



Special Edition, May 2006, ISSN 1703-7964

### Indigenous Governance and Democracy in the Americas *Special Edition*

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#### Editorial Board

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## FOREWORD

### Indigenous Governance and Democracy in the Americas

*Omaira Mindiola*

This edition of *FOCAL POINT Spotlight on the Americas* addresses topics central to the “Indigenous Governance in the Americas” project, which in its first phase was devoted to mapping indigenous governance in Chile, Peru, Bolivia, Guatemala and Canada. The following edition showcases some of the main points of view we gathered from Indigenous and non-Indigenous analysts at various fora.

According to them indigenous governance goes beyond a simple vertical relationship between the state and Indigenous peoples via social development programs. Instead, governance is the way in which Indigenous society functions with its own system for exercising power, making decisions and resolving conflicts. These social structures and value systems differ from those of the national society—which established itself without taking them into account—yet the two systems must interact. Ideally, they should work together instead of competing or attempting to superimpose themselves on each other. The notion of governance should thus entail a redefinition of the relationship between Indigenous and national societies defined in intercultural terms but with a transverse character (*i.e.* indigenous policies should be designed with the participation of Indigenous peoples).

In Latin America, this is the type of governance sought by most, in light of the surge of indigenous movements and their efforts to open up spaces in decision-making within the democratic framework. In Canada, what has happened is the achievement of indigenous self-government (different from indigenous governance), based on three-party negotiations between the federal and provincial governments and the indigenous group wanting to exercise that right.

One of the key elements of indigenous governance is the self-determination of peoples, of which the practical expression is autonomy (not separatism) based on a regulatory system (in this case customary practices and laws) that organizes the social life. The ratifying countries of International Labor Organization (ILO) Convention 169/89 on Indigenous and Tribal Peoples in Independent Countries have constitutionally recognized the rights of these peoples, and their system of customary practices and laws as one of their collective rights. Nevertheless, the prevailing legal monism in some countries not only breaches the ILO Convention but also obstructs the functioning of a parallel, indigenous normative system, thus generating social conflicts.

The dynamic of Indigenous peoples in the search for spaces of participation reveals to the states their commitment to the construction of democratic governance, transforming Indigenous peoples into a stakeholder in the national polity. In many ways, they are at the forefront of the struggle for recognition of rights—at the constitutional level and in practice—in a multiethnic and pluricultural country. This has been demonstrated by indigenous movements in the Central Andean countries—especially Bolivia and Ecuador—and in Guatemala where, despite reforms, the causes that have given rise to serious conflict and violence remain in place. In this regard, one of the primary demands, common throughout the region, has been land and the control of its resources as one of the collective rights that guarantees the cultural and social survival of peoples.

Political involvement of indigenous movements has increased in the past decade in response to the neoliberal development model, which places further emphasis on individual interests, and therefore, as a philosophy, contrasts with indigenous demands for recognition as “peoples” and recognition of their collective rights. This position is illustrated in the controversies that have arisen in some cases in the exploitation of natural resources for export, which in large part are found in indigenous territory or lands inhabited by Indigenous communities. An interweaving of relations for economic and/or political integration covers the continent, trying to obtain the best results in the competition for the extractive industries market. In this scenario, dialogue with Indigenous peoples and their participation in decision-making to determine their share of the benefits plays an important role. In Canada, a consultation mechanism has been established in the agreements between private corporations and Indigenous bands on impacts and benefits once concessions to exploit resources have been assigned to companies. Other spaces for dialogue also exist to strengthen the relationships between the two parties. In Latin America, however, the laws of the market and the power of private sector stakeholders seem to prevail over citizens’ interests, affecting the possibilities for effective dialogue.

