

# NEOCOLONIALISM, VIOLENCE, AND INDIGENOUS RIGHTS IN MEXICO

## *Neocolonialism, Violence, and Indigenous Rights in Mexico*

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### ABSTRACT

The aim of this paper is to analyze recognition requirements of indigenous rights in Mexico. Decolonial study of this issue responds to the requirement for justice for the indigenous peoples. This need is a consequence of the economic and cultural neocolonization process. This paper will focus on the study of the relationship between neocolonial strategies and extractivism in Mexico. A key topic is the analysis of the right to land because it is linked with environmental issues and traditional systems of land ownership. Finally, this paper will address some arguments about philosophical and juridical pluralism in order to build alternatives to the hegemonic current paradigm.

**Keywords:** Decolonialism, violence, extractivism, indigenous rights.

### RESUMEN

El objetivo de este trabajo es analizar los requisitos de reconocimiento de los derechos indígenas en México. El estudio decolonial de este tema responde a la exigencia de justicia para los pueblos indígenas. Esta necesidad es consecuencia del proceso de neocolonización económica y cultural. Este trabajo se centrará en el estudio de la relación entre las estrategias neocoloniales y el extractivismo en México. Un tema clave es el análisis del derecho a la tierra porque está vinculado con cuestiones ambientales y sistemas tradicionales de propiedad de la tierra. Finalmente, este trabajo abordará algunos argumentos sobre el pluralismo filosófico y jurídico con el fin de construir alternativas al paradigma hegemónico actual.

**Palabras clave:** Decolonialismo, violencia, extractivismo, derechos indígenas.

### INTRODUCTION

At the beginning of the XXI century, the paradigm of a homogeneous national State, as the best model of political organization, has been questioned. A variety of factors, like wars, economic crisis, regional conflicts, and migration, have contributed to diminishing its legitimacy and undermining political institutions. This social phenomenon undermined the political power

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compared to financial, mass media, military, and organized crime powers. In Mexico, in the last two decades, most public policies had been based on the mercantilist technique of free trade, and with the aggressive implementation of "big projects of development" the most well-known examples are NAFTA<sup>2</sup> and USMCA.<sup>3</sup>

A big development project is an investment process of public and/or private capitals; national or international to create or improvement physical infrastructure of a certain region; a long term transformation of productive activities with corresponding changes in the land use and property rights; the massive exploitation of natural resources, included undersoil; the building of urban centers, factories, mining installations, energy centrals, refineries, touristic complex, port installations, military headquarters and similar enterprises.<sup>4</sup>

However, this implementation paradoxically does not have brought favorable consequences or a distributive justice into indigenous communities along with the country, because their living conditions did not improve with "big projects of development" related to NAFTA. Nevertheless, this is not recent, since the nineteenth century, free trade was the most common mercantilist technique of expansion worldwide: "[...] was the treaty of free trade and friendship made with or imposed upon a weaker state".<sup>5</sup>

However, most of this mercantilist perspective remained embedded in a neocolonial sense. Global capitalism erased the traditional opposition between metropolises and colonizing territories; for example, colonizing power does not come only from State but also from multinational companies, and political power remains subordinated to financial and economic powers, especially in countries with weak institutions or failed States.

In those neo-colonized states with weak political institutions, violence has become a favorite media despotic exercise of political power; such use is in notions that have caused great controversy and are always at the center of the debate, such as the monopoly of violence, state terrorism. Regarding this issue, violence cannot be a permanent fact since that would imply tacit recognition of a "State of emergency," which is the opposite of the political order.

*Violence* is a social phenomenon that unfolds in many branches of culture. We can talk about domestic violence, political violence, revolutionary violence, economic violence, or State violence.<sup>6</sup> For example, a variety of critical studies focus on analyzing the violence associated with the State, so this time I also want to point out the effects of the economic violence by alleged plans and projects, as it is structural violence, which is not shown explicitly but is susceptible of causing severe damage. In that sense, it is not superfluous to emphasize that today's economic power is in the center of political power.

