MEETINGS REPORT

Project: Indigenous Governance in the Americas

Background

Within the framework of the project “Indigenous Governance in the Americas”, the Canadian Foundation for the Americas organized two seminars focused on topics of Democracy, Indigenous Rights and Territory, in which the gender component had a remarkable connotation.

Objectives

- Exchange knowledge and experiences on Indigenous governance in Chile, Peru, Bolivia, Guatemala, and Canada.
- Strengthen the dialogue at the hemispheric level between Indigenous organizations, governments, academics, and civil society organizations on subjects that help to include and understand Indigenous governance in the Americas.

Speakers and Participants

Members of Indigenous organizations, researchers of specialized institutions on Indigenous issues, government officials, and civil society organizations were invited to speak on the central subjects of the seminar. The participants were basically members of Indigenous communities, government, private sector, embassies, academics, and civil society. Because the events were relatively small, the treated subjects were shared in a good atmosphere of discussion and handling of time.

Seminar 1: “Indigenous Governance and Democracy in the Americas”
(Ottawa March 15, 2006)

Introduction:
The Executive Director of FOCAL, Eduardo del Buey, welcomed the assistants and he talked about the importance of the Indigenous project in the relations of Canada with the American hemisphere for the fortification of democracy. He also indicated the profit obtained in the region with the recognition of Indigenous rights within the Constitutions of some countries, the democratic transition of Latin America in the last twenty years, and the way the O.A.S. has contributed with spaces of dialogue between Indigenous peoples and the states. Finally, he presented the invited speakers and motivated the assistants towards participation.

Omaira Mindiola, project coordinator, briefly explained the relations between Indigenous peoples, the state, and the national society, from the formation of the nation-state in the Americas. She also talked about the programs for poverty reduction, which within the context of modernization of the states, have not settled the real demands of Indigenous peoples, whose main source of well-being, according to their Cosmo vision, is the Earth. Indeed, this one
constitutes the most vulnerable element whereby the rights of Indigenous peoples have been violated through the economic reforms that privatize natural resources and the land. Not in vain the political proposals of the Indigenous movements turn around the construction of a new multicultural nation in the context of democratic governance.

Panel 1: Indigenous Peoples in Latin America

Topic: “The Sacred Duality and Complementariness of the Couple within the Social Structure and the Decision-making Process in the Andes”

Within the Cosmo vision of the Quechwas and Aymaras of the Andes, there is a permanent recreation of the elements that support the society based on natural laws. The basic principle to keep the balance is the system of complementariness, which is materialized in the duality of all the beings who exist in the world: everything has a characterization of “feminine” or “masculine” (the chachawarmi, in Aymara language), and they must act always together.

In the Andean traditional institutions, the system of dual power means inclusion, consensus, and reciprocity; and it is in that context that Indigenous governance works with its own mechanisms of organization and social control, legitimized by the community. Whenever the norms of an imposed scheme of governance are assumed, there are contradictions due to the unequal participation for the decision-making process.

In spite of the external forces to destroy the Indian culture from the nations, self-identification is maintained. The idea of reconstruction of the Tawantinsuyu (Andean community of six countries) regenerates the communitarian sense of property to the Earth whose identity surpasses geographic borders. It is the same identity force that defends the founding of the Kollasuyo, in the case of Bolivia, promoting the Constituent National Assembly. The ideal democracy for the Andean region must be product of a social pact that integrates all elements from the pluricultural perspective and under the principle of duality.

Topic: “The Ayllu, the social basic unit of the Aymara people”

The harmony between the spirit and the matter is reflected in the Ayllu, like the dynamics of the complementariness of opposite sides. The Ayllu is the base of the social structure of the Aymara people. As a socio-economic institution, the Ayllu is constituted by a group of kinship which works to produce foods under the principle of reciprocity and cooperation whereas it controls collectively the land it occupies. The authority is exercised in pair and couple, who are in charge of regulating every social relationship as well as of maintaining the organization by solving conflicts.

The Markas, which is a group of Ayllus, are created from the Ayllu as to conform afterwards the Suyus, or groups of Markas, or nations, each one with its own government. The Ayllu is the basis of the right of self-determination of Indigenous peoples of the Andes. Even if this ancestral figure has changed since Colonial times, today it maintains a protective and valuable spirit towards the territory, and especially supported by the transmission of knowledge in Quechua, which is spoken by several millions of people in Bolivia, Ecuador, Peru, Chile, and Argentina.
Being a source of the right to a political structure, members of the Aymara community of the countries afore-mentioned, have constituted the “Aymara Parliament”, which represented the traditional authorities in order to defend the natural resources and the biological diversity of the Andes. One of its activities is the participation within the special session of the working group in the O.A.S., which is in charge of the Project of the American Declaration on Indigenous Rights. In essence, the traditional Indigenous institutions in the Andean community maintain the institutions established by the national legislation with a non-Indigenous vision that finally prevails.

