

<https://doi.org/10.23913/ricsh.v13i26.343>

Scientific articles

Derecho de elección de los pueblos originarios en el Estado de Guerrero

Right of choice of indigenous peoples in the State of Guerrero

Direito de eleição dos indígenas no estado de Guerrero

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Resumen

El presente es un estudio descriptivo y analítico que tiene como objetivo dar a conocer el proceso por el que han transitado los municipios de Tecoaapa y Ayutla de los Libres, considerados pueblos originarios del Estado de Guerrero, para elegir a sus autoridades por usos y costumbres, bajo el principio de autonomía y autodeterminación que les confiere el artículo 2 de la Constitución Política de los Estados Unidos Mexicanos.

Las fuentes consultadas fueron secundaria, en su mayoría de instituciones oficiales del ámbito federal y estatal relacionadas con el tema de investigación. Los métodos aplicados fueron el analítico, estadístico y deductivo; se implementaron técnicas de investigación como la ficha de trabajo y bibliográfica; así mismo los antecedentes que permiten comprender el estudio, radican en el análisis de procesos previos que al igual que los municipios de Guerrero, también transitaron por esta ruta. Existe información cuantitativa que permiten conocer más a fondo el proceso para elegir autoridades por usos y costumbres en Guerrero. Concluyendo entre otras cuestiones que a pesar de la existencia de un marco



jurídico que implica el reconocimiento de esta forma de elegir autoridades en México, aún no existe en la propia Constitución ni en las leyes secundarias un marco jurídico que haga efectivo el cumplimiento eficaz de esta forma de gobierno, puesto que carece de una estructura orgánica desde el artículo 115 Constitucional, así como un presupuesto similar al del gobierno tradicional.

Palabras clave: Autoderminación, Autonomía, Autoridades, Pueblos indígenas, Usos y costumbres.

Abstract

This is a descriptive and analytical study that aims to make known the process that the municipalities of Tecoaapa and Ayutla de los Libres, considered indigenous peoples of the State of Guerrero, have gone through to elect their authorities by uses and customs, under the principle of autonomy and self-determination conferred on them by Article 2 of the Political Constitution of the United Mexican States.

The sources consulted were secondary, mostly from official institutions at the federal and state level related to the research topic. The methods applied were analytical, statistical and deductive; research techniques such as the work sheet and bibliography were implemented; likewise, the background that allows us to understand the study, lies in the analysis of previous processes that, like the municipalities of Guerrero, also went through this route. There is quantitative information that allows us to know more deeply the process to elect authorities by uses and customs in Guerrero. Concluding, among other issues, that despite the existence of a legal framework that implies the recognition of this way of electing authorities in Mexico, there is still no legal framework in the Constitution itself or in secondary laws that makes effective the efficient fulfillment of this form of government, since it lacks an organic structure from Article 115 of the Constitution, as well as a budget similar to that of the traditional government.

Keywords: Self-determination, Autonomy, Authorities, Indigenous villages, Customs and habits.



Resumo

Este é um estudo descritivo e analítico que tem como objetivo compreender o processo pelo qual os municípios de Tecoaapa e Ayutla de los Libres, considerados povos originários do estado de Guerrero, elegem suas autoridades por usos e costumes, sob o princípio de autonomia e autodeterminação conferido pelo Artigo 2 da Constituição Política dos Estados Unidos Mexicanos.

As fontes consultadas foram principalmente secundárias, de instituições oficiais federais e estaduais relacionadas ao tema de pesquisa. Os métodos aplicados foram analítico, estatístico e dedutivo; técnicas de pesquisa como ficha de trabalho e bibliográfica foram implementadas. Da mesma forma, os antecedentes que permitem compreender o estudo residem na análise de processos anteriores que, como os municípios de Guerrero, também passaram por essa rota. Existe informação quantitativa que permite um entendimento mais profundo do processo de eleição de autoridades por usos e costumes em Guerrero. Concluindo, entre outras questões, que apesar da existência de um quadro jurídico que implica o reconhecimento dessa forma de eleger autoridades no México, ainda não existe um quadro jurídico eficaz na Constituição ou leis secundárias para garantir o cumprimento eficaz dessa forma de governo, pois carece de uma estrutura orgânica desde o Artigo 115 Constitucional, bem como um orçamento semelhante ao do governo tradicional.

Palavras-chave: Autodeterminação, Autonomia, Autoridades, Povos indígenas, Usos e costumes.

Reception Date: January 2024

Acceptance Date: July 2024

Introduction

The way in which indigenous peoples organized themselves to elect their authorities has its origins in the colonial era, when it was formed by a mixture of pre-Hispanic forms of political organization that survived the conquest and the Spanish council imposed on the indigenous people during this period. From this arrangement a new pattern of organization was born that includes a hierarchical ordering of positions of authority; where an individual has to cover a number of previous positions before being able to reach the highest positions within the hierarchy (Durant, 2007, 39-40).

The modality of the office system is the result of the previously mentioned mixture, a form of organization with characteristics different from the ordinary system of government, that is, this system of indigenous communities and towns consists of political



positions (municipal constitutional structure), and religious offices (maintenance and care of the church, as well as the celebration of the feasts of the Catholic saints). Religious offices require a significant individual economic expenditure to support them, but not political offices. Every adult member of the community has to participate in this system, generally for one year, starting in religious offices before accessing a political office... (Durand, 2004).

