

<https://doi.org/10.23913/ricsh.v10i19.248>

Artículos Científicos

La asamblea comunal y su funcionamiento en el estado de Guerrero

The Communal Assembly and its Operation in the State of Guerrero

A assembleia comunal e seu funcionamento no estado de Guerrero

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Resumen

El presente artículo expone cómo es que los pueblos originarios han fortalecido su identidad a través de la asamblea comunitaria, medio de justicia tradicional para solucionar los conflictos de índole local básico y para ejercer la toma de decisiones en la comunidad indígena, y que ha sido clave en el reconocimiento por primera vez en la historia de Guerrero de un pueblo con gobierno comunitario en Ayutla. Aplicando la investigación documental, la observación presencial de algunas asambleas comunales y analizando desde la antropología social los usos y costumbres de los pueblos originarios, se alcanzó a vislumbrar el desarrollo de medios de solución a conflictos tratados en las asambleas y cómo es que previo a estas se da un diálogo ciudadano ceremonial. Esta efectiva forma de organización está construyendo un sistema nuevo desde lo local. Se trata de una de las formas de organización campesina que tiene posibilidades de enraizarse y consolidarse como una fuerza de resistencia a la añeja política de destrucción del mundo indígena.



Palabras clave: asamblea comunidad, convivencia comunal, gobernabilidad indígena, reconocimiento comunal.

Abstract

This article explains how indigenous peoples have strengthened their identity through the community assembly, a means of traditional justice to solve basic local conflicts and to exercise decision-making in the indigenous community, and that it has been key in the recognition for the first time in the history of Guerrero of a town with community government in Ayutla. Applying documentary research, face-to-face observation of some communal assemblies and analyzing from social anthropology the uses and customs of native peoples, it was possible to glimpse the development of means of solution to conflicts dealt with in the assemblies and how it is that prior to the treatment of conflicts there is a ceremonial citizen dialogue. This effective form of organization is building a new system from the local. It is one of the forms of peasant organization that has the potential to take root and consolidate itself as a force of resistance to the long-standing policy of destruction of the indigenous world.

Keywords: community assembly, communal coexistence, indigenous governance, communal recognition.

Resumo

Este artigo expõe como os povos indígenas fortaleceram sua identidade por meio da assembléia comunitária, um meio de justiça tradicional para resolver conflitos locais básicos e para exercer a tomada de decisões na comunidade indígena, e que isso foi fundamental para o reconhecimento pela primeira vez em a história de Guerrero de uma cidade com governo comunitário em Ayutla. Aplicando pesquisa documental, observação face a face de algumas assembléias comunais e analisando os usos e costumes dos povos indígenas a partir da antropologia social, foi possível vislumbrar o desenvolvimento de meios de solução para os conflitos tratados nas assembléias e como era isso antes disso, há um diálogo cerimonial com os cidadãos. Essa forma eficaz de organização está construindo um novo sistema local. É uma das formas de organização camponesa que tem potencial para se enraizar e se consolidar como força de resistência à política de destruição do mundo indígena de longa data.



Palabras-chave: assembleia comunitária, coexistência comunitária, governança indígena, reconhecimento comunitário.

Fecha Recepción: Mayo 2020

Fecha Aceptación: Diciembre 2020

Introduction

In the state of Guerrero, located in the extreme south of Mexico, a region that in the quantifications of the nation's development appears in the last place, several indigenous cultures have settled on the banks of the river known in Puebla as Atoyac and in Guerrero as Mezcala-Balsas, as well as Alto, Medio and Bajo Balsas, a nomination applicable only to the route that crosses from east to west to the entire federal entity.

On the banks of the river, indigenous peoples developed a series of social practices, uses and customs that claim their right to have a language (there they speak one of the four main languages that exist in the state), to have control over their territory and to work with autonomy. How do you meet these challenges? Through community assemblies. In the house of the town (the police station), the inhabitants usually meet under previous convocation on Sundays to make the most important common decisions. The assembly is the means by which the opinions of each of the members are issued and listened with respect, those who participate freely express their agreement or disagreement, but, at any given time, all must adhere to a single resolution, it must have consensus.