To favour investment, governments throughout the region have reformed laws that protected indigenous rights, leading to a setback in the implementation of social policies geared not only to Indigenous, but to the rest of the citizenry as well. Because of this, disturbances and protest marches have taken place including Indigenous people, peasants and trade unionists opposing free trade agreements and certain extractive companies. As part of a political strategy to demand recognition, Indigenous organizations have also integrated, creating national and international confederations to strengthen themselves in the fight for inclusion and the creation of political spaces for decision-making. This includes participation in the agenda of organizations representing the regional integration of states. For example, this is the case of the South American integration of Indigenous peoples—an initiative recently proposed by parliamentarians and Indigenous leaders from eight countries. Such initiatives enable dialogue with organizations that represent regional integration among states in the context of cultural diversity. ■

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## Indigenous Peoples, Democracy and Governance in the Central Andean Region

*Oscar del Álamo*

The three countries of the Central Andean region—Bolivia, Ecuador and Peru—witnessed the arrival of democracy in the late 1970s and early 1980s. Despite the achievements observed with regards to the consolidation of democracy and the fact that reform processes implemented since that time constitute, theoretically, new platforms for socio-economic improvement, the Central Andean countries continue to suffer from serious problems, including those linked to conditions of poverty and inequality.

Although at certain times a relative economic growth has been achieved—as well as relative advances in specific sectors such as public health or education—by and large the Central Andean countries have been caught in the dynamic that characterizes Latin America as one of the most unequal regions in the world. This inequality, in turn, is converted into exclusion and affects most severely Indigenous populations and native groups. Explanations for this imbalance are complex and varied but, among them, it is fundamental to consider that it is the result of the interdependence between the manner in which the nation-state formation process was carried out, the impact that economic adjustment policies have had on Central Andean societies, and the weakness of institutions, all of which have considerably restricted development capacities. Furthermore, the persistence of inequality demonstrates that economic growth is necessary yet insufficient to overcome the aforementioned obstacles, as long as significant gaps in the resource distribution pattern remain.

This situation is both a cause and a consequence of the governability crisis affecting the region. Although this crisis is characterized by various phenomena, two take on fundamental importance: the fragility of the state, and that of political systems. The first speaks of the difficulty of various states to fulfil their basic functions (political stability, rule of law, control of violence), and their incapacity to prevent effects such as corruption and

particularism in the distribution of goods and services.

The second phenomenon refers to the inability of political systems to generate spaces for dialogue and negotiation among political stakeholders, to achieve broad social consensus or to develop effective government actions. The combination of both phenomena has prevented the achievements of the democratization process from moving beyond formal terrain, and resulted in scant improvement for the Indigenous population in real terms in the past 25 years.

As such, the recognition of rights—enshrined in various constitutions and legal texts—has not necessarily translated into new equilibriums regarding these disparities or an expansion of citizenship to Indigenous populations. Among the causes of this, it is pertinent to highlight, the fact that political institutions have not managed to create adequate spheres of real participation where Indigenous groups might be effectively represented in the state as valid interlocutors. The deterioration of traditional mechanisms of representation—evident in characteristics such as the identity crisis of political parties and movements as well as the breakdown in the flow of relations between these and the electorate—has culminated in, among other things, a deficient representation of “minorities,” which has in turn translated into problems such as the dissatisfaction of these minorities with the decision-making process.

Under these circumstances, democracy runs the risk of fundamentally losing meaning among certain sectors, such as the Indigenous population, which has seen its quality of life most dramatically eroded—not only in material terms, but symbolically also. Since the early 1980s this situation has fostered a process of indigenous emergence, primarily in Bolivia and Ecuador, which has led to increasing visibility of Indigenous peoples as social and political stakeholders, and demands for recognition of their distinct identities and their right to political participation.

These demands have forced Latin American societies to confront new visions of what democracy should be. To put it more precisely, one could say that the actions of the Indigenous population are forcing new regimes to confront the limited scope of previous stages of state formation, to resolve the indecisiveness of the current process of institution building, and to consider how new democracies can more effectively reform states to accommodate plural identities, political unities and administrative heterogeneity.

