



FPP-06-01

Indigenous Governance and Territory

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EXECUTIVE SUMMARY

This document addresses some historical features through which Indigenous governance has evolved in Latin America, including its spheres, scope and limits, and the correlation between Indigenous governance, self-management, multiculturalism and territory. Indigenous governance is understood as a system from both an Indigenous and external perspectives. Indigenous governance is understood as a system that works from the inside of Indigenous peoples as well as from the outside, and refers to the exercise of systems of self identity and self authority; the regulation and social internal control of the Indigenous peoples; and the interactions between these systems and national governments. This document then examines the historical ties between Indigenous peoples and government, fraught with opposition and conflict. It also points out that governance has provided Indigenous peoples with solid foundations to reclaim a sense of equality, of belonging, and of collective identity that empowers them with the resolve to handle conflict and the resilience to live and prosper.

In this paper, the term “*Indigenous peoples*” is used to denote ethnic societies, Amerindian natives, who constitute a traditional unit of group conscience, self identity and culture, with their own spiritual, social, economic, political, legal, self-governing and self-determining systems, without necessarily seeking to form independent countries or national states.

Indigenous governance has two prongs: an internal one, which refers to conflicts and concerns that affect social control and regulation, relations with nature, spirituality and the sacred, material and spiritual control of territories, as well as strategies for survival and the future. And an external prong, which involves the defence of self-determination (and self-government), the creation and maintenance of intermediation and contact systems (organizations or representatives) for dialogue and negotiation with societies and national governments, democratic representation and participation (in legislative or executive domains); control of natural resources (their use, conservation, profit, and exploitation), the possession and ownership of land and territory; the defence of a chosen way of life and society; and how and to what extent to integrate themselves to capitalist development and the market economy.



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RÉSUMÉ

Le présent article traite des éléments du contexte historique dans lequel la gouvernance autochtone s'est développée en Amérique Latine; on y aborde sa portée, son champ d'application et ses limites; on y décrit la relation entre la gouvernance autochtone, l'autogestion, le multiculturalisme et le territoire; et on y présente une définition de la gouvernance autochtone du point de vue autochtone et extérieur. Celle-ci s'entend d'un système qui opère tant de l'intérieur des peuples autochtones que de l'extérieur, en faisant référence à l'exercice de leurs propres systèmes d'identité et d'autorité, à la régulation et au contrôle social intern des peuples autochtones, ainsi qu'aux relations de ces systèmes avec les gouvernements nationaux. En outre, on y analyse les relations historiques entre les peuples autochtones et les gouvernements, relations qui sont marquées par l'opposition et les conflits. On y indique également que la gouvernance a conféré aux peuples autochtones des assises solides pour récupérer le sentiment d'égalité, d'appartenance et d'identité collective qui leur donne la force d'affronter les conflits et les résistances nécessaires pour vivre et se divertir.

L'expression « *peuples autochtones* » est employée dans le présent article comme un synonyme des sociétés ethniques, d'origine amérindienne, qui composent une unité traditionnelle, chacune ayant sa propre conscience collective, identité et culture, et ses propres systèmes spirituels, sociaux, économiques, politiques, de justice, d'autonomie gouvernementale et d'autodétermination, sans pour autant chercher absolument à se constituer en pays indépendants et à créer des États nationaux.

Voici deux exemples de gouvernance autochtone. La première, celle de l'intérieur, gère les conflits et problèmes influant sur la régulation et le contrôle sociaux; les relations avec la nature, le spirituel et le sacré; le contrôle matériel et spirituel de leurs territoires; ainsi que les stratégies de survivance et d'avenir. La seconde, celle de l'extérieur, renvoie à la défense de l'autodétermination (et des gouvernements qui leur sont propres); à la création et au maintien des systèmes d'intermédiation et de contact (qu'il s'agisse d'organisations ou de représentants) nécessaires pour le dialogue et à la négociation avec les sociétés et gouvernements nationaux; à la représentation et à la participation démocratiques (sur la scène législative ou exécutive); au contrôle des ressources naturelles (leur utilisation, leur conservation, leur mise en valeur ou leur exploitation), à la possession et à la propriété de la terre et du territoire; à la défense du modèle de vie et de la société choisie; ainsi qu'à la définition des moyens par lesquelles ils réussissent à exprimer les formes de développement capitaliste et de marchés.