2 North American Free Trade Agreement, [online], <https://www.cbp.gov/trade/nafta>

3 United States-Mexico-Canada Agreement, [online], <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement>

4 R. Stavenhagen, *Los pueblos indígenas y sus derechos*, p. 49.

5 Gallagher and Robinson, "The Imperialism of Free Trade", *The Economic History Review*, pp. 1-15.

6 F. Fanon, *Los condenados de la tierra*, pp. 20-55.

On this particular issue, it is necessary to highlight that economic violence is not a recent development for most of the native peoples of Mexico, because it went back to the days of colonization in the 16th century. For that reason, before continuing, it seems appropriate to show the meaning and scope that has the word colonialism in this work:

The term colonialism is important in defining the specific form of cultural exploitation that developed with the expansion of Europe over the last 400 years. Although many early civilization has colonies, and although they perceived the relations with them to be one of a central *imperium* in relation to a periphery of provincial, marginal and barbarian cultures, a number of crucial factors entered into construction of the post-Renaissance practices of imperialism. Edward Said offers the following distinction: "imperialism" means in the practice, the theory, and the attitudes of a dominant metropolitan center ruling a distant territory; "colonialism", which is almost always a consequence of imperialism, is the planting of settlements on distant territory.<sup>7</sup>

In the case of Mexico, it is possible to recognize through the implementation of neocolonialism through covert mechanisms of economic domination of development or free trade agreements. Neocolonialism is not interested in settlements in colonized countries; instead, its focus is on ruling with mechanisms of economical exploitations of natural resources and labor force. This social phenomenon has undermined political institutions and threatened peoples, indigenous cultures, and the environment. For example, territories inhabited by indigenous communities (deserts, forests, rainforests, and coasts) are in risk because they are considered only a source of income to global capitalism. Strategic territories turned into spaces of control instead of sources of wealth. Moreover, the risk is to put in danger natural and non-renewable resources, but also disappearance and extermination of indigenous peoples.<sup>8</sup>

This social phenomenon is closely related to a need for justice provoked by the process of political, economic, and cultural colonization carried out against the will of communities and native people of North and Central America. Colonization was not primarily concerned with transposing cultural values. They came as a product of its real objectives of trade, economic exploitation, and settlement. However, despite colonization, it is true that a variety of native languages, cultural values, social institutions, and political organizations still survive. In Mexico, various cultural features, customs, and social institutions are present in the ordinary life of indigenous peoples, like Mayas, Nahuas, Yaquis, Wirarikas, Raramuris, Ayuuk, or Nuu Savi peoples.

This need for recognition is a consequence of the social contradictions

<sup>7</sup> Bill Ashcroft, Gareth Griffiths, and Helen Tiffin, *Post-colonial Studies: The Key Concepts*, pp. 40-44.

<sup>8</sup> According to INEGI, in 2010 the total amount of people who spoke an indigenous language was around 6,695,228 people. Across the whole country, a general decrease of individuals who spoke an indigenous language could be appreciated (Yucatan, Oaxaca) but, on the other hand, in specific territories of Mexican southeast (Chiapas), we can appreciate an increase of indigenous language speakers, especially Mayan languages like Tzotzil, Tzeltal and Tojolabal. All of them are distinctive of indigenous organized communities in defense of their civil and cultural rights. Indigenous people's requirements of recognition increased since the social uprising headed by Mayan indigenous communities in the last decade on the twenty century. This social uprising caused the rise of awareness of the grievance endured by non-Western people in the colonization period. INEGI (National Institute of Geography, Statistics, and Informatics), [online], <https://www.inegi.org.mx/>

distinctive of the current economic system and specially increased by NAFTA. For example, the awareness of exclusion increases when Mexican indigenous communities are systematically discriminated against and oppressed or when the State does not recognize their civil rights. Moreover, as far back as 500 years ago, indigenous peoples had to struggle daily to satisfy their material needs; they had to overcome powerful obstacles to develop human rights entirely.<sup>9</sup>

## LEGAL AND THEORETICAL FRAMEWORK

In the sphere of International Law, the current characterization of indigenous people is in Convention 169 of the International Labor Organization (ILO).<sup>10</sup> According to these documents, *indigenous peoples* have three main characteristics:

1. Are descended from cultures developed previous to colonization (historical factor),
2. Keep their own culture, and social, economic, and political institutions "(socio-cultural aspect)," and
3. Are conscious of their identity (subjective aspect).