This, however, is not an easy task, but rather implies the need for reform of political participation and representation mechanisms in order for Indigenous peoples to be recognized as a key part of the citizenry. Additionally, there is a need to achieve a balance between indigenous participation in the state and its institutions and respect for the autonomy of indigenous institutions; the state reforms that indigenous movements push for imply a significant deviation from the traditional nation-state model and the notions of democracy and citizenship. Finally, though no less important, is the need to formulate a new development model that allows to overcome disparities and to rebuild the foundations of democracy.

Notwithstanding the fact that the legal and institutional advances achieved to date are of great importance, the construction of a plural, democratic society is a complex challenge. Progress in this area requires an effort, based on mutual recognition, to find a foundation for unity that, taking differences into account, will allow for all to be part of the same project. It is not enough to acknowledge and create conditions for exercising rights; it is also necessary to accommodate the rights of Indigenous peoples in the organization of the state and society.

This is the means to strengthen and rearticulate social ties and, a cultural, and above all, political way to reaffirm differences and the right to be different. The future of the region depends on the recognition of the various identities and resolution of the structural problem of discrimination. The current framework of social, political, economic and cultural relations of the Central Andean countries must be modified: plurality and cultural diversity are key to establishing a new order within the states of the region. ■

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## An Indigenous Perspective on Cultural Diversity and Integration in Latin America

*Omaira Mindiola*

In the last decade, the concept of cultural diversity has gained ground in Latin America, which is illustrated by its incorporation into the legal frameworks of the majority of the countries in the region. Cultural diversity is a term that has been commonly used in fora on development, democracy, economic, social and political integration of states, embodying wills and agreements regarding understanding and harmony between peoples. Of particular relevance are the efforts for the recognition of cultural diversity undertaken by UNESCO to facilitate dialogue through the Universal Declaration on Cultural Diversity and Development and annual meetings

under the auspices of the World Day of Cultural Diversity and Development. This is also why cultural diversity was included in the negotiations of the Free Trade Area of the Americas—at the initiative of Canada—in the action plans of the Summit of the Americas in Quebec in 2001 and Cartagena de Indias in 2002, as well as in other scenarios where the benefits and drawbacks of globalization are debated.

The trade integration policy of countries in the Americas carries cultural diversity in hand like a presentation letter in the face of demands by Indigenous populations for inclusion and equality. In 2002, the Andean Community (currently including Colombia, Ecuador, Peru and Bolivia) established a working group on Indigenous peoples' rights as a consultation mechanism within the Andean Integration System (SAI). At the request of Indigenous groups, the function of this mechanism is to ensure the respect of commitments related to Indigenous peoples in international agreements and the constitutions of member states. Ideally, the goal of this mechanism should not be limited only to cultural goods and services, but also a full recognition of intercultural values that comprise collective rights—*e.g.* customary law, claims for territory, autonomy and biodiversity.

This is where the indigenous peoples are proposing a different form of integration based on the recognition of the right to development and the right to live as peoples in their territory. With this vision of pluricultural integration, parliamentarians and Indigenous leaders from Ecuador, Colombia, Bolivia, Peru, Venezuela, Paraguay, Chile and Uruguay met last year to debate the scope of the proposal for the South American Community of Nations and to anticipate the risks presented by ignorance of the collective rights of Indigenous peoples in member countries when dealing with the interaction between these countries and the extractive companies on ancestral lands.

Experiences to date have demonstrated that despite the legal and institutional advances in the recognition of indigenous rights, states transfer the management of vast areas of the territory to the private sector for exploitation of natural resources, most of the times, breaching the law regarding prior consultation with Indigenous peoples. This, added to cuts in environmental regulations and changes in intellectual property rights, for example, has generated social conflicts in several countries. Among many cases, we find the following: the exploitation of natural gas by Camisea (Peru), of gold in Guatemala, oil in Colombia and Ecuador, the exploitation and trade of hydrocarbons in Bolivia, and the construction of dams in Chile (Bio Bio) and Colombia (Urrá).

