identity (chapter 3.2.1). The region of the Costa-Montaña is characterized by a long tradition of peasant struggles, trying to organize the small-scale farmers and to erase any kind of differences between them, thus, to unite the working class (Sánchez Serrano, 2012).

Another influence that can be ascribed to the moral authority in the region is the Catholic Church. The participation of priests during the foundation of the *Policía Comunitaria* has already been discussed (chapter 6.1). The importance here is to understand how they promoted a collective identity.

*We also had to politicize the people in a way that they have a vision of what we lived in Mexico, (...) we saw that this was not God's fault. (...) On the contrary, we had a corrupt system that had no principles, a person without principles, without any moral cannot govern! (...) Then we said, no, we need a political formation of the people. (...) And of course, there was awareness raising, a fundamental element. That's why...when we started this process, the process of raising awareness, of organizing collectively, these elements came up.”* (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)

Besides raising awareness and politicize the indigenous population, the priests played a major role regarding the recovery of historical memory. The memory of what it means to live in a community or in a collectivity (Interviews with JMZ, 09.07.2018, Acapulco; MCH, 19.08.2018, Xalpatlahuac). This ecclesiastical work, due to the moral power of the church among a majoritarian catholic population, is the main factor contributing to a new collective identity.

This led to a subregion conformed by localities of the Costa-Chica and Montaña region, where peasants, political and ethnic identities of the indigenous people are mixed, and where a territorial political identity was created, based on a relation of equality between the different ethnic groups, including the mestizos, while trying to recover the indigenous. Does the *Policía Comunitaria*, therefore, represent a new paradigm of collective action with an ethnic character? The ethnic character of the organization cannot be denied since it is based on the so-called indigenous uses and customs. Regarding collective action, the *Policía Comunitaria* definitely creates a new form of a regional collective reference and empowers alternative

propositions regarding security and justice, based on the principle of collectivity (Sánchez Serrano, 2012)

Having explained the creation of a new identity, I want to clarify two terms permanently used by the CRAC-PC and the CRAC-PC-PF: communitarian territory and *lo comunitario* (the communitarian).

*“Communitarian territory means the unity of the communities that make up the Regional System of Security, Justice and Re-education (...). At all times there will be unity and mutual support among all communities, so that any situation that threatens any element of a community, its airspace, water, soil, subsoil, flora, fauna, cultural traditions, productive traditions or organizational traditions, will be taken as an offence to the entire system and the communitarian territory.” (CRAC-PC, 2018: 1)*

There is a strong link between the political identity and territory. Flores Félix (2007), the only author addressing this link, explains the emergence of a territorial identity with a revalorisation of the territory. The recovery of the historical memory also added forgotten values of pre-hispanic times to the territory, the values of an intact flora and fauna coming from a Meso-American matrix (Flores Félix, 2007). Empirically, on one hand, the link between territory and identity can be seen by means of the term *Costa-Montaña*, that is commonly used to describe the territory of the *Policía Comunitaria*. On the other hand, it can be seen on the basis of the term ‘communitarian territory’, that is used by the *Policía Comunitaria* itself and in every official document of it. When a press release is sent out for instance, the term ‘communitarian territory’ is used to describe the place of release. Furthermore, the fact that the CRAC-PC considers it as necessary to define the term in its regulatory framework and that any kind of affectation of the territory is seen as a threat to the organization reinforces that notion. An example that is very present at the moment is the resistance of the *Policía Comunitaria* against large-scale mining companies who receive mining concessions within the territory of the CRAC-PC and the CRAC-PC-PF. Here, the link between territory and identity becomes very visible.

The other term that is central within the concept of a new collective identity is the term ‘*lo comunitario*’, or ‘the communitarian’ which I came across several times. Same as the term ‘communitarian territory’, the CRAC-PC sees the necessity to define this term within its regulatory framework.

*“The foundation of the System and of our collective identity resides in "lo comunitario". With this term we refer to the modes of participation in the resolution of issues of collective interest through the direct participation of neighbours in the decision-making process, in the fulfillment of services and in rotating, obligatory and unpaid charges. "Lo comunitario" is expressed in the practices that come from the traditions of the indigenous people, and which are manifested through the communitarian assembly, the system of charges and the organs of representation such as the civil, agrarian and traditional authorities. In addition to that, we consider that in the face of the rupture of the social network caused by the modern capitalist state, developing and strengthening "lo comunitario", as described above, gains strength and is a guarantee for the survival of our people and our nation as a whole.” (CRAC-PC, 2018: 2)*

*Lo comunitario* refers very much to the indigenous traditions of collective organization. Additionally, the capitalist system is seen as the opposite of collective organization, a system that only focuses on the individual. *Lo comunitario* can be seen as a result of the whole identity construction process. Twenty-five years ago, nobody would have used or understood this term. Therefore, *lo comunitario* is the key principle of the *Policía Comunitaria*, the principle where the whole organization is based on.

## 8 Liberation Theology Promoting Vigilantism

The Catholic Church plays a major role regarding the normative pluralism in the Costa-Montaña region of the state of Guerrero. To be confronted with priests that I would have considered rather as activists is something that surprised me at the beginning. This chapter aims to understand the norms of the liberation theology and the ways how the priests ascribed to this doctrine participated during the processes of the *Policía Comunitaria*, as shortly introduced in chapter 7. I will first give a short introduction into the liberation theology in Mexico, before discussing the role of the priests within the CRAC-PC and CRAC-PC-PF to be able to understand later on their influence on the norms of re-education.

### 8.1 Liberation Theology in Mexico

The catholic church in Mexico is characterized by a very distinctive history regarding the catholic church in Latin America in general or the image one might have regarding the inter-connection of church and state in the Americas. Due to the Mexican revolution from 1910 to 1920, the relation between the Mexican state and the catholic church was rather tense (Loeza, 1985; Miranda, 2007).

*“The apparent marginalization of the church from the power structure was explained in the first place because the ecclesiastical institution had militated against the revolution, had rejected the new constitution, and had organized and supported an armed rebellion against the state. With these antecedents it was difficult that the catholic church, which had been one of the pillars of the old regime, was more than 50 years after the beginning of the revolutionary struggle an integral part of the new regime. (...) The state and the church in Mexico negotiated in the thirties a modus vivendi according to which the latter accepted to integrate itself into the power structure in a subordinate position and in exchange for that the political authorities committed themselves to interpret with benevolence the anti-clerical positions contained in the constitution; a benevolent interpretation that in a very short time became a non-application of the law.” (Loeza, 1985: 161)*

Understanding the church as an institution, in Mexico, especially in the first half of the 20<sup>th</sup> century, it has always been a relation of power characterized by different strategies to survive as an institution. From the 1960s on, the relation changed again, this due to the increasing politicization of the church. The catholic church has acquired and developed an important role, it became a spokesman and advocate of different social interests. The most important evolution of the church refers to the priests who were slowly replacing the teachers as community leaders to formulate demands, raise protests and organize religious-political demonstrations (Loeza, 1985; Miranda, 2007; Trejo, 2009; Interview with CMA, 11.06.2018, Mexico City).

Within the Mexican catholic church, there were also some new ideological currents gaining importance, one of them was the liberation theology. The liberation theology was born as a creative reception of the Second Vatican Council by local churches, situated in a context of

poverty and exclusion (Carlos Mendoza Álvarez, 2014). The doctrine became a big deal due to a conference of bishops in 1968 in Medellín, Colombia, where it was discussed among the bishops of Latin America. Also in Mexico there were some bishops ascribing themselves to the liberation theology. Important for Mexico was a conference of bishops in 1979 in Puebla, Mexico. In general, the liberation theology in Mexico was always more pastoral than academic. Although there were theologians promoting the liberation theology, there was not a lot of editorial production. The liberation theology was rather present on the level of the dioceses, especially in indigenous and rural areas (Interview with CMA, 11.06.2018, Mexico City).

*“During these 50 years, it should be emphasized that the liberation theology in Mexico is more pastoral than academic, it is more linked to rural indigenous peasant areas than to urban areas. There was also a presence in poor areas in the main cities of the country, but I believe that its great theological, spiritual and political vitality is mainly within the indigenous population. As actors, not only as recipients of an option for the poor.” (C. Mendoza Álvarez, theologian Universidad Iberoamericana, interview, 11 June 2018, Mexico City)*

The liberation theology is a broad doctrine that has been constantly developed further. But generally, it is characterized by taking party for the poor, the excluded sections of the population, and especially the victims, be it in a narrow or a broader sense (Dussel, 1997; Flores Félix, 2007; Sánchez Serrano, 2012). Furthermore, it is a more practical theology, that focuses on the practical construction of the “kingdom of god” here and now. The praxis precedes theory. The priests should not only preach, but also act. Additionally, the liberation theology is epistemically communitarian. It is not about “me”, it is about “us”, the existence of a community is presumed. It is also a doctrine where the knowledge has to be accessible by the people to be applied. The liberation theology gives especially importance to the process of conscientization, which is initiated by the critical self-awareness of the individual who, indignant in the face of injustice, becomes aware in order to correct the perverse effects of the dominant system. The liberation theology became also aware of the crisis of many Christians in the antinomy: faith or political commitment. Those who engaged in the revolutionary political process lost their faith. A reinterpretation of the Christian faith was necessary to embrace and revitalize the activist commitment of Christians in politics (Dussel, 1997). Within the liberation theology there are several currents, such as the queer or feminist theology for instance, to mention a few recent doctrines. One of them is the indigenous theology, the predominant currently in Mexico. The indigenous theology focuses more on the cultural aspect. The indigenous have their own world vision, their own categories and from their own vision they rethink the message of the church. The indigenous theology puts the indigenous population in the centre, not only as recipients but also as actors (Interviews with CMA, 11.06.2018, Mexico City; JMZ, 09.07.2018, Acapulco). The priests in the Costa-Montaña region of Guerrero who were or still are involved in the *Policía Comunitaria* can be ascribed to the current of the indigenous theology (Interview with JJFF, 05.06.2018, Mexico City).

In the next two sections I am going to discuss the participation of the priests within the communitarian system of security, justice and re-education. Having in mind the characteristics of the liberation theology, it will soon be very clear, that the liberation theology, and especially the indigenous theology were, and still are, very present within the region and left traces over time.

## 8.2 *Ver y actuar* – The Diocese of Tlapa Supporting the *Policía Comunitaria*

The importance of the diocese of Tlapa regarding the foundation and development of the *Policía Comunitaria* should not be underestimated. But, what was exactly the role of the priests within the communitarian system? Why and how did they participate? These are questions I want to answer within this section.

The systematic presence of priests as promoters of the indigenous organization for political purposes was not seen until the end of the 20th century, with the creation of the diocese of Tlapa and the arrival of clerics linked to indigenous theology. The diocese of Tlapa was created in 1992 due to a restructuration of the religious administration and led to an increased presence of the church within the region and a significant presence of priests, not only affiliated to the liberation theology but also with an indigenous background, priests who knew the language and the uses and customs of the indigenous communities (Flores Félix, 2007; Interview with JJFF, 05.06.2018, Mexico City).

At this point it is necessary to clarify that there were no priests acting independently according to their beliefs or their doctrine, as one might believe. The political organization of the indigenous population was part of the diocesan plan, meaning: *ver y actuar* (to observe and act). The diocese knew about what the priests were doing in the communities, and more important, it approved and promoted the initiatives taken by them. What on a higher level was the diocesan plan was the parish plan on a communal level, that the priests elaborated together with the communities (Interviews with JMZ, 09.07.2018, Acapulco; MCH, 19.08.2018, Xalpatlahuac).

When I asked the priests what their motivation was to dedicate the time and resources to this project – it was also a financial burden for them – the response was: faith.<sup>40</sup>

*Many people saw me as a social leader, as someone who is involved in security and justice issues. I told them that I am not here as a social leader, that I am here as a priest. So, I, as a priest, I am also concerned about the safety of the families. How can it not hurt me if they kill us, rob us, rape their daughters or women! I could dedicate myself to the sacrament, only masses, baptisms, only spiritualism, nothing else! But I am also involved in society. (...) I have this moral obligation to contribute, but from my faith, from my priesthood, to generate life, to generate security, to generate hope. (...) My participation has always been from my priesthood. As a Christian I am also concerned about the situation of the people (...) People suffered. I asked the people: "Does god want that? That you are still walking? (...) Does god want your wife and daughter to be raped? Does god want illiteracy? Does god want them to continue dying?" So, a theological reception comes in. (...) We said that from our conscience, from our faith, we know that this is wrong, we have to work on that to turn it into hope, into life, into salvation. In peace, in justice. What motivated us was faith. (...) It was a perspective of a spirit-*

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<sup>40</sup> Interviews with JMZ, 09.07.2018, Acapulco; LMG, 06.09.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac

*uality, but with a social orientation. (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

As already explained in chapter 6.1.1, the CAIN was the first initiative promoted and founded by the priests, namely by Mario Campos Hernández and Bernardo Valle. Campos Hernández was the responsible priest in Santa Cruz del Rincón, municipality of Malinaltepec, and Bernardo Valle in Pascala del Oro, municipality of San Luis Acatlán. These were also the places where the founding assemblies of the *Policía Comunitaria* took place. These two priests were key persons regarding the beginning of the CRAI and later the CRAC-PC (Flores Félix, 2007; Sánchez Serrano, 2012; Interview with MCH, 19.08.2018, Xalpatlahuac).

But what was their main contribution at the beginning of the *Policía Comunitaria*? The role of the priests, mainly the two just mentioned – they were the priests who were most engaged in the *Policía Comunitaria* in the beginning –, can be seen in the field of conscientization and politicization<sup>41</sup>, collective organization<sup>42</sup>, value mediation<sup>43</sup> and the rehabilitation of the historical memory (Interviews with JMZ, 09.07.2018, Acapulco; MCH, 19.08.2018, Xalpatlahuac). These activities go along with the key characteristics of the liberation theology mentioned, such as the focus on the praxis, its communitarian character and the importance of the process of conscientization (chapter 9.1). According to Mario Campos, the *Policía Comunitaria* would not have been possible without conscientization.

*“At that time, we saw that the system was not responding to the demands of the people. But we also saw that the people were also very, very unconscious, they didn't wake up, there wasn't like a formation that would open up their vision, their mind, that things could change. In that sense there was a conformism. People were satisfied with their reality. And we said: “No. This has to change.”” (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

It was about politicizing the indigenous communities, to make them aware that they themselves could be subjects of change. It was about recognizing problems, being aware that there are problems and very importantly, that the problems can be addressed by the people themselves. The problems consisted of lack of education, lack of infrastructure, lack of security and lack of justice (Interview with MCH, 19.08.2018, Xalpatlahuac). To be able to raise awareness, to identify problems and to address them, collective organization was necessary. If there was no organization, no changes were achieved. It was about unifying the people and organizing them.

*“And the plan considered also, in addition to the effort regarding the culture, the organization. If we didn't have a strong and clear culture, if we didn't have an organization, we couldn't do anything.” (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

<sup>41</sup> Interviews with JMZ, 09.07.2018, Acapulco; MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City

<sup>42</sup> Interview with ESS, 15.08.2018, Mexico City; GG, 07.06.2018, Mexico City; JJFF, 05.06.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; MNG, 24.06.2018, Chilpancingo

<sup>43</sup> Interview with ESS; 15.08.2018, Mexico City; LMG, 06.09.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac; MNR, 07.07.2018, San Luis Acatlán; VHC1, 23.08.2018, San Luis Acatlán

Practically, the process of collective organization meant, organizing assemblies. Sometimes they were even held in the church. One thing the priests were also involved in was the rehabilitation of the historical memory of the indigenous population. In the sense that they sensitized the indigenous communities that their ancestors exercised their own justice and that they had their own norms, uses and customs. This is something that can still be observed today during the assemblies, but more by NGO workers and scholars and not priests anymore. Another contribution was the moral support, or rather the mediation of values.