Background

The historical background of Indigenous peoples relations since the Spanish Conquest has been marked by violence between two forces, namely Amerindian societies and the Conquerors. This struggle led to subjugation, defeat, servitude, expropriation, as well as to the ethnic and cultural annihilation of large numbers of this continent's native societies.

In the Americas, contemporary Indigenous identities completely identify with this historical experience, which was defined by the exclusion of Indigenous peoples from political, economic and social power. To date, this exclusion has given rise to the ethnic and cultural differentiation and segmentation of Indigenous peoples, which is

characterized by discrimination and negation of these societies, while it has been used by the Indigenous peoples themselves to obtain legislation that acknowledges and protects their rights.

Indigenous identities

The differentiation—partly created by Indigenous peoples themselves—was and still is a form of cultural resistance and strategy for survival, enabling them to reassess *the notion of self* against the nation-state's view of assimilation. This strategy fragmented the Indigenous nations during Colonial and Republican periods; while at the same time helped to rebuild, empower and assert their own internal governments, often by using another survival strategy, namely *invisibilization*.

“... social identity is a dialectic relationship between the difference (acquired values) and the identity (self values) which materializes in the Indigenous person. Besides, the distinctiveness of each Indigenous people will be defined by the elements of difference and identity that coexist in each syncretic process. This new identity must then be accepted by the “native self” and recognized as different by the “others”. Thus, the Indigenous self (identity factor) is constructed in relation to the existence of “other different social groups.” (Martínez, 2002)

In the 19th century, several Latin American constitutions envisaged the construction of a *single nation, a single culture and a single race*, and even, although not explicitly stated, a *single religion*. These national projects failed and lost validity. Instead of the expected assimilation and absorption of Indigenous peoples in the Americas, there has been an increased visibility through a continuous presence that has grown parallel to the affirmation of diversity.

Every Latin American country comprises several Indigenous societies with their own identity, way of life, government and regulation system. There are hundreds of ethnic groups on the Continent. According to the Inter-American Development Bank (2004), the Indigenous population in Latin America ranges between 40 and 50 million; that is, 10% of the total population of the region. *“Indigenous peoples total over 300 million worldwide, representing over 4000 languages and cultures”* (UNDP, 2004) In 1993, the Inter-American Indigenous Institute identified 739 ethnic groups and approximately 400 languages in the Americas. However, these figures are still incomplete and inaccurate and do not reflect the whole Indigenous dimension. For example, it identifies three main ethnic groups in Canada, of which there are some 60 tribes and 617 bands. (Matos, 1994)

Over time differentiation and ethnic segregation, laden with *negative discrimination*, against Indigenous peoples have given rise, as a result of the action of Indigenous peoples themselves, to

forms of *positive discrimination* that have resulted in special legislations and constitutional recognition.

In Colombia an extensive Indigenous legislation has been developed, significant in recognizing the rights to land, territory, natural resources, identity and culture. The 1991 Constitution incorporated these rights as well as established the right to ethnic and cultural diversity as the foundation of the nation. It also recognizes autonomous *government, territory, economic, and legal systems* through the creation of Indigenous Territorial Entities (ITES) as national, political and administrative jurisdictions of the nation. The right to special Indigenous jurisdictions entails the delegation of the national judicial authority to competent Indigenous judges who exercise social control and justice,

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hand down indictments, incorporate elements of the national judicial system, and act within their territories and in some cases beyond their territories. Since the 1990s, Indigenous justice has enjoyed a growing social and institutional recognition, in spite of countless arguments regarding the

principles on which it is based as well as its harmony or lack thereof with universal human rights or constitutional rights.