The reaction of the Indigenous population has been to strengthen organizations and integration at the national, subregional and hemispheric level to build spaces for debate on the indigenous movement and its influence on the foundation of new plurinational states. This dynamic has opened the door to large-scale mobilization in opposition to free trade agreements in various countries, as well as the design of initiatives for accessing power. One of these initiatives is the Andean Coordinating Committee of Indigenous Peoples and Nationalities from Ecuador, Peru and Bolivia, whose organizations—Confederation of the Peoples of Kichua Nationality from

Ecuador (ECUARUNARI), the National Confederation of Communities Affected by Mining (CONACAMI), and the National Council of Ayllus and Markas from Qullasuyu (CONAMAQ) respectively—are furthering a process to exchange experiences with a view toward participation in international organizations. This will be done jointly with the Coordinating Committee of the Indigenous Organizations of the Amazon Basin (COICA), which already participates as a consultant in the Working Group on Rights of Indigenous Peoples of the Andean Community of Nations, in the Economic and Social Council of the United Nations as well as in the Organization of American States.

In regard to the Central Andean countries, it is worth mentioning the political organization and mobilization of indigenous movements in the defence of natural resources. In Ecuador, under the leadership of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), indigenous, students, peasants and labour union organizations demonstrated in defence of life and sovereignty, until the government cancelled a contract it had signed with Occidental Petroleum Corporation (Oxy). Moreover, CONAIE, based on the collective right to previous consultation enshrined in the ILO Convention—ratified by Ecuador in 1998—filed a constitutional injunction to impede the signing of the Free Trade Agreement with the United States. All these events have been perceived by the Pachakutik Party—CONAIE's political arm—as advances in the conquest of political spaces, and have encouraged them to continue seeking for more political presence at the national level. That is why on May 2006, CONAIE's leader Luis Macas was nominated pre-candidate to the Presidency of the Republic for the elections of 2008. He has said one of his government priorities would be the nationalization of natural resources, starting with oil.

In Bolivia this past February, indigenous, peasant and urban organizations called a social summit for the Constituent Assembly in order to define terms of support for the government-proposed Law Convening the Constituent Assembly to take place in July 2006. The establishment of a new Constitution—something the Bolivian society has sought for a long time—is the means to build a new social pact that will allow them to construct a

pluricultural country. This Constitutional Assembly would be, according to the conclusions of the social summit, a step forward in the process to consolidate indigenous governance in Bolivia. To respond to this social demand will be one of the challenges of President Evo Morales.

In Peru, even though the indigenous movement is not consolidated, the CONACAMI has conducted processes of evaluation and accompaniment for communities impacted by mining projects. As a member of the Andean Coordinating Committee of Indigenous Organizations, CONACAMI and other local Peruvian organizations have received solidarity and support from CONAMAQ in rejecting the new Law on Peasant and Native Communities, which, according to them, does not respect collective rights in eliminating the right to land and territory.

The integration of states—be it political or economic in nature—matched by a similar process of integration of Indigenous peoples may work to strengthen national structures and promote intercultural dialogue. Given the diversity of nations, the political will of the states is necessary to open spaces to indigenous peoples for participation in decision-making. That is the challenge in building good governance. ■

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## Community Engagement With Indigenous Communities is Good Business

*Don Clarke*

As multi-nationals continue to expand their markets and look for new sources of natural resources, their activities will increasingly take them to areas that are home to Indigenous peoples. The market policies of multi-nationals are very different from the traditional values and lifestyles of Indigenous peoples. Large-scale developments by multi-nationals, particularly in the resource extraction industry, have had devastating effects on the original peoples inhabiting regions or countries of operation and created conflict between companies and Indigenous peoples.

In order for multi-nationals to tap these potential markets or develop natural resources within Indigenous territories it is essential to engage Indigenous peoples in a culturally appropriate, respectful and inclusive manner. Companies that lack the corporate capacity to understand indigenous issues quickly encounter issues that can dramatically impact their bottom line and render the business environment hostile.

It is very well known that Indigenous populations maintain cultural, political and legal values that differ from those of the non-Indigenous populations,

and, importantly, maintain particular claims or rights over the local lands, resources and artifacts in accordance with these values.