It is important to note that, with the arrival and imposition of the Spanish municipal system, many indigenous territories that operated through the cargo system lost or were forced to abandon their ancestral form of organization, adopting other different forms to control their territorial demarcation. In this way, it is seen that the indigenous peoples were changed from their form of political organization through new figures that the Mexican State has constitutionalized, for example, currently the ways to access elected positions, as is well known, are political parties the means par excellence to reach a position of this nature. However, the laws on electoral matters contemplate the figures of independent candidates, which must comply with certain specific requirements that the laws on the matter indicate.

However, another of the mechanisms for accessing public office at the municipal level established in Article 2 of the Constitution is through customs and practices, a novel model of government for accessing power, with characteristics different from those of traditional political parties. This system has broken the paradigm of party politics, in which political institutions maintain a monopoly on public power.

The choice According to uses and customs, it is an electoral mechanism that has long existed as a form of organization for indigenous communities. Uses and customs are not a reminiscence of pre-Columbian times or purely colonial legacies; the systems of government of rural localities are mundane products of modernity. Neither relics of the past nor protective barriers, they are the result of the casuistic logic and adaptive capacity of indigenous and peasant peoples in the face of a modernity that involves the permanent invention of their tradition. Beyond a simple syncretism, it is a hybrid sedimentation of institutions and social practices inherited from the colonial era and transformed throughout republican history, through subtle processes of appropriation and reinterpretation of state policies and national codes imposed by the central government, but continued by those same peoples to continue controlling a local territory in which they reproduce themselves as such (Gaussens, 2019, p.7) .



Although it is novel that its viability and effectiveness are currently being put on the table of legal and political decisions, it is important to highlight that this is not a new issue; as indicated above, it was the influence and imposition of foreign ideologies that forced the indigenous peoples to abandon a certain part of their idiosyncrasy.

Since 1994, with the mobilization of the Zapatista Army of National Liberation (EZLN) against the government in power, they demanded the recognition of indigenous peoples as subjects of constitutional law, autonomy and self-determination, as well as greater political representation in public powers, a movement that served as a precedent to create the San Andrés Larraízar Agreement and in turn the Cocopa Law, pillar instruments of indigenism in Mexico, which resulted in creating a relationship between the State and indigenous peoples.

Consequently, and in light of the recent event, in 1995, 418 municipalities belonging to the State of Oaxaca de Juárez held elections to elect their municipal authorities through their internal regulations. This event was so relevant and meant an unprecedented triumph for the indigenous peoples in their electoral political rights. This event was the turning point of a new beginning of the public life of the municipalities of this entity, the first event that forced the political parties to recognize, although partially, this form of government.

Subsequently, in 2011 and 2019, the municipalities of Cherán, belonging to the State of Michoacán, and Oxchuc, Chiapas, achieved, through the trial for the protection of electoral political rights, that the Superior Chamber of the Judicial Branch of the Federation and the Electoral and Citizen Participation Institutes of the federal entities, recognized their right to self-govern by their own traditional norms and rules, which represented a significant achievement for participatory and direct democracy.

In the case of the State of Guerrero, one of the four States of the Mexican Republic with the largest indigenous population and speaker, according to data from the National Institute of Statistics and Geography 2022, there was significant progress, since in 2012 the Municipality of San Luis Acatlán, belonging to the reference State, initiated a legal process before the electoral Courts with the aim of recognizing its rights to decide on its form of internal government or self-government, as established in Article 2 of the Constitution.

After groups of indigenous peoples, faced with the refusal of the administrative and jurisdictional authorities of the State of Guerrero, filed separate actions for the defense of their political and electoral rights, the Superior Chamber of the Electoral Tribunal of the



Judicial Branch of the Federation, through file SUP-JDC-1740/2012, issued a judgment, in which it determined that the members of the indigenous municipality of San Luis Acatlán had the right to request the election of their own authorities, procedures and traditional practices, with full respect for human rights. For its part, the General Council of the Local Institute of the State of Guerrero in an extraordinary session in 2014 confirmed the historical existence and therefore the provenance of an internal normative system that is recognized as valid and is used to regulate public acts of organization for the resolution of their conflicts, as well as for the election of their municipal authorities in the indigenous community that lives in San Luis Acatlán, Guerrero. As a result, a consultation was held with the citizens of the community to determine whether the election of their authorities would be adopted in accordance with traditional norms, procedures and practices.

The results of the consultation ordered by the Electoral Court of the Judicial Branch of the Federation, which was held from February 1 to 12, 2015, mandated the Electoral and Citizen Participation Institute of the State of Guerrero (IEPC-Gro) to generate all the conditions for its realization. Said Institute reported that the consultation was carried out in 34 areas of the municipality of San Luis Acatlán, and was done through assemblies in which a total of 2,430 votes were cast, of which 1,556 were in favor of the ordinary electoral system, 784 in favor of the system of uses and customs, and 90 abstentions (Cervantes, 2015).

Another municipality that carried out a similar process was the municipality of Tecoanapa, which in 2017, requested the IEPC-Gro to guarantee them the right to elect municipal authorities through the system of uses and customs, in which said Electoral Institute denied this request. Faced with the refusal, citizens of this municipality went to the Regional Chamber of the Judicial Branch of the Federation to appeal said resolution, in which by means of a sentence issued through file SCM-JDC-213/2020, the IEPC-Gro was ordered to carry out the consultation process with the promoting municipality.