*““A criminal also has rights. Although they are criminals, but they have rights, they are people. Although they do not respect people, they do bad things, but we cannot do the same”, I told them. If we provide security, it is in accordance with my conscience. My conscience is not going to claim me. Therefore, we have to act according to our conscience, according to our moral, according to our principles. If the person is killed, hanged, they are violating the law. I am also violating my conscience, I am violating my principles, I am violating my morality. (...) “You cannot answer crime with crime”, I told them. “Discard this idea”, I told them. (...) That counts a lot. A good leader has to guide, but he has to guide well. A bad leader says: “We are going to kill him, we are going to burn him”, and that's it.” (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

The priests were definitely a respected reference during the founding assemblies of the *Policía Comunitaria*. They had a certain moral authority within the communities. They also guided the organisation in the beginning and assured that the organization would act according to Christian values.

Later on, when the CRAI and later the CRAC-PC were an established organization, their role changed. They were still very much respected by the communitarian authorities as advisors. The priests continued to accompany the *Policía Comunitaria* and assured that the things were done correctly, but they never had a leading role or any official charge within the organisation. They continued their role as moral advisors.<sup>44</sup> Beside this accompaniment, the priests took over other roles. Especially regarding the relation to the government, they played a key role. On one hand the priests took over the mediating task during conflicts. That is, both conflicts with the government as well as internal conflicts.<sup>45</sup> Mario Campos Hernández played a key role during all the conflicts with the government. He not only always accompanied the delegation of the CRAC-PC, but also took the lead in the negotiations.

*“Their contribution was to assure, that we were very careful, very careful that we do not to get into a confrontation with the governmental system. That was it. And some of the priests understood politics very well, what they said, well, we have to base ourselves with this article, okay. Their role was this.” (A. Barrera Cosme, promotor CRAC-PC-PF/CIPOG-EZ, interview, 26 August 2018, Acahuetlán)*

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<sup>44</sup> Interviews with ABC, 26.08.2018, Acahuetlán; GG, 07.06.2018, Mexico City; JMZ, 08.07.2018, Acapulco; JPG; 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LMG, 06.09.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac; MNR, 07.07.2018, San Luis Acatlán; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán

<sup>45</sup> Interviews with ABC, 27.08.2018, Acahuetlán; GG, 07.06.2018, Mexico City; JIFF, 05.06.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LMG, 06.09.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac



This exposed role of Mario Campos Hernández was seen very critically by the government. It saw him rather as a leader of the organization, as someone who stirs up the indigenous people, wherefore he was imprisoned several times (Interviews with MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City). Other priests played an important mediating role during the internal discrepancies, especially in 2013 during the great crisis of the communitarian system. For instance, the current priest of San Luis Acatlán, Leonardo Morales Gutierrez, was heavily involved regarding the resolution of some very tense situations in 2013, when an armed confrontation almost happened (Interviews with LMG, 06.09.2018, San



Luis Acatlán; VHC1, 23.08.2018, San Luis Acatlán). On the other hand, the major contribution of the church was always to provide security, credibility,

Figure 12: Priest of Santa Cruz del Rincón, Padre Francisco, holding a service during the festivities of the 4th anniversary of the CRAC-PC-PF of the municipalities of Chilapa de Álvarez and José Joaquín de Herrera (Photo: Manuel Müller)

and legitimacy to the *Policía Comunitaria*. Security, because the government would not openly attack an organisation that is supported by the Catholic Church; credibility and legitimacy towards the outside for the same reason. It is clear that the Catholic Church had a certain authority; and having the support of the priests and the diocese gave them, therefore, credibility and legitimacy.<sup>46</sup> This is a mutual relation, both the church and the *Policía Comunitaria* were and still are aware of that. For instance, during the festivities of the 4<sup>th</sup> anniversary of the CRAC-PC-PF of the municipalities of Chilapa de Álvarez and José Joaquín Herrera in August 2018, a priest was invited and headed the marching ceremony. Furthermore, it was clearly communicated to the press that a priest was present. This, according to leaders of the CRAC-PC-PF, was part of the strategy, to demonstrate that the organization is supported by the church, in order to achieve legitimacy, but also to prevent repression (Field diary; Interview with ABC, 26.08.2018, Acahuetlán). The priests are also directly involved in the activities of the CRAC-PC and the CRAC-PC-PF. Depending greatly on the community and the local priest, they participate during the talks with the detainees. In San Luis Acatlán, for instance, the local priest even organized a spiritual retreat for several days with the people in re-education, to achieve a sooner re-integration of the detainees into society (Interviews with LMG, 06.09.2018, San Luis Acatlán; VHC1, 23.08.2018, San Luis Acatlán).

<sup>46</sup> Interviews with ABC, 26.08.2018, Acahuetlán; JMZ, 09.07.2018, Acapulco; MCH, 19.08.2018, Xalpatlahuac

It has to be acknowledged that, nowadays, the church is much less involved than it used to be before the crisis in 2013. While it was a key actor until 2013, it assumes a minor role today.<sup>47</sup> This is also because the priests participating have changed. On one hand, key actors such as Mario Campos Hernández, Bernardo Valle, and Melitón Santillán<sup>48</sup> were sent to other parishes since they had fulfilled their service in the respective communities (Interviews with MCH, 19.08.2018, Xalpatlahuac; VHC1, 23.08.2018, San Luis Acatlán). On the other hand, both Campos Hernández, the priest who for years was the most dedicated to the project, and Melitón Santillán, very involved in the years before the conflict, took clearly party for the CRAC-PC-PF during the internal crisis and were, therefore, heavily discredited by the leaders of the CRAC-PC at that time.<sup>49</sup> Bernardo Valle was relocated by the church years before the internal discrepancies, wherefore he stepped out much earlier.<sup>50</sup> The sympathies of the founding priests of the *Policía Comunitaria* are rather with the CRAC-PC-PF and the UPOEG than with the CRAC-PC.<sup>51</sup> Still to this day, local priests are involved in both organisations during the reflective talks with detainees, during negotiations regarding internal discrepancies and by the CRAC-PC-PF as a sort of strategic backing.

Within this chapter, I have shown, that the priests, due to their liberation-theological background, have been very close to the *Policía Comunitaria* for years. Especially their role as moral advisors or even moral authorities left traces within the norms of re-education explained in the next chapter.

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<sup>47</sup> Interviews with ESS, 15.08.2018, Mexico City; JJFF, 05.05.2018, Mexico City; JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán; VVN1, 21.06.2018, San Luis Acatlán

<sup>48</sup> Pater Melitón was the successor priest of Mario Campos in Santa Cruz del Rincón

<sup>49</sup> Field diary; Interviews with ESS, 15.08.2018, Mexico City; JJFF, 05.05.2018, Mexico City; JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán

<sup>50</sup> Interviews with JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; VHC1, 23.08.2018, San Luis Acatlán

<sup>51</sup> Field diary; Interviews with MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City

## 9 Re-Education – A Restorative Justice Based on *lo comunitario* and Christian Values

The administration of justice of the *Policía Comunitaria* is very different from the justice system of the Mexican state. Therefore, to be able to discuss how the different norms come together within the judicial system, I will explain the procedure more in detail as the general structure of the CRAC-PC/CRAC-PC-PF. Along with the explanation of the administration of justice, I want to also explain the influence of the liberation theology, or indigenous theology, on the norms of re-education.

First of all, I want to give an overview of the delicts that are penalized, since this will be part of the discussion too. As already explained in chapter 6.2, smaller delicts are administrated by the local commissioner, bigger delicts by the CRAC.

<i>Received by the local commissioner</i>	<i>Received by the CRAC</i>
Robbery (< 5000 MXN)	Homicide
Cattle robbery (< 5000 MXN)	Violent assault
Defamation, insults, threats	Rape
Conflicts provoked by alcoholism	Robbery (> 5000 MXN)
Non-compliance of agreements of the communal assembly	Cattle robbery (> 5000 MXN)
Disobedience towards the communitarian authority	Sowing, cultivating, harvesting, guarding, buying, selling, transporting of drugs
Lack of respect towards parents and grandparents	Kidnapping
Abuse of minors, women, elderly people and handicapped people	Non-compliance with the internal regulatory framework
Minor injuries that do not endanger the life of the injured person	Non-compliance of agreements of the regional assembly
Damages (< 5000 MXN)	Major injuries that endanger the life of the injured person
Fights without major injuries and without the use of arms	Any activity that damages, pollutes or destroys flora, fauna, water, air, soil, mineral resources or sacred sites
Air shots	Fraud (> 5000 MXN)
Drug use	Organized crime
Debts (< 5000 MXN)	Misuse of arms
Witchcraft (always sanctioned by the commissioner, cannot be transmitted to the CRAC)	Plundering
	Abuse of trust
	Extorsion

Fraud (< 5000 MXN)	Vandalism Intrafamilial violence Non-compliance with the obligation to sustain the family Abortion Sexual abuse Sexual harassment Breach of marriage promise Falsification of documents False declarations Defamation of the communitarian system Relapse
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Table 2: Delicts sanctioned by the CRAC-PC (CRAC-PC, 2018)

The delicts that are sanctioned can be questioned from an occidental point of view. There are certain tensions that will be discussed in chapter 11.2.

The communitarian justice is based on ten principles (CRAC-PC-PF, 2013b; CRAC-PC, 2018). (In) the communitarian justice...

1. ...gives priority to the conciliation and to the agreement between the parties.
2. ...privileges the reparation of the damage.
3. ...is free of charge.
4. ...is carried out in the native language of the people involved.
5. ...the judgements are oral and the parties are assisted by people they trust.
6. ...the participation of lawyers is forbidden during the whole process.
7. ...investigates before it sanctions.
8. ...conciliates before it represses.
- 9. ...re-educates, it does not punish.**
10. ...makes no distinction between sex, skin colour, origin, political group, religion or social class.

In this chapter, I want to highlight the process of re-education, the 9<sup>th</sup> point, since it is the backbone of the entire justice system of the *Policía Comunitaria*. According to the internal regulatory framework, it is defined as follows:

*“Re-education is considered to be the set of activities and actions of all the members of the communitarian system, that has the purpose to take care of the detainees, to give them the opportunity to acknowledge their mistakes and faults committed, thereby improving their behaviour in relation to their families and communities.” (CRAC-PC, 2018: Art. 69)*

The Re-education is therefore aiming to reintegrate the individual into society, into the community. When I asked a former leader of the *Policía Comunitaria* about why they started to re-educate and why they do not just take the easier option and punish, he answered: “If he [the delinquent] does not reflect about what he did, he keeps being an asshole” (B. Plácido Va-

lerio, former Regional Coordinator CRAC-PC/main promotor UPOEG, interview, 26 June 2018, Buenavista). Or in more decent words of a founder of the *Policía Comunitaria*:

*“When we decided to create the CRAI, we discussed how to re-educate. We agreed that it was necessary to re-educate. (...) It is a question of rescuing these people, of reintegrating them into communitarian life. Not to destroy, not to copy the same way the government does, based on hatred, prisons, no, no. (...) We re-educate them, we don't want any more problems.” (C. Plácido Valerio, co-founder CRAC-PC and main promotor CRAC-PC-PF/CIPOG-EZ, interview, 28 June 2018, Buenavista)*

This whole process of re-education is based on two key pillars. First, the detainees are condemned to communitarian work. When the detainee is judged by the municipal commissioner, the CRAC or the regional assembly, the convicted person is sent to a community to work. Communitarian work can be anything that serves the community, such as repairing roads, cleaning the church or any other service benefiting the respective community. It is explicitly forbidden to assign work to the person under re-education that would only benefit a few individuals and not the whole community. The convicted people work from Monday to Saturday, eight hours per day and receive two meals per day. She or he spends the night in the communitarian prison. They get Sunday off to relax and to receive family and friends. The detainee spends fifteen days in each community belonging to the respective *Casa de Justicia*. He or she rotates within the communities as long as her or his sentence lasts (CRAC-PC-PF, 2013b; CRAC-PC, 2018).



*Figure 13: Communitarian policemen of the CRAC-PC-PF guarding the detainees in San Nicolás (Photo: Manuel Müller)*

Secondly, the re-education is based on the conviction, that people learn from their mistakes. Therefore, in the evening, the local advisors talk to the people under re-education with the aim, that they reflect about their behaviour and achieve their reintegration into society. This is also a reason why the sentence does not exactly state the length of re-education. Of course, for a homicide you might receive ten years, more or less, depending on the regional coordinators, whereby the time can be significantly reduced or extended, depending on the behaviour and the self-reflection of the detainee, and on if he or she is ready to return back to society or not. For instance, if the person under re-education does not show any motivation to do communitarian work, or if she or he does not recognize the mistake made, the time of re-education can be extended until there is a change of behaviour. After fifteen days in one community, every



prisoner receives a report regarding their behaviour. On the basis of these reports, the time of re-education becomes shorter or longer (CRAC-PC-PF, 2013b; CRAC-PC, 2018).

In contrast to the state justice, the communitarian justice is not based on a punitive thinking. It is not about punishing, but about reintegration into the communitarian life. It is very much based on the concept of “lo comunitario”, in the sense that the social network has to be restored and that it is one collective that cares about one another.

This description is based on the internal regulatory framework of the CRAC-PC and the CRAC-PC-PF. Of course, these rules are not always applied as they should, depending mainly on the community. The discrepancies between practice and theory will be discussed later in chapter 11.2.

## 9.1 Theological Norms

Within this section, I want to analyse the process of re-education from a theological perspective. As already made clear, some priests had major influence on the *Policía Comunitaria* from the very beginning (chapter 8.2). They were some sorts of moral advisors who assured that Christian values are not violated in the practices of the CRAI and especially of the CRAC-PC later on. Therefore, some analogies can be found between values of the liberation respective indigenous theology and the norms of the CRAC-PC and CRAC-PC-PF.

First of all, I want to highlight the importance of ‘lo comunitario’, or ‘the communitarian’. This is the basis on which the whole communitarian system was built upon and is something that has been promoted by the priests. “You live in a community as a collective or you don’t live”, said a priest to me (J. Mendoza Zaragoza, priest, interview, 09 July 2018, Acapulco). For instance, the concepts of solidarity and collectivity were central in the discourses of Mario Campos Hernández and Bernardo Valle.<sup>52</sup>

Regarding the judicial system of the CRAC-PC and CRAC-PC-PF, the so-called re-education, many similarities to the indigenous theology that are not a coincidence and exist due to the participation of priests can be found. First of all, the principle of the re-education, is found to be a restorative justice and non-punitive.<sup>53</sup>

*“God says, that he does not want the death of the sinner, but that he repents and lives. In this sense there is a relationship, because the death penalty would be easy. (...) The church always wants that within the person, that there is the desire to transform, to change. Not that a change is imposed on them, because if a change is imposed on them from the outside, they can do it for a while, but then they will stop doing it. (...) The church wants this, this is where we agree. That people can take up a new path, heal their hearts, start a new way of life, where they no longer let themselves be carried only by human impulses, but listen to the voice of God. That God is not wrong, that God inspires us to make the best*

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<sup>52</sup> Interviews with JJFF, 05.06.2018, Mexico City; JMZ, 09.07.2018, Acapulco; MCH, 19.08.2018, Xalpatlahuac

<sup>53</sup> Interviews with CPV, 28.06.2018, Buenavista; JJFF, 05.06.2018, Mexico City; JMZ, 09.07.2018, Acapulco; LMG, 06.09.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac; MNG, 24.06.2018, Chilpancingo; PF, 27.08.2018, Alcozacán; VHC1, 23.08.2018, San Luis Acatlán

*choice.” (L. Morales Gutiérrez, priest San Luis Acatlán, interview, 06 September 2018, San Luis Acatlán)*

*“They know perfectly that in this world you have to behave well, if someone makes a mistake you have to re-educate him. And the CRAC-PC puts that into practice in their Casas de Justicia. It's not easy, but it's happening. It re-educates those who have failed. And I believe that this is the adoption of Jesus (...) to know how to forgive a companion who failed, because we must hope that he can change, leave his bad life. (...) Our people have this facility to live the gospel.” (Padre Francisco, priest, interview, 27 August 2018, Alcozacán)*

At least to some extent, the priests, namely Mario Campos and Bernardo Valle (and later Melitón Santillán), promoted the concept of a restorative justice. At the beginning of the CRAI there were also other propositions, lynching or burning for instance. But the priests at that point made use of their moral authority and defined the path to follow (Interviews with MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City).