Objectives

This work intends to initiate a series of studies on indigenous forms of organization; in Guerrero there is a very particular one. It is a phenomenon studied by foreign researchers, but with few efforts by national researchers, and there are almost no local studies and social organizations, which are the most active, are almost always too subjective and politicized in their positions.

For this reason, we have proposed to present a series of studies without ideological inclination: to expose only facts susceptible of analytical demonstration related to the functioning of the assembly in indigenous communities, and how it is oriented towards a form of organization that is presenting resistance to the integrationist policy and loss of indigenous identity. Even though the legal texts affirm that there is a public policy of recognition of the original knowledge and cultures, in the analysis of the legal texts we find



that there is no true protection of the indigenous community identity, which are rather conservationist positions, of characteristics very similar to indigenous reservations; Those who refuse to insert themselves into the representative system of the political-party organization are separated from those who claim the right to autonomy and self-determination. Despite everything, the reality of the peoples is increasingly organized and more aware of their cultural identity and their right to preserve it.

Methodology

In this article, the methodology of documentary research has been applied to review previous publications on indigenous groups in the Guerrero region. As we have already mentioned, the authors of these publications are almost always foreigners and have an inclination towards social anthropology. We also used the analysis on the organization of indigenous peoples and applied techniques of direct observation of the communal assemblies, as well as conversations (interviews with citizens and commissioners) that revolved around how they have developed an organization system such as the case of Ayutla de los Libre, Guerrero, where the first communal council was recognized for uses and customs in this state, an event that we anticipate will soon be replicated in other municipalities (it is also important to highlight the activism of the Tlachinollan association, in Tlapa, of the 500 group years of Indigenous Resistance, the Regional Coordinator of Community Authorities [CRAC] and the Union of Peoples and Organizations of the State of Guerrero [Upog], organizations that have encountered fierce resistance against their operation by groups that refuse to abandon ancestral control over indigenous communities).

Results

We have found that a change is being generated in the organization of rural society in the state of Guerrero, a change from below, from the indigenous population, which is organizing itself so that community forms of government are recognized, as in Ayutla. This has only been achieved with the indigenous organization created in the community assembly, whose governance results will be key to its continued growth and is justified as an option for the integration of public power at the local level, at least throughout the municipalities in the region. South-eastern area, predominantly indigenous, of the peoples originally settled on the banks of the main river in Guerrero, the Balsas.



Discussion

Guerrero, Mexico, has 64,281 km², 3.2% of the country's total area, and is home to 3,500,000 inhabitants, of which 700,000 are indigenous (17.2% of the total indigenous population in the country) (State Government from Guerrero, 2016). Located in the extreme south of the country, its rugged geography is the result of the formation of a mountain range, whose peaks exceed 3000 m s. n. m., known as the greater edge of the Sierra Madre del Sur, which ends to the east in the Mixtec region. This name is given because the waters that cross it run from the edge to the south, to the continental platform that forms the coast, and from the other side the water descends towards the north, in the depression of the Balsas, a river that crosses the entire state. from east to west diagonally, drifting south, and it has a length of 701 km.

In its course it crosses four different states: Guerrero, Michoacán, and Tlaxcala and Puebla. (...) In the same way, it establishes contact with other states of the country, since it drains through Veracruz, Morelos, Oaxaca, Mexico and Jalisco.

In the Mixtec region, which is the eastern part descending to the south, we find Ayutla de los Libres, where the Tlapaneco (Me-pha) and Mixtec (Tu'un-savi) peoples, even with the opposition of the mestizo inhabitants, After the failed experience of Tecoaapa, they managed in a local constitutional election to configure a community municipal government for the first time in the history of Guerrero.

The Ayutla region has been an area of influence of pre-Columbian cultures such as the Mixtec people; tu'un savi, who lives in the region; ñu'un nuu savi ('country of rain'), made up of the municipalities of Alcozauca, Atlamajalcingo, Ayutla, Copanatoyac, Iqualapa, Metlatónoc, San Luis Acatlán, Tlacoachistlahuaca and Xalpatlahuac (Mindek, 2003), which coincide geographically with their neighbors of the Tlapaneco people, so called by the Nahuas; mbo me phaa ('inhabitant of Tlapa'), which occupies the municipalities of Tlapa, Atlixac, Malinaltepec, Tlacoapa, Zapotitlán Tablas (Serrano, 2006), and whose waters descend to the region occupied by the Nahua peoples, Apango (Mártir de Cuilapan), Copalillo, Atenango del Río, Tepecoacuilco, Apaxtla, Cocula, Teloloapan and Zumpango del Rio (Good and Barrientos, 2004), descendants of the Mexica or Aztec people.