Corporations working in such diverse areas as development and infrastructure projects, textile, food and extractive industries, tourism, pharmaceuticals, scientific research and the arts and many other areas can all potentially have to grapple with Indigenous claims.

Companies wishing to do business in the traditional territories of Indigenous peoples may find themselves caught in a conflict between the official policy of the national government, which may not recognize indigenous rights, and the demands and claims of the Indigenous peoples themselves, who assert those rights and are prepared to take legal and political action to defend them.

In Canada, there is considerable expertise and numerous examples of how companies and First Nations (Indigenous communities) can work together to build positive and mutually beneficial relationships. One recent successful community engagement is the positive working relationship between the Black River First Nation and the Tembec Paper Group.

Tembec is a leading integrated Canadian forest products company principally involved in the production of wood products, market pulp and papers. With sales of over CND\$4 billion, the Company operates over 55 manufacturing units in Europe, North America and South America employing approximately 10,000 people.

Black River First Nation is an Indigenous Community of 800 people who are the original inhabitants of the land. The traditional territories of Black River First Nation are located in the heart of Tembec's forestry operations in Eastern Manitoba, Canada.

Historically Black River First Nation and the First Nations within the region did not have a good relationship with the pulp and paper mill. In the early 1990s residents protested against the mill. These protests eventually saw changes in the way that the mill conducted its business, especially in regards to their operations within First Nations traditional territories. The implementation of the

Manitoba Model Forest—a part of a voluntary association of partners from around the world working toward sustainable forest management and use—also helped to develop better relationships between the company, First Nations communities, environmental groups, government and non-First Nations communities.

Since its inception in 1992, the Manitoba Model Forest has promoted forestry education, social inclusion, best practices in forestry and research. This entity assisted in developing improved relations between the paper company and First Nations in the region. In the mid-1990s, the Pine Falls Paper Company—with whom the Black River First Nation had a problematic relationship—was sold to Tembec Industries. Tembec, contrary to Pine Falls Papers, adopted a more community-focused approach to the way they conduct business. First Nations communities were also demanding a greater role in the planning and operations of the mill.

To accommodate the communities and the company, it was agreed that a number of committees would be established to create opportunities for communities to ensure that their perspectives and views were included in the harvesting operations of the mill. The Traditional Area Committee (TAC) and the Trapper's Committee are two committees with First Nations representation that work with the company to ensure that their forestry operations do not have long-term environmental impacts on traditional lands and to ensure that traplines and fur bearers are not adversely impacted by cutting operations.

The Black River First Nation community also wanted a better relationship with Tembec and began meeting with the company to improve relations. These initial meetings between the management of the mill and leadership of Black River were an integral part of building a sound relationship between the company and the First Nation. Black River also informed Tembec that the First Nation must be consulted before logging operations resumed within Black River's traditional territory.

Tembec staff were invited to several community meetings to discuss the impacts of their logging operations and to receive feedback about their operations from concerned community members. At these meetings Tembec listened to community concerns and began to implement changes to their operations to address them. As well, Tembec and Black River First Nation have partnered on a number of environmental, educational and economic initiatives, which have been very beneficial to the company and our community.

Tembec Industries and communities like Black River First Nation have built a relationship that is meaningful, respectful, and culturally/corporately appropriate. Tembec's approach to their operations in the traditional areas of First Nations has been one of open communication and inclusion as communities are now part of the decision-making process in areas where Tembec has been granted forest management licenses. In turn, Black River First Nation has shared some of its traditional environmental knowledge and created opportunities for cross-cultural awareness for staff and management

of the Pine Falls operation, which has built a greater corporate awareness for First Nations issues and the way that First Nations people view and utilize the land.

Presently there is a new multi-national company planning to open operations within our region and again Black River First Nation will insist on being properly consulted on the implementation of this new orientated strand board facility. Black River First Nation will not give this company access to the hardwood fibre in our traditional area until agreements with the community have been reached and concerns about the operation have been properly addressed. Black River is actively working to build a positive relationship with the company and it is hoped that a sound working relationship will be established.