Besides the overall concept, there are certain elements within the re-education that show clear similarities to the liberation theology. One is the principle of “forgiveness” (“*perdón*”)<sup>54</sup> and the other of “mistake” or “fault” (“*error*”)<sup>55</sup>. This is also acknowledged by leaders of the CRAC-PC and the CRAC-PC-PF.

*“The issue of forgiveness, and of the opportunity to re-join the community, or to heal the fault...and I think it has a lot to do with the work done by the church, (...) at first the participation of the priests in the organizational process, Pater Mario Campos, Pater Bernardo Valle, then Pater Melitón Santillán, who were...the spiritual guides in the religious and moral sense of this process.” (V. Hernández Chapa, former regional coordinator/advisor CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

*“We do not recognize him as a criminal, a homicide, no, a mistake, a mistake or a necessity forced the person to make that kind of mistake, error. As humans we make mistakes. Here helped us Mario [Campos].” (J. Reyes Bonifacio, former coordinator CRAC-PC and promotor CRAC-PC-PF, interview, 21 June 2018, San Luis Acatlán)*

But this, the theological influence, becomes not only visible within the practices of the CRAC-PC and CRAC-PC-PF, but also within the language they use. They do not use the terms “crime”, but “fault”, “mistake” or “error” and they do not use the term “punish”, but “re-educate”. The everyday language of the communities belonging to the communitarian system of security, justice and re-education of the CRAC-PC-PF and the CRAC-PC is strongly shaped by theological terms.

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<sup>54</sup> Interviews with ESS, 15.08.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LMG, 06.09.2018, San Luis Acatlán; LSR, 20.06.2018, Papaxtla; PF, 27.08.2018, Alcozacán; VHC1, 23.08.2018, San Luis Acatlán

<sup>55</sup> Interviews with CPV, 28.06.2018, Buenavista; JJFF, 05.05.2018, Mexico City; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LSR, 20.06.2018, Papaxtla; MNG, 24.06.2018, Chilpancingo; PF, 27.08.2018, Alcozacán; VHC1, 23.08.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

## 10 The (Il-)legality of the *Policía Comunitaria*

In Mexico, as in other Latin American countries, the state adopted constitutional reforms to recognize the cultural diversity and indigenous political rights since the 1990s. These legal reforms are part of a broader set of legal and democratic changes. Different kind of indigenous and social movements have been accompanying these changes and contesting the homogenizing cultural model of the nation state. While in other countries such as Colombia and Ecuador, these constitutional reforms have led to a new relationship between the state and its indigenous people (Simbaña, 2005), in Mexico these reforms are highly questioned due to its limited reach (Sierra, 2005). Nevertheless, the Mexican indigenous peoples started to claim the rights they are entitled to. This chapter is therefore discussing the legal foundations of the *Policía Comunitaria* and the practical relations to the state, how the different actors, namely the CRAC-PC/CRAC-PC-PF and the government, deal with it and the contradictions becoming visible when analysing the actions of these actors.

### 10.1 The 3 Levels of Government

The CRAC-PC always demanded respect rather than recognition, because recognition implies accepting the subordination of their system to the legal framework of the state.<sup>56</sup> Nevertheless, the CRAC-PC recognized, also due to the arguments of the priests Mario Campos Hernández and Bernardo Valle, that legal recognition was a guaranty for security and essential for the further development of the organization. The organization was aware that it needed legal protection to confront reactions of the state government. Therefore, from the very beginning, the CRAC-PC also referred to its legality when delegitimated by state authorities (Sierra, 2005; Interviews with MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City). In Mexico, besides the international level, there are 3 levels of government: the federal level, the state level and the municipal level. Depending on the level of government, there is coordination or not and legal backing or not.

On an international level, the CRAC-PC-PF and the CRAC-PC are referring to the convention 169 of the International Labour Organization ILO, the convention concerning indigenous and tribal peoples in independent countries, which was ratified by Mexico in 1990.<sup>57</sup> The convention 169 promotes “the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions” (International Labour Organization, 1989). With its ratification, Mexico agreed to recognise and protect the social, cultural, religious and spiritual values and practices of the indigenous people, to establish means for the full development of these peoples’ own

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<sup>56</sup> Interviews with ACR, 26.08.2018, Acahuehuetlán; CPV, 28.06.2018, Buenavista; JPG, 29.05.2018, Mexico City

<sup>57</sup> Interviews with ABC, 26.08.2018, Acahuehuetlán; ACH, 24.08.2018, San Luis Acatlán; AEC1, 23.08.2018, San Luis Acatlán; FER, 31.07.2018, Chilpancingo; GG, 07.06.2018, Mexico City; JJFF, 05.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán



institutions and initiatives and to support the right of the indigenous people to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and well-being. Furthermore, it is explicitly stated that the indigenous people have the right to exercise control, to any extent possible, over the lands they occupy and over their own economic, social and cultural development; and that they have the right to retain their own customs, customary laws and institutions (International Labour Organization, 1989). From the very beginning on, the *Policía Comunitaria*, with the help of the priests, achieved knowledge about the laws affecting the organization and made use of them to their advantage.

In addition to the Indigenous and Tribal Peoples Convention of the ILO on an international level, the *Policía Comunitaria* also refers to the Mexican constitution on a national level.<sup>58</sup> Article 39 states that “national sovereignty resides essentially and originally in the people. All public power emanates from the people and is instituted for the benefit of the people. The people at all times have the inalienable right to alter or modify the form of their government” (Cámara de Diputados del Congreso de la Unión, 2017). But besides discussions about sovereignty, the second article explicitly states, similar to the ILO convention, that the indigenous people have the right to decide about their form of cohabitation and social, economic, political and cultural organization. This includes the application of their own normative systems of internal conflict resolution and the election of their own authorities (Cámara de Diputados del Congreso de la Unión, 2017).

On a state level, there is the Law 701, based on the article 14 of the constitution of the state of Guerrero.<sup>59</sup> Besides the examples on the other two levels, the law 701 did not exist until 2011. And, surprisingly, it was not intended by the CRAC-PC at that time. It was promoted by politicians who sympathized with the *Policía Comunitaria* and who took advantage of the political conjuncture during the change of government (Interviews with AB, 20.08.2018, Tlapa de Comonfort; MTS, 17.08.2018, Mexico City). The interesting particularity of the law 701 is that it explicitly recognizes the CRAC-PC and its practices of impartation of justice.

*“The State of Guerrero recognizes the existence of the indigenous justice system of the Costa-Montaña and the Regional Council of Communitarian Authorities [CRAC] for all legal purposes. The corresponding laws shall establish the characteristics of the council's relationship with the state judicial branch and its participation in the state public security system, respecting the comprehensiveness and modalities of the functions exercised by the council in terms of public security, procurement, impartation and administration of justice. (...) This Law confirms the recognition of the Policía Comunitaria, respecting their character as auxiliary public security corps of the Regional Council of Communitarian Authorities. Consequently, the organs of public power and individuals shall respect their actions in the exercise of their functions as acts of authority.” (Gobierno del Estado de Guerrero, 2011: 28)*

<sup>58</sup> Interviews with ABC, 26.08.2018, Acahuetlán; ACH, 24.08.2018, San Luis Acatlán; AEC1, 23.08.2018, San Luis Acatlán; FER, 31.08.2018, Chilpancingo; GG, 07.06.2018, Mexico City; JJFF, 05.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac

<sup>59</sup> Interviews with DFS, 20.06.2018, Papaxtla; ECP, 22.06.2018, San Nicolás; ESS, 15.08.2018, Mexico City; JJFF, 05.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; FER, 31.08.2018, Chilpancingo; LMG, 06.09.2018, San Luis Acatlán; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán

The law 701 recognizes the CRAC-PC as an indigenous institution that takes over security tasks. This law resulted to be the most important legal backing of the *Policía Comunitaria* during the last few years.

In practice, the relation between the *Policía Comunitaria* and the government varies a lot depending on the level of government. On a municipal level there is support, coordination or at least toleration, depending a lot on the municipality. The closest relations are in the municipalities of San Luis Acatlán and Malinaltepec. These two municipalities support the CRAC-PC – not the CRAC-PC-PF – financially (160'000 MXN/month in San Luis Acatlán, around 100'000 MXN/month in Malinaltepec).<sup>60</sup> San Luis Acatlán is also a special case, because in the municipal capital the two police forces are present, the *Policía Comunitaria* and the municipal police corps. Usually, the *Policía Comunitaria* has presence only in the communities. In San Luis Acatlán, also due to this special situation, they even have agreements and coordination (Interviews with VHC1, 23.08.2018, San Luis Acatlán; JVG, 24.08.2018, San Luis Acatlán).

*“There's a relationship of respect. The municipality respects the autonomy of the CRAC (...) At the end of the day it is the same aim, the safety of the citizens. (...) and we are very proud, today as municipal president, that the same state government recognizes our Policía Comunitaria as the authentic police. (...) We have meetings, not permanently, but there are... and sometimes they are joint operations. There is coordination and there are agreements. If any person is detained by the Policía Comunitaria or by the preventive police, we are very respectful, that he is being prosecuted by the person who detained him. There is that agreement, so that there is no confrontation between the Policía Comunitaria and the municipal police forces.” (J. Vázquez García, mayor San Luis Acatlán, interview, 28 August 2018, San Luis Acatlán)*

The case of San Luis Acatlán is a case of extreme support and coordination. In most of the other municipalities the *Policía Comunitaria* is respected, tolerated, but not more.<sup>61</sup>

On a state level, the situation is more complicated, depending on the party in power and the political agenda (Interviews with GG, 07.06.2018, Mexico City; JJFF, 05.06.2018, Mexico City). In the past there were confrontations with the state police and especially with the Mexican army. These confrontations resulted in attempts to disarm the *Policía Comunitaria*<sup>62</sup>, in demonstrations of power and intimidations<sup>63</sup>. In other occasions, the Mexican army trained

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<sup>60</sup> Interviews with MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán; JVG, 24.08.2018, San Luis Acatlán

<sup>61</sup> Interviews with ACH, 24.08.2018, San Luis Acatlán; ECP, 22.06.2018, San Nicolás; JP, 26.08.2018, Acahuetlán; JVG, 24.08.2018, San Luis Acatlán; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; MTS: 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán; VVN1, 21.06.2018, San Luis Acatlán

<sup>62</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ABC, 26.08.2018, Acahuetlán; ACR, 26.08.2018, Acahuetlán; ESS, 16.08.2018, Mexico City; JMZ, 09.07.2018, Acapulco; JNE, 07.07.2018, San Luis Acatlán; JP, 26.08.2018, Acahuetlán; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán

<sup>63</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ACH, 24.08.2018, San Luis Acatlán; JRB, 21.06.2018, San Luis Acatlán; MTS, 17.08.2018, Mexico City; RS, 20.06.2018, Papaxtla

the *Policía Comunitaria*, like in the very beginning of the organization (Interviews with CPV, 28.06.2018, Buenavista; MCH, 19.08.2018, Xalpatlahuac). It is a very unstable relationship. On a federal level there are not many incidents.<sup>64</sup>

## 10.2 Legal Tensions and Grey Zones

The state's reaction to the *Policía Comunitaria* is ambiguous. On one hand, it questions the legality of the CRAC-PC/CRAC-PC-PF, and on the other hand it recognizes its achievements and finds itself forced to negotiate with its representatives. Without a doubt, the *Policía Comunitaria* is resolving the region's security problems at a very low cost that is not charged to the state. As a result, one may think, that the state government of Guerrero cannot denounce the organization, nor can it deny the widespread acceptance of the CRAC-PC within the region (Sierra, 2005). Nevertheless, although there are laws recognizing the *Policía Comunitaria*, the state does not always act according to these laws or does make use of legal loopholes. Within this section I want to explain this legal tension, the difference between de jure and de facto and especially the different interpretation of the law.

*“The problem is, that Mexico is a country of laws, not a country of the enforcement of laws. There may be thousands of laws, but they are not put into practice.”*  
(J. J. Flores Félix, anthropologist UAM, interview, 05 June 2018, Mexico City)

Although the legal recognition is given and the *Policía Comunitaria* is politically recognized by the government on different levels, it looks different in practice. Confronting state authorities with the factual legality of the CRAC-PC, the government tries to justify its actions: “I cannot say if the *Policía Comunitaria* is legal or not, because for us this organization does not exist”, answered the subprocurator of the state of Guerrero to a question regarding its legality once (Aída Hernández & Ortiz Elizondo, 2003: 12). Sometimes state authorities simply ignore the law. The state offers two answers to the communitarian system, namely negation and persecution.<sup>65</sup> This is also why in some communities the communitarian police forces always have a printed version of the law 701 in their pockets (Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; MTS, 17.08.2018, Mexico City).

Besides the simple ignorance of the law, the main component of the tension between de jure and de facto is the fact, that both, the state and the *Policía Comunitaria*, interpret the law in their advantage (Interview with MTS, 17.08.2018, Mexico City).

*“If you want to see how the law works, what you're going to find is rather these grey frames of a very ambiguous handling of the law that has to do with force, with force and with the legitimacy of who uses the law, what they use it for. Sometimes the *Policía Comunitaria* use the state law, and sometimes they use their own laws.”* (M. T. Sierra, anthropologist CIESAS, interview, 17 August 2018, Mexico City)

<sup>64</sup> Interviews with JJFF, 05.06.2018, Mexico City; JP, 26.08.2018, Acahuetlán; JPG, 27.05.2018, Mexico City; VHC1, 23.06.2018, San Luis Acatlán

<sup>65</sup> Interviews with DFS, 20.06.2018, Papaxtla; JPG, 27.05.2018, Mexico City; LSR, 20.06.2018, Papaxtla; MTS, 17.08.2018, Mexico City

Not only the state government, but also the *Policía Comunitaria* knows how to use the law against the other side. While the CRAC-PC-PF and the CRAC-PC interpret the laws to their benefit, the state does the same (Field diary; Interview with MTS, 17.08.2018, Mexico City). Here, I want to show the differences between de facto and de jure from a state perspective. Besides the ignorance of the law it is a fact, that there are a few aspects of the law, that are formulated in a very loose sense and that can be applied against the *Policía Comunitaria*.

One thing is that in both the Mexican constitution and the law 701, which is based on the constitution of the state of Guerrero, the indigenous people are only authorized to resolve internal conflicts, that means, conflicts within the indigenous communities that do not affect other people from the outside (Gobierno del Estado de Guerrero, 2011). In practice, that means that a delinquent coming from another community not belonging to the communitarian system cannot be sentenced for committing a crime within the communitarian territory. This poses major limitations to the *Policía Comunitaria*. This became visible during a regional assembly of the CRAC-PC in 2018, where the authorities justified the non-detention of an identified criminal with his residence outside the communitarian territory (Field diary). Secondly, the indigenous people can exercise their own justice as long as they respect the sovereignty of the state (Cámara de Diputados del Congreso de la Unión, 2017). This is also the reason why the term ‘autonomy’ was always used very carefully by both the CRAC-PC and the CRAC-PC-PF. The term ‘autonomy’ cannot be found within any communiqué, although some demands of the CRAC-PC and the CRAC-PC-PF are somehow connected to it (Field diary; Interviews with MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán). Thirdly, the *Policía Comunitaria* has to respect the human rights and the rights of the women (Gobierno del Estado de Guerrero, 2011; Interview with FER, 31.08.2018, Chilpancingo). The last point is part of a broader discussion that will be debated in chapter 11.2.