That is why in this southern region of the country large rural areas are still conserved and in at least 10 of these municipalities there is a predominance of indigenous inhabitants. Of course, in the region there is a diversity of languages and traditions, although there is also



a common factor, the so-called uses and customs. And among some of these peoples, conflicts persist, such as Alacatlalzala with Atlamajalcingo (Velázquez, 2017), since the municipal authorities want their integration, participation and openness to the legal system applied in our national territory, but they resist, stating that they have right to self-determination in terms of article 2 of the Constitution and Convention 169 of the International Labor Organization [ILO] (January 24, 1991).

This becomes equally evident when we see that the Political Constitution of the Free and Sovereign State of Guerrero, in its article 13, provides that each population must appoint a representative of the municipal government, who receives the appointment of municipal commissioner.

The State Government, in coordination with the municipal authorities (...) will generate the accumulation of public policies that promote access to human rights and equal opportunities for indigenous peoples and Afro-Mexican communities (...). The obligations of each of the powers of the State will be determined in a regulatory law (H. Congreso del Estado de Guerrero, 2014, p. 8).

Expanding the application of constitutional principles, the Organic Law of the Free Municipality of the State of Guerrero (Government of the State of Guerrero, February 18, 2020), in force since 1990 and updated in 2020, establishes, through several articles, the following points:

- The municipalities that make up the state will be administered by directly popularly elected municipalities (art. 5).
- The municipalities will be divided into municipal police stations, which will have a minimum of 1000 inhabitants and infrastructure for the functions (art. 16).
- The police stations are bodies of territorial deconcentration in the municipal public administration, in charge of a commissioner elected by direct popular vote through neighborhood mechanisms through suffrage (...) and that will be honorary (art. 34).
- The administration of the police stations will be in charge of a proprietary commissioner, an alternate commissioner and two members (art. 81).

The first year the complete form will act; In the second year, the commissioner will cease to function, and the first vocal commissioner will assume that role, with the alternate acting as second vocal commissioner, and



this will become the first vocal commissioner. In the third year, the second vocal curator will act as curator, and the alternate as first vocal curator

In the towns that are recognized as indigenous, the municipal commissioners or delegates will elect an owner and a substitute in the second fortnight of December of each year through the method of their uses and customs, which must take a protest before the municipal authority in the first fortnight of January, which will last for a period of one year (p. 81).

But, as is happening in almost all regions of the country, insecurity, the impact on the life and heritage of families has increased due to the cultivation and transfer of illicit products such as drugs, mining and logging for concessions that allow the irrational exploitation of natural resources, mainly in the hands of foreigners through mestizos and their workers, whom the indigenous communities call Ladinos, since most are more indigenous than white (they affirm), but they insult that they are called Indians. These particular circumstances have led to the accelerated growth of crime, to such a degree that the peoples have been forced to confront them with weapons to protect themselves (Matias, 2014).

The response to these pressures has been community organization through assemblies.

There are two types of assembly. In the first place, the derivative of fulfilling the obligations of the town with the municipal authority, accompanying its commissioner, for the fulfillment of municipal commitments.

The municipal commissioner, an honorary position recognized by the authority of the municipality, with a duration of one year and continued by the list of substitutes, each one in charge of him until three years are completed, one for a new election; This position is the link between the community and the “Government”, which is assigned the control of the community police and the operation of the civil registry, roads, works and basic services within the community and its annexed villages.

Secondly, there is the agrarian assembly, which specifically involves the holders of property rights over the land, the community ones. It must be called after an agreed call, with the agrarian authorities and chaired by the ejidal commission, which is a collegiate body that decides the destination of the use of the land, for housing, for cultivation, for the management of livestock and for relations with their peers. in neighboring communities, and marks the organizational policies that the community must establish in its population center and attached villages.



But, in reality, both authorities, both civil and agrarian, usually agree on matters and participate in the communal assembly. Therefore the meetings are general and not separate.