Nevertheless, beyond any juridical definition, the most critical issues are the necessity of recognition and the right to self-determination. Of course, inside this definition, we can see juridical features, but if we are interested in developing a decolonial point of view, it is necessary to go beyond. The meaning of people will be related to the unit of knowledge, expressed in social institutions, capable of ensuring culture, the acceptance of a historical past and a shared future, the recognition of a collective identity, and the relationship to the territory. Any social organization with these features has the right to self-determination.<sup>11</sup>

Hence, to reach a deeper understanding of the political meaning of the concept of "people," I will now briefly explain a decolonial approach. The starting point is recognizing the need to express the conceptual unit of all the movements, classes, and communities in a political struggle. Defined this way, "people" is a political category. However, a decolonial approach introduces a new point of view. For instance, the rise of awareness could be helpful to understand the contradictions attached to capitalism.

Hence, politically, the meaning of the category has an active characteristic, which allows us to distinguish "people" from the multitude or the masses. "The 'people' has transformed into a collective political actor, not only a 'historical subject' [...]. 'People' appear in critical political situations [...], 'people' transforms into an actor".<sup>12</sup> Finally, it is convenient to make a theoretical observation; for example, "people" is characterized as an issue of rights and a political actor. The rise of awareness is a constitutive feature of the "people".

<sup>9</sup> De Oliveira, *Decolonizing Indigenous Rights*, pp. 20-45.

<sup>10</sup> Convention 169 of the International Labor Organization (ILO), [online], [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::PI2100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::PI2100_ILO_CODE:C169)

<sup>11</sup> Villoro, *Los retos de la sociedad porvenir. Ensayos sobre justicia, democracia y multiculturalismo*, p. 154.

<sup>12</sup> E. Dussel, *20 tesis de política*, p. 91.

### **AUTONOMY AND THE RIGHT TO SELF-DETERMINATION**

In the sphere of International Law, we can find this right to *self-determination* in the United Nations Letter. Since this juridical concept shows the need for recognition of individual rights and social and collective rights, it symbolizes a paradigm shift in modern law. "Reducing positive human rights to solely individual freedoms and entitlements is, however, antithetical to human nature empirically assessed".<sup>13</sup> Inside indigenous communities, freedom is an issue of rights and an issue related to values. Social relationships between community members are not only political or for economic purposes and have a cultural character.

To elaborate on this topic is necessary to highlight the viewpoint developed by Luis Villoro: "A power relationship defines the State; on the other hand, community is defined by a cultural relationship".<sup>14</sup> The right of *self-determination* based on cultural relationships is the key to understand in a better way the political institutions created by indigenous communities, but also a new kind of social and collective rights related to cultural diversity.

The right of *self-determination* is to develop the ability to create norms and values that allow individuals or collectives to regulate their lives and relationships. The right to self-determination expresses through values, norms, patterns of behavior, actions, and laws that reflect multiple deliberative processes related to the issue of self-government, both in ethics and political praxis. Article 3 of *United Nations Declaration of Rights of Indigenous Peoples (UNDRIP)*<sup>15</sup> states: "Indigenous peoples have the right to self-determination. By that right, they freely determine their political status and freely pursue their economic, social, and cultural development. Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions".

To deepen this analysis is necessary to highlight recall that autonomy is the basic principle of ethics, that is, autonomy relates to the will to the extent that makes it possible, not only freedom of choice between an alternative and another, but also makes possible to determine the rules and laws that underpin the moral conventions of the world.<sup>16</sup>

From a critical perspective, it is necessary to point out that in the UNDRIP the meaning of freedom is quite ambiguous. However, it is possible to work on an ethical meaning shared with all human beings. *Freedom, self-determination, and autonomy*<sup>17</sup> are three notions very close related and are at the basis of morals and politics. In the UNDRIP, political autonomy focuses mainly on local issues. In exercising their right to *self-determination*, indigenous peoples

<sup>13</sup> S. Wiessner, "The Cultural Rights of Indigenous Peoples: Achievements and Continuing Challenges", *The European Journal of International Law*, p. 129.