Besides the legal loopholes, other more restrictive measures were taken very recently, as will be described in the next section.

### 10.2.1 Illegal Overnight: The Abolishment of Law 701

In July 2018, unnoticed by the public at first, the law 701 ceased to be applied due to a change of article 14 of the constitution of the state of Guerrero, upon which the law was based. Overnight, the legal recognition of the *Policía Comunitaria* of the state of Guerrero was simply no longer given, at least on a state level (the convention 169 of the ILO and the articles 2 and 39 of the Mexican constitution are still valid) (Chávez, 2018b; Damián, 2018; Giles Sánchez, 2018; Navarrete Fernández, 2018; Ruiz Avilés, 2018; Interview with AB, 20.08.2018, Tlapa de Comonfort). The origin of this modification can be seen in various motivations I want to present here.

Two reasons are usually brought up when talking about the difficult relationship to the state. Firstly, the strong interests of mining companies to enter the communitarian territory due to its richness in resources. The change of the constitution is an attempt to weaken both the CRAC-PC and the CRAC-PC-PF. Secondly, it is part of the politics of subordination (Interviews with AB, 20.08.2018, Tlapa de Comonfort; JVG, 24.08.2018, San Luis Acatlán):

*“It no longer recognizes the *Policía Comunitaria*, they [state government] no longer give the legal and constitutional status to the *Policía Comunitaria*. They no longer talk about re-education, they no longer talk about procuration of justice, they no longer talk about the fundamental functions of the *Policía Comunitaria*. Now it says, they are security auxiliaries. In other words, the police forces of the people are like the errand boys of the state police. They have to surpass the state security system.” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

This is not something new; subordination was always an attempt of the state to control the *Policía Comunitaria*. This is only the most recent expression of these politics.

In addition to these two motivations on which many different politics of delegitimization are based (chapter 11.3), there is a motivation behind this constitutional change that points in a completely different direction that has nothing to do with the CRAC-PC. Recently, in different parts of the state of Guerrero, armed groups denominating themselves *Policía Comunitaria*, have arisen and are taking control over large territories. The term ‘*Policía Comunitaria*’ is misused by drug cartels to gain control and to secure their territories.

*“Well, now the hard line won. This means, they finally agreed, and I believe that there was advice from the strict group that said: “Look, if you continue to support the *Policía Comunitaria*, we are going to have hit men. (...) The *Policía Comunitaria* is nowadays a *Policía Sicaria*<sup>66</sup>.” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

There is confusion among the term; the drug cartels are legalizing themselves in a way (Interviews with AB, 20.08.2018, Tlapa de Comonfort; FER, 31.08.2018, Chilpancingo). This development definitely contributed to the constitutional change, even though it did not necessarily have to be the main motivation behind it, but at least an excuse.

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<sup>66</sup> *Sicaros* is the common term for hit men

# 11 Clash of Two Different World Views: The Individual and the Collective

*“Suddenly, the Policía Comunitaria arrests a Narco<sup>67</sup> and his family goes to human rights [CDHEG]. Human rights [CDHEG] comes to pressure or makes a denunciation, that the Policía Comunitaria is violating human rights law, but without investigating! (...) Delicts are invented in order to liberate the person and to activate arrest warrants against us. That happens a lot.” (A. Barrera Cosme, promoter CRAC-PC-PF/CIPOG-EZ, interview, 26 August 2018, Acahuehuetlán)*

As described by Barrera Cosme, there is a conflict between the individual human rights law and the practices of the *Policía Comunitaria*; there are continuously tensions regarding the different notions of rights. The conceptual framework of the individual human right is not the only concept in the Costa-Montaña region. The indigenous communities, the bases of the *Policía Comunitaria*, refer to the collective right. This chapter, after presenting the specific characteristics of the collective right in Mexico and especially in the Costa-Montaña region, shows how the tensions look like in relation to the practices of the *Policía Comunitaria* and presents the main narratives regarding these dynamics. The main focus is the human rights norm, but the practices of (des-)legitimization show that there is another dimension, too.

## 11.1 Perception of Collective Rights in Mexico

Having already introduced the main debates regarding the collective right (chapter 2.3), this section aims to give an overview over the perception of collective rights in the Costa-Montaña region and to present the Mexican debate about collective rights.

The meaning of the term ‘collective right’ can differ depending on who it refers to and what the needs are. Generally, the term ‘collective right’ refers to the collective identity and especially to *lo comunitario* (chapter 7). In the internal regulatory framework, *lo comunitario*, or the collectiveness, is defined in a very narrow sense only considering the part of the collective right that affects the organization of the *Policía Comunitaria*. In a broader sense, as it is perceived in the communitarian territory, it can be defined as follows:

*“The collective right refers to your land, your territory, your tree, the right to your language, to your security, to your customs, there are many things. It is the right with a broad vision, because there are the people, living their right, caring about and defending their rights.” (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

The term collective right was a term I came across again and again. When talking to members of the *Policía Comunitaria*, to inhabitants of the communities, this term was omnipresent. The so-called collective right is their right to dispose of their land, their right to live their own

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<sup>67</sup> Member of organized crime

culture and to exercise their own justice; basically, the right to live according to their uses and costumes, the right to exercise autonomy.<sup>68</sup>

In Mexico, in opposition to Ecuador that constitutionally recognized specific collective rights (Simbaña, 2005), reality looks very different. To understand the debate going on in Mexico, it is necessary to look closer at the Mexican reality, at the way Mexican politics deals with the indigenous population.

*“They [the indigenous peoples] have to recognize their needs, but I am the one who has to guarantee them, I do not allow them to generate their own development plans. That's where the mess goes.” (A. L. Pérez Manzanera, member of the NGO Serapaz, interview, 13 August 2018, Mexico City)*

This means, that the indigenous peoples are recognized as subjects of public interest, but still they are not political actors. The key message of the collective right is, that the indigenous people have to be recognized as collective subjects of rights, and not as subjects of public interest (Interview with LPM, 13.08.2018, Mexico City).

*“But the point is, that the collective rights of peoples are not recognized. The indigenous people are not recognized as collective subjects of rights, but as subjects of public interest. So, the state recognizes the existence of the indigenous people, and says that Mexico is a multicultural nation, and recognizes that they have certain forms of internal organization. To call it in some way they call it “usos y costumbres” [uses and customs]. Legally it is the name. So, in the constitution it says that states have to recognize the existence of their indigenous people and to guarantee that they can live according to their institutions, always in the margins allowed by the laws of the state. But there is an incoherence, because their existence is recognized, but for the execution or implementation of their rights it must first be approved by the state government. (...) In the end they are not given real autonomy. They are not recognized as subjects of right, nothing more as something that exists. They are very limited in the way they exercise their right and their autonomy.” (A. L. Pérez Manzanera, member of the NGO Serapaz, interview, 13 August 2018, Mexico City)*

The incoherence mentioned by Pérez Manzanera is part of an ongoing debate in Mexico. Pluricultural characteristics are recognized without recognizing the collective actors as subjects of rights (Anaya-Muñoz, 2004; Stavenhagen, 1989, 2008).

## 11.2 Human Rights Law in the Practices of the *Policía Comunitaria*

*“There is a big tension. There is a debate, that human rights are also a colonial language, that they are coming from a Western language, that life is above all. But the way the West has constructed this language and has tried to impose it on indigenous societies, implies imposing its vision of what human rights are. There is a*

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<sup>68</sup> Interviews with ACR, 26.08.2018, Acahuehuetlán; CPV, 28.06.2018, Buenavista; LPM, 13.08.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; MTS, 17.08.2018, Mexico City

*very important discussion on how to think about human rights from a multicultural vision and considering collective rights. In the case of indigenous peoples, if you only emphasize the issue of individual human rights and judge whether they respect it or not and you do not consider the context in which they have built their lives and what their frames of reference are for these human rights to be respected, you are with a very partial view. Here is a big dilemma. When talking about human rights you have to understand the collective rights.” (M. T. Sierra, anthropologist CIESAS, interview, 17 August 2018, Mexico City)*

This chapter highlights this dilemma mentioned by Sierra Camacho between individual human rights and collective rights, that is the main tension within the practices of the *Policía Comunitaria*. Having in mind the conception of universal and individual human rights, I want to highlight the violations committed by the *Policía Comunitaria* from this point of view, especially within the process of re-education that is the clearest expression of the collective right or *lo comunitario*, to make clear how these tensions look like in practice. Then, I have a closer look at the hierarchical dimension of rights and present the narrative, that there is a clear hierarchy, not only promoted by the state but partly also by the *Policía Comunitaria*, reinforcing the universality and individuality of human rights law. Within the last section, I want to present the narratives that challenge the dominant hierarchical discourse of universality and individuality by including the indigenous context.

### 11.2.1 The *Policía Comunitaria* Violating Human Rights

Having the notion of the individual and universal human right in mind, this section aims to show the violations of human rights committed by the *Policía Comunitaria*. Although I do not say that the government does better regarding the violation of human rights within its punitive juridical system – it does worse (Interview with AB, 20.08.2018, Tlapa de Comonfort) – I want to clarify the accusations against the CRAC-PC-PF and the CRAC-PC made by the government in this chapter before discussing the contradictions coming up.

Regarding the human rights violations within the process of re-education, the Commission of Human Rights of the State of Guerrero (CDHEG) states:

*“In fact, yes, here we have received some nonconformities in the sense that there have been excesses by the part of the Policía Comunitaria of the CRAC. Our constitution states that the right of indigenous communities to implement their own normative system is recognized, but it sets a small condition. Or a huge condition. Namely, the respect of human rights. And especially the human rights of women. (...) There are excesses. (...) What we do is to hand over the issue to the public prosecutor's office. They are the ones who investigate it.” (F. Esteban Ramírez, 2<sup>nd</sup> general inspector CDHEG, interview, 31 August 2018, Chilpancingo)*

Not only the CDHEG, also the *Policía Comunitaria* itself recognizes some deficits within its practices regarding the implementation of human rights:

*“The CRAC is violating human rights, too. I mean, we can't say that it doesn't violate them, it does violate them. I have the right to take a bath, I have the right to this, I have the right to read for example. And if I'm not allowed, here the CRAC is already violating the right. That is why there are recommendations sent to the in-*



*stitution of the CRAC, because we are not complying with all of them [the human rights]. But it's not easy, it's not easy to build all that, is it? It has to go little by little. New things or new ideas have to come up through the assembly in order that we don't continue to make this mistake.” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC/CRAC-PC-PF/UPOEG, interview, 7 July 2018, San Luis Acatlán)*

Human rights are part of a debate within the CRAC-PC-PF and the CRAC-PC, since they are constantly criticized by the state government. Its violation makes the *Policía Comunitaria* very vulnerable, since it creates an easy target for criticism and delegitimization.<sup>69</sup>

First of all, besides the practices that are executed by the whole communitarian system, there are also some differences between the communities. Some are stricter with the detainees, while others treat them better. There are also violations of human rights in some communities, which are not committed in others (Field diary; Interview with MCH, 19.08.2018, Xalpatlahuac).

*“If he does not obey, you can tie him up there for a while. At midday, he feels the heat, maybe due to this he will ask for forgiveness: “You know, I am sorry, forgive me, let me go, I'm going to the shadow”.” (L. Santos Reyes, regional coordinator CRAC-PC-PF, interview, 20 June 2018, Papaxtla)*

This practice is definitely not very common within the region and not in compliance with the internal regulatory framework. There are regional differences, mainly due to the experiences the communities have lived. In other communities, it looks very different (Field diary; Interview with MCH, 19.08.2018, Xalpatlahuac).

*“8 days ago, the detainees left, they thanked the policemen, because their human rights were respected. They said: “We ate very well, they treated us very well, we played”. I found them on the court playing with each other, and the policemen were sitting aside, taking care of them. But without pressure, they were happy, screaming, pushing each other. And another day the prisoners played with the policemen. So, this experience makes them very happy because they say: “Here they treated us very well. We don't want to leave, because in another town it's not going to be the same.” (...) The people brought them their water, their soda, their food, they gave them their time to have a bath and to wash their clothes, they gave them time to go to their mass as well, on Sundays they had their mass. They also had visits from their family, they were given time one day to visit, to talk.” (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

Depending on the community, different violations of the individual rights happen. But there are some violations that came up very often when talking about this issue. The violations the CRAC-PF-PF and the CRAC-PC are criticized for, from the point of view of the individual

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<sup>69</sup> Interview with AB, 20.08.2018, Tlapa de Comonfort; ABC, 26.08.2018, Acahuehuetlán; ACH, 24.08.2018, San Luis Acatlán; ACR, 26.08.2018, Acahuehuetlán; BPV, 26.08.2018, Buenavista; ESS, 15.08.2018, Mexico City; FER, 31.08.2018, Chilpancingo; JRB, 21.06.2018, San Luis Acatlán; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; MTS, 17.08.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

right, are the right to education<sup>70</sup>, the right to have access to health care<sup>71</sup> and the right to alimentation<sup>72</sup>, among others. The right to education for instance is not easy for the *Policía Comunitaria* to guarantee, since it lacks resources to establish a school for the detainees in each community. A sentenced teacher once took over that task of providing teaching to the detainees as part of his communitarian work. The same limitations are encountered regarding the access to health care. Some communities are very remote, the next hospital or doctor might be a few hours away, and so immediate access is sometimes not possible. The right to alimentation is closely linked to the communitarian work. In some communities, the practice is established, that the detainees do not receive any food if they do not work. Other violations of human rights are that sometimes the detainees are isolated and incommunicado<sup>73</sup>, or that they do not know about their juridical situation<sup>74</sup>, and that they are sentenced to an undefined time of re-education (Field diary; Interview with AB, 20.08.2018, Tlapa de Comonfort). The isolation happens especially in extreme cases, when non-isolation could possibly threaten the CRAC-PC or the CRAC-PC-PF. These cases are mainly related to organized crime. The undefined time is constantly part of the debate within the *Policía Comunitaria*. But until now, the consensus is that this is exactly what re-education is about, to liberate the detainees when they are ready to be reintegrated into society. Reading the list of delicts that can be sanctioned, witchcraft is another point of discussion that does not go along with human right laws. Furthermore, it is criticized, that sometimes there is insufficient evidence (Interview with VVN1, 21.06.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán) and that lawyers are absent (CRAC-PC-PF, 2013b; CRAC-PC, 2018; Interview with AB, 20.08.2018, Tlapa de Comonfort). The prohibition of lawyers is an essential part of the juridical system of the *Policía Comunitaria*. Lawyers are not allowed, on the grounds that they take party for the accused person, and according to the communitarian organization, this is not just. Besides the discussion about the prohibition of lawyers, there are two other major violations of human rights: the communitarian work<sup>75</sup> and the deprivation of liberty<sup>76</sup>. In the eyes of the state, communitarian work is forced labour and the detention of criminals by civilians is seen as kidnapping. These two accusations are brought up very often, but these two violations are also the only two the *Policía Comunitaria* cannot change without giving up its principles or giving up the organization as a whole.

