

# Dynamics of Indigenous Resistance to Criminal Governance: The CRAC-PC System in Southern Mexico

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It was the early afternoon of July 28, 2022. After seven days of fieldwork in the eastern Indigenous highlands of the southern Mexican state of Guerrero—a region known as La Montaña—on our way to Acapulco we passed through nine security check points along the Pacific coastal highway. Five of these checkpoints were controlled by the UPOEG, a regional self-defense group, and four by the military and National Guard. As we entered Acapulco, news spread that a few hours earlier a parish priest from Iguala had survived an assassination attempt in the city of Chilapa, on the northern edge of La Montaña. Different organized criminal groups (OCGs), including Los Ardillos, have been competing for territorial control for nearly a decade in this microregion. That same day, La Familia Michoacana, an OCG from the neighboring states of Michoacán and the state of Mexico, had ordered hundreds of taxi, bus, and truck drivers to seal the entry points into Arcelia—a northwestern Sierra municipality and a major center of poppy cultivation—to halt a military operation to detain La Familia's local leaders, who have been de facto rulers in Arcelia.<sup>1</sup>

Bearing witness to this panoply of military and security forces, OCGs, and armed groups while driving through contested territories was particularly striking after our visit to La Montaña, where there was practically no military or state police presence and where OCGs and other armed groups were not competing for turf. It was as if most of the municipalities of La Montaña had been sealed from outside interference.

The case of La Montaña is particularly puzzling because, since the onset of the Mexican war on drugs in 2006, large portions of Guerrero, like many other Mexican states, have become contested regions in which OCGs and armed groups compete for territorial controls in areas they seek to de facto govern. These villages, towns, urban centers, and municipalities are where OCGs seek to control local governments, populations, and territories and monopolize a wide range of illicit economies beyond poppy cultivation and drug trafficking, including the predatory extraction of human and natural wealth (Trejo and Ley 2020; Moncada 2022). OCGs force families, communities, small and medium-size businesses of all types, bus drivers, and street vendors to pay criminal taxes. They have gained control over formal economies, particularly agricultural production (e.g., avocados and limes), and exploit natural resources (e.g., forests, mining, and water). OCGs first seize control over local elections, eliminate independent candidates and impose loyalists, infiltrate municipal governments and the municipal police, and threaten or kill local journalists, parish priests, social movement leaders, union leaders, or anyone else who defies their rule. In establishing criminal governance, OCGs and armed groups invariably work in tandem with incumbent or former state security forces.

Our research shows that the absence of criminal governance, and the comparatively low levels of organized criminal violence displayed in La

<sup>1</sup> For events on July 28, 2022, see <https://suracapulco.mx/nuestra-portada-de-este-viernes-29-de-julio-de-2022/>.

Montaña, can be largely credited to the CRAC-PC system—a regional Indigenous community police and justice system that by 2022 covered over 20 municipalities from the La Montaña and Costa Chica regions (Ley, Mattiace, and Trejo 2019). A by-product of decades of mobilization for Indigenous rights in the 1980s and 1990s that crystallized in the powerful Consejo Guerrerense 500 Años de Resistencia Indígena, Negra y Popular (CG-500), and of the persistence of village-level Indigenous self-governance institutions, the CRAC-PC system is operated by five Casas de Justicia (CJ) and the Policía Comunitaria (PC). It is a parallel system that operates alongside municipal police forces and the public ministries. Although the CRAC-PC has operated in a legal limbo since its creation in 1995, the federal and state governments reached a *modus vivendi* with the communities of the system: they did not seek to dismantle the system but simply sought to contain its growth. It was not until 2011, with the introduction of Guerrero State Law 701, that the CRAC-PC was constitutionally recognized as an auxiliary police force. Despite this important step, the institutions, rules of justice, jurisdiction, and main functions of the CRAC-PC system remained without a clear legal mandate.

### **How the CRAC-PC System Works**

The PC is a constellation of village-level Indigenous police forces that operate in hundreds of communities from member municipalities. It is a multilingual system that combines four languages: Tu'un savi, Me'phaa, Náhuatl, and Spanish. PC members are elected through community assemblies to serve for two years. Some of them go on to be elected as regional commanders that operate in the five CJs. The CJs are Indigenous public ministries that serve multiple municipalities, where citizens can bring civil cases and PC members bring alleged criminals. CJs are operated by five coordinators who are elected by the regional assemblies of local community authorities. They serve for three years and are responsible for conducting initial investigations and resolving minor civil and criminal cases. For the most extreme cases, such as homicides, sexual violence, or organized criminal actions, CJ coordinators transfer

the cases to regional assemblies, where local community authorities sentence criminals after long deliberations and a show-of-hands vote.