In the case of the municipality of Tecoanapa, it was not until 2022 that 63 consultation assemblies were held in the communities, delegations and colonies in question, where citizens were asked whether or not they agreed to change their election model through parties to one based on customs and traditions or their own normative systems. The result of the consultation was 6,933 votes in favor of the ordinary system, 406 for the customary system, 61 were invalid and 58 abstentions, obtaining a total of 7,400 votes.

Along the same lines, the most unprecedented and historic case was that of the Municipality of Ayutla de los Libres, where in 2014, 61 commissioners, presidents of municipal colonies, communal and agrarian commissioners of the municipality signed the document, through which they requested that their next immediate electoral process in 2015 be carried out according to uses and customs. In response to the petition, this Electoral Institute objected to the document on the grounds that it was inadmissible.

Faced with such objection, members of indigenous peoples of the Municipality of Ayutla de los Libres went to the Electoral Court of the State of Guerrero, who in turn confirmed the administrative resolution of the Electoral Institute. However, the Superior Chamber of the Electoral Court of the Judicial Branch of the Federation, ruled in favor of the municipality of Ayutla de los Libres, obliging the local electoral jurisdictional body to hold the election, so the latter issued agreement 015/SE/31-03-2017 in which the call for the construction and definition of the model by uses and customs for this municipality in the ordinary election of 2018 was approved. This fact was the first precedent in which the highest Court in the country recognized the right of indigenous peoples to organize and elect a self-government in the State.

According to the Tlachinollan de la Montaña Human Rights Center (2021), this new paradigm of community democracy set the tone for the indigenous municipalities of Guerrero, who will face reluctance from the ruling political class that refused to recognize and, above all, to generate the conditions so that for the first time in the State of Guerrero an election could be held that was different from the monopolistic control of political parties.

The recognition of the internal normative system, according to Recondo (2001) cited by Valdivia (2010), represents the opening of new channels of conciliation and negotiation, on the one hand, and on the other, a way of opening avenues of representation. That is, that representation is not carried out only through political parties. Being a new way for the election of authorities and representatives, this system provides novel alternatives in the exercise of power in relation to the governments of the traditional system. The characteristics of this alternative are: participatory and direct democracy, tripartite power in the municipal presidential figure, the figure of the community assembly as the highest authority made up of 300 members, as well as the municipal council as it is known in the traditional system (which is made up of councilors and trustees) but in this new form of government it is made up of approximately 30 people.



In the words of (Armenta, 2006), it is essential that in municipalities governed by customs and traditions it should be carried out at the national level so that a federal indigenous law could accurately determine the normative assumptions in which the scope of application of the same would occur, the latter with the objective that the laws be real and not declarative provisions on paper, without practical application or that cause the high marginalization of indigenous peoples and communities to persist.

Methodology

This is a documentary, descriptive and analytical study, since it compiles data from previously established secondary sources, as well as statistics that allowed us to understand and describe the legal framework and the process through which the indigenous peoples of Mexico have passed, and specifically the municipalities of Tecoanapa and Ayutla de los libres in the State of Guerrero.

For this purpose, the following methods were used:

Analytical. This seeks to provide an answer to why there are obstacles to the full recognition of indigenous peoples to elect their authorities through customs and traditions.

Statistical. It was applied to classify and interpret quantitative data obtained through the collection of information.

Deductive. It allowed the transfer of discoveries from general aspects to the particularities of the phenomenon under analysis, variables and their relationship with the object of study.

The research techniques that were implemented were the following:

Worksheet. Through which the data of works and material consulted during the investigation were independently recorded, which allowed for the identification of a particular source and for greater organization in the research process.

Bibliographic research. This technique explored all documents and information useful for the research, which allowed for theoretical, doctrinal and legal support for this research.

In order to clearly and precisely explain the process that indigenous peoples in Mexico, and particularly in the State of Guerrero, have gone through in the recognition of their political electoral rights, the following tables, graphs and diagrams are provided that allow us to identify the implementation of electoral processes specific to customs and practices in which municipal authorities are elected under the principle of self-



determination established in Article 2 of the Constitution.

Table 1. Indigenous population in Mexico.

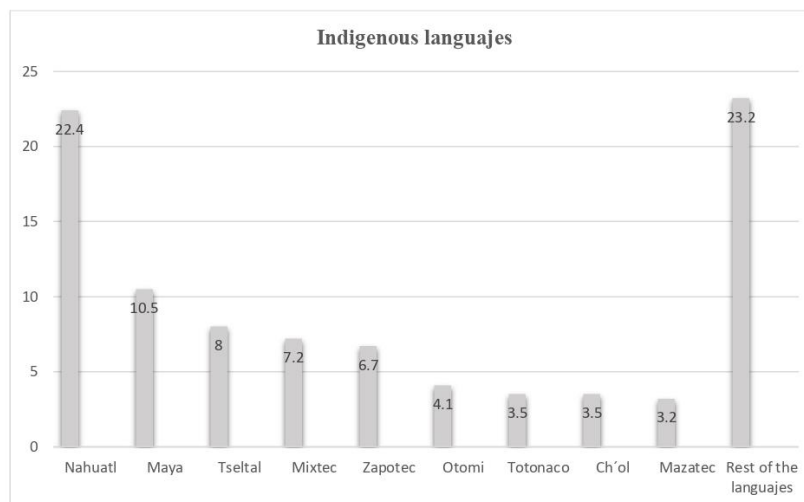
Amount	Sex	
23.2 million	Women: 11.9 million (51.4%)	Men: 11.3 million (48.6%)

Source: Prepared by the authors using data from the 2020 Population and Housing Census, INEGI. Available at:
file:///C:/Users/HP/Desktop/POLITICAS%20PUBLICAS%20O%20PROGRAMAS/EAP_PueblosInd22.pdf

Results

Who identify themselves as having an indigenous ethnic group in Mexico is described .

