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Federal Government, Indigenous Communities in Two States Disagree On Legality of Community Police Forces

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A handful of rural indigenous communities in Michoacán and Guerrero have formed community police forces or militias, partly to counteract the influence of drug-trafficking cartels within their borders. The informal police units, known as autodefensas, have put the communities at odds with the federal government, which considers the organizations vigilante groups outside the law. The conflict between the federal government and the autodefensas came to the forefront after federal authorities arrested several-dozen members of the local militia formed by the community of Aquila in Michoacán in mid-August.

The conflict between the communities and the federal government is rooted in a dispute on whether the militias are lawful. In claiming the right to create the autodefensas, the communities cited provisions in the Mexican Constitution that protect traditional customs and practices of indigenous populations. These rights were negotiated by former President Ernesto Zedillo's administration and representatives of the Ejército Zapatista de Liberación Nacional (EZLN) and later ratified by Congress (SourceMex, Feb. 21, 1996, and May 2, 2001).

The federal government contends, however, that no specific language in federal or state laws allows the creation of independent law-enforcement units. "Our laws—and I’m referring to the Mexican Constitution—prohibit [the creation of these self-defense groups]," Interior Secretary Miguel Ángel Osorio Chong told reporters.

The government’s effort to control these groups is understandable, given that a private militia was responsible for the massacre in Acteal, Chiapas, in 1997 (SourceMex, Jan. 14, 1998, and Jan. 18, 2012).

Regarding the cases in Michoacán, Osorio Chong noted that the situation has become so dangerous in that state that the need to create the independent militia was almost understandable, although not in compliance with the Constitution. "But we couldn’t allow them to use the types of weapons they were using," the interior secretary said, explaining why federal and state officials moved to detain members of the autodefensas in Aquila on Aug. 15. More than 400 troops and police took part in a roundup in Aquila, confiscating 30 guns, including 11 assault rifles.

Osorio Chong denied that the emergence of the self-defense groups in the northern region of Michoacán, primarily home to Tarasco and Purépecha indigenous communities, was an indication that the state and federal governments had lost control of the area. Others disagreed. "[Osorio Chong] is divorced from the complex reality, at least when it comes to the diagnosis of what is occurring in the area," Eduardo Ibarra Aguirre wrote in the online news site SDPNoticias.com.

Ibarra also accused the interior secretary of hypocrisy by citing the need for dialogue "to promote a climate of reconciliation," while carrying out President Enrique Peña Nieto's order to arrest the community police officers in Aquila.
Others suggested that the militia groups in Aquila should not be allowed impunity, regardless of the challenges their communities are facing. "Few would not understand the frustration of the citizens, and especially those who have been victims of criminal organizations," columnist Gerardo Galarza wrote in the Mexico City daily newspaper Excélsior. "That's why it's easy to applaud ... the community police, the grupos de autodefensa, or popular tribunals, or whatever they want to be called."

"The indignation at the government's incapacity to give security to citizens can also be a source of frustration," added Galarza. "But taking justice into one's own hands is also part of the same impunity that is being criticized and condemned. It is illegal, and its existence implies a violation of the rule of law."

Communities in Michoacán under siege from drug cartels

The indigenous communities that have formed their own militias in Michoacán—including Aquila Tepalcatepec, Aguililla, Buenavista, Coalcomán, Los Reyes, and Cherán—said they probably would not have resorted to creating these law-enforcement units if they had received adequate protection from the appropriate authorities. These communities are located near the border with Jalisco state, where the Caballeros Templarios (Knights Templar) operate.

The Caballeros Templarios, who specialize in manufacturing and trafficking crystal meth, were formed in 2010 as an offshoot of La Familia, which dominated Michoacán state for many years. The two cartels are now in a power struggle for control of the state (SourceMex, May 29, 2013).

In addition to their drug-trafficking activities, the Caballeros Templarios are committing crimes against residents of rural indigenous communities, including kidnapping, murder, illegal collection of quotas, and extortion. The cartel has reportedly demanded monthly payments of 2,000 pesos (US$152) from each of the 401 Aquila residents who receive royalties from an iron mine on their territory.

"We were no longer able to pay the fees [that the Knights Templar] demanded from cattle ranchers, store owners, residents, everyone," Octavio Villanueva Magaña, a community leader in Aquila, said in explaining the reason leaders decided to form their own self-defense group. "They were charging us high fees, and the municipality was in their hands."

Leonel Rivero, the attorney representing the 41 militia members from Aquila who were taken into custody, described the government’s actions as "disproportionate" and suggested that the arrests would not have been necessary if the government had met its obligations to guarantee the safety of the community.

"Looking at this [action] from a political point of view, this was a message that the state was sending to the community groups," said Rivero. As evidence, he noted that the detainees were transferred to a jail in Veracruz, more than 1,000 km from their community.

Michoacán state government weakened

The government crackdown in Aquila comes at a time when Michoacán state is experiencing political turmoil. Gov. Fausto Vallejo, a member of the governing Partido Revolucionario Institucional (PRI), has been on medical leave, and interim Gov. Jesús Reyna has been ineffective in responding to a sharp increase in violence in the state this year.
Some analysts point out that Reyna’s tenure has also been very dysfunctional. "The government of Michoacán is a disaster, and one cannot think about solving the state’s problems without first putting some order to the Cabinet," columnist Alejandro Cacho wrote in the Mexico City daily newspaper El Financiero, alluding to the sudden resignations of state attorney general Plácido Torres Pineda and state administration and finance secretary Carlos Ríos Valencia.