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<sup>70</sup> Field diary; Interview with FER, 31.08.2018, Chilpancingo; VVN2, 07.07.2018, San Luis Acatlán

<sup>71</sup> Field diary; Interview with FER, 31.08.2018, Chilpancingo; VVN2, 07.07.2018, San Luis Acatlán

<sup>72</sup> Field diary; Interview with FER, 31.08.2018, Chilpancingo; LMG, 06.09.2018, San Luis Acatlán; LSR, 20.06.2018, Papaxtla; MNR, 07.07.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

<sup>73</sup> Field Diary; Interview with AB, 20.08.2018, Tlapa de Comonfort; FER, 31.08.2018, Chilpancingo

<sup>74</sup> Field Diary; Interview with AB, 20.08.2018, Tlapa de Comonfort; VVN2, 07.07.2018, San Luis Acatlán

<sup>75</sup> Interview with ESS, 15.08.2018, Mexico City; FER, 31.08.2018, Chilpancingo; JPG, 27.05.2018, Mexico City; JVG, 24.08.2018, San Luis Acatlán; LSR, 20.06.2018, Papaxtla; MNR, 07.07.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

<sup>76</sup> Interviews with ABC, 26.08.2018, Acahuetlán; ACH, 24.08.2018, San Luis Acatlán; JPG, 27.05.2018, Mexico City; LPM, 13.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

## 11.2.2 Consolidating the Hierarchy of Rights

Regarding the definition of human rights as universal and individual, and the definition of the collective right and the current status in Mexico, one narrative became very visible; the individual right is hierarchically considered to be higher than the collective right. This becomes visible not only in the practices of the government but surprisingly also in the practices of the *Policía Comunitaria*.

The individual right, exercised through government institutions, especially the Commission of Human Rights of the State of Guerrero (CDHEG), has certain authority over the collective right, or at least the government makes clear which right is more important. This hierarchy can be seen when members of the *Policía Comunitaria* talk about the biased actions of the CDHEG.

*“The system of indigenous law, the uses and customs, it has had a very strong clash with the state. Although human rights [CDHEG] say that they are neutral, (...) that they seek a conciliation between the parties, but that is not the case! (...) So, there, human rights [CDHEG] aren't fulfilling their neutral role. They incline to one, they incline to another. And there, tell me where the human rights are! They lose the sense of human rights. And it has happened to me!” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC/CRAC-PC-PF/UPOEG, interview, 7 July 2018, San Luis Acatlán)*

*“There are human rights, but sometimes human rights have not given us that result, as an institution, to support us. On the contrary, they have also thrown a little dirt on us so that we cannot move forward.” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC/CRAC-PC-PF/UPOEG, interview, 26 June 2018, San Luis Acatlán)*

The institution representing the human rights and the individual rights, takes sides against the collective right of the *Policía Comunitaria* and makes the hierarchy clear.

Here, I want to clarify how these practices work. One example is that the relatives or friends of the detainee complain to the CDHEG, that the individual rights of the detainee have been violated. These accusations can be the simple fact of deprivation of liberty, as stated in chapter 11.2.1.<sup>77</sup> As a consequence, the government forces the *Policía Comunitaria* to release the detainee due to the violation of her or his human right.<sup>78</sup> But this is not the end of the story. The communitarian policemen involved in the detention and guarding of the detainee are even persecuted by the state police.<sup>79</sup>

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<sup>77</sup> Interview with ESS, 15.08.2018, Mexico City; FER, 31.08.2018, Chilpancingo; JPG, 27.05.2018, Mexico City; JVG, 24.08.2018, San Luis Acatlán; LSR, 20.06.2018, Papaxtla; MNR, 07.07.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

<sup>78</sup> Field diary; Interviews with ABC, 26.08.2018, Acahuetlán; ACH, 24.08.2018, San Luis Acatlán; BPV, 26.06.2018, Buenavista; ESS, 15.08.2018, Mexico City; LPM, 13.08.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

<sup>79</sup> Interviews with ACR, 26.08.2018, Acahuetlán; BPV, 26.06.2018, Buenavista; JPG, 27.05.2018, Mexico City; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

*“For example, the policeman says: “He is close, the one who shot her in the centre.” But he does not go after him, because he knows that if he shoots him, they're going to persecute him. He is afraid, because human rights [CDHEG] is going to put him in jail, so he better does not go after the murderer.” (B. Plácido Valerio, former regional coordinator CRAC-PC and main promotor UPOEG, interview, 26 June 2018, Buenavista)*

This is not a hypothetical case. Many former policemen and commanders of the *Policía Comunitaria* have been in jail for fulfilling their obligations as elected authorities.

This does not only happen when the delinquent accuses the communitarian authorities, sometimes the state government itself takes action. On one hand, they take action to pressure the CRAC-PC-PF/CRAC-PC<sup>80</sup> and on the other hand to liberate people of interest<sup>81</sup>.

*“Almost everyone who's been an authority [of the Policía Comunitaria] comes out with arrest warrants. (...) It is also a mechanism of pressure of the part of the state. In a moment of crisis, it can activate the orders. And this happened. Suddenly they say, I am going to arrest you and they activate the arrest warrant because of some context, and at other times they have negotiated them, they have managed to get rid of the orders of detention.” (M. T. Sierra, anthropologist CIESAS, interview, 17 August 2018, Mexico City)*

In respect of people of interest, these are people somehow affiliated to the ruling party at that moment. Therefore, it is almost impossible for the *Policía Comunitaria* to arrest someone who has certain political or economic power.

Due to these practices by the state, the term ‘human rights’ has a very bad connotation among the communities belonging to the communitarian system. When I brought up the issue of human rights, a common reaction was, that the human rights only serve to liberate delinquents, nothing more. The communities belonging to the communitarian system of justice and re-education do not have any confidence in the institutions of human rights.<sup>82</sup>

Besides these practices of the state, which aim at placing the individual human rights over the collective right, the *Policía Comunitaria* itself is strengthening the hierarchy of rights, too. This is especially the case regarding the practices of the CRAC-PC (not so much regarding the CRAC-PC-PF). The CRAC-PC tries to include the individual human right into the collective right, despite all the contradictions. This is not only seen positive.

*“My biggest criticism towards the communitarian system is, obviously, that positive law applies to communitarian law. Well, there has to be a period for it to declare. So, if you detain him, you automatically have 72 hours. It is curious that the positive law, in spite of the fact that you are in a context of indigenous law, is still*

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<sup>80</sup> Interviews with ACR, 26.08.2018, Acahuehuetlán; LPM, 13.08.2018, Mexico City; MTS, 17.08.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

<sup>81</sup> Interviews with ABC, 26.08.2018, Acahuehuetlán; ACH, 24.08.2018, San Luis Acatlán; JPG, 27.05.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

<sup>82</sup> Field diary; Interviews with BPV, 26.06.2018, Buenavista; JPG, 23.05.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán

*applied in this indigenous law.” (A. Barrera, head of the NGO CDHM Tlachinol-  
lan, interview, 20 August 2018, Tlapa de Comonfort)*

While it is heavily criticized by Abel Barrera, an anthropologist and head of the local human rights NGO, the CRAC-PC sees it as a strategy to avoid confrontations with the state. One motivation to revise the internal regulatory framework, besides the strengthening after the internal crisis, was the adaptation of human rights norms to be less vulnerable regarding state accusations.<sup>83</sup>

*“Last January we concluded the process of revising our regulatory framework, which was approved at an assembly last May. It is the one that is in force, because in this new regulation, I believe that we tried to include as much as we could this part of the rights of detainees. Now there is more certainty about the rights that must have the detainee and the aggrieved party in a process.” (V. Hernández Chapa, former regional coordinator/advisor CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

The application of individual rights within a framework based on the collective right is therefore also done by the *Policía Comunitaria* and not only by the government. Some parts of the *Policía Comunitaria* see it as a kind of protection against the state, while others see it as a process of subordination.

### 11.2.3 Challenging Universality and Individuality of Human Rights

*“The debate on multiculturalism and indigenous rights is essentially an ethical debate, a discussion on fundamental principles: diversity versus homogeneity; relativism versus universalism; and collective rights versus human rights.” (Anaya-Muñoz, 2004: 6)*

As described by Anaya Muñoz (2004), it is an ethical debate about indigenous rights. The individuality and universality of human rights is not given, it is also highly questioned. Instead of blindly judging the violations of human rights committed by the *Policía Comunitaria*, it is necessary to have an epistemological debate about the universality and individuality of human rights and about the right to exist of the collective right. Therefore, I want to present the main criticisms raised by the *Policía Comunitaria* regarding these two characteristics of human rights. In general, two narratives have crystallized out. There is the broader narrative, which states, that the individual right is unsuitable in the indigenous context. Within this narrative, there is a sub-narrative that is the lack of enforcement, based on classism and institutional racism.

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<sup>83</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; JPG, 23.05.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

### 11.2.3.1 Unsuitability of the Individual Human Right in Indigenous Contexts

*“We with our professional training in western culture, where the individual is central, and where positive law is the axis of justice, we see that it has neither the impact nor the force nor the positive outcome in indigenous contexts.” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

A narrative that was omnipresent is the unsuitability in indigenous contexts. I heard many times that human rights do not work in indigenous contexts. There is a consensus, that the individual right is not suitable within indigenous contexts. The collective right is seen by both the local human rights NGO and the *Policía Comunitaria* as more efficient regarding development, security and safety.<sup>84</sup>

*“So human rights do exist, but they do not work. And that's why we say that it is better to cover ourselves through our collective right. Continuously we are going to recognize what is good at and what is bad [in our communities].” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC/CRAC-PC-PF/UPOEG, interview, 07 July 2018, San Luis Acatlán)*

*“Then the people understood that in order to achieve justice, (...) a justice that is free, a justice that really is a reconciliation and a reparation of the damage, it has to be done in the linguistic and cultural codes of the indigenous peoples and it has to be done collectively and in situations of equality.” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

The consensus is that individually, people are vulnerable and unprotected. The rights have to be seen in a collective way to be able to move forward. The *Policía Comunitaria* understood, that it does not have to be fought individually against discrimination, but as a collective. It is the right of the community to have access to education, to health, to security and to decision-making, not only of the individual. The *Policía Comunitaria* is such an experience of defending a collective right. The collective right is therefore seen as a path to follow by both the CRAC-PC/CRAC-PC-PF as well as by the human rights organization with the highest moral authority within the region. The *Policía Comunitaria* defines the necessity of moving towards a collective right as follows.

*“If we begin to defend an individual right, then the state applies the law more forcefully. But if we are already talking about a collective right, then the state says: “Wait, I cannot deal with 10, 20, 50, 1000 people”, and that is a collective right, a right that we are all going to defend, something that benefits us, a right that recognizes us, that we are Mixtecos, Tlapanecos, that there is no discrimination, the collective right goes beyond.*

*(...) Their human rights are not recognized. And that's why they say I'm going to a collective right. Because that way I can defend my human right, but through the*

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<sup>84</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ACR, 26.08.2018, Acahuehuatlán; AEC2, 03.09.2018, San Luis Acatlán; JRB, 21.06.2018, San Luis Acatlán; LPM, 13.08.2018, Mexico City; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

*collective.” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC/CRAC-PC-PF/UPOEG, interview, 07 July 2018, San Luis Acatlán)*

A collective right therefore gives the communities a better guarantee regarding security, education, health, development and so on. It is seen not only as more effective, but also as the only way living conditions can be improved. According to some (former) leaders of the *Policía Comunitaria*, the right of an individual cannot stand over the right of a collective, that is part of their understanding of legality (Interviews with BPV, 26.06.2018, Buenavista; VHC1, 23.08.2018, San Luis Acatlán). But to break with the common understanding of individual rights is clearly not easy. It has also been tried by the *Policía Comunitaria* to achieve the enforcement of their rights by the means of the positive right, of the individual human right, but it soon recognized that this does not give any results.<sup>85</sup>

*“They collectively know that they have to fight not with the law in their hand, but with the machete in their hand, with the gun in hand. That is where the force and the power of what is the collective right really appears. So that's what I tell them. Well, do you know how rights are defended? As you teach us to defend them wherever you are... There is the most forceful, the most precise expression that the effectiveness of rights is obviously made effective with the power of the people, with force, with reason and if there is a need, even with instruments of struggle in the hand. And I tell them, how is it possible that these warriors arrive totally unarmed and submitted to the city council, to the public ministry, crouched with their folders, asking for a favour, asking that they are attended? That's not how human rights work!” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

The narrative that the individual right is unsuitable in indigenous contexts is shared by both the *Policía Comunitaria* and the local human rights NGO *CDHM Tlachinollan*. It is argued, that it is necessary to apply the collective right to achieve improvements in education, health, security and so on.

Why is this negative connotation of the individual right so widespread within the region? A criticism that always comes up regarding human rights and that is underlying the narrative of unsuitability in indigenous contexts, is the lack of enforcement. Donnelly (2007) argues that the notion of conceptual universality does not mean that these rights are universally enforced, it only determines their universal possession.

*“Whether everyone, or even anyone, enjoys these rights is another matter. In far too many countries today the state not only actively refuses to implement, but grossly and systematically violates, most internationally recognized human rights. And in all countries, significant violations of at least some human rights occur daily.” (Donnelly, 2007: 283)*

But to what point does one possess a right if it is not enforced? Does one possess a right that is always violated and never enforced? The lack of enforcement is an actuality in the indigenous regions of the Costa-Montaña region and also limits the possibilities of the local human

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<sup>85</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ACR, 26.08.2018, Acahuetlán; CPV, 28.06.2018, Buenavista; GG, 07.06.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; JPG, 27.05.2018, Mexico City; MNG, 24.06.2018, Chilpancingo; MTS, 17.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán

rights organizations. According to Barrera, neither official complaints, reports nor workshops with the affected communities improved the situation regarding human rights violations. The tools of positive law were introduced to the communities, but they did not work (Interview with AB, 20.08.2018, Tlapa de Comonfort).

The lack of enforcement, that questions universality of human rights, has at least two different origins in the context of the Costa-Montaña. On one hand it is classist<sup>86</sup> and on the other hand deeply racist<sup>87</sup>. Classist in the sense that, if you are poor, you do not have access to state institutions and therefore to your rights. An advocate for indigenous women rights and active within the *Policía Comunitaria* is daily confronted with classism within the juridical system of the state.

*“And if the person doesn't have money, how does it go? What am I going to tell her [the victim]? I have to tell her to wait and then there is also a violation towards me because they are not attending me as I would like to be attended. This is discrimination for being poor.” (V. Ventura Nava, former secretary CRAC-PC and informal advisor CRAC-PC/CRAC-PC-PF/UPOEG, interview, 7 July 2018, San Luis Acatlán)*

On one hand, the poor are not attended, and on the other hand the state institutions are located in the bigger towns, far away from where the poor live. As a poor small-scale farmer, one does not have even the financial resources to be able to get to the state institutions to report a violation (Interview with VVN2, 07.07.2018, San Luis Acatlán).

Besides classism, institutional racism becomes very visible, too. Racism is deeply rooted in the Mexican governmental system.

*“This law is marked by a stigmatization towards someone who has a different culture and language. (...) As if to say, this person is not a human being with rights, (...) it is an indigenous human being. In the unconscious you mean, that this human being is not so human, right? With their history, culture, way of life, the fact that they are in the mountain, the dehumanization of their humanity is justified. And then you see this human being who belongs to a very vulnerable indigenous group, more vulnerable than another person who speaks Spanish and who knows the norms of positive law, or if he doesn't at least he has some common sense of how to deal with problems. (...) But the fact that you're indigenous, somehow it has another connotation, and you say: “Well, it's not as serious”, as if this justified discrimination. (...) So, people say, that these rights do not work. They tell us: “You know the laws, you know the rights, you are lawyers, you help.” But it turns out that at the end of the day...only the frustration. In other words, positive law does not work. In these contexts of racism, of discrimination, of the commodification of justice, and above all of thinking that as an individual you are going to get justice, it does not really work!” (A. Barrera, head of the NGO CHDM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

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<sup>86</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ACR, 26.08.2018, Acahuetlán, AEC1, 23.08.2018, San Luis Acatlán; JRB, 21.06.2018, San Luis Acatlán; LPM, 13.08.2018, Mexico City; VVN1, 21.06.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

<sup>87</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ACR, 26.08.2018, Acahuetlán; GG, 07.06.2018, Mexico City; MTS, 17.08.2018, Mexico City



The fact that even human rights lawyers defending the individual rights of the indigenous population do not make any difference regarding the enforcement, deeply questions the notion that every individual holds human rights. It definitely does not match social reality. Racism is institutionalized; the dehumanization of the humanity of the indigenous population is justified by racism.