Black River First Nation has also been sharing its community engagement model with other First Nations in Manitoba as well as with natural resource extraction companies in Latin America. Through our model we are demonstrating to companies in this region that it is good business practice to engage communities in a meaningful and respectful way and it is equally important to build capacity on both sides to do so. It is clearly understood from our relationship building with Tembec that a positive relationship between the two parties has assisted Tembec in their harvesting operations and for them to obtain Forest Stewardship Council certification. For the community it has provided new opportunities for training, successful deployment of environmental initiatives, employment and economic opportunities. We hope others learn from our example and understand that building relationships with communities is good for business. ■

Don Clarke is Manager of Clarke Educational Services, Black River First Nation.



## The Challenges of the 'Politics of Recognition' in Mexico

*Saloie Moreno Jaimes*

The decade of the 1990s was a period in which the 'politics of recognition' of cultural diversity and Indigenous peoples' rights became quite relevant in Mexico. In 1990 Mexico ratified the Convention 169 of the International Labor Organization (ILO) on the rights of Indigenous peoples and two years later, Article 4 of the Federal Constitution was reformed to formally recognize the multiethnic character of the nation. The 1996 San Andrés Accords on Indigenous Rights and Culture, on which the Federal government and the Zapatista Army of National Liberation agreed on, did not produce a major constitutional reform, that is, one comparable to the draft elaborated by the Congressional Commission for Concord and Peace (COCOPA) created to elaborate the legislative bill on indigenous rights. The legislative bill President Vicente Fox sent to Congress with the purpose of amending the Federal Constitution was very similar to the bill that President Zedillo submitted to Congress in 1996. The bill approved later in 2001, however, reduced the scope of indigenous autonomy set out in the San Andrés Peace Accords and departed considerably from the one drawn up by the COCOPA.

However, contrary to these developments at the federal level, in the Mexican southeast state of Oaxaca the decade of the 1990s witnessed a Constitutional reform, and the approval of different pieces of legislation (in education, administration of justice, the electoral code) recognizing indigenous rights in the state. In 1990 Articles 16 and 25 of the State Constitution were amended, recognizing the plural character of the state—based on the presence of its Indigenous peoples—and the need to respect the traditions and democratic practices of Indigenous communities. With these constitutional and legal reforms, Oaxaca placed itself at the vanguard of the recognition of indigenous rights.

Ten years after the recognition policy was approved, some of its elements are being challenged. One is the lack of mechanisms of post-electoral conflict-resolution. There has been an increase in the number of post-electoral conflicts in municipalities ruled by customary practices and law (*usos y costumbres*) in the period 1995-2005. Nevertheless, these disputes can only be solved by the mechanisms set up by each community, or if necessary, with the mediation of the Oaxaca State Electoral Institute. But the state electoral code does not provide any means of conflict resolution. Sometimes, if an informal agreement cannot be reached among the contending forces, the consequences are violence, social disruption and lack of governance. In a few cases, post-electoral conflicts in *usos y costumbres* have finally been settled by the Federal Court, upon request by a citizen or group of citizens from the community. However, this course of action is only available to those having access to the state justice system, and it constitutes a long-term, costly and complicated procedure for local populations to pursue.

At the same time, there is an increasing awareness of the existence of political exclusion registered in municipalities ruled by customary practices

and law. Indeed, despite the values of equality and solidarity that (theoretically) guide the exercise of public authority in these towns, the *usos y costumbres* regime denies the full extension of citizenship rights, as some sectors of the population in these municipalities cannot vote or fill a position within the cargo system—unpaid mandatory community civil and religious positions predominantly in Indigenous communities. Although the nature and type of denial of citizenship rights varies across municipalities, in general, the sectors excluded are women, newcomers (*avecindados*), municipal agencies, and individuals born in the municipality who do not live there (*radicados*). Women do not vote in 18% of the municipalities in which municipal elections are ruled by *usos y costumbres* and newcomers are disenfranchised in around 30%. In the same way, in 26% of these municipalities the population living outside municipal head towns (*cabeceras municipales*) is excluded from the elected assembly. Therefore, although these exclusions to political participation do not occur elsewhere (or to the same degree), in the most exclusionary of these municipalities there is a real threat to the principle of equality of rights. Indeed, the exclusion of political rights to important sectors of the population has been pointed out as a non-democratic feature of the system.