<sup>14</sup> Villoro, *Los retos de la sociedad porvenir... op. cit.*, p. 157.

<sup>15</sup> United Nations Declaration of Rights of Indigenous Peoples (UNDRIP). [online], [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>16</sup> Anaya, "Los pueblos indígenas y el Estado multicultural. Derechos Humanos de los Pueblos Indígenas", *Programa de Cooperación sobre Derechos Humanos México-Comisión Europea*, pp. 41-48.

<sup>17</sup> Specifically, autonomy can be understood as the right of men and women to consciously reason, to be reflective and self-determining. This implies some willingness to deliberate, judge, choose and act between various possible courses of action, both in private and public life, which means choose, determine, and justify their own actions, in addition to assuming obligations chosen by oneself. Self-determination right is a condition to reduce the impact of colonization.

have the right to autonomy or *self-government* in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Autonomy is a crucial concept to understand the right to self-determination; for example, the issue of indigenous autonomy might take into account the following criteria: 1) self-assertion, 2) self-definition, 3) self-delimitation, 4) self-organization, and 5) self-management;<sup>18</sup> each of these functions is related to concrete actions that affect the activities occurring in areas such as community land, the municipality or region; that means taking action as "control and manage the use of land and natural resources of a community", "assembly takes decisions regarding public life", and "decide freely entering churches or community.

In recent times in Mexico, the rise of the National Liberation Zapatista Army (EZLN) suddenly changed the point of view of Mexican public opinion about the need to recognize the political autonomy and the rights of indigenous peoples. The recognition of collective rights, supported by International Law, was one of the main demands of this social movement. Unfortunately, the recognition of the collective rights of indigenous people is not a reality yet. The Mexican State refuses to recognize "Los Acuerdos de San Andrés Larrainzar"<sup>19</sup> signed in 1996. The main objective of this new juridical framework is the transformation of social relations between the Mexican State and the indigenous peoples across the country.

### EXTRACTIVISM (CONCRETE EXAMPLES)

The current condition of indigenous peoples in México reflects social discrimination expressed by a lack of recognition<sup>20</sup> of their individual and collective rights. It is a clear symptom of discrimination and the absence of development opportunities.<sup>21</sup> Due to this reason, it is possible to state that our prototype of civilization was built over the spoils, exploitation, and annihilation of *indigenous peoples*.

Traditionally, few governments had taken into account rights and interests of indigenous peoples when it comes times to elaborate big development projects. To the extent that the projects think through, it could take many years depending on its characteristics, the interests of indigenous peoples [...] remains secondly in front of prevailing "national interest" or in front of market objectives based on the start of new economic activities and strengthen benefits and productive capacity.<sup>22</sup>

18 Villoro, "Autonomía y ciudadanía de los pueblos indios", *Revista Internacional de Filosofía Política*, pp. 66-78.

19 "Los Acuerdos de San Andrés Larrainzar", [online], <https://www.ilo.org/public/spanish/region/ampro/mdtsanjosel/indigenous/sandres.htm>

20 Ch. Taylor, "The Politics of Recognition", *Multiculturalism*, p. 25.

21 Average population between ages 15 to 19 that go to school is clearer lower than previous age groups; the breach between populations who spoke indigenous languages with population who does not is larger also. Inside the population who spoke indigenous languages, 36.3% go to the school, 39.5% of men and 33.3% of women. INEGI, "Perfil socio-demográfico de la población que habla lengua indígena", México, 2009, p. 15; accessed on October 15, 2021. <https://www.inegi.org.mx/>

22 R. Stavenhagen, *Los pueblos indígenas y sus derechos*, *op. cit.*, p. 50.

This condition prevailed for decades but grew up in the last years with the implementation of neoliberal economic politics derivative from the Washington Consensus in the early eighties. It is very well known the social uprising of the indigenous communities of Chiapas on January 1 of 1994, the same day that NAFTA took effect. One of the positive consequences of the neozapatista movement was the recognition of the international community about the main troubles confronted by millions of *indigenous peoples* along with the country. Their requirement was beneficial to make visible the current discrimination and helpful to Mexican society to reflect, critically, the economic politics related with *free trade* mercantilist technique.