The CRAC-PC system has four unique features. First, local and regional community assemblies are the system's ultimate authority. All PC and CJ members are selected, held accountable, and removed (when necessary) by the assemblies. Second, PC and CJ members do not receive wages and their work is considered community service associated with the cargo system. Third, because the system draws on Indigenous customary practices, there is no jail time. Following principles of restorative justice, criminals are sentenced to community service and reeducation. Sentences range from a few months for minor offenses to up to 25 years for femicides. Criminals rotate among communities doing public service—mostly building or repairing roads, schools, local clinics, and churches—and attend monthly reeducation talks from elders. As one member of El Paraíso CJ shared with us: “public work is educational and humbling” and “together with reeducation talks” helps reintegrate criminals into the community. Finally, because the CRAC-PC system is a key institutional feature of a broader struggle for autonomy and self-determination, PC and CJ members are responsible for protecting not only their territory but also their natural habitat and the communities and families that inhabit it.

### **The CRAC-PC System and Deterrence of Criminal Governance, 1995–2012**

After five waves of fieldwork in the region between 2016 and 2022, we have identified internal and external mechanisms that explain why the CRAC-PC system has succeeded in defying criminal governance and keeping criminal violence at relatively low levels.

Internal mechanisms prevent OCGs and other armed actors from infiltrating and co-opting PC and CJ authorities. Internally, every member of the CRAC-PC is held accountable by community assemblies. Assemblies select members of the community in good standing to serve as PC members and CJ coordinators and keep

them under close scrutiny, sentencing them to community service and reeducation if they breach CRAC-PC internal laws. But beyond mechanisms of accountability, shame and honor associated with the cargo system elicit self-restraint: PC and CJ members want to serve with honor and avoid public shame. If self-restraint fails, however, accountability prevents internal corruption.

External mechanisms also prevent external actors like OCGs and other armed actors from penetrating the communities and the system. Because the system is built on decades of experience in trans-local social movement mobilization, communities have strong but flexible trans-local bonds. These bonds facilitate information sharing across communities and provide the basis for trans-local solidarity. As several PC commanders have shared with us, communication through the trans-local radio system allows communities to let others know when an OCG or an armed group penetrates the region; police forces from other communities are quickly deployed to seal exit options and ambush the criminals. Multiple PC forces and hundreds of communities coordinate their actions to bring criminals to the closest CJ, where they are judged and sentenced by the regional community assembly. This procedure is well known by such groups as Los Ardillos, La Familia Michoacana, Los Rojos, and Guerreros Unidos, and it serves as a deterrent that keeps them away from those CRAC-PC municipalities of La Montaña and Costa Chica.

Data from 2007 to 2012 show that the 11 historic municipalities of the CRAC-PC system experienced significantly lower levels of violence than their most immediate neighbors and other comparable regions, such as Tierra Caliente in northwestern Guerrero (Ley, Mattiace, and Trejo 2019). In the first six years of the war on drugs, the national press reported no significant presence of any OCG in CRAC-PC territory but significant presence of at least one group in 25 percent of CRAC-PC neighbors and in all Tierra Caliente municipalities. Similarly, whereas CRAC-PC municipalities experienced on average 11.8 OCG-

related murders per 100,000 population, the rate was twice as high among its neighbors, and eight times greater in the Tierra Caliente region.

### **Crisis in the System, 2013–2020**

Between 2013 and 2020 the CRAC-PC system underwent significant erosion, and by 2018 it was in crisis (Trejo and Mattiace 2021). The crisis originated from external intervention by the Guerrero state government and multiple attempts to economically co-opt CJ coordinators to bring the CRAC-PC system under state control. These interferences sparked internal divisions within the system and led to internal fragmentation and defections (Sierra 2015; Hernández Navarro and Barrera Hernández 2020). These internal fractures, in turn, enabled criminals sentenced by the CRAC-PC system to circumvent punishment and thus weakened the system and its legitimacy. External government interference, internal divisions, and the politicization of the legal limbo in which the system operates opened important windows of opportunity for criminal organizations that for years have sought to penetrate CRAC-PC territory.