Of the forms of the communal assembly

Thus, both commissioners participate in general assemblies and several types of assembly can be distinguished: ordinary, extraordinary and alarm.

- a) Ordinary meetings are held at the police station on Sundays and deal with matters such as the election of authorities, authorization for the celebration of the patronal feast, fajinas for repairing the road, the school plot, requesting teachers, requesting a nurse for the center health, public safety in the community and its annexes. It should be noted that, regarding the latter, it is organized by appointing community police officers and their commanders, an honorary but mandatory position, who are credentialed so that they can carry weapons, generally shotguns and low-caliber rifles, although they have weapons in their homes. of high power that they use only in case of emergency, knowing that in both cases they conflict with the authorities of the three levels of Government, but it is a position that they cannot resign or refuse to serve, and that when it ends their period will be relieved by others.
- b) Extraordinary meetings "are called at the request of the authorities in the face of specific issues or critical junctures" (Abogados-Puebla, 2020), for example, violation of land boundaries, conflicts of extraction of materials or products without consent of the commissariat, or all those that require urgent attention resolution.
- c) The alarm bells are those that require the town's meeting and that are generally called by the ringing of bells, announcing tragedies that have occurred or imminent such as fires, floods, illegal acts that have caused the damage of a member of the community or detention and securing of people, or serious cases that require immediate attention and participation of community members and residents, in which case they remain in permanent session and the police station is the place where everyone is concentrated until the authorities declare the emergency over.

In these cases there is a book of minutes, which they jealously guard, and every event or assembly is recorded in great detail. In this regard, all meeting minutes must contain:

- a) The number of the call issued (first, second or third).
- b) The attendance list.
- c) Verification of the legal quorum.
- d) The statement of installation of the assembly.
- e) The appointment of the debating table (president, secretary and scrutineers).
- f) The matters to be discussed and the agreements reached in each one of them.
- g) The tasks and measures to execute the agreements.
- h) The closing of the assembly.
- i) The signatures and stamps of the commissariat, supervisory council and debate table.

For the assemblies, the Agrarian Law (Presidency of the Republic, June 25, 2018), in force since 1992 and whose last reform was carried out in 2018, is taken as a basis, in which it is established that the population centers have their own legal personality. They have assets and the ejidos and communities may have internal regulations, which may be made up of the holders of agrarian rights and residents. To this legal support, Law 701 and ILO Convention 169 should be added.

The Agrarian Law, in its article 21, says that the assembly, the commissariat and the supervisory council are organs of the ejidos and communities; Also, that the resolutions of the assembly will be taken by majority vote, but these will be obligatory for all those absent and dissenting from the assembly. Of every assembly, detailed minutes will be drawn up, which will be signed by the commissariat and the supervisory council, which do not require validation and their agreements will be inscribable in the National Agrarian Registry with the same force as a document with public faith and will serve to accredit the agrarian rights in favor of whoever is issued, as well as their modifications, if applicable (Presidency of the Republic, June 25, 2018).

The Agrarian Law establishes a specific chapter for the communities (from articles 98 to 107), which frees community members with accredited agrarian rights to be able to change the regime, either from communal to communal or vice versa, even though we have observed that the legal form preferred by indigenous communities is community. So, the community name comes from the property regime in its origin, but it is assumed as a form of social organization characteristic of ethnic groups of indigenous descent.



Democracy in the indigenous community

We can talk about communal democracy for many years. The peasant and indigenous force is the one that facilitated independence, reform and revolution. However, its formal study as an alternative to the organizational dynamics of society has been documented since the 1960s, when it began to be described as it has been developing: a political process aimed at building a democratic system, representative. Initially this process was concentrated in the dominant political party; in those years, through an organization that made up one of its three sectors, the peasant sector with the National Peasant Confederation (CNC), since there was still no opposition for alternation.

The weakening of the dominant party regime as of the 1988 elections, and the emergence of an opposition, gave strength to the social movements for their growing participation, which, reflected in the processes of formation of dissident organizations, allowed the creation of an indigenous movement, a process that culminates in the Zapatista uprising in the Chiapas indigenous area, which fundamentally rescued the communal experience of indigenous organizations and strengthened it ideologically with the preceding language of international law, mainly ILO Convention 169, which influenced public policies to recognize the right to awareness of indigenous identity, in a generic manner established in article 2 of the Mexican constitution.