Figure 1. Speakers of indigenous languages in Mexico.



Source: INEGI, Population and Housing Census 2020. Basic Questionnaire. Interactive data consultation. Available at:
file:///C:/Users/HP/Desktop/POLITICAS%20PUBLICAS%20O%20PROGRAMAS/EAP_PueblosInd22.pdf

Describes people who speak an indigenous language in Mexico.

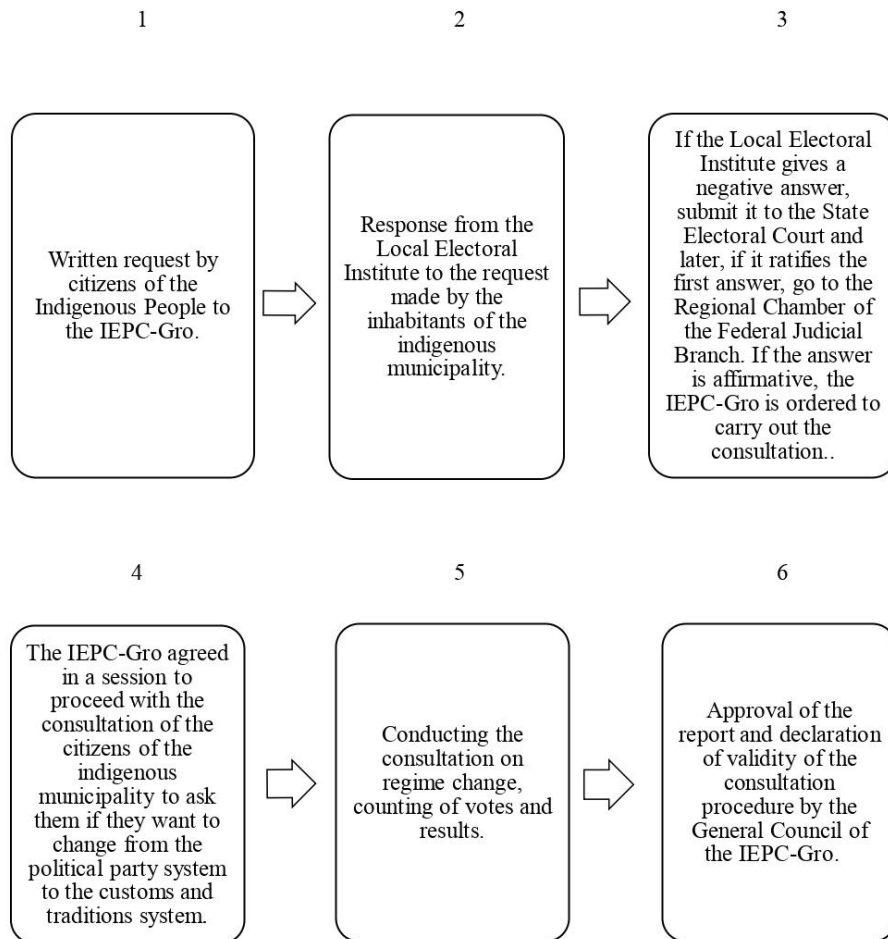
Table 2. Municipalities of Mexico governed by uses and customs

Federal entity	Municipalities	Period	Observations
Oaxaca	418 are governed by customs and traditions (IEEPCO, 2018)	1995-1998 1998-2001 2001-2004 2004-2007 2007-2010 2010-2013 2013-2016 2016-2019 2019-2022	It is made up of 570 municipalities, including those governed by customs and traditions.
Michoacan	Cheran	2012-2015 2015-2018 2018-2021 2021-2024	
Warrior	Ayutla of the free	2018-2021 2021-2024 2024-2027 (in progress).	
Chiapas	Oxchuc	2019-2022 2022-2025	

Source: Prepared by the authors using data from the Electoral Institutes of each federal entity.

Its purpose is to present the most relevant cases of municipalities governed under the system of uses and customs in Mexico.

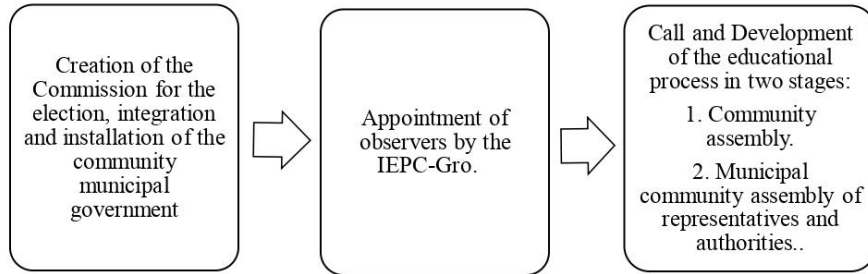
Figure 2. Process of changing the regime from Political Parties to Customs and Practices.