In the juridical sphere, this social movement signed a controversial *Law of culture and indigenous rights*, but the Mexican government refused to implement tangible measures. Despite the political controversies and spotlight reached by this social movement, in ordinary life, the social conditions of most indigenous peoples along the whole country are still closely related with social facts like poverty, discrimination, and lack of education opportunities. Moreover, with free-trade politics, many territories are at risk because of irrational exploitation of the environment. "In Mexico Southeast, some indigenous communities who lived on biosphere reserve were evicted. However, non-government organizations pointed out that various companies want to make Investments in this area".<sup>23</sup>

Nevertheless, the most alarming fact of repression was the Massacre of Acteal, Chiapas, where a paramilitary group killed 45 indigenous peoples, including children and pregnant women, in December of 1997. Mexican government considered this massacre like a result of an interethnic conflict between indigenous communities. On the other hand, some human rights organizations considered it as a strategy to undermine communitarian organizations inside indigenous territories.

Another significant cause is the struggle of the Wirarika people in defense of their sacred territory because it has a significant role inside their own culture and world vision. This territory is located on mining deposits exploited since the age of Spanish colonization. At the beginning of the 20th century, mining companies abandoned these territories because, in their view, the resources were exhausted. However, in recent times, the Mexican government has permitted Canadian mining companies to exploit mining deposits in 40% of Wirikuta territory with open-pit mining.

Canadian companies consider that exploiting resources would increase new employment and economic growth for the people who live in a lack of opportunities region. On the other hand, indigenous communities and defenders of such territory gathered around in Wirikuta Defense Front<sup>24</sup> argue that environmental devastation would be irreversible because open pit mining could cause some alterations on the land, vegetation and rivers, wetlands, and aquifers. Moreover, it could represent the end of a culture and in consequence of the death of individuals.

In this case, we could see a tension between one view based on "economic development" and another one capable of putting in question the genuine interest behind the mask of global capitalism. It is not feasible to deny the

<sup>23</sup> *Ibid.*, p. 5.

<sup>24</sup> Wirikuta Defense Front, [online], <https://frenteendefensadewirikuta.org/>

chances of development provided by science and technology. However, is also necessary to highlight some social contradictions derived from the applications of economic politics based on a stretch meaning of the concept of freedom, which paradoxically has been used like a mercantilist technique of control and repression.

Conflicts caused on the lands of "big projects of development" bring with them new violations of human rights. For example, compulsory evacuations of traditional lands and territories of indigenous peoples would favor infringements of their civil and political rights, like the right to live, the right of personal security, the right of non-interference in private life, family, and home but also the right to enjoy in peace their resources.<sup>25</sup>

Another example is the conflict face-up by the Yaqui people in defense of their natural resources, especially related to spoils of water; this conflict started in the Nineteen Century. However, a few years ago, the conflict arose because the Sonora state government and some companies are very interested in the valuable liquid to start "big development projects" like the "Independence Aqueduct". The opposition of the Yaqui Tribe derived from the harassment and imprisonment of some leaders.

Nevertheless, without a doubt, the most devastating effect of NAFTA is the weakening of farming and, in consequence, the loss of feed sovereignty; the decrease of internal/local farming in order to strengthen importations caused a variety of social phenomena. One controversial is migration, especially to the big Mexican cities but mainly to the USA. The loss of feed sovereignty is not an ideological nationalistic issue but a strategic one, because "To finish up with medium and small farming with the 'argument' that is not competitive and by this reason importing are cheaper represents a sacrifice of feed security renounce to work self-sufficiency. Because a country with a 25 million farming population guarantees food and employment in the country, is a national security issue".<sup>26</sup>