In this regard, Pablo González Casanova (2009) commented on the following:

The theories about democracy with social justice and dignity, of "everyone's democracy," as the Zapatistas call it, include scientific and humanistic approaches that are superior to those of any other theory about the organization of power and society in cities, peoples, nations and the world.

(...) Doing so goes beyond the legacy and perspective of the social sciences, towards the construction and creation, in theory and in reality, of a new historical paradigm of non-exclusive universal democracy, with moral and practical, humanistic and scientific connotations, utopian and political; with restructuring of private interests and general interests.

(...) In its contingents are not only the heirs of a resistance struggle that lasted more than 500 years, but also those who come from the most recent movements of revolutionary thought and liberation theology. In all of them the Mexican experiences of liberating and democratic thinking are noted (pp. 219 y 239).



Regarding this matter, of how the people can participate in the democratic advancement of the institutions, we find that the true participation of the people occurs in the smaller geographic spaces, understanding that these geographic spaces are the communities, since it is in them where the families They recognize each other and can relate more easily, and that they can meet without depending on any means of transport, because they are close neighbors and share similar problems, economic, social, educational, communication, security and the most diverse issues that they are of real importance to them.

From this dialogue within the assembly, true democracy is born, since it is there that matters are discussed and resolved; and it is not always easy to reach decision-making, attendees have the right to be able to express their vision of the matter at hand, argue and listen to those who disagree, but in the end who has to make the final decision is the assembly The assembly, therefore, is a space for discussion and deliberation, for organization and decision-making.

In Latin America the term community can be associated (without implying to challenge the innumerable alternative meanings) with economic and cultural practices that find their roots in indigenous peoples.

(...) In their confrontation with corporations and governments, peasant and indigenous peoples tend to emphasize their right to determine for themselves what type of economic development they want to promote in their territories, the latter being understood as spaces for the reproduction of life. It is interesting to note that this supposes a reworking of the "public" that distinguishes the sphere of the state, the private and the "community" (p. 66 y 76-77).

Why is it an organization? Because the community, similar to the Greek polis, is made up of individuals who identify themselves, have a sense of belonging and social empowerment, and the moment they come together they stop having individual interests and become parts of a social body with a best interest: the community.

Community organization is important because that is where we make known our human values and individual talents to effectively solve the social, economic, productive, environmental and political problems of the community. Women and men as social beings that we are, we need organization with our peers to communicate, socialize, develop



comprehensively and seek fairer conditions for the society in which we live (Rodríguez, s. f., párr. 2).

Communities have learned to have greater contact with non-governmental organizations (NGOs), or with international organizations interested in their culture, language or traditions, whether national or foreign, so it is not strange to see backpackers moving among the crowd, many of them revolutionaries who come to preach what they cannot do in their countries of origin.

Consequently, the indigenous community assembly functions in a dynamic of communal democracy, which can be manifested in the following ways:

- a) It is a patriarchal system, in part, since those who decide are the “principals”, since they are won from the interior as a consequence of a traditional system of positions and civic-religious hierarchy, through the so-called “mayordomías”.
- b) In the assembly, men are listened to even when women attend (as long as they are alone), and they have the freedom to directly elect the authorities, rather endorsing the decision previously made by the principals (remember that it is a legitimizing body) and in this way they organize their functions and impose limits, as well as accountability obligations, in which everyone feels they are participants.
- c) The function of authority is to interpret the general, verbalized will, which implies the feeling of the community, often induced, but convinced that it was they who decided. The participation in the assembly convinces them that it is not a matter of choosing one of several possible options and discarding the others, but that they all agree on a single option that integrates all opinions.
- d) Therefore, power resides in the assembly of citizens by the people who live in that community, convinced that everyone elected the people to form the communal council. It is the highest authority of the community and its decisions have binding power for the communal council, since they transferred their individual power into a power of the communal assembly.

The assembly ceased to be the meeting of the grandparents of yesteryear; Now it is the young people who push the organization and defense of their territories, their waters, their culture, therefore, during their sessions, they assume an absolute, quasi-constituent power, which can respect previous agreements or establish new agreements, ignoring the previous ones. as the assembly is convinced.