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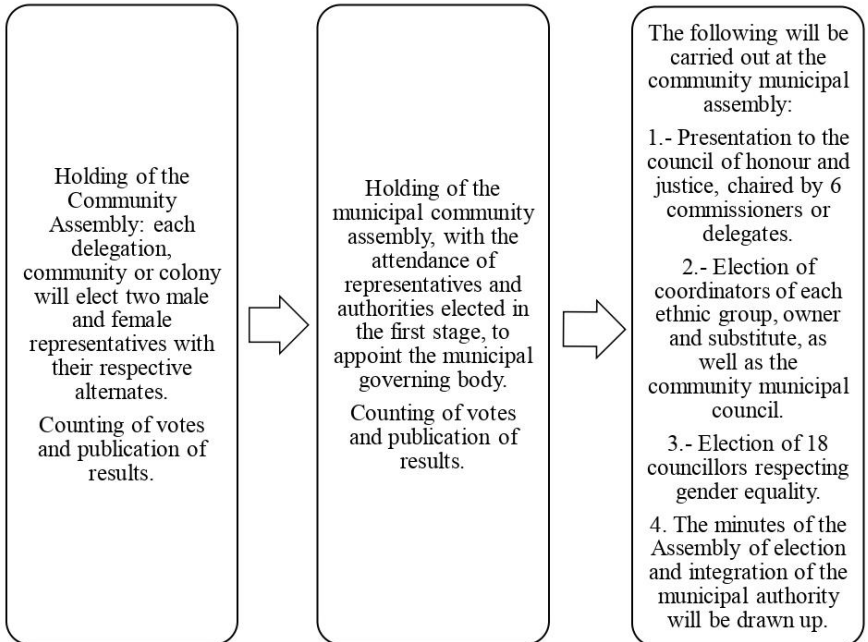
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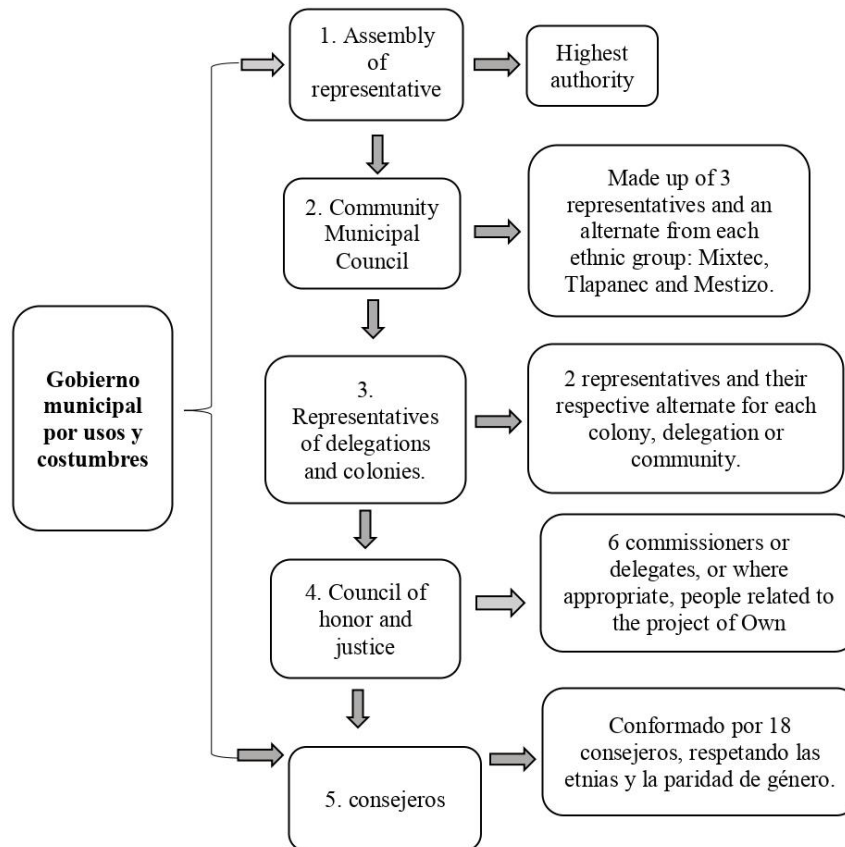
Source: Prepared by the authors with data from the guidelines regulating the model for the election, integration and installation of the municipal government of customs and traditions

of Ayutla de los libres Guerrero, for the 2021 electoral process. Available at:

https://iepcgro.mx/principal/uploads/gaceta/2021/14ext/anexo_acuerdo119_1.pdf

The objective is to make known the procedure to follow for the election of authorities by uses and customs in the State of Guerrero.

Figure 3. Government formation based on customs and traditions in the State of Guerrero
(Ayutla de los Libres case).



Source: Prepared by the authors with data from the guidelines regulating the model for the election, integration and installation of the municipal government of customs and traditions of Ayutla de los libres Guerrero, for the 2021 electoral process. Available at:

https://iepcgro.mx/principal/uploads/gaceta/2021/14ext/anexo_acuerdo119_1.pdf

The objective is to make known the organic structure of the government by uses and customs.