The Caballeros Templarios have launched several attacks on federal law enforcement in recent weeks, killing seven agents since May, when Peña Nieto decided to take control of law-enforcement operations in Michoacán (SourceMex, May 29, 2013).

With federal forces already present in Michoacán, it was easy to dispatch troops to Aquila. Residents claim that, after the federal government dismantled their self-defense unit, the Caballeros Templarios returned with new threats. "They sent me two harsh threats that if I don’t shut up they’re going to come for me and for the rest of the comrades," Villanueva Magaña said in an interview on MVS radio.

The administration contends that the autodefensas in Michoacán are being used as proxy fighters in a battle for control of the northwestern region of the state, where the Caballeros Templarios are said to be fighting the Jalisco Nueva Generación cartel. The groups in Michoacán, however, deny any connection to the Jalisco-based cartel.

Despite promising a new approach in the campaign against drug traffickers, analysts said Peña Nieto's strategy in Michoacán appears very similar to that of his predecessor President Felipe Calderón, who launched his highly publicized drug-interdiction campaign in his home state (SourceMex, Jan. 24, 2007), with little result.

"The Peña Nieto government has decided on an action that is not insignificant—to launch its first security-related policy in Michoacán," said Excélsior columnist Jorge Fernández Menéndez in discussing the president’s decision to send federal forces to Michoacán in May. "Despite the enormous resources devoted to drug-interdiction efforts, and the occasional hits that the cartels endured, Michoacán is the one area where Felipe Calderón’s strategy was least successful."

"Six years have transpired … and La Familia Michoacana continues to exist, although its leaders are fighting each other and another cartel, the Caballeros Templarios," added Fernández Menéndez. "After six years, you can count the number of dead and disappeared in Michoacán in the thousands, the security situation has not improved. On the contrary, this area—along with a large part of Guerrero and the Comarca Laguna [Coahuila-Durango]—remain the regions where there is least control of criminal groups."

Communities in Guerrero seek autonomy

The situation appears to be even more volatile in Guerrero state, where members of the Coordinadora Regional de Autoridades Comunitarias (CRAC) have formed self-defense groups in the indigenous communities of Tixtla, Olinalá, and Huamuxtitlán Ayutla to assert their right to autonomy.

One of CRAC’s aims is to force the government to remove armed forces units that have been stationed in Guerrero and to protest the policies of the Peña Nieto government. "With the pretext that the government is implementing its anti-hunger crusade (SourceMex, Jan. 23, 2013), the Army and the Navy are entering our communities, intimidating our people, and persecuting our

Nevertheless, organized crime is also present in the state, providing a reason for the community police forces to exist. Repressive acts by criminal organizations are widespread in Guerrero, and a prime example is the capital city of Chilpancingo, according to some accounts. "Chilpancingo, as well as a large portion of Guerrero, are now under the absolute control of criminal organizations," a group of nongovernmental organizations (NGOs) in Guerrero wrote in an Aug. 14 letter published on the Web site hosted by the NGO Seguridad, Justicia y Paz. "With the complicity of some public officials at all three levels of government, they have put together a tight system of extortion."

"Chilpancingo residents already contribute to the development of our country by paying legitimate taxes, but now we are obligated to contribute the illegal collections imposed by the criminals under the real threat of kidnapping, torture, murder, or destruction of our properties," added the letter signed by nearly a dozen civic, labor, and business organizations in the Guerrero capital city. "Almost nobody escapes this illegal collection."

By some accounts, five major drug cartels operate in Guerrero, which is strategic because of the port of Acapulco and its importance as an entry point for drugs from South America. The criminal organizations include the Sinaloa cartel, the Zetas, La Familia Michoacana, Cartel del Pacífico (Beltran-Leyva organization), and Cartel Independiente de Acapulco.

Nevertheless, some analysts believe that the militia organizations formed by CRAC, rather than engaging in a power struggle with the criminal groups in Guerrero, coexist with organized crime. This, along with a weak state government, has led to what columnist Carlos Ramírez describes as the "Balkanization" of Guerrero and parts of Michoacán. "The strength of the self-defense groups in Michoacán and Guerrero correspond with the decline in strength of the state government, led by the PRI in Michoacán and formerly by the PRI and currently the PRD [Partido de la Revolución Democrática] in Guerrero."

"Balkanization is most advanced in Guerrero, where the self-described community police has established its system of security and justice for the Costa Chica and mountain regions as a launching point for autonomy efforts," Ramírez wrote in El Financiero.

Ramírez said CRAC was created in 1996 during the administration of interim governor Ángel Aguirre Rivero, a member of the PRI. The organization strengthened during the subsequent administrations of Govs. Rene Juárez Cisneros of the PRI, Zeferino Torreblanca, a member of the PRD, and the second term of Aguirre Rivero, a former PRI member who is now allied with the PRD.

Attorney General Jesús Murillo Karam was forced to address the issue of community police and CRAC during a recent visit to Acapulco. The attorney general promised that the Peña Nieto administration would continue to place a high priority on dialogue while emphasizing the need for cooperation from all parties.

Still, Murillo stressed that the federal government has the obligation and the capacity to restore peace in areas where problems exist. "In all cases, we are exhausting all the conciliation means at our disposal," said the attorney general. "Nevertheless, restoring the rule of law is our ultimate goal." [Peso-dollar conversions in this article are based on the Interbank rate in effect on Aug. 21, 2013, reported at 13.15 pesos per US$1.00.]