Besides strengthening the hierarchy as shown before, the *Policía Comunitaria* always argued critically against the individuality and universality of the human rights, arguing that it does not work in its context, that the lack of enforcement based on classism and institutional racism makes human rights useless.

### 11.3 Practices of (De-)legitimization

The tension between the individual right and the collective right is deeply characterized by the discussion about human rights, as shown. However, there are also practices of (de-)legitimization that play a major role. These practices of legitimization and delegitimization are often about strengthening or weakening the hierarchy of the different concepts of rights. Some of the strategies and practices were already introduced in a different context. Within this chapter, I am going to quickly introduce the reasons, why delegitimization happens and explain the different strategies and practices of legitimization and delegitimization.

Two reasons are strongly connected to the political culture of the state of Guerrero (chapter 3.2). One is the *caciquismo* and the monopoly of force, which the state sees as a threat<sup>88</sup>, and the other one, the strategy of counter-insurgency that is part of the mindset of the decision-makers in Guerrero<sup>89</sup>. These two factors are highly contributing to the strategies of delegitimization of the state. On the other hand, there are two reasons that are even more connected to the practices of the *Policía Comunitaria*. The first one is the political engagement of the CRAC-PC and the CRAC-PC-PF that is the resistance against large-scale mining and the support of popular protests<sup>90</sup>, and on the other hand, the detention of members of organized crime<sup>91</sup>. It is a fact that corruption goes up to the highest levels of Mexican politics. With the arrest of members of organized crime such as drug cartels, the *Policía Comunitaria* is interfering with the agreement between the state and the drug cartels.

Regarding the practices of delegitimization by the government, there are clear, identifiable strategies. In general, they are about subordination, be it legally by clearly enforcing the individual right or practically. The strategies are listed as follows. As already introduced, the *Policía Comunitaria* is highly discredited due to the violation of human rights (chapter 11.2). This is a tool the government uses again and again since the beginnings of the *Policía Co-*

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<sup>88</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; JRB, 21.06.2018, San Luis Acatlán; MTS, 17.08.2018, Mexico City

<sup>89</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ABC, 26.08.2018, Acahuehuetlán; ESS, 15.08.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac

<sup>90</sup> Interviews with ACH, 24.08.2018, San Luis Acatlán; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; MTS, 17.08.2018, Mexico City

<sup>91</sup> Interviews with ACH, 24.08.2018, San Luis Acatlán; JPG, 27.05.2018, Mexico City; MTS, 17.08.2018, Mexico City

*munitaria*. Furthermore, the government persecutes a strategy of division in order to debilitate the organizational process of the *Policía Comunitaria*.<sup>92</sup>

“They [the government] invent problems themselves, they divide us in this way. And they provoke us. Here in San Jerónimo, it is a community nearby, they kill each other, it was divided, the relatives, uncles, nephews, they are divided. So, this way you can clearly see the powerful politics of division.” (A. Cortés Robledo, co-founder CRAC-PC and promotor CRAC-PC-PF/CIPOG-EZ, interview, 26 August 2018, Acahuehuetlán)

As the current internal crisis shows, this strategy resulted to be very successful. Another attempt is to buy the leaders to gain control over the organization.<sup>93</sup> The imposition of Eliseo Villar Castillo is only the most successful example, but there are others. In order that the CRAC-PC-PF stops the mobilization for the liberation of their political prisoners, the state governor offered Jesús Plácido Galindo, the main promotor of the CRAC-PC-PF, a weekend in a beach resort in Acapulco, all-inclusive. Even the prostitutes were included. He rejected the offer. Another strategy that constantly threatened the *Policía Comunitaria* is the strategy of criminalization.<sup>94</sup> This strategy is characterized by threats and intimidations, not only verbally but also physically, as a recent military operation against the CRAC-PC-PF in Chilapa de Álvarez shows, but also by attempts of disarming, by the fabrication of delicts and by the imprisonment of members of the *Policía Comunitaria* or constant threats that the arrest warrants against them are executed. Arturo Campos Herrera for instance, a regional advisor of the CRAC-PC, was imprisoned for 4 years, 2 of them in a high security prison where the high ranked members of organized crime are detained; the same prison from which Joaquín *El Chapo* Guzmán, the infamous former boss of the Sinaloa drug cartel, escaped at the same time. Campos Herrera was accused of kidnapping, terrorism, organized crime and assault, 43 delicts in total, all of them were invented by the state. The last strategy can be seen within the legal framework, or more accurately, within the legal grey zones mentioned.<sup>95</sup> By a very spongy phrasing, putting conditions and interpreting the law in its advantage, such as that state sovereignty has to be respected and that the *Policía Comunitaria* is not allowed to enforce their norms outside its territory (chapter 10.2), the CRAC-PC/CRAC-PC-PF are easily attacked. Additionally, laws are even abolished in order to delegitimize the *Policía Comunitaria*, such as the recent case of the suspended law 701.

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<sup>92</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; ABC, 26.08.2018, Acahuehuetlán; ACR, 26.08.2018, Acahuehuetlán; GG, 07.06.2018, Mexico City; JPG, 27.05.2018, Mexico City; MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán

<sup>93</sup> Interviews with ACR, 26.08.2018, Acahuehuetlán; CPV, 26.06.2018, Buenavista; JPG, 27.05.2018, Mexico City

<sup>94</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; ABC, 26.08.2018, Acahuehuetlán; ACA1, 23.08.2018, San Luis Acatlán; ACH, 24.08.2018, San Luis Acatlán; ACR, 26.08.2018, Acahuehuetlán; ESS, 15.08.2018, Mexico City; JMZ, 09.07.2018, Acapulco; JNE, 07.07.2018, San Luis Acatlán; JP, 26.08.2018, Acahuehuetlán; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; LPM, 13.08.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; MNR, 07.07.2018, San Luis Acatlán; MRM, 21.08.2018, San Nicolás; MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán; VVN1, 21.06.2018, San Luis Acatlán

<sup>95</sup> Field diary; Interviews with FER, 31.08.2018, Chilpancingo; MTS, 17.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán

The responses regarding these strategies are ambivalent. There are two currents within the *Policía Comunitaria*. One sees its legitimacy within its legality, the dominant current within CRAC-PC, while the other refers to the backing of the communities and the assembly as its authority, mainly the leaders of the CRAC-PC-PF (although both currents are visible within both organizations). Therefore, within the strategies of the *Policía Comunitaria* there are very contradicting practices. For instance, the *Policía Comunitaria* often tried to avoid confrontation and was always looking for a dialogue with the government.<sup>96</sup> Furthermore, it is applying the codes of human rights within its regulatory framework to avoid conflicts with the state<sup>97</sup> and it actively looks for legal backing<sup>98</sup>, as the CRAC-PC does now regarding re-activation of the law 701. On the other hand, the *Policía Comunitaria*, in particular the CRAC-PC-PF, strategically looks for the support of the church and human rights NGOs to be able to avoid confrontation without making concessions.<sup>99</sup> Furthermore, it actively communicates that it only demands respect, not legality (CRAC-PC-PF, 2013, 2014c, 2014a, 2014b, 2015, 2018; Field diary). Besides, when a confrontation with the state is unavoidable, there are enormous mobilizations taking place.<sup>100</sup>

In this section I showed that the practices of legitimization and delegitimization are not only very diverse, but also contradicting when analysing the practices of the *Policía Comunitaria*. The practices and politics of (de-)legitimization are therefore an expression of the tension between collective and individual right as it will be discussed in chapter 12.2. The next section presents one major practice of delegitimization by the CRAC-PC, which I want to highlight due to its importance and relevance during this year.

### 11.3.1 Political Patronage and Links to Political Parties

*“And they saw that the Policía Comunitaria is useful for everything! For politicians, for leaders, for organizations, whatever! They discovered that it can be used to achieve power. The Policía Comunitaria gives a lot to talk about. But at the end, the communitarian network that holds together this historical project is falling apart.” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

The *Policía Comunitaria* is not immune to political patronage. As stated by Abel Barrera, the *Policía Comunitaria* is also a capital that can be exploited for many positions within organizations, governments or political parties. This sensitive issue which can be seen as a practice of self-delegitimization of the *Policía Comunitaria* should not be neglected in this discussion, wherefore I want to explain within this section how political patronage and generally the

<sup>96</sup> Interviews with CPV, 26.06.2018, Buenavista; MCH, 19.08.2018, Xalpatlahuac; JP, 26.08.2018, Acahuehuatlán; LMG, 06.09.2018, San Luis Acatlán; VHC1, 23.08.2018, San Luis Acatlán

<sup>97</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; VHC1, 23.08.2018, San Luis Acatlán; VVN2, 07.07.2018, San Luis Acatlán

<sup>98</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; AEC1, 23.08.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac; VHC1, 23.08.2018, San Luis Acatlán

<sup>99</sup> Field diary; Interviews with ACR, 26.08.2018, Acahuehuatlán; JFFF, 05.06.2018, Mexico City

<sup>100</sup> Interviews with ACA1, 23.08.2018, San Luis Acatlán; ACH, 24.08.2018, San Luis Acatlán, ACR, 26.08.2018, Acahuehuatlán; CPV, 26.06.2018, Buenavista; ESS, 15.08.2018, Mexico City; VHC1, 23.08.2018, San Luis Acatlán

relationship to political parties looks like in the case of the CRAC-PC. I want to clarify, that regarding political patronage I am only talking about the CRAC-PC. The CRAC-PC-PF strictly rejects any affiliation to political parties (Field diary).

Political patronage occurs “when public decision makers use their legal margin of discretion to confer favours on their friends and followers without receiving material benefits in return” (Weyland, 1998: 109). In this case, the favours mainly imply being an official candidate of a political party<sup>101</sup>, receiving any kind of government position<sup>102</sup> or receiving a favour regarding a political decision (Field diary; Interview with AB, 20.08.2018, Tlapa de Comonfort). This is not only criticized by the NGO *CDHM Tlachinollan*, but also by several former members of the *Policía Comunitaria*. Political patronage and the rapprochement to political parties are seen as treason and as a kind of a self-delegitimization.<sup>103</sup>

Generally, the relationship between political parties is, since the crisis in 2013, closer than it used to be.<sup>104</sup> The two most recent events were the regional assembly in August and the anniversary celebrations in October 2018. During the assembly in August, the main point was the law 701 that was abolished (chapter 10.2). To address this topic, the elected deputies and senators of MORENA<sup>105</sup> were invited to create together with delegates of the CRAC-PC a commission with the aim to cancel the decision taken by the state government (Field diary). During the anniversary of the CRAC-PC in October, government representatives of the ruling party PRI were invited and assisted the celebrations. This caused major disagreement and even caused protests during the anniversary (Chávez, 2018a). There are also rumours that a regional advisor of the CRAC-PC has a close relationship with the PRI, which I cannot prove. But it is a fact, that within the CRAC-PC are many sympathies with MORENA. MORENA offered to help with regards to the abolished law 701, and the CRAC-PC instantly invited the party to the regional assembly and started working together (Field diary).

*“The authorities of the CRAC-PC easily go with those who want to help them. In this case MORENA. After a while, then, it will be a Policía Comunitaria subordinated to MORENA’s logic of power.” (A. Barrera, head of the NGO CDHM Tlachinollan, interview, 20 August 2018, Tlapa de Comonfort)*

The sympathies with MORENA can also be observed on a personal level. Several (former) members of the CRAC-PC were candidates during this year’s elections. Nestora Salgado, former leader of the CRAC-PC of Olinalá and political prisoner, was elected as senator, while Valentín Hernández Chapa was a candidate on a local level (Field diary). The candidature of Valentín Hernández Chapa was also one of the reasons why he was expelled from the CRAC-

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<sup>101</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; CPV, 26.06.2018, Buenavista; JPG, 27.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac

<sup>102</sup> Field diary; Interviews with AB, 20.08.2018, Tlapa de Comonfort; CPV, 26.06.2018, Buenavista; JPG, 27.05.2018, Mexico City; JRB, 21.06.2018, San Luis Acatlán; MCH, 19.08.2018, Xalpatlahuac

<sup>103</sup> Interviews with CPV, 26.06.2018, Buenavista; JRB, 21.06.2018, San Luis Acatlán; VVN1, 07.07.2018, San Luis Acatlán

<sup>104</sup> Interviews with AB, 20.08.2018, Tlapa de Comonfort; CPV, 26.06.2018, Buenavista; JRB, 21.06.2018, San Luis Acatlán; JPG, 27.05.2018, Mexico City; VVN2, 07.07.2018, San Luis Acatlán

<sup>105</sup> National Regeneration Movement (MORENA due to its Spanish acronym), a centre-left to left-wing party that won the presidential elections in 2018

PC in November 2018, besides power games (Bautista, 2018; Jacob Morales, 2018a, 2018b; Velázquez, 2018). Furthermore, Pablo Guzmán, former coordinator of the CRAC-PC, currently holds the position of advisor of the governor of the state of Guerrero.<sup>106</sup> These affinities show, that the *Policía Comunitaria* has also been recently used to come to power.

*“They have currently used the communitarian system to come to power (...) to achieve a political office. Before, that was not allowed, because you cannot hold a political office while having a responsibility within the Policía Comunitaria, as they are doing now. (...) You could do it, but outside the communitarian system, if you are not coordinator, regional advisor nor commander. (...) Because the communitarian system was not created by the political parties, it was created by the people. That's the difference there is right now.” (J. Plácido Galindo, main promoter of the CRAC-PC-PF/CIPOG-EZ, interview, 27 May 2018, Mexico City)*

Due to political patronage and the proximity to government institutions and political parties, the autonomy of the CRAC-PC is highly questioned, and its legitimacy challenged. Not only the CRAC-PC-PF judges the CRAC-PC due to these affiliations (CRAC-PC-PF, 2018), also members of the same communities disagree with that development (Field diary).

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<sup>106</sup> Field diary; Interviews with JPG, 23.05.2018, Mexico City; MCH, 19.08.2018, Xalpatlahuac; VHC1, 23.08.2018, San Luis Acatlán

# 12 The Hierarchy of Rights and the Need for Shifting Powers

In the previous chapters I have presented the different dimensions of legal pluralism and the dynamics involved. This chapter discusses these results by first bringing together the different dimensions and foci in an overall framework and then by presenting my main point of discussion: the hierarchy of rights. I especially want to discuss how the practices of (de-)legitimization are shaping the hierarchy and why an abolishment of the dominating discourse is necessary.

## 12.1 Plurilegal Setting

Having framed out the interaction between the liberation theology and the communitarian norms, the legality and its grey zones, the tensions between the collective and the individual right and the practices involved, this section discusses the broad framework all the dimensions of legal pluralism are embedded in, it explains how legal pluralism looks like in the case of the *Policía Comunitaria*. Within this section, I especially want to discuss legal pluralism with the help of the holistic approach I take, as explained in the introduction of this thesis. Instead of looking at the interaction between state and non-state actors, I'm putting the focus on the different concepts of rights in the center of this discussion, especially since in Latin America it is still an unsolved tension.

There are several theoretical concepts and research strains involved, but legal pluralism can be seen as the all-embracing concept, since it deals with the interaction, compromise and struggle between normative systems (Reyntjens, 2015). The following figure summarizes these interactions and struggles and clarifies the connections I want to highlight.