Discussion

In Mexico, according to data from the National Institute of Statistics and Geography, there are 23.2 million people aged three years and older who self-identify as indigenous, which represents 19.4% of the country's total population, distributed across different states of the Mexican Republic, belonging to different ethnic groups that share the indigenist and collective ideology; on the other hand, the states with the largest presence of indigenous population are Oaxaca, Yucatán, Chiapas, Quintana Roo and Guerrero.

As for the federal entities that have municipalities governed by the system of uses and customs, they are: Oaxaca, with 418 municipalities that have operated this type of government since 1995, which is protected in its Local Political Constitution; Cherán, Michoacán, who began to govern itself through this form of government in 2012; Ayutla de los Libres, Guerrero, in 2015 to date, who has gone through three electoral processes and; Oxchuc, Chiapas, since 2019.

Since 2018, the municipality of Ayutla de los Libres has had its own organic structure based on customs and traditions. Its government is made up of an Assembly of Representatives (highest authority), representatives of delegations and colonies, a Council of Honor and Justice, and a certain number of Councilors (see Figure 5). To reach this stage, the inhabitants went through a long legal process, starting in local electoral institutions and culminating in the federal courts on the matter.

Article 2, section A, section III of the Political Constitution of the United Mexican States establishes the recognition and guarantee of the right of indigenous peoples and communities to self-determination and, consequently, to autonomy, to elect, in accordance with their traditional norms, procedures and practices, the authorities or representatives for the exercise of their own forms of internal government, guaranteeing that indigenous women and men enjoy and exercise their right to vote and be voted for under conditions of equality.

However, the secondary legal framework (Fundamentally in article 115 it does not establish a minimum recognition of the existence of the municipality by uses and customs that allow it administrative and organic functionality), the electoral bodies themselves and the municipal administrative authorities, impose a reality different from that established in the article in question, because there are real factors of power that hinder the effectiveness of the right that indigenous peoples have to access justice and equity in political-electoral matters, since the governments arising from the traditional party system



have the monopoly of politics and consequently of power, added to the fact that there is an ancestral discrimination, considering indigenous peoples and native peoples as third-class citizens; even to the extreme of seeing them as incapable of being able to govern themselves or govern a municipality. The above has a historical lag in the lives of indigenous peoples in Mexico, which not only disrupts their rights as individuals, but also as citizens belonging to a "polis" that, in theory, should allow and guarantee them all freedoms, including political electoral rights.

Proof of the obstacles and discrimination against indigenous peoples are the criteria established in Article 2 of the Constitution, which, despite recognizing this right, leaves legal loopholes that do not allow the right to self-determination and autonomy to be fully realized. This is so because they had to go through a long process, which began by outlining a route of struggle, which begins with the request of indigenous groups to the Electoral Institute and Citizen Participation of the State of Guerrero, which culminated with the minutes of the assembly of election and integration of the municipal authority (see figure 4). The above can be translated as obstacles that serve de facto the interests of the political parties in the State.

On the other hand, although Article 115 of the Constitution establishes the organic functionality of the free municipality, it does not do so with regard to the form of government based on customs and practices; since the legislator permanently failed to establish the proper bases for this form of election of authorities, violating the recognition that the Constitution itself establishes. Such a legislative "error" violates international treaties such as Convention 169 of the International Labor Organization (ILO) on Indigenous and Tribal Peoples in Independent Countries, the American Declaration of the Rights of Indigenous Peoples, the International Covenant on Civil and Political Rights and those relating to the protection of political and electoral rights that the Mexican State has signed.

Although Article 2 of the Constitution establishes that: "indigenous communities within the municipal sphere may coordinate and associate in the terms and for the purposes provided by law", it is ambiguous and insufficient since there is no full recognition of governments by customs and traditions or indigenous people who in turn can make this form of government viable and effective. In short, the legislator does not foresee legal personality for the government by customs and traditions, nor a secondary law for this system of government, powers to be exercised, nor does it recognize the administration of



its public treasury. This lack of recognition makes it difficult to exercise the functions of this model of government that already faces various challenges.

Despite the lack of full recognition in the Political Constitution of the United Mexican States, legal loopholes and political discrimination, there are 421 indigenous municipalities that are governed by customs and traditions in the States of Oaxaca, Michoacán, Chiapas and Guerrero. In the case of the State of Oaxaca, there are 418 municipalities governed by this system, which according to studies carried out by (Navarro et al, 2021, p. 94-95), was a turning point for it to be recognized in the Constitutional reform of 2001, since the first one had as its product the reform to the Code of Political Institutions and Electoral Procedures of the State, which regained more clarity in 1997, with the reform to articles 25, 29 and 98 of the Local Constitution, with the aim of giving certainty and legal operability to the government regime by the internal normative system, in this way this style of government colloquially known as election by customs and traditions was raised to constitutional rank.

There is little research and field studies that could be useful to show the status and progress in this form of government. The little documentary information and what has been done by the electoral institutions of each State, partially show the status of the system by uses and customs. In addition, as argued above, despite having a certain number of municipalities governed through this system, in 2024 there is no certain progress on what is proposed in this research, with the exception of the Constitutional Reform Initiative on the Rights of Indigenous and Afro-Mexican Peoples that the Executive sent to the Congress of the Union on February 5 of this year for discussion and approval. It should be noted that the core of this initiative is to reform Article 2 of the Constitution to modify the recognition of indigenous peoples from subjects of public interest to subjects of public law, in addition to enriching section A of the same numeral to guarantee the effective exercise of the right to self-determination and autonomy of indigenous peoples and communities and, on the other hand, to recognize the indigenous municipality with its own legal personality.