### **External interference and internal fractures**

In 2013, the federal government's attempt to control and co-opt the popular insurrection against the Knights Templar Cartel led by a myriad of self-defense groups in Michoacán negatively impacted Guerrero. Fearing similar uprisings across the country, President Enrique Peña Nieto pressured Guerrero's governor, Ángel Aguirre, to bring the CRAC-PC under state control, too. This meant that the *modus vivendi* between federal and state authorities and the CRAC-PC was broken in 2013 as the state government began a series of direct attempts to divide and co-opt different leading groups of the CRAC-PC, particularly in the San Luis Acatlán CJ, the founding and principal CJ of the CRAC-PC system. Aguirre was able to co-opt Eliseo Villar, the head coordinator of the San Luis CJ, and his followers (Hernández Navarro 2014). Faced with strong internal divisions that almost led to armed conflict between Villar's group and dissidents, the

CRAC-PC removed Villar and new coordinators were elected. In this context of growing internal divisions, however, Bruno Plácido, one of the most distinguished founding leaders of the CRAC-PC in San Luis Acatlán, left the system to create the UPOEG, an alternative community police. Divorced from community assemblies, the UPOEG quickly grew into a self-defense group. Although the San Luis CJ was able to partially mend these fractures, by 2019 deep divisions reemerged when Julián Cortés, a former Catholic catechist and a new coordinator of the San Luis CJ, was assassinated after accusing another coordinator of collusion with OCGs.

### **Criminal Penetration of the CRAC-PC System**

After 2013 there is significant evidence that the external borders of the eleven original municipalities of the CRAC-PC system, which had been successfully guarded by the PC, were breached. Perhaps the most alarming example was a video that the Jalisco New Generation Cartel (CJNG) made public in December 2019 from Cochoapa el Grande, in the heart of La Montaña. The video shows a convoy of heavily armed members of the CJNG announcing their presence in the region to search for two leaders of La Nueva Familia Michoacana who, according to the CJNG, were hiding in Cochoapa. Although the LNFM and the CJNG are immersed in bloody territorial disputes in other regions of the state, including Tierra Caliente, Costa Grande, and Norte, there was no record of their presence in La Montaña. At the same time, in October 2019, social movement leader and human rights defender Arnulfo Cerón was disappeared and later found dead in Tlapa, the largest urban center, located at the northern tip of La Montaña. The disappearance of Cerón made evident a wave of disappearances in Tlapa—with more than 20 cases documented by 2020—and the search for Cerón led to the discovery of clandestine mass graves on the outskirts of Tlapa. Crucially, the corpse of a former mayor of Cochoapa, who

had gone missing several months earlier, was found. These investigations revealed that Tlapa government officials were protecting OCGs that had long sought to penetrate the region and establish local control.

### **Institutional Erosion of the CRAC-PC System**

External interference from the state government and heightened presence of OCGs within CRAC-PC system territory deepened existing internal divisions and weakened the main institutions of the CRAC-PC system—namely the community assemblies, the PC, and the CJs. Evidence of these institutional weaknesses were firmly expressed in a series of ten public fora conducted in selected municipalities by the Guerrero State Congress in coordination with Tlachinollan, the leading human rights organization of La Montaña.<sup>2</sup>

Community and regional assemblies, which functioned as the main source of authority of the CRAC-PC system, came under attack. Of particular concern was the loss of authority of the community assemblies: specifically noncompliance with assembly decisions. Criminals and delinquents sentenced by regional assemblies persuaded judicial authorities to issue *amparos* (legal complaints). Sheltered by judicial authorities, criminals demanded their immediate release from community service and reeducation. In the midst of the legal limbo in which the CRAC-PC system operates, this generated unusual tension between the CJ and public prosecution offices and between the PC and the state police. Indeed, a widespread complaint by members of the CRAC-PC system is that their Indigenous justice system has been subordinated to ordinary justice institutions. A participant at the 2019 forum held in Marquelia summed up this problem thus: “The justice system of the communities must not be subordinated . . . coordination of the community justice system with the state justice system must be established in the laws.”

<sup>2</sup> In September and October 2019, the Guerrero State Congress and Tlachinollan conducted ten “Foros de consulta para una reforma constitucional y legal sobre los derechos de los pueblos indígenas y afroamericano en el estado de Guerrero.” Information from these fora come from an internal document, “Concentrado resolutivos finales foros de consulta.”

The PC faced acute challenges in a context marked by the proliferation of armed actors and challenges to the PC's jurisdiction by military and state police forces, which since 2013 have made frequent inroads into the CRAC-PC territory. Participants in the 2019 fora noted the PC's loss of freedom of movement in their own territories, the erosion of relative autonomy from the state, and territorial and jurisdictional conflicts with other armed groups. And despite participants' general support for the PC, there was growing concern about the erosion of community policing practices, in particular about human rights violations. In Malinaltepec, one of the municipalities where the CRAC-PC system had been most successful, one attendee exhorted: "The authenticity of the community police must be rescued, since there are police officers who tarnish the name of the true community police."