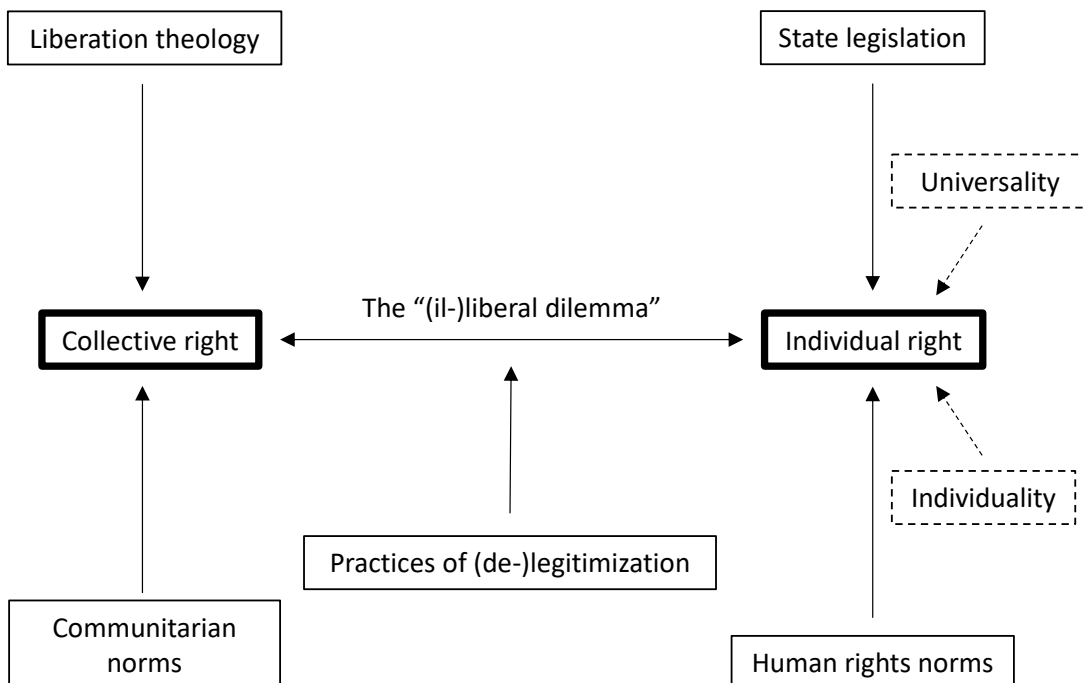


Figure 14: normative interconnections in the practices of the *Policía Comunitaria* (Diagram: Manuel Müller)

Several normative or legal systems that come together within the practices of the *Policía Comunitaria* can be identified. There are the theological norms, communitarian norms, human rights norms and the state legislation. Within this normative mix, there is one predominant tension, the interaction between the collective and the individual right.

On one hand, the collective right is strongly shaped by the participation of the priests within the *Policía Comunitaria* and the liberation theology. As shown previously, the communitarian norms based on the collective right, clearly share theological principles, such as the principle of forgiveness, of living in a community, of a restorative justice, and of committing mistakes instead of delicts. The strong influence of the local priests cannot be denied, they are a moral authority in the region and clearly shaped the administration of indigenous justice. On the other hand, there are the state legislation and the human rights norms, both based on the individual right, a right that claims universality and individuality.

The dichotomy of the individual right and the collective right is characterized by constant tensions. The tension that I identified as the most present one is the issue of human rights. The universality and individuality of human rights are constantly part of the discussion. On one hand, human rights are violated within the practices of re-education of the *Policía Comunitaria*. The state accuses the CRAC-CP and the CRAC-PC-PF of these violations, wherefore the *Policía Comunitaria* tries to include the human rights norms to the possible extent into its regulatory framework. On the other hand, universality and individuality are highly questioned; it is argued that human rights do not work in indigenous contexts, that they are enforced in a classist and racist way, which results in a non-application in the Costa-Montaña region.

Within the tension between the individual and the collective right, there are several practices of legitimization and delegitimization, by both the state and the *Policía Comunitaria*. These practices also include the biased enforcement of human rights, as well as other practices, for instance, practices related to political patronage.

In general, I argue that the tensions between these two concepts of rights, which are in the center of my discussion on legal pluralism, are deeply characterized by practices of legitimization and delegitimization. In this extended case study, the concept of legitimacy cannot be separated from the discussion on legal pluralism. Legal pluralism in this case implies a constant struggle over legitimacy, which is not only two-sided but can also be very contractionary, as it can be seen within the practices of (des-)legitimization of the *Policía Comunitaria*. The ways in which the tension is framed by these practices, in which legal pluralism is shaped by the concept of legitimacy, in which the hierarchy of rights is reinforced or weakened through these practices of legitimization and delegitimization, are discussed in the next section.

## 12.2 The Ambiguous Struggle over Legitimacy: Reinforcing or Weakening the Hierarchy of Rights?

The tensions between the collective and the individual right are expressed through the practices of legitimization and delegitimization. I have already presented these different practices (chapter 11.3). This section discusses these practices regarding the hierarchy of rights, whether they reinforce or weaken the hierarchy that places the individual right over the collective right.

Regarding the strategies of the government that involve making use of legal grey zones, enforcing human right laws, applying politics of division, buying leaders and criminalization, there is a clear pattern visible: it is about placing the individual right hierarchically higher than the collective right. From the perspective of the government, there are no concessions identifiable, it pursues a clear strategy of enforcing the individual right, be it the juridical way by not recognizing the collective right or by practices of subordination. The most recent example is the abolishment of the law 701. I argue that the strategies of delegitimization are aiming to consolidate the hierarchy of rights, to strengthen the authority of the individual right over the collective right.

There are no clear patterns noticeable when analysing the practices of legitimization and delegitimization of the *Policía Comunitaria*. There are both strategies accepting the hierarchy as well as strategies challenging the hierarchy of rights. A clear practice of accepting the liberal order is the integration of human rights into the regulatory framework. The revision of the internal regulatory framework that took place in 2017 and 2018 addressed in particular the issue of human rights and the recommendations sent by the Commission of Human Rights of the State of Guerrero. Another practice is the practice of political patronage and the recent proximity to political parties. By taking over government positions, joining and working together with political parties, and inviting government representatives, I argue that the *Policía Comunitaria* works under the logic of the individual right and therefore accepts it. Furthermore, the extreme concern regarding the abolishment of law 701 and the strong efforts of its reactivation show that the legitimacy of the organization is not only seen in the collective right, but especially within the individual right. In General, the CRAC-PC is concerned about its legal situation.

*“But somehow we continue to fight for legitimacy, because we want the legal recognition of the federal government for everything.” (A. Cortés Angel, regional coordinator CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

On the other hand, the *Policía Comunitaria* also pursues a strategy of referring only to the collective right and rejecting the individual right. The strategies of looking for backing by the church for instance, an institution that cannot be openly attacked by the government in order to keep operating, can be seen as a strategy of strengthening the collective right. Furthermore, there is currently a strong argument that legality does not matter and that respect is sufficient.



*“We don't seek recognition, we seek respect. Because we have the recognition of our people. The legitimacy gives us our people. The legitimacy gives us the assembly.” (V. Hernández Chapa, former regional coordinator/advisor CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

While the practices of the government aim clearly to subordinate the collective right, the practices of the *Policía Comunitaria* are very ambivalent. There are severe differences regarding the understanding of social order. On one hand, there are tendencies of reinforcing the hierarchy of rights, and there is a rapprochement by some parts of the *Policía Comunitaria* towards the government and a demand for its legalization. On the other hand, the hierarchy is highly challenged by the argument that being tolerated is sufficient since the assembly is its only authority.

The question is therefore a question of hierarchy, about which right comes first, the individual or the collective right. I argue that legal pluralism, the way I discuss the concept in this thesis, is basically about the hierarchy of rights. It is a struggle of domination, a struggle of hegemony, characterized deeply by strategies and practices of legitimization and delegitimization. In this case, the state, through its practices of delegitimization, achieved to maintain the hierarchical order of rights, especially since the outbreak of the internal conflict in 2013, provoked by its politics of division. The practices of legitimization of the *Policía Comunitaria*, due to its contradicting character, do not contribute to the abolishment of the hierarchy. To the contrary, the ongoing crisis of legitimacy (chapter 6.1.4.1) is also a result of these practices.

## 12.3 Abolishing Hierarchy – A Possible Approach

Practices of (de-)legitimization are in the core of the tension between the individual and the collective right, which is deeply marked by a struggle about hierarchy on which understanding of right comes first. This section discusses my argument, why an abolishment of the hierarchy of rights is necessary to achieve a respectful and sustainable relation between the state and the *Policía Comunitaria*.

As shown, within the struggle for supremacy between the state and the *Policía Comunitaria*, the (II-)liberal dilemma is clearly visible, especially within the process of re-education. But whilst the government has a clear answer and prefers “liberal imperialism” as presented, the Commission of Human Rights of the state of Guerrero (CDHEG) is a bit closer to the social reality and admits that the issue is more complex, but at the same time it argues that human rights have to be enforced somehow; even though it does not present a solution.

*“There are conflicts. Above all, we always try to make our vision prevail. Because we believe that it is more attached to the respect for human rights. So, it is a question of sensitizing people to the fact that when a practice, no matter how ancient it may be, if it violates human rights, then it has to be modified, right? Without attacking too much their cosmovision. But these are very complex issues, indeed. Especially when you try to go there and explain it to them. Because the people around you come together, a lot, when it comes to defending their rights. When a state authority comes up with the idea of going there and, above all, to threaten them, that they commit a crime and that we are going to imprison them, the people organize themselves and they themselves [state authorities] are arrested [he*

*laughs], it has happened.” (F. Esteban Ramírez, 2<sup>nd</sup> general inspector CDHEG, interview, 31 August 2018, Chilpancingo)*

Quanes (2013) argument, that it is necessary to ensure the protection of human rights within the expressions of legal pluralism, shows some parallels to the position of the CDHEG. But I argue, that it would be wrong if the *Policía Comunitaria* needed to adopt the whole framework of individual rights, although there is a tendency by some parts of the CRAC-PC/CRAC-PC-PF to do so, as shown. It is clearly not possible to enforce the individual right universally. The collectiveness, *lo comunitario*, cannot be preserved if the individual right is enforced universally. I share the opinion of Abel Barrera who argues, that the enforcement of the individual right would signify taking the indigenous population out of its context, taking them out of their collective logic of collective right (Interview with AB, 20.08.2018, Tlapa de Comonfort). Within their worldview, the communities have rights too, not only the individual, and the rights of the communities have to be protected. Some members of the *Policía Comunitaria* make it very clear, that the collective right has its right to exist.

*“He [the individual] cannot have more rights than the community. That means, if the individual rights of a person, or by making use of individual rights, or under the pretext of their use, is transgressing the right of a community, it has to be taken aside to safeguard the collective right of the community. That is it.” (V. Hernández Chapa, former regional coordinator/advisor CRAC-PC, interview, 23 August 2018, San Luis Acatlán)*

The collective logic has to be considered and not only abolished. This opinion is also shared by the priest Mario Campos Hernández. It is not only about the decision between an individual or a collective right, but it is about a certain degree of harmonization that has to be achieved (Interview with MCH, 19.08.2018, Xalpatlahuac). The collective right should not be romanticized either, there are certainly practices where the individual lacks some basic rights. But on the other hand, the collective right has to be respected too up to a certain degree.

*“How to harmonize, it is a point to work on, to harmonize the different positions, visions. It is an issue that can only be harmonized on the basis of dialogue, on the basis of openness. Neither right nor right can be disqualified. Each has its place. But if the art of all this consists of dialogue, tolerance, respect, openness, inclusiveness, it also counts a lot. So, in this sense there are rights and rights. But it's not about relativism, but about the spaces, where they are. So, in this sense I repeat, how can they be harmonized? On the basis of dialogue, on the basis of respect. You have to understand the view of one and the other, the right that one has and the right that another has.” (M. Campos Hernández, priest/co-founder CRAC-PC, interview, 19 August 2018, Xalpatlahuac)*

Mario Campos Hernández's argument has similarities with the ideas proposed by Quane (2013), who argues, that the process of harmonization has to be a participatory process. But there is one major discrepancy, which is the role of the state. While Quane (2013) argues, that the state has to take over the leading role, whereas Campos Hernández states, that the process of harmonization has to take place in a situation of equality, both rights have their place and have to be treated equally (Interview with MCH, 19.08.2018, Xalpatlahuac). It is about how to make appropriate use of the individual right in certain contexts, but also about how to make

appropriate use of the collective right within indigenous contexts. This argument is also shared by Abel Barrera of the human rights NGO *CDHM Tlachinollan* (Interview with AB, 19.08.2018, Tlapa de Comonfort).

At this point, I want to discuss the argument of cultural relativism, since it is often brought up in these debates. It is one of the most common arguments for relativity of human rights norms; it deeply questions universalism from a cultural point of view. In the discussion about human rights, cultural relativism argues that in these contexts, due to the respect of cultural differences, human rights have no normative force in the face of divergent cultural traditions (Donnelly 2007). I want to especially highlight four arguments brought up by Donnelly (2007) that undermine cultural relativism. First, Donnelly (2007) argues that cultural relativism reduces ‘right’ to ‘traditional’, ‘good’ to ‘old’ and ‘obligatory’ to ‘habitual’. But values are not binding or ‘right’ simply because they happen to be widely endorsed within a culture; a culture can also consist of bad habits. Secondly, the idea that simply because a practice or a value emerges in place A does not mean that it is not applicable in place B. Thirdly, the impact of states, markets and colonialism is typically ignored by these arguments. These cultures are idealized representations of the past and they certainly do not exist today, they are strongly shaped by the factors mentioned above. Fourthly, these arguments ignore cultural contingency, contestation, and change. Culture is “a repertoire of deeply contested symbols, practices and meanings over and with which members of a society constantly struggle. Culture is no destiny” (Donnelly, 2007: 296).

Therefore, following partly the argumentation of Donnelly (2007) I argue that it would also be wrong to entirely reject the individual rights as proposed by cultural relativism, because the individual rights themselves are not the only factor contributing to the problem. It is also about who manages the human rights, that is the state, a point of discussion brought up by Pérez Manzanera (Interview with LPM, 13.08.2018, Mexico City). If the state is willing to abolish the naturalized hierarchy of rights and to treat the two frameworks as equal and complementary, it is a possible way to harmonize the two legal frameworks. Furthermore, I support Donnelly’s point of view (2007), that human rights are not per se “western”, but that they have relevance wherever the political and economic frontier passed. They are a measure to protect people against the threats of modernity and globalization (Donnelly, 2007). There is not necessarily a conflict between the two concepts of rights, following the argumentation of Grijalva (2009). Therefore, same as Mario Campos Hernández, I argue that it is necessary to treat the two frameworks equally and to abolish hierarchy, but not to give the leading role to the state as suggested by Quane (2013).

Right now, in Guerrero, there are strong movements trying to establish a new relationship between the individual and the collective right and to abolish this naturalized hierarchy. In the next section I want to explain how a step in this direction looks like in practice.

### 12.3.1 4<sup>th</sup> Level of Government

*“The Mexican society is failing. Its form of political organization no longer allows it to deploy its creative energy to grow and develop. It lacks more political organization, more state, at its base. The municipality has not been enough for society to*

*organize itself from its base, from its house, its block, its neighbourhood, its town, its community. The society is unarmed to face the crisis that began in the sixties. It is necessary to reorganize itself from its immediate neighbourhood community and, from there, to rebuild its complete state. And for this it is necessary to create a fourth order of state and government that allows it to reorganize itself from its base: the community.”* (Olmedo Carranza, 2005: 8)

Regarding the legal tensions between the *Policía Comunitaria* and the state, I mentioned three levels of government within the Mexican state: national, state, and municipal. In the past years, a debate about a fourth level of government, the so-called communitarian level of government has been initiated, not only in Mexico in general, but also in the state of Guerrero. It is not only seen as a way to democratize the entity through reorganization and to bring development, but also to combat the increasing violence, especially in the case of Guerrero.