When the 1995-1997 electoral reform was approved, many features of customary law institutions were not known by the state government. Oaxaca State Electoral institute now face the challenge of helping municipalities ruled by *usos y costumbres* to solve their post-electoral conflicts in an effective, non-disruptive, peaceful way. A new institutional reform might even be necessary to provide them with mechanisms of conflict resolution in cases of post-electoral disputes. The knowledge of (Indigenous and non-Indigenous) local populations about the principles, nature and functioning of the electoral and governmental *usos y costumbres* systems is, nevertheless, necessary in order to solve post-electoral conflicts in a peaceful way. In this respect, local populations need to be active participants in any effort to settle those disputes. However, this conflict-resolution agenda has to be guided by the broader goal of maintaining (or attaining) democratic rule in the state, and this means that non-pluralistic, exclusionary and discriminatory

practices from the state government, political elites or local (communitarian) groups cannot be accepted, as they are contrary to the rights and freedoms established in the Mexican Constitution. ■

Saloie Moreno Jaimes is a Ph. D. student in Political Science at the New School for Social Research in New York.

## A Note from the Editor-in-Chief

Indigenous governance is a major and complex issue in this Hemisphere. Defined in this issue as the way in which Indigenous society functions with its own system for exercising power, making decisions and resolving conflicts, indigenous governance is inserted into a broader discussion about inclusiveness and citizenship within democratic countries. It has become the cornerstone of Indigenous peoples' demands for recognition, both as part of national societies and as distinct cultures within countries. This dichotomy entails a number of challenges that define/shape/characterize the relationship between the state and Indigenous peoples, but also between Indigenous and non-Indigenous peoples, between the Indigenous and the private sector, and between different Indigenous peoples.

The concept of indigenous governance also evolves as a result of experience. In countries like Canada, governance has been defined in terms of autonomy and self-government; in other countries governance remains a distant goal. In some cases, dialogue has prevailed; in others, the incapacity to reconcile different demands and interests has led to protracted disagreement, even conflict.

This Special Edition of *FOCAL POINT* showcases reflections and country analyses and experiences, which form part of a broader debate. For this exercise in dialogue to produce a shared understanding of the multiple aspects of this discussion and help to find solutions to the myriad realities facing the Hemisphere's Indigenous peoples, a much greater number of issues and questions should be analyzed. Some of these are theoretical, even philosophical; others are related to political realities and events. Some of these questions include:

- What have been the experiences of indigenous governance in the countries where it has been recognized? Are there best practices, lessons learned?
- How does indigenous governance relate to the concept of citizenship?
- What is the relationship between governance and autonomy and what importance does this question have within national and transnational indigenous movements?
- How does the two-pronged approach in the search for political participation—greater autonomy for communities and inclusion in the national polity—could lead to the recognition of indigenous governance?
- What does the election of Evo Morales—the first indigenous leader who ran and won office with an indigenous platform—mean for the indigenous movement in the Hemisphere?
- In practice, how can the existence of two value and normative systems in the same territory be reconciled? What capacity does customary law have to respond to new gender realities?

*FOCAL POINT* does not subscribe to one particular viewpoint or one analysis. We are interested in bringing together analysts from background and with different perspectives to share their views. That is why *FOCAL POINT* invites readers to submit their opinions on the articles that appear in this issue, share with us their knowledge and experience on indigenous governance, and write articles on different aspects of this issue for possible publication in a future issue of *FOCAL POINT*. Articles should be analytical, be about 700 words in length, and submitted by **July 31, 2006** in Spanish or English for consideration. Only the authors of articles selected will be contacted.