In Ecuador, many Indigenous rights have been recognized, including the recognition of Quechua as an official language. *“One of the most highly praised improvements to the Constitution of the Republic of Ecuador, in force since 10 August 1998, has been the recognition for the first time of ethnic and cultural diversity, in tandem with similar trends in Latin America since the mid-1980s (the Nicaraguan Constitution, the 1998 Brazilian Constitution, the 1991 Colombian Constitution, the 1993 Peruvian Constitution, and the Bolivian Constitution, among others). “The recognition of ethnic and cultural diversity implies the recognition of Indigenous peoples as a new legal entity, who can define themselves as nationalities, pursuant to Article 83 of the Constitution.”* (Llasang, 2002)

Similarly, Panama recognizes special education as a right of Indigenous peoples, individual and social rights, cultural difference, and the right to possess and administer their own land, government and police force, among others. In 1994, Bolivia passed the Peoples Participation Law (LPP, in Spanish), which established more than 300 municipalities with autonomous resource management and participation in the education, health and government structures.

These are but a few examples of legal or constitutional breakthroughs. However, deeply rooted in the memory of Indigenous peoples is the creation of missionary education systems that, in the name of difference, represented forms of republican, religious, violent, racist and assimilative.

Certainly there has been progress toward the attainment of equal rights in the Americas during the 20th and early 21st centuries. However, the notion of *cultural difference* remains unclear and undefined, and even more so when material and cultural inequality become increasingly pronounced and when *equal opportunities* are still but a dream.

Gradual emergence

Indigenous presence in Latin America has been a slow, continuous process, characterized by violent outbreaks at times. The recognition of this presence and their demands has caused conflicts at the heart of Latin American societies, their constitutions and political institutions. It has impacted their governance structures when Indigenous demands are misunderstood, unheard, negated, suppressed by force or only negotiated under social pressure.

Social upheaval—a more recent phenomenon—of other minority groups, such as religious groups, gays, lesbians and transsexuals, gypsies (or Roms), etc., all pose challenges to governance, which join the racial ethnic movement of Afro-American (the Black movement), with its history of resistance and anti-discrimination struggle in the Americas.

“Hence, the formal equality of individuals in the eyes of the law cannot overlook differences between children, family, women, the elderly, the disabled, homosexuals, Indigenous peoples, etc. (new legal entities) but seek to provide equal treatment to those who are equal and different to those who are different.” (Ibid.)

Several authors have referred to how minority groups that have emerged over the past several decades have affected governance. According to Prats, governance is the harmonious relation between the state, the private sector and civil society; i.e., among strategic actors of society. According to Bobbio (1997), conflicts weaken governments when there are no solid institutions capable of meeting social demands, or when the answers provided are authoritative or curtail fundamental democratic rights such as that of participation. Also, in the words of Camou, *“...governance will be understood as a dynamic balance between social demands and the government’s response capacity.”* (Camou, sf).

Indigenous peoples’ presence at the national level as engaged political actors has a long tradition; however, their convergence with other social actors and the broadening of their demands as national petitions is indeed a more recent development that started in the 1990s.

In this sense, since the 1990s in Ecuador we have witnessed the support given by various social sectors to Indigenous issues, as well as the approach of the Indigenous movement to deal with national concerns beyond ethnic issues. Similarly, in Mexico the Zapatista National Liberation Army (EZLN) in 1994 emerged as both an ethnic movement and against the North America Free Trade Agreement (NAFTA). Also in Colombia we have seen a similar trend of national claims with the election of Indigenous peoples to Parliament by a large number of non-Indigenous votes. The most significant and recent example is the rise to power of Indigenous leader Evo Morales, who has advocated national renewal agenda and had the support of many non-Indigenous sectors in Bolivia.

cultural difference remains unclear and undefined

Indigenous Governance: Spheres, Scope, and Limits

Indigenous governance has different spheres, scope and limits, depending on the particularities of each national or regional history.

Spheres

One specific area of Indigenous governance is that of multinationality as conceived by Indigenous peoples who traditionally live in more than one country. The Mayans—consisting of various peoples—in Mexico and Guatemala; the Kuna in Panama and Colombia; the Wayuú and Barí in Colombia and Venezuela; the Awá in Colombia and Ecuador; the Aymara and Quechuas in Peru, Ecuador and Bolivia (and some in Colombia); the Guaraní in Paraguay and Bolivia; the Mapuche in Chile and Argentina, etc. This sphere has prompted bilateral or multinational agreements on the rights of Indigenous peoples who share more than one nationality. So far, this has been mainly an area of easy governance, good neighbours, and scarce hostility. This does not mean that the globalization principles of universality of rights have taken hold here, nor has the impact of being fragmented by national and territorial borders on Indigenous peoples been recognized. However, to date these cases have not involved major governance conflicts. On the other hand, Indigenous peoples have learned how to re-establish links above and beyond national borders, and rebuild their cultural units and internal government as a people.