A communal assembly is, then, an aspiration to a form of self-government of a small community, which is formed as a democratic instance where decisions are discussed and made to solve existing problems in order to build a new society, but which, in no way, does it replace the figure of the State, since its scope, even though the aforementioned article 2 of the Constitution allows “self-determination” (Chamber of Deputies of the H. Congress of the Union, March 11, 2021), does not it is fully in sight.

Only there is a problem. Each community reaches its agreements independently of the others; They are reluctant to the laws of the "ladinos" that govern the municipalities, so they lose, in the end, what they tried to achieve: a participatory democracy that is respected by others, and thus their authorities only manage to become negotiators with their peers in the ethnic groups or with the Ladinos who established other systems for the appointment of authorities through political parties, but currently only in Ayutla de los Libres have they managed to establish a community government by customs and uses, it is their first achievement, but it is not yet consolidated as a government option.

The things and events that we have found in this study are very important in every sense, because not all people know about this topic outside the communal nucleus, what happens is that the non-indigenous population these days do not find this type of interesting situations. Previously, in the indigenous community, when a conflict occurred, the inhabitants only waited for the Ladino municipal police to arrive to take charge, which, not being close to the indigenous communities, took time to go to the place of conflict; these belated actions ended in even bigger conflicts due to the revenge of the victims' relatives.

In an example just for reference, on one occasion a citizen said that among his family they were fighting a land that they had inherited from their grandparents, for which they argued all the time without reaching an agreement, derived from these frictions one of them got upset and with a machete he lacerated his brother's arm.

This caused the breakdown of peace in the community. The municipal police who came, instead of solving the problems, complicated them. For this reason, some communities now have their so-called community police officers, who are the ones who safeguard order to avoid this type of problem and have taken on the role that municipal police should perform, but there is too little invested in security and it is the fear of the authorities is so strong that they do not allow citizens to arm themselves to defend themselves. However, in practice, Guerrero is now full of armed citizen police in the indigenous communities, and they have



also armed themselves in the towns and municipal seats, which have replaced the municipal police security.

That is why it is important to see the functioning of the communal assemblies. Listen to the voice of the members themselves what is their form of participation and mode of intervention within the development of an indigenous community assembly in order to understand in a special way their mode of autonomous governance.

Conclusions

Communities are the spaces where democracy is generated from the bottom up. Through the assemblies, predominantly indigenous peoples and communities have found the genesis for community government, through which citizens are directly linked, empowering representatives of the people and making them authorities.

Assemblies are a means of expressing direct democracy by show of hands, where agreements are legitimate in themselves and deserving of the greatest confidence that they are manifestations of the common will, and not the authoritarian imposition of someone with power who decides it. or he commands without taking into account the communal sentiment.

For their part, municipal governments will now have a competitor to govern municipalities. If the community administration turns out to have better results, then this will be extended to other spaces. For this reason, the strong opposition of the opposing political parties, and their traditional control mechanisms, which refuse the communal assembly and its characteristic decision-making. One or the other will determine the future of how to govern communal spaces, at least in this south-eastern zone, where indigenous cultures are awakening and claiming the right to self-determination.

This work does not intend to influence the forms of indigenous organization in communal assemblies, but only to narrate what is happening. The form of organization and municipal power is in the hands of these two options: the traditional form of government by parties or the communal form of government. The results of their administrations will surely determine it.

Future lines of research

The members of the working group of the academic body in consolidation 141, “Justice Systems in Mexico”, of the Law School of the Autonomous University of Guerrero, are developing research on indigenous rights and forms of communal organization. And together we have planned a research work on the election of the community municipality of Ayutla de los Libres in June 2021. We also have presented a bachelor's thesis on a legal and political analysis of the communal government of Cherán, a master's thesis on government indigenous, a book published by a national publishing house, as well as other works in progress that teachers and undergraduate and master's degree students will be working on in law, with which we intend to expand the body of local studies on indigenous law and organization in Guerrero and Michoacán, and contribute to training high-quality human resources in the quality postgraduate program of the National Council of Science and Technology (Conacyt) as part of our substantive functions in university work.



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