*“The official recognition of the fourth order of government could be the alternative to pacify the state of Guerrero, to rebuild the social network and to legalize approximately 20 thousand communitarian policemen who circulate without control throughout the entity.”* (Rivera Rosales, 2018: 1)

According to Rivera Rosales (2018), the fourth level of government is a fundamental change. It radically affects the relationship between the political class and the citizens. The fourth level of government can be defined as follows:

*“In essence, it is the recognition of the community as a subject of right and the possibility that the communities have direct participation in the town councils and in the budgetary management. The idea is that part of the municipal public budget can be administered directly by the community itself.”* (Rivera Rosales, 2018: 2)

The fourth level of government is about abandoning the representative democracy and about the introduction of a direct democracy. It challenges the political parties and the centralist view. In practice, it means that political parties are not allowed. Each community elects in an assembly both a woman and a man who form part of the communitarian government. The collective right is central within the fourth level of government. The community is seen as a subject of rights and not only as a subject of public interest. It is about decentralization of power, each community should have the right to decide about its political project, its social necessities, and development. If things are decided without the community, they are not communitarian anymore. The assembly is therefore a central component. To summarize, it is a government according to the so-called *usos y costumbres* (uses and customs) (Field diary).

This is not an utopic way of how politics could work. A few years ago, there was an unsuccessful attempt to introduce this level of government in San Luis Acatlán, in the heart of the territory of the CRAC-PC, due to the resistance of the political parties. In Ayutla de los Libres, a territory shared by both the CRAC-PC and the UPOEG, the communitarian government was legally introduced on the 15<sup>th</sup> of July 2018, after a long juridical struggle that lasted for many years. The bases of the *Policía Comunitaria* and the *Policía Ciudadana* were heavily involved in this process.

It is still too early to draw conclusions regarding the change of government in Ayutla de los Libres, but the idea of the fourth level of government is to push forward the process of decen-

tralization of power and to create a new federalism where the communities would have more autonomy and where the collective right would not only be tolerated, but would also be legally recognized. Thus, it has to do with abolishing the hierarchy of rights, with equating collective right and individual right, and the practices have shown that the negotiations about it happened in situations of equality. Some argue that the fourth level of government is a step into the past, but I argue that on the contrary, it is a step ahead, it is a step that can redefine a new relationship between the different concepts of rights and that can solve the ongoing tensions between the individual and the collective right and the (il-)liberal dilemma.

## 13 Conclusion

Vigilantism often puts the focus on the interaction between state and non-state norms. Although legal pluralism exists whenever there is more than one source of law within a social arena (Tamanaha, 2008), different non-state sources are often ignored. Furthermore, legal pluralism is in many cases analysed in a very isolated way and not contributing to an inter-conceptual debate. Moreover, the theoretical framework is very limited to African realities, although the relevance of legal pluralism in Latin America is undisputed, especially regarding the ongoing debate about the collective rights of the indigenous peoples.

This thesis analysed the case of the *Policía Comunitaria* of the Mexican state of Guerrero, namely the CRAC-PC-PF and the CRAC-PC, to broaden not only the lens of legal pluralism generally regarding vigilantism but also to go beyond the common debates by highlighting the importance of the tensions regarding the collective right and to think more interconceptually, especially with respect to legitimacy and the practices of (de-)legitimization involved.

I presented the history of the *Policía Comunitaria*, which helps to understand the current crisis of legitimacy. Furthermore, I introduced the collectiveness, *lo comunitario* as it is called in the communitarian territory, as the basis of the collective right and the administration of justice, or the so-called re-education. On one hand, this introduction is necessary to start the discussion regarding legal pluralism, and on the other hand there is a lack of comprehensive and up-to-date information about the *Policía Comunitaria*.

By broadening the lens of legal pluralism, I framed out how the normative mix looks like in the practices of re-education of the *Policía Comunitaria*. Regarding the state legislation, there are several laws on different levels backing the CRAC-PC and the CRAC-PC-PF legally, such as the convention 169 of the International Labour Organization, article 2 and 39 of the Mexican constitution and until recently the law 701 based on article 14 of the constitution of the state of Guerrero. Nevertheless, there are severe tensions since the state simply ignores the laws or interprets the law to its advantage. Practically, the relationship varies significantly. There is collaboration and even financial support, but also repression and attempts of disarming. By having a closer look on the norms of the *Policía Comunitaria*, there are many similarities between the values of the liberation theology and the norms of re-education. The concepts of a restorative justice, of forgiveness, of mistake or fault were not only developed by the communities themselves, the participation of priests who made use of their moral authority played a major role.

## Conclusion

I did not only broaden the lens of legal pluralism in respect of the different normative systems and their interconnections, but I also looked at the factors which are on the bottom of the concept, in this case, the discussion about the individual and the collective right. This tension is, not only, but essentially about human rights law, which is understood universally and individually. The (il-)liberal dilemma, as I call it, is precisely about this tension, it is the dilemma that arises when a community that claims self-governance has traditions of violating human rights (Freeman, 1995). Regarding the *Policía Comunitaria*, my main argument is that this dilemma is at its core about the hierarchy of rights and about which right comes first, the individual right or the collective right. I identified two narratives regarding this tension. On one hand, the *Policía Comunitaria* is consolidating the naturalized hierarchy of rights, which puts the individual right higher than the collective right by integrating human rights norms into their internal regulatory framework as far as possible, even though it does not go along with the collective right. On the other hand, the organization is also deeply questioning the individuality and universality of the individual right, by arguing that it is not suitable in an indigenous context, besides a conceptual debate also due to a lack of enforcement based on institutional racism and classism.

Thirdly, I broadened the lens of legal pluralism regarding its deep interconnections with other concepts. In the case of the *Policía Comunitaria*, the concept of legitimate authority is central respective to the hierarchy of rights. While the practices of delegitimization of the state, such as making use of legal grey zones, enforcing human rights law, its politics of division and subordination or the recent abolishment of the law 701 are clearly aiming to subordinate the collective right and the practices of the *Policía Comunitaria* do not have a clear pattern. On one hand, by integrating human rights norms into the communitarian norms, by the rapprochement to political parties, political patronage and by insisting on legal backing, the *Policía Comunitaria* is subordinating itself and therefore also the collective right to the state and the individual right. On the other hand, by referring to the assembly as its only authority, the hierarchy of rights is clearly challenged.

In the case of the *Policía Comunitaria* of the state of Guerrero, legal pluralism is therefore not only about the interconnections between norms, between state and non-state actors and the different influences on these norms. I argue, that it is mainly about a struggle over domination of rights. The hierarchy of rights and the practices of (de-)legitimization are in the center of the debate regarding the collective and the individual right. I argue, that the hierarchy which is strengthened and questioned by the state and the *Policía Comunitaria*, has to be abolished to achieve not only a respectful and sustainable relation between the state and the CRAC-PC-PF/CRAC-PC, but also in general between the state and its indigenous population. The fourth level of government, the communitarian government, as recently introduced in Ayutla de los Libres could be a possible solution. It would definitely be interesting to analyse the democratic process of Ayutla de los Libres during the next years to continue the debate about the collective right.

# 14 Index

## 14.1 Abbreviations

CAIN	<i>Comité de Autoridades Indígenas</i> (Committee of Indigenous Authorities)
CDHEG	<i>Comisión de Derechos Humanos del Estado de Guerrero</i> (Commission of Human Rights of the State of Guerrero)
CIPOG-EZ	<i>Consejo Indígena y Popular de Guerrero – Emiliano Zapata</i> (Indigenous and Popular Council of Guerrero – Emiliano Zapata), successor organization of the CG-500
CG-500	<i>Consejo Guerrerense 500 años de Resistencia Indígena, Negra y Popular</i> (Council of Guerrero of 500 Years of Indigenous, Black and Popular Resistance)
CRAC	<i>Coordinadora Regional de Autoridades Comunitarias</i> (Regional Coordination of Communitarian Authorities)
CRAC-PC	<i>Coordinadora Regional de Autoridades Comunitarias – Policía Comunitaria</i> (Regional Coordination of Communitarian Authorities – Community Police)
CRAC-PC-PF	<i>Coordinadora Regional de Autoridades Comunitarias – Policía Comunitaria – Pueblos Fundadores</i> (Regional Coordination of Communitarian Authorities – Community Police – Founding Communities)
CRAI	<i>Coordinadora Regional de Autoridades Indígenas</i> (Regional Coordination of Indigenous Authorities)
MORENA	<i>Movimiento de Regeneración Nacional</i> (Movement of National Regeneration), political party that won the presidential elections in 2018
NGO	Non-governmental Organization
PRI	<i>Partido de la Revolución Institucional</i> (Party of the Institutional Revolution), political party
SSyJC-UPOEG	<i>Sistema de Seguridad y Justicia Ciudadana de la Unión de Pueblos y Organizaciones del Estado de Guerrero</i> (System of Civic Security and Justice of the Union of Peoples and Organization of the State of Guerrero)

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# 16 Appendix

## 16.1 List of Interviews

What	Date	Place	Acronym	Who	Position
Ethnographic interview	27.05.18	Mexico City	JPG	Jesús Plácido Galindo	Former regional commander CRAC-PC-PF, main promotor CRAC-PC-PF/CIPOG-EZ
Exploratory expert interview	04.06.18	Mexico City	FT	Felipe Tiyako	Anthropologist (UACM)
Exploratory expert interview (group)	05.06.18	Mexico City	JJFF, ASC	José Joaquín Flores Félix, Abigail Sandoval Cuevas	Anthropologists (UAM)
Exploratory expert interview	07.06.18	Mexico City	GG	Giovanna Gasparello	Anthropologist (INAH)
Exploratory expert interview	11.06.18	Mexico City	CMA	Carlos Mendoza Álvarez	Theologist (IBERO)
Ethnographic interview (group)	20.06.18	Papaxtla (Chilapa de Álvarez)	LSR, JLBA, RS, DFS	Luis Santos Reyes, José Lucio Bartolo Agustino, Regino Santos, Domingo Francisco Santos	Regional coordinators and commanders CRAC-PC-PF
Ethnographic interview	21.06.18	San Luis Acatlán	VVN1	Valladolid Ventura Nava	Former secretary CRAC-PC, informal advisor CRAC-PC-PF/CRAC-PC/UPOEG
Ethnographic interview	21.06.18	San Luis Acatlán	JRB	Jesús Reyes Bonifacio	Former coordinator CRAC-PC, promotor CRAC-PC-PF
Ethnographic interview	22.06.18	San Nicolás (Cuajinicuilapa)	ECP	Enrique Cisneros Parral	Regional advisor CRAC-PC-PF
Systemizing expert interview	24.06.18	Chilpancingo	MNG	Maribel Nicasio González	Anthropologist (UAGro)
Systemizing expert interview	25.06.18	Acapulco	JAR	José Antonio Rivera Rosales	Journalist
Ethnographic interview	26.06.18	Buenavista (San Luis Acatlán)	BPV	Bruno Plácido Valerio	Former regional coordinator CRAC-PC, main promotor UPOEG
Ethnographic	28.06.18	Buenavista (San	CPV	Cirino Plácido Valerio	Former leader CG-500, co-founder CRAI/CRAC-

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interview		Luis Acatlán)			PC, main Promotor CRAC-PC-PF/CIPOG-EZ
Ethnographic interview	07.07.18	San Luis Acatlán	VVN2	Valladolid Ventura Nava	Former secretary CRAC-PC, informal advisor CRAC-PC-PF/CRAC-PC/UPOEG
Ethnographic interview	07.07.18	San Luis Acatlán	JNE	Juan Navarrete Emilio	Former policemen CRAC-PC, former political prisoner
Ethnographic interview	07.07.18	San Luis Acatlán	MNR	Mario Navarrete Rentería	Former commissioner
Systemizing expert interview	09.07.18	Acapulco	JMZ	Jesús Mendoza Zaragoza	Priest Kilómetro 30
Systemizing expert interview	13.08.18	Mexico City	LPM	Alberto Leon Pérez Manzanera	Member NGO Serapaz
Systemizing expert interview	15.08.18	Mexico City	ESS	Evangelina Sánchez Serrano	Anthropologist UACM
Systemizing expert interview	17.08.18	Mexico City	MTS	María Teresa Sierra	Anthropologist CIESAS
Ethnographic interview	19.08.18	Xalpatlahuac	MCH	Mario Campos Hernández	Priest Xalpatlahuac, co-founder CRAI/CRAC-PC
Ethnographic interview	20.08.18	Tlapa de Comonfort	AB	Abel Barrera Hernández	Head NGO CHDM Tlachinollan
Ethnographic interview	21.08.18	San Nicolás (Cuajinicuilapa)	MRM	Mario Ramírez Meza	Regional advisor CRAC-PC-PF
Ethnographic interview	23.08.18	San Luis Acatlán	VHC1	Valentín Hernández Chapa	Former regional coordinator/advisor/ spokesman CRAC-PC
Ethnographic interview (group)	23.08.18	San Luis Acatlán	JCF1, ACA1, AEC1	Julián Cortés Flores, Arcadio Cortés Ángel, Adolfo Esteban de la Cruz	Regional coordinators CRAC-PC
Ethnographic interview	24.08.18	San Luis Acatlán	ACH	Arturo Campos Herrera	Regional advisor CRAC-PC, former political prisoner
Ethnographic interview	24.08.18	San Luis Acatlán	JVG	Javier Vázquez García	Mayor San Luis Acatlán
Ethnographic interview	26.08.18	Acahuehuatlán (Chilapa de Álvarez)	ABC	Agustín Barrera Cosme	Promotor CRAC-PC-PF/CIPOG-EZ
Ethnographic	26.08.18	Acahuehuatlán	ACR	Amador Cortés Robledo	Co-founder CRAI/CRAC-PC, promotor CRAC-



interview		(Chilapa de Álvarez)			PC-PF/CIPOG-EZ
Ethnographic interview	26.08.18	Acahuetlán (Chilapa de Álvarez)	JP	Juan Pozotempas	Regional coordinator CRAC-PC-PF
Ethnographic interview	27.08.18	Alcozacán (Chilapa de Álvarez)	PF	Padre Francisco	Priest Santa Cruz del Rincón
Ethnographic interview	31.08.18	Chilpancingo	FER	Fernando Esteban Ramírez	2nd general inspector CDHEG
Ethnographic interview	02.09.18	San Luis Acatlán	VCH2	Valentín Hernández Chapa	Former regional coordinator/advisor/spokesman CRAC-PC
Ethnographic interview (group)	03.09.18	San Luis Acatlán	JCF2, ACA2, AEC2	Julián Cortés Flores, Arcadio Cortés Ángel, Adolfo Esteban de la Cruz	Regional coordinators CRAC-PC
Ethnographic interview	04.09.18	San Luis Acatlán	CMM	Claudio Morales Martínez	1 <sup>st</sup> Commander Pascala del Oro
Ethnographic interview	06.09.18	San Luis Acatlán	LMG	Leonardo Morales Gutiérrez	Priest San Luis Acatlán
Ethnographic Interviews	2018	Guerrero	A1, A2, A3, A4, A5, A6, A7	Anonymous	Anonymous

# 17 Personal Declaration

I hereby declare that the submitted thesis is the result of my own, independent work. All external sources are explicitly acknowledged in the thesis.

A handwritten signature in black ink, appearing to read 'M. Müller', written in a cursive style.

Manuel Müller

Zürich, January 31