Another aspect of Indigenous governance takes place at the national level. In these cases, tensions have revolved around the rights exercised by the Indigenous peoples' internal government and those that are recognized in the national laws and constitutions or de facto. It is mainly in this sphere where Indigenous governance has developed. In keeping with similar regional market and capital trends, the near future will surely witness a growth of regional, bi-national or multinational Indigenous governances. However, that is not yet the case in Latin America.

Another sphere for the exercise of Indigenous governance is determined by the demographic proportion of Indigenous peoples compared to the population of the political administrative entity in which it operates. The challenges are different depending on whether in a given country, region or locality, the population is mostly Indigenous or not.

Indigenous governance tends to be more internally focused when they are a demographic minority and when the cultural effects of discrimination have a strong hold on the actions of Indigenous communities. But as the grip of cultural submission begins to loosen, and as the awareness of being a demographic majority increases, Indigenous governance reaches out seeking access to the political and governmental structures.

Latin American nations will have to rethink their governance and inclusion schemes in light of the Indigenous proposals of multinational states

An example of this is the *Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas* [Agreement on Identity and Rights of Indigenous Peoples] of Guatemala signed on 31 March 1995, even if it has not been fully implemented. Another example is that of Evo Morales, an Indigenous leader elected president of the Republic of Bolivia through an electoral process that represents a political landmark that will have an impact on Latin American dynamics in terms of political power, democracy and Indigenous peoples. This experiences expresses that Indigenous peoples represent a demographic majority at a local or national level, and opens up new opportunities to the solution of their demands, and a way of recovering a vision on how to construct a society and a nation. Latin American nations will have to rethink their governance and inclusion schemes in light of the Indigenous proposals of *multinational states*.

Another example is the growing influence of Indigenous peoples on decision-making processes in Ecuador's political life. They have also taken part in movements that have led to the removal from office of presidents who did not fulfill their electoral promises.

At the local level in Mexico, Indigenous peoples have created participatory *Juntas de Buen Gobierno* [Good Government Groups] in Chiapas under the leadership of the Zapatista Front. The *Juntas* are forms of administrative, political and social government on Indigenous autonomous territories. In Colombia, at the local and regional level in the departments of Nariño and Cauca, representatives of the Indigenous peoples of Pasto, Awá and Páez (Nasa), are currently heading nine city halls, all “with the peoples’ mandate,” and are establishing an *Indigenous and Alternative Mayors’ Network*.

In taking part in municipal or regional governments, Indigenous peoples are faced with new ways of maintaining internal cohesion and adherence to their principles, while striving to perform responsibly at territorial and political administration.

Thus, Indigenous governance is a bi-directional process that operates both internally and externally. On the one hand, it involves the exercise of traditional systems of authority, and on the other, to the inter-relations of these systems with national, regional, and local governments.

Scope

Indigenous authority is not based on the democratic principles of representation and majority, but rather on each community's own traditional criteria. Indigenous leaders, who act as cultural intermediaries with mainstream society, are entrusted with a *mandate* from their communities and peoples. Contrary to western democracies, Indigenous leaders are not independent authorities, but rather spokespersons on behalf of Indigenous internal authorities and the *mandate* and assembly given to them by their people. This particular issue has become particularly relevant with the creation of special districts in some countries and the opening of legislative and executive spaces, which has led some Indigenous leaders who have either been elected or appointed to take on their role in an individualistic way as in the Western tradition.

However, the current trend is for traditional authorities to recover the control over these representations according to their criteria.

The re-evaluation of their government systems has provided Indigenous peoples with a sense of equality in their relationships with mainstream governments, as they both share the status of government leaders; the former as Indigenous leaders and the latter as national leaders. During the struggle for colonial independence, Simón Bolívar, following the victory in Nueva Granada, exempted Indigenous peoples from military service for the role played as political and military *allies*. This was the first time such positive differentiation took place within a newly-formed republic, negotiated on the basis of equality.