We look forward to reading your articles!

### Submission Guidelines

Articles should be accessible and of interests to academics, policymakers and students alike.

**Style:** journalistic, analytical. Descriptive articles or summaries are not accepted.

The editorial board will edit the article for format and language and may request changes for clarity and analytical value.

**Length:** 700 – 900 words.

All contributions are on a volunteer basis.

**Please send articles to [clavoie@focal.ca](mailto:clavoie@focal.ca)**

## FOCAL Publications

## Other Documents

### Governance and Democracy: Indigenous Governance in the Americas Publications

Report on two the seminars hosted by FOCAL in the context of the program on Indigenous Governance. "Indigenous Governance and Democracy in the Americas" took place in Ottawa on March 15, 2006, and "Indigenous Territory, Natural Resources and Governance: Challenges" took place in April 6, 2006. [http://www.focal.ca/pdf/Indigenous\\_seminar\\_e.pdf](http://www.focal.ca/pdf/Indigenous_seminar_e.pdf)

### Gobernabilidad y Consulta Previa a los Pueblos Indígenas

Presentation by Omaira Mindiola in the Seminar "Indigenous Territory, Natural Resources and Governance: Challenges," April 6, 2006. (The text is in Spanish). [http://www.focal.ca/pdf/consulta\\_previa.pdf](http://www.focal.ca/pdf/consulta_previa.pdf)

### Pueblos Indígenas, Democracia y Gobernabilidad en la Región Andina

By *Oscar del Alamo*

Paper presented at the Seminar on Indigenous Governance and Democracy in the Americas, March 15, 2006. (Text is in Spanish). <http://www.focal.ca/pdf/alamo.pdf>

### Indigenous Women and Governance in Guatemala

By *Meeylyn Lorena Mejía López*

Paper presented at the Seminar on Indigenous Governance and Democracy in the Americas, March 15, 2006. [http://www.focal.ca/pdf/mujer\\_indigena\\_e.pdf](http://www.focal.ca/pdf/mujer_indigena_e.pdf)

### A Study on the Relationship between Canadian Aboriginal Peoples and the Canadian State

By *Julieta Uribe*

This paper explores the history of and prospects for the relationship between Aboriginal Peoples and the Canadian government. <http://www.focal.ca>

### Indigenous Governance and Territory

By *Gladys Jimeno Santoyo*

This paper examines the historical ties between Indigenous peoples and the government. <http://www.focal.ca>

### Summits in the Americas: Convergences and Divergences

By *Julieta Uribe*. In *FOCAL POINT*, Vol. 4, No. 10.

[http://www.focal.ca/pdf/focalpoint\\_nov-dec05.pdf](http://www.focal.ca/pdf/focalpoint_nov-dec05.pdf)

### Indigenous Summits and the Summit of the Americas: Towards Continental Integration

By *Omaira Mindiola*. In *FOCAL POINT*, September 2005, Volume 4, Number 8. [http://www.focal.ca/pdf/focalpoint\\_september05.pdf](http://www.focal.ca/pdf/focalpoint_september05.pdf)

The following documents are available on our website at [www.focal.ca](http://www.focal.ca)

### Declaration of the II Summit of Indigenous Peoples of the Americas, Buenos Aires, Argentina, October 27-29, 2005

[http://www.focal.ca/pdf/indigenous\\_declaration05.pdf](http://www.focal.ca/pdf/indigenous_declaration05.pdf)

### Cumbre Continental de Pueblos y Organizaciones Indígenas, Territorio Mapuche, Mar del Plata, Argentina, 2 al 4 de noviembre de 2005

[http://www.focal.ca/pdf/Cumbre\\_continental.pdf](http://www.focal.ca/pdf/Cumbre_continental.pdf)

## Recent Seminars

*Territorio Indígena, Recursos Naturales y Gobernabilidad: Desafíos*, on April 6, 2006, Guatemala City.

*Indigenous Governance and Democracy in the Americas*, March 15, 2006, Ottawa.



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