Finally, as the community and the regional assemblies weakened, controls over CJ coordinators eroded. In the midst of factional struggles, some coordinators sought to impose their views. Suspicions rose about collusion of some coordinators with OCGs across some of the CJs in the system. In the San Luis Acatlán forum, a participant put it boldly: "In the good old days, the CRAC-PC system benefited the community; now things have changed and the system benefits just a few groups." Several participants demanded external surveillance of the CJ coordinators by new regional bodies linked to the CRAC-PC system. In Ayutla, people requested "advice" and "training" for the CJ coordinators, including training on "the [internal] regulations on how justice should be done."

### **System Recovery, 2021–2022**

In the midst of the pandemic, the CRAC-PC system experienced a surprising rebound for reasons unrelated to COVID. External and internal factors combined to help the system recover some of its initial impetus.

The Supreme Court's decision to reverse a major 2018 reform by which the Guerrero State Congress had changed the constitution to undermine the CRAC-PC system opened opportunities for

internal healing. Under the watch of Governor Héctor Astudillo Flores (PRI), in 2018 reforms were made to the state constitution Article 14 and to Law 701, which had legally protected the CRAC-PC. These reforms subordinated communal institutions to ordinary ones in terms of policing and the exercise of justice, essentially reversing the 2011 legislation. The CJs and municipal authorities from La Montaña and the National Human Rights Commission initiated three different constitutional challenges to reverse these legal changes. As a lawyer from Tlachinollan and a legal adviser to the CRAC-PC system before the Supreme Court shared with us: "The legal battle against the state's legal changes was the only glue that kept the CJs together and the CRAC-PC system alive." Indeed, the Supreme Court's decision to declare the 2018 reforms unconstitutional, on grounds that the constitutional and legislative reform process violated the rights of Indigenous and Afro-descendant peoples to prior, free, informed, and culturally appropriate consent, was a major stimulant for fixing the system.

The selection of a new generation of leaders in the CJs of San Luis Acatlán and El Paraíso (in Ayutla) opened opportunities for renewal. In San Luis, the children of several leaders of the CG-500 movement came of age to lead the system. They had observed firsthand the original spirit and the energy that motivated their predecessors, which helped them restore the broad political goals of the CRAC-PC system. The neighboring municipality of Ayutla, the El Paraíso CJ, which was created in the early 2010s, built on the enduring strength of their community and regional assemblies to elect new charismatic leaders in 2019. The new leadership in El Paraíso and San Luis spearheaded a new era by restoring links with other CJs and encouraging all CJs to reinvigorate community and regional assemblies. This was now possible because the Supreme Court's decision shifted the internal balance of power in the region in favor of Indigenous customary law and institutions, including the community assemblies.

The prospects of a new constitutional controversy in the Supreme Court, after the Guerrero State Congress conducted an express consultation without properly consulting Indigenous communities from La Montaña and Costa Chica, has given new impetus for the continued coordination across CJs that began in 2020. As we learned in our most recent fieldwork interviews, the CJs have recovered their original practices of coordinating and sharing information in monthly meetings. This is a decisive sign of renewal because close trans-local coordination had previously allowed the CRAC-PC system to seal its external frontiers and keep OCGs away from its territories.

## Conclusion

After sixteen years of the war on drugs, Mexico continues to find itself in a major security and human rights crisis in which OCGs, in coalition with security officials and subnational government authorities, have taken de facto control over significant portions of the national territory (Trejo and Ley 2020). Amid this crisis, the leftist government of Andrés Manuel López Obrador has opted, like his right-wing predecessors, to surrender public security to the military. Like his predecessors, AMLO claims that the military is the only institutional force capable of restoring order, and that there are no alternatives.

In this essay we have provided extensive evidence showing that the Indigenous community policing and justice system created by the CRAC-PC presents a powerful alternative. While this experience has traits unique to the history of La Montaña and Costa Chica in Guerrero, it shares many institutional and social features with similar Indigenous institutions created in such places as Cherán, Ostula, and Carapan in Michoacán; Azqueltán in Jalisco; and the Tribu Yaqui in Sonora. These are powerful experiences of self-rule that bring together decades of Indigenous social movement mobilization with long-standing local customary institutions and practices (see CIAS 2022). Other invaluable experiences of self-rule emerge from Oaxaca, where municipalities constitutionally ruled by

customary practice institutions since 1995 have become an institutional wall against the spread of OCGs and criminal violence in their communities (Magaloni, Gosztanyi, and Thompson 2021). Rather than stigmatize these experiences as facades of OCGs or of guerrilla groups, Mexican political and social elites should pay closer attention to the mechanics of these Indigenous systems and to the conditions that, against all odds, have allowed them to defy powerful OCGs from conquering their territories and at the same time to develop institutions to guard their territories, habitats, communities, and families.

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