However, the challenge for indigenous peoples to make their right to self-govern effective is in the hands of legislators who know little about the reality of indigenous peoples, and because they follow a political line it is difficult for them to voluntarily decide in favor of the rights under discussion, since they would lose the privilege of continuing to govern territories that they have dominated for a certain time.

In response to what has already been stated in the development of this research, proposals are made to assist in the form of government of the indigenous peoples of Guerrero, which is why it becomes necessary to reform article 2 and 115 of the constitution, federal and local laws, in order to generate conditions that allow the full exercise of indigenous government through uses and customs.

Conclusions

Article 2, section A, section III of the Constitution provides for the right of indigenous peoples to elect authorities based on customs and practices; however, this does not happen in reality due to the multiple procedural, administrative, and organic obstacles, and even due to the ancestral resistance that has existed from those who govern under the scheme of political parties and real factors of power whose interests do not fully allow the implementation of this form of government.

Although indigenous municipalities have the right to action and a procedure to request a change in the political party regime to the internal regulatory system, it is a complex process that often seems more like an obstacle than a legal mechanism that enables the implementation of this type of government. Therefore, it is necessary to reform article 115 of the Constitution, in which the indigenous municipality and the system of uses and customs are recognized as a means to govern these peoples and in this way the existence of an organic foundation that allows their viability and effectiveness.

The system based on customs and traditions is a new and innovative alternative to access the exercise of public power. The municipalities that are governed through this figure have had experiences in its different aspects, from its functionality, operation and efficiency. Despite the coexistence of this form of indigenous government and the interference of characters that serve the partisan interests of the region, it is a daily challenge for those municipalities and others that share the same idiosyncrasy and collective indigenous project.

It is clear that in the cases of municipalities governed by traditions and customs in the states of Oaxaca, Michoacán, Chiapas and in the particular case of Guerrero, this type of government has functioned, despite the obstacles it faces; for example, when exercising government under this nomenclature, they encounter resistance to the recognition of their own legally or traditionally constituted authorities, as well as the lack of an express

regulatory framework that addresses the worldview, traditions and customs, lifestyle and beliefs of these peoples.

For example, in Oaxaca they have had several ordinary elective periods, they have shown that great results are achieved in a community and above all the lack of obligation to adopt government models contrary to their traditions, cosmogony and internal rules, strengthens the good organization of these peoples to act in favor of their basic needs and protection of their most basic rights.

The criteria and judicial precedents that have contributed to the construction of arguments in favor of the constitutional right to self-government by uses and customs have been the following: jurisprudence 7/2013 of the Superior Chamber of the Judicial Branch of the Federation, which establishes the guarantee of the citizens that make up an indigenous people, the effective access to the electoral jurisdiction; Thesis: 2a. XXIX, tenth epoch, t. II, of the year 2016 relative to the right to consultation; Thesis: 2a. /J. 35, tenth epoch, t. I, of the year 2019 concerning the principle of progressiveness applied to human rights; file SUP-JDC-11/2007 regarding the Trial for the protection of the political-electoral rights of the citizen, in the case of the municipality of Tanetze de Zaragoza, belonging to the State of Oaxaca, which is recognized as the pioneer entity in the system of uses and customs.

Given the conditions and needs of indigenous peoples and communities in the State of Guerrero, attention to them is necessary to resolve the multiple problems that have caused demands and social discontent. As has been raised in this research, the problems of health, education, security, communication, government, heritage wealth, among others, are due to the neglect of governments and society itself, who have had a behavior of humiliation and hatred towards these peoples and communities, therefore the development of their territories has been left behind because they have not fully committed to the progress they have always sought.

Regarding municipal presidents by uses and customs, in Guerrero the only municipality governed under this system is Ayutla de los Libres, which in 2018 won the legal battle to achieve the right to self-government by its own internal regulations, in 2021 it renewed and is currently in the process for the 2024-2027 electoral period, which will consist of three phases (IEPC-Gro, 2024). In this way, for the first time in the State, there was a municipality governed under a government model (uses and customs); the municipalities of San Luis Acatlán, Tecoaapa and Malinaltepec wanted to take this event

as an example, the first and second stopped their fight after the consultation to decide their form of government was negative and the last one is still in the process of legal battle.

Despite having an indigenous municipality governed by the internal normative system, there is no special law to regulate the system by uses and customs, which puts the municipality of Ayutla de los Libres and the 39 indigenous municipalities classified as such by Law 701 of the State of Guerrero at a disadvantage, which has currently been reformed for the convenience of the party system. For this reason, it is necessary to reform article 115 of the Federal Constitution to add a section dedicated to the indigenous municipality and its government by uses and customs. In addition, it is necessary to reform numeral 170 of the Political Constitution of the Free and Sovereign State of Guerrero and article 14 of law number 483 of Electoral Institutions and Procedures of the State, with the same objective as the first.