These phenomena would cause physical and cultural disappear of whole communities and strengthen migration to the cities and neighboring countries motivated by violence and the lack of chances of development. "The increasing massive exodus of Mexican who seek a future in the north because they cannot be found in their own country represents the more ignominious balance of the way of development adopted since eighteen's years, especially with NAFTA prevailing since nineteen's years".<sup>27</sup>

## DISCUSSION: PHILOSOPHICAL AND LEGAL PLURALISM

Philosophical pluralism provides us with a deeper understanding of *indigenous rights*. "Pluralism pervades our lives. We find ourselves in a world with a plurality of different ethical, philosophical, religious, and cultural beliefs. Pluralism is not a new phenomenon, nor indeed one that separates contemporary western societies from the others now or in the past".<sup>28</sup> Especially, pluralism is capable of showing the requirement of recognition of some

25 R. Stavenhagen, *Los pueblos indígenas y sus derechos*, op. cit., pp. 55-56.

26 A. Bartra, "Crónica de un desastre anunciado. México y el Tratado de Libre Comercio de América del Norte", *TLC y pueblos indígenas: entre el saqueo y la resistencia*, p. 203.

27 *Ibid.*, p. 210.

28 Baghrarian and Ingram, *Pluralism: The Philosophy and Politics of Diversity*, p. 1.



cultural features like world vision, native languages, political assemblies, communitarian police forces, and social institutions, established before the colonization period but that still survive currently in the ordinary life of indigenous communities.

These cultural features are beneficial to develop a critical framework of philosophical monism but, above all, of the current juridical system attached to capitalism. For example, *collective land property*, *the social significance of labor*, and *environmental conservation* are the most significant issues. The recognition of pluralism is a helpful way to question the hegemony of centrality inside the development of political power and the supremacy of the Nation-State paradigm. This supremacy has reduced the limits of the concept of Law. "This was the case of the colonial imposition of European Law. But this kind of Law was not current, empirical nor historical in colonial territories".<sup>29</sup>

The legitimacy of a heterogeneous system of justice does not mean that everybody can take justice into his or her own hands; that would be nonsense. It is necessary to point out that a plural system is closely related to social institutions like *popular assembly*, *communitarian police*, *citizen juries*, and *local authorities* elected by indigenous communities. Moreover, it is necessary to focus on some differences inside the sphere of penal rights. These differences are related to sentences and punishments imposed on all individuals or communities that break the Law.

Recognition of legal pluralism does not imply a fragmented State but promotes its relaxation. In the regular life of a pluricultural State, this legal pluralism expresses the need for justice. Also, pluralism implies creating a new type of rationality that permits the transcendence of the current paradigm. One example is in article 40 of UNDRIP.

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules, and legal systems of the indigenous peoples concerned and international human rights.<sup>30</sup>

The development of legal pluralism could be understood if we consider different causes:

- the existence of social and juridical institutions created before the colonization (historical cause),
- a development of consciousness in indigenous peoples about their collective rights (social cause), and
- State inefficacy in guaranteeing safety (political cause).

Concerning the last one, it must be highlighted that lack of development

<sup>29</sup> De Sousa Santos, *Sociología jurídica crítica para un nuevo sentido común en el derecho*, p. 52.

<sup>30</sup> United Nations Declaration of Rights of Indigenous Peoples (UNDRIP), *op. cit.*, [online], [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

opportunities, poverty, organized crime, and weakness of political institutions capable of ensuring the rule of law are the leading causes of the emergence of civilian self-defense groups.

For example, indigenous self-defense groups appeared in Cherán, Michoacán, to face organized crime, exploitation of their natural resources, mainly deforestation, and State inefficacy. Collusion between organized crime and state police forces is very well known along with the country, but its undesirable consequences increased in some specific territories, considered spaces of control and repression.

However, on April 15 of 2001, the whole village of Cherán decided not to recognize more the civilian authorities, they did not allow the presence of political parties in the village. An autonomous local government took charge of political power; the neighbors organized barricades and campfires along with the village. A Communitarian Police Force took charge of the internal security. The organization of people in popular assembly allows resisting threats, kidnappings, and murderers made by organized crime and the siege of the village during four months. Since then, Cherán has been an autonomous municipality.