The most disquieting and controversial issue is that of self-determination of Indigenous peoples

Indigenous autonomy began gaining recognition in several countries during the 19th century, and later reinforced by constitutional and legal reforms in the 1980s and 1990s. It has been further reinforced by Agreement 169 of the International Labour

Organization (ILO) and the United Nations Draft Declaration on the Right of Indigenous Peoples, the Draft American Declaration on the Rights of Indigenous Peoples and the Durban Conference, among others.

The most disquieting and controversial issue is that of *self-determination of Indigenous peoples*. Even today, many national governments interpret it as a threat to national unity. Nevertheless, for centuries Indigenous peoples have exercised self-determination in their interactions with national governments and societies (whether openly or covertly, depending on the circumstances). Indigenous self-determination has always clashed with national impositions, but, in spite of conflicts, has never sought to break up any nation, state or country in the Americas.

Self-government and self-determination do not stem from the legal or constitutional recognition of these rights, but rely on the validity of their

beliefs and cultures. Thus, even if the right to self-determination is not recognized, it is nonetheless exercised. Furthermore, whether exercised as a fact and/or as a right, Indigenous self-determination does not necessarily mean secession, independence, or the establishment of separatist state forms as something intrinsic.

This does not rule out cases such as the Indigenous Pachacuti Movement (MIP) of Bolivia, led by Aymará Felipe Quispe, President of the United Trade Confederation of Bolivian Farm Workers (CSUTCB), known as “*El Mallku*” (chief, president) of the 2.5 million Aymarás in the Kollasuyo region, an armed radical. However, with the election of Evo Morales as president of Bolivia changes may occur. Another example is the uprising of the Zapatista National Liberation Army, representing several Mexican Indigenous peoples who seek fundamental social and state transformation.

Another controversial issue is the term *Indigenous peoples*. Concerns about its use contradict the recognition of Indigenous rights in universal and regional human rights systems, as well as the fact that they called themselves *Indigenous peoples* and *Indigenous nations*.

The term Indigenous peoples/nations refers to the various *aboriginal ethnic societies of the Americas, which constitute a traditional unit of group conscience, identity and culture, with their own spiritual, social, economic, political, legal, self-government and self-determination systems*. It does not necessarily mean the formation of independent countries or national states.

Limits

Latin American systems have superimposed their governance on Indigenous governance. In every country, Indigenous peoples are deemed *special* nationals, and have either been granted, or governments have been pressed to grant them, certain administrative functions of representation and participation.

Contrary to the Western definition of the *individual* as the foundation and centre of society, Indigenous

peoples enjoy legal rights not as individual or corporate subjects but as *collective subjects*, which have been legally recognized both on a national and international level in many Latin American countries.

This is one of the reasons why imposition and attempts to regulate Indigenous societies, have not been successful. In most cases, this has been a source of confrontation with regard to the recognition of their territories, their links to the international market, significant difference over the use and exploitation of renewable and non-renewable natural resources, etc. It is interesting to note that the country where Indigenous peoples are currently actively involved in the construction of governance is Venezuela (and now Bolivia too). The Indigenous peoples and organizations in Venezuela feel that, for the first time, a regime *foreign* to them has made them

part of a new governance project that they share and that includes them. “...we are constructing a world as part of a new scheme that favours the interests of the majority, based on solidarity, complementarity, cultural relationships, as well as on the social and political convergence of all sectors.”

(Caracas, 2003)

Indigenous systems are alive and active; they have their own extensive web of interrelations that often remain invisible to society and national governments. They unfold parallel to the nation-state system and are often out of limits to the measures adopted by national governments. Every Indigenous people is in itself a complex, dynamic, alive and evolving society that continually reincorporate values while developing and distinguishing themselves from the national mainstream society that surrounds them, which itself is also complex with its members.

Hence, national states’ governance has its limitations in accessing certain areas that fall under the realm of Indigenous governance, thus an understanding between the two is hard to achieve.