Based on the above, it would be feasible to reform article 115 of the Constitution to give legal certainty to the figure of the indigenous municipality, as well as to give organic and legal support to the system based on customs and traditions for its viability and operation; in addition to reforming ordinary and secondary laws of the State of Guerrero, to comply with the provisions of articles 2 section A, section III of the Federal Constitution; 9 and 11 section III of the Local Constitution, 14, 26 of Law 701 on the Recognition, Rights, and Culture of Indigenous and Afro-Mexican Peoples and Communities, relating to their autonomy and self-determination to elect their municipal authorities through their customs and traditions.

Table 3. Reforms to the General Constitution of the Republic and ordinary laws of the State of Guerrero.

Original text	Proposed text
Political Constitution of the United Mexican States	
<p style="text-align: center;">Article 2. [...]</p> <p>Section A. This Constitution recognizes and guarantees the right of indigenous peoples and communities to self-determination and, consequently, to autonomy to: [...]</p>	<p style="text-align: center;">Article 2. [...]</p> <p>This Constitution recognizes and guarantees the right of indigenous peoples, communities and municipalities to self-determination and, consequently, to autonomy in order to: [...]</p>
<p style="text-align: center;">Article 115.</p> <p>The states shall adopt, for their internal regime, the republican, representative, democratic, secular and popular form of government, having as the basis of their territorial division and their political and administrative organization, the free municipality, in accordance with the following bases: [...]</p>	<p style="text-align: center;">Article 115.</p> <p>The states shall adopt, for their internal regime, the republican, representative, democratic, secular and popular form of government, having as the basis of their territorial division and their political and administrative organization, the free municipality, in accordance with the following bases: Section A. [...] Section B. In the case of indigenous peoples that have more than forty percent of the ethnic population, they may choose the form of their internal government, through political parties or by uses and customs, in accordance with Article 2 of the Constitution, Section A, always respecting the supreme legal order.</p>
Political Constitution of the Free and Sovereign State of Guerrero	
<p>Article 11 section III: It is recognized n as rights of indigenous and Afro-Mexican peoples :</p>	<p>Article 11, Section III: The following are recognized as rights of indigenous and Afro-Mexican peoples:</p>



<p>III. Elect, in accordance with their norms, procedures and traditional practices, their political authorities or representatives, and guarantee the participation of women on an equal basis, encouraging their involvement and leadership in public affairs;</p>	<p>III. Elect, in accordance with their norms, procedures and traditional practices, their political authorities or representatives to elected positions at the municipal level, guarantee the participation of indigenous women and youth on equal terms, encouraging their involvement and leadership in public affairs;</p>
<p>Law 701 on Recognition, Culture and Rights of the Indigenous Peoples and Communities of the State of Guerrero.</p>	
<p>Article 26 section III and VII.- This Law recognizes and guarantees the right of indigenous peoples and Afro-Mexican communities of the State to self-determination and, consequently, to autonomy, in order to: III. To elect, in accordance with their traditional norms, procedures and practices, their political authorities or representatives, and to guarantee the participation of women on equal terms, encouraging their involvement and leadership in public affairs; VII. In municipalities and districts with an indigenous population greater than 40%, preferably elect indigenous popular representatives to the city councils, observing equality.</p>	<p>Article 26 section III and VII.- This Law recognizes and guarantees the right of indigenous peoples and Afro-Mexican communities of the State to self-determination and, consequently, to autonomy, in order to: III. Elect, in accordance with their traditional norms, procedures and practices, their political authorities or representatives to elected office at the municipal level, and guarantee the participation of indigenous women and youth on equal terms, encouraging their involvement and leadership in public affairs; VII. In municipalities and districts classified as indigenous, preferably elect indigenous popular representatives to the town councils, respecting equality.</p>
<p>Law No. 483 on State Electoral Institutions and Procedures</p>	
<p>Article 14. Municipalities shall be governed and administered by their respective popularly elected City Councils, made up of a Municipal President , one or two trustees</p>	<p>Article 14. Section B. Municipalities with 40 percent indigenous population have the inalienable right to request from the competent authorities</p>



and councilors of proportional representation, based on the following bases:	the change of the political party regime to customary practices to elect their municipal authorities, guaranteeing that indigenous women and men enjoy and exercise their right to vote and be voted for under conditions of equality; as well as to access and hold public office.
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Future lines of research

Due to the scarce information and field studies regarding the efficiency, experiences and results of the election model based on customs and practices of indigenous municipalities in Guerrero and other states such as Oaxaca, Chiapas and Michoacán, this research may be a newspaper precedent and it is recommended to do more research, preferably in the field and its techniques.

While it is true, as stated in this article, that there are bibliographic sources from nationally and internationally recognized authors, it is also true that more research is needed in their different perspectives and areas of indigenous law.

Issues can be addressed regarding their rights to health, food, freedom of personality, election of their authorities, protection of their cultural heritage, their political electoral rights, their justice system, among other areas that have been addressed superficially.

However, autonomous decentralized bodies such as the National Institute of Statistics and Geography and the National Council for the Evaluation of Social Development Policy, which collect and disseminate quantitative and qualitative information on various topics, including those of the indigenous peoples of Mexico, in addition to measuring poverty in the case of the latter.

However, this information can only be used for informational purposes, so it is also recommended that these organizations and other people who are interested in indigenous issues approach it using field methodologies and in this way establish a link with the object of research and capture information such as studies, statistics, experiences, qualitative qualification in the case of choosing by uses and customs.



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