On the other hand, the weakness of regional political institutions avoids economic development. The conclusive application of human rights of the whole population is a historical fact in some places of Guerrero State, with extensive deposits of gold and silver. Nevertheless, paradoxically some of these indigenous communities have the lowest rate of income and a level of poverty comparable to sub-Saharan Africa.<sup>31</sup> Moreover, historically indigenous communities had been hounded by State police forces but also by paramilitary groups. In order to face up this violent environment, some indigenous communities created in the early nineteen's a Communitarian Police Force in Guerrero State to avoid extortion, cattle rusting, torture, and forced disappearances.<sup>32</sup> However, behind the mask of repression are the interest of multinational mining companies, State police forces, and organized crime groups. Repression causes the harassment and imprisonment of some leaders.<sup>33</sup>

31 Cochoapa el Grande was established under Decree No. 588 published in the Official Gazette of the State Government Friday, June 13, 2003, to segregate the municipality of Metlatónoc. It is a newly established municipality in the state of Guerrero. It was considered in 2006 by the National Population Council and in 2008 by the United Nations as the poorest and most marginalized municipality in Mexico, in addition to having the lowest HDI Guerrero state. In 2006, according to a document from the National Population Council, Cochoapa el Grande it was considered the poorest municipality in Mexico, ranking first in social underdevelopment and marginalization in the country. According to the National Institute of Statistics and Geography, the 86.60% of the population earns up to two minimum wages; 75.81% of the population over 15 are illiterate and 98.63% do not have health care. Regarding homes: the 93.72% have no toilet or drain; the 60.78% do not have electricity; the 57.67% lack running water, and the 95.46% of the houses are ground floor. The July 29, 2008, in a press release of the Information Center of the United Nations where he presented the document Municipal Human Development Index in Mexico from 2000 to 2005, he again considered Cochoapa the Great as the most marginalized municipality in Mexico and compared to levels lower than some developing countries such as Zambia in Subsaharian Africa. INEGI. *op. cit.*, <https://www.inegi.org.mx/>

32 Gilberto López y Rivas, "La CRAC-policía comunitaria en peligro", *La Jornada*, [online], <http://www.jornada.unam.mx/2014/03/28/opinion/024a1pol>

33 "Over the last four years, (Nestora) Salgado, a grandmother, has made numerous trips from her residence in Renton, Washington, to deliver clothing and supplies to the desperately poor residents of her hometown of Olinálá, Guerrero. Seeing the need to organize against economic and social injustice, she instilled in the women of Olinálá confidence in their ability to lead such a struggle. As a result, she was elected coordinator of a local armed indigenous police force officially authorized by the Mexican Constitution and Guerrero state law 701. Crime rates plummeted

Once at this point, should make a clear distinction between community police, vigilante groups, and paramilitary groups to avoid ambiguities and hasty generalizations. "The state government organizes the paramilitaries, military structures, and power groups that legally cannot repress the people to defend their rights, creates these violent structures illegally to meet their corrupt purposes. The paramilitary groups are part of the shameful state terrorism. Community policing is, however, an expression of legitimate popular pre-state sovereignty".<sup>34</sup>

However, the climate of violence now prevailing in Mexico forces us to think things in an extraordinary context in some regions of the country where there is no State presence and where the inhabitants have had to organize themselves to ensure their safety, as mentioned above with Communitarian Police of Guerrero and Michoacán. In this case, legal pluralism must contemplate the recognition of political institutions based on popular assemblies and traditional spheres of government, i.e., in full recognition of the right to self-determination, especially when the state cannot guarantee the right to life. The main objective of legal pluralism is to guarantee the right to life and dignity for individuals and communities. "Beyond the accumulation of wealth, the protection of indigenous cultures through collective property rights has to be guided by similar criteria of the blossoming of peoples".<sup>35</sup>

The right to land is one issue that requires special attention because of its cultural implications, ranging from recognizing the "spiritual" relationship with indigenous communities with the land.<sup>36</sup> However, they also imply recognition systems possession and ownership of land other than the prevailing hegemonic paradigm in consumer societies. These proprietary systems are part of the cultural heritage and relate to a series of ancestral knowledge.