Indigenous peoples enjoy legal rights not as individual or corporate subjects but as collective subjects

One of the reasons for the lack of understanding in certain areas is the fact that Indigenous governance systems precede the republican government systems and do not respond solely to present needs. Indigenous peoples' demands today are a consequence of the exclusion they were forced to in the past as well as to the current growing threats to their ethnic and cultural rights and their very survival.

Thus, the confines of Indigenous governance may be defined by the legislation, constitutions, or national governance agreements, though Indigenous peoples do not internally apply these unilateral definitions.

Self-government and Multiculturalism

Some analysts define Indigenous governance based on one of its functions and internal applications: *self-management*.

This valid, albeit partial, approach does not grasp in its entirety the notion of Indigenous governance. **‘Indigenous governance is defined as the sphere of self-administration by Indigenous peoples that, in harmony with applicable law and with Indigenous peoples’ own organizational structures, contemplates: (a) the recognition of the special relationship that exists between the land and ethnic and cultural identity; (b) the recognition of the autonomy in the management of Indigenous lands within the States of which they are part; and (c) the effective participation of Indigenous peoples within local, provincial, and national government.’** (IDB, 2005)

Indigenous governance goes beyond self-management to include their whole universe as peoples. Self-management (which entails administrative effectiveness and efficiency) is a valid and suitable view for many social groups that make up the nation and who identify themselves individually as citizens. The objective of Indigenous peoples is not to join forces to improve their self-management. Instead, they represent a collective entity seeking to realize the best of their way of life within multicultural settings.

Indigenous governance indeed includes the management of material and social resources, but its notion of governance encompasses many other aspects of their social and spiritual world. For Indigenous peoples, effective governance is measured by whether the traditional or political authorities are able to fulfil their role as intermediaries who contribute to the balance and harmony between the spiritual, the human and the natural. At the social level, Indigenous governance is based on the capacity of authorities and leaders to accompany their peoples and maintain the union with and among them, and be able to represent them, interpret their concerns, advise them, and guide them towards better social balances and adequate solutions vis à vis mainstream society.

Other analysts define Indigenous governance based on current demands for the recognition of their rights, identities or their desire to help build inclusive, diverse, multicultural and multiethnic national societies.

“(…) **the notion of governance promoted by Indigenous peoples** first requires the legal and political recognition of social, cultural and ethnic diversity, accompanied by the creation of a system that provides for multicultural and multiethnic relations. This new system must include the institutional framework (the State) as well as all of the different social sectors. Based on this notion, local (and municipal) forms of government take on a key role in the framework of public institutions, and autonomy of territorial and ethnic communities are key within civil society networks. Hence, the reconstruction of governance is of a bottom-up-inside-out nature, which should prevail in the controls over the granting of power and prestige, and in the restitution and protection of equity.” (Iturralde, s.f., World Bank, Indigenous Fund)

Thus, a multicultural approach is adopted to resolve conflicts between governances. This view represents a significant step against proposals of cultural homogeneity; but Indigenous peoples have loftier goals. They do not aspire to being assimilated *in a nice way* into a government and economic system with a

notion of *alien common good* governed by *multicultural tolerance*. Multiculturalism is a modern concept of democratic states, which includes Indigenous peoples, ethnic and other identity groups, but Indigenous demands go far beyond. Indigenous governance aims at internal identity cohesion according to their own worldview. This does not prevent them from pursuing certain inside-outside, bottom-top interests through the State's political architecture. However, this strategy is designed to open up spaces, obtain benefits for themselves, and influence the national structures by applying traditional approaches to modern-day reality.

In an interview with the Indigenous mayor of the municipality of Toribio, Cauca, Colombia, the author obtained the following definition of Indigenous governance. Indigenous peoples define Indigenous governance as ***“the way in which their own authorities, organized in their own way, govern a territory.***

Indigenous views promote advice, guidance and contact with peoples; being aware of the problems that may affect them and ensuring their well-being. It differs from State governance in that the latter is only concerned with observance of the law, responding to cost, efficiency and administrative criteria. Government here equals administration. For Indigenous governance, administrative aspects do not carry much weight. The concept is interpreted differently in that governance entails guiding peoples and attending to their problems. Local and national governments have prevented Indigenous government from flourishing within their own territory. Indigenous territories are seen as an offspring of the municipalities, but municipalities have no autonomy of customs and uses, as Indigenous peoples do. (...)

Polarization between the two systems of governances can be eliminated provided the national government becomes more accommodating by allowing Indigenous communities to develop in keeping their own uses and customs. Such a situation does exist, albeit only in rhetoric. Indigenous communities should be respected to implement a freer internal governance

system in our territories. The ideal scenario would be the creation of a number of autonomous Indigenous regions, which together would form their own Indigenous government that would interact with the national government.” (Vitonás, Jimeno, 2005)

Indigenous Governance and Territory

Governments today find themselves amidst a flurry of re-evaluations imposed by globalization, growing local forces, the demands for increased openness and internationalization of markets and policies, the acceptance and inclusion of various identity groups with their own aspirations different from the mainstream, etc. This explains why national governances in Latin America are going through a period of radical changes and instability, more pronounced in some than in others.

There cannot be Indigenous governance without territory. If there is, it is just a transition between conditions of dispossession and poverty and their claims with regards to the land as an essential part of their

being. This is a deeply rooted sentiment, even in those Indigenous communities that have been affected by recent or past urbanization.

Indigenous governance aspirations with regard to territory include, among others, the restoration of collective property rights over the land and the recognition of the territorial nature of these lands (symbolic and as habitat); the exercise of autonomy and self-determination over their territories; control over the use, conservation and exploitation of renewable and non-renewable natural resources in them, and attaining political and administrative powers of territorial entities (local, regional and national).

Of these four points, the most contentious one is the control over natural resources. However, this does not imply that the others are not interrelated or important. Indigenous peoples feel that globalization and the current Latin American new economic order pose very serious threats on their territories.

Consequently, Indigenous peoples' demands today go beyond strictly ethnic issues, taking stands and voicing their views on national and international policies. Examples of this are the fight against the Free Trade Agreement by the Zapatista National Liberation Army in Mexico; the referendum held by Indigenous peoples and protests in Ecuador and Colombia against the FTAA and the World Trade Organization (WTO); and the struggles of Evo Morales and the Pachakuti Indigenous Movement (PIM) in Bolivia. There have been several Indigenous meetings in the region opposing globalization policies and the exploitation of natural resources. Indigenous peoples believe their views on the use and exploitation of renewable and non-renewable natural resources are very different from that of governments and the international corporate sector. They do not share an extractivist vision with regard to natural resources. Nor do they share the policies on intellectual property, bio-diversity and traditional knowledge, which they see on the one hand as partly protective and as form of dispossession on the other.

These threats against the territorial rights they have barely conquered have given rise to a globalized response to worldwide to globalization policies through the so called Peoples' Global Action (PGA) movement.

Legislation in the Americas with regard to land, the subsoil and natural resources, is quite mixed. In some cases, the subsoil, and hence the resources in them, are state property; in others, national property; and in others private property. In Latin American, these resources are mainly national property or owned by the state. However, Indigenous peoples are demanding the recognition of the their original rights to subsoil resources. Unlike several Indigenous nations in the United States and Canada, Indigenous peoples in Latin America do not want development based on the extraction of natural resources on their territories, nor do they aspire to becoming private entrepreneurs individually or collectively and renouncing their cultures. Instead, they advocate a comprehensive, balanced, not unilateral development.

Nevertheless, there are some experiences of market articulation assimilated creatively by Indigenous peoples. They have also played the role of business peoples, safeguarding the survival of their cultures through intercultural adaptations. Such is the case of the Wayuú communities of the marine salt quarry of Manaure in the Department of La Guajira in Colombia, and the sulphur mines in Colombia's Cauca region. In other cases, successful negotiations have been conducted through dialogue with corporations in order to restore living conditions affected by negotiations considered disrespectful and deceitful by mining companies; for example, the case of B.H.P. Billiton Tintaya S.A., and the Indigenous communities of Tintaya Marquirí, Alto Huacané, and Alto Huarca.

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Conflicts in this area arise as a result of a lack of dialogue and the imposition of authoritarian and/or arbitrary policies, as well as a disregard on the part of governments and companies for differing views.