A spiritual relationship with the land is a matter of justice, first because of the historical dispossession of their territories and the need to recognize a sacred way of relating to the world, which should be guaranteed the right to religious freedom. In other words, the non-recognition of that spiritual relationship with the land undermines the right to religious freedom and impedes understanding of the worldview and philosophies of indigenous peoples.

Because of this, a decolonization process that allows the recognition of the earth as a living being susceptible to rights is necessary. This recognition requires the development of legal pluralism that can consider the worldview and knowledge that have developed indigenous peoples, which requires strengthening intercultural communication.<sup>37</sup> In the case of Mexico, the objective of legal pluralism is to take into account the worldview and values of indigenous peoples to understand the rules and institutions governing life in the communities and from that base to build an intercultural communication path with national law and, of course, with international treaties.

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and killings stopped with the inauguration of the community police". Freedom Socialist Party, [online], <http://www.socialism.com/drupal-6.8/?q=node/2863>

34 E. Dussel, "¿Son legítimas las policías comunitarias?", *La Jornada*, [online], <http://www.jornada.unam.mx/2013/02/13/opinion/025a2pol>

35 S. Wiessner, "The cultural rights of indigenous peoples...", *op. cit.*, p. 129.

36 O. González Romero, *Tlamatiliztli: la sabiduría del pueblo nahua. Filosofía intercultural y derecho a la tierra*, pp. 134-138.

37 O. González Romero, "Spiritual Knowledge Unearthed. Indigenous Peoples and Land Rights", *Heritage and Rights of Indigenous Peoples*, pp. 161-170.

## CONCLUSION

Roughly one can say that the situation of violence and the implementation of neo-colonial strategies and internal colonialism have prevented the full implementation of indigenous rights in Mexico. Neocolonial strategies involve economic violence that is rarely considered, but which results in devastating effects on indigenous communities and almost everywhere in the country, especially those neocolonial strategies that have resulted in the loss of food sovereignty and internal and external migration. The eradication of poverty is a necessary condition for achieving sustainable development.

Undoubtedly one of the most critical issues is the acknowledgment of the traditional systems of land tenure, which represent an alternative to the hegemonic model of private ownership that prevails today, and which paradoxically leads to poverty, exclusion, and misery for most. The study of systems of communal ownership and political forms derived from it can become an alternative to serve as a counterweight to capitalist ideology.

The recognition of land and environmental rights is significant because it relates to cultural heritage and natural resources, including water and seeds. Emphasize this aspect is very important because, in Mexico, the staple diet is maize. Consequently, maize can be considered a biological, environmental, and cultural heritage, which is at risk from the intent of the large multinational companies to obtain permits to produce GMO's, which is a monoculture that threatens genetic diversity and having aggressive effects on land due to the use of herbicides.

This is an issue linked to environmental rights, which are also part of the land rights. In environmental rights, it is necessary to include those related to water pollution and air. Environmental rights are a means of protection against the interests of the extractive development model that only considers the land as a vital resource susceptible to exploitation, as happens with some branches of the mining industry and oil extraction.

A practical application of indigenous rights would not be reduced to legal recognition of languages, rituals, and lands linked to spiritual ways of life. Moreover, it demands a cultural relationship to ensure the education of indigenous peoples in their native tongue, but also preservation and dissemination of indigenous languages, the preservation of literature and culture, inculcation of indigenous culture in state and public media, and the development of communitarian media that ensures the continuity of cultural heritage.

Some of the most critical issues are the development of intercultural communication based on the building of a new kind of decolonized rationality, the recognition of the rights and cultural heritage of indigenous people, the critical analyses of developmental fallacies and free trade mercantilist techniques, and finally, the economic and political emancipation of all the human beings who live the undesirable consequences of neo-colonization, oppression, and lack of justice.

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