There are many examples of this, but suffice it to mention two recent ones. The first one has to do with the conflict between the Mapuche peoples and the Chilean government as a result of the relocation of some communities from their land for the construction of the Bió-Bió dam. Negotiations were held with the Chilean government for the allocation of new lands; however, the government did not fulfill the agreement. As a result, the Indigenous peoples filed a lawsuit against the government before the Inter-American Human Rights System, which ruled in favour of the Mapuche and the fulfillment of the agreement. The second example involves the U'wa peoples of Colombia, affected by oil exploration and drilling by *Occidental de Colombia*. The company neglected the ILO mechanism of *prior consultation with free and informed consent* (ILO Convention 169 and domestic legislation) and Indigenous worldview and way of life. Various legal national and international authorities have also dealt with this case.

Another important issue today has to do with Indigenous peoples' access to territorial government entities. Such access has allowed interactions between the political and administrative entity and Indigenous peoples living within the territorial borders of that entity. Yet, it has also created problems and contradictions with regards to Indigenous peoples' own traditions and that of the participating and representative democratic state, the management of resources and the search for consensus with other non-Indigenous social sectors. These are difficulties that Indigenous peoples are just starting to learn how to solve.

Indigenous peoples have decided to share with the democratic world their beliefs and institutions (collective right over the territory, community-based systems in regards to the land-family relationship — *ayllu*, *minga* — conflict-resolution mechanisms, etc.). Examples of this are the Bolivian and Ecuadorian political programmes of a *multinational state* where there's a space for all. Participation is a key indicator that in this new age of globalization, Indigenous peoples no longer wish to be excluded. Thus, Indigenous movements have broadened their agendas beyond ethnic issues.

Evo Morales' victory as president of the Republic of Bolivia will be crucial in showing how, for the first time in Latin America, a mostly-Indigenous nation can be governed by an Indigenous person who managed to grasp the aspirations of Indigenous groups, farmers as well as different urban sectors—students, intellectuals, and other non-Indigenous sectors. It remains to be seen how Indigenous governance and democracy will join together into an *inclusive and plurinational* system and how it will achieve consensus for respect and common development with the national and international communities. This historical challenge may carry the seeds of new models provided national and international tolerance and respect allow it. The new administration will seek to reinvent the Bolivian nation and create a *plurinational and native state*, whose philosophical motto is to base social relations on the principles of *ama quilla, ama llulla, ama shua* (thou shall not lie, steal or kill).

Conclusion

Indigenous governance is, above all, a series of dynamics and forces that flow between two or more views of the world, in a constant flux and change, achieving or losing balance, which aims at maintaining unity and an Indigenous ethnic conscience based on consensus and respect. It operates both internally and externally within a wider global system that contains them, as are the Latin American national states.

Indigenous governments have existed within national governments that disown them but make them a *part* of them, while preserving their differences and self-determination. Conflict and opposition have characterized Indigenous relations with national governments. However, Indigenous governance has been the foundation for Indigenous peoples to preserve their unity and cohesion, a sense of equality and of belonging, and a collective identity. All of this has given them strength to face conflict and resilience to live and prosper.

Internal Indigenous governance refers to the role that traditional leaders should play as advisors and companions of their peoples. Management and administration are secondary for Indigenous governments. Their main duty is to know of the conflicts and problems that affect social control and regulation; the relations with nature, spirituality and the sacred; the material and spiritual control over their lands and strategies for survival and the future. External governance aims at the defence of self-determination (or self-government); the creation and maintenance of mechanisms of intermediation and contact for dialogue and negotiation with national societies and governments; to democratic representation and participation (in legislative or executive domains); the control of natural resources (use, conservation, and exploitation), to the possession and ownership of land and territory; to the development of a chosen way of life and society and the definition of how and to what extent to integrate to capitalist development and the market economy.

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**Translation of original published in Spanish under the title “Gobernabilidad Indígena y Territorio” (FOCAL, January 2006, ISBN: 1-894992-33-4).*

Editors: Julieta Uribe, José Hernández

March 2006

ISBN: 1-894992-35-0

Publications Mail Agreement: 40012931

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The preparation and printing of this paper has been made possible thanks to support from the International Development Research Centre (IDRC).

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