**Topic: “The Role of Women within the Indigenous Governance in Guatemala”**

Guatemala, which is a country with an Indigenous majority (70% of which 52% are women), resists portraying itself as a nation that possesses a millenary culture that sustains its own identity. Just as the Indigenous cultures of the Andes, the Maya system bases its representation system on the duality and complementariness principles. Both man and woman play a common role in the construction of society, under an equal and respectful relationship. The institutions that exert social control are led by couples, who act in the reproduction of the legislation that strengthens the communities. The ancestral trajectory of women accompanying men in the fight for the land has diminished due to the policies of assimilation and the impacts of wars. The abolition of the traditional authorities gave rise to the imposition of the masculine authority, weakening therefore the duality and not recognizing the rights of the woman. The strength of the organizations from the democratic transition in 1986 retakes the political fight by the petition of the rights as peoples. The Indigenous woman, in spite of the opposing forces, is opening spaces of participation as authority both at the communitarian and municipal levels, and, in some occasions, like companions of the main authority, where still the traditional system survives. At the national level, the natives are excluded from the spheres for the decision-making process, and they do not have representation in congress nor equality of gender as to participate in the councils.

**Topic: “Indigenous Democracy and Governance in the Andean Region”**

Although the process of democratization of the two last decades in the center-Andean countries (Ecuador, Bolivia and Peru) has had some advances, it has not managed to surpass the problems of poverty and inequality rooted from the formation of the nation-state. The inherited institutions have maintained social exclusion, mainly towards the Indigenous population, whose rights are not respected in spite of the ratification of ILO Accord 169/89, which has been one of the positive aspects of the democracy. Another positive aspect is the civil recognition of the political rights and liberties, which opened spaces to the Indigenous peoples to recreate organized forms and mechanisms of participation in the political sphere.

The problems of governance in the region, which are reflected in the political clienteles, corruption, and weakness in the institutions to respond to the demands of the population, make parties of citizen representation lose credibility. This situation has fomented, from the beginning of the 1980s, the appearance of Indigenous movements in search of spaces as strategic actors in order to accede to power. The force of its demands lies on the right to the territory and on the control of natural resources, trying to rescue its identity, language, and the property of ancestral knowledge. These processes indicate that the new order of the center-Andean states within the framework of democracy is the plurality and the cultural diversity.
Panel 2: Indigenous Peoples in Canada

In order to initiate this panel the following project established the relationship of Canada and Bolivia, involving Indigenous population of this latter country.

Topic: “Project of the Royal Military College of Canada in Bolivia”

In Bolivia, there have been some precedents of confrontation between the Armed Forces and the civil population as a result of the protests in claim of their rights. The national government in 2003 decided to implement the professionalism of the Armed Forces, asking the support of academics from Bolivia and from the Royal Military College of Canada, which designed a proposal. With the economic support of Foreign Affairs Canada, a provisional project was undertaken with the purpose of studying the feasibility to adapt the Canadian model of formation of military commands in Bolivia. The Bolivian Armed Forces were also interested in the inclusion of Indigenous cadets – both men and women - in the military school, and this task will be shared with the Observatory of Security and Democracy (OSD) and the Universidad de la Cordillera from Bolivia. Numerous meetings have been necessary with agents of the government, the Armed Forces, academics, and Indigenous organizations to identify the appropriate mechanisms in the development of the program. The Indigenous perspective of the program is a key piece for development of the project, and for that reason there was a Seminar on Democracy and Multiculturalism in La Paz, Bolivia in March, 2006. This seminar counted on a high level of participation of Indigenous organizations.

Topic: “Aboriginal Self-Governance: Canadian and International Experiences”

Historically, the relations between the Canadian government and the Indigenous peoples have been the search of mechanisms to live together and in harmony, notwithstanding their differences. There have been some accomplishments by Indigenous peoples with the Crown, such as the recognition of the right to self-government. In this process many sessions of joint work occurred until obtaining constitutional reforms that overturned the rights of Indigenous peoples as citizens that could participate of all the benefits of the state. The Constitution of 1982 deserves special attention, as it allowed a greater approach of Indigenous peoples to the governmental sphere. It was from this legislative action that the process of dialogue began in order to implement the right of self-government of the communities. Indeed, the inherent right to the territory is the legal principle that recognizes the right of these communities to govern themselves and administer their education, health, other services, their religion, as well as the use of their native language as their first language. Some dispositions are not exerted with autonomy, such as the administration of justice, the protection of the environment and fishing activities, as they must be executed with narrow coordination between the Indigenous government and the federal or provincial government. Given the diversity of Indigenous societies in Canada, a unique form in the negotiations for the implementation of the self-government is not appropriate, and all depends to a great extent on the characteristics of each one. The cases deserve a long process of study and dialogue between the parties.

Topic: “Indigenous Governance and Democracy in Canada”

From the point of view of the Congress of Aboriginal Peoples of Canada, Indigenous governance is associated to the concept of self-determination as a fundamental right, and it is part of the right to their development. Due to the fact that this is a crucial subject for the future
of the Indigenous peoples in Canada, Canada has actively participated in international
discussions on the subject, mainly in the United Nations.

From a critical point of view, Indigenous governance in Canada should be reviewed in key
subjects, such as:
- Access to the financial information of the Assembly of the First Nations
- The discrimination in the implementation of programs and services to the communities
- Discrimination against Indigenous women

Accountability is a key component of good governance, as communities have the right to know
the way the financial resources are executed not only on the part of the government but also by
the Indigenous organizations that administer the resources that are transferred by the
government. The equality in benefiting from social programs for communities has not been
considered for urban, off-reserve Indigenous peoples, and the marginalization is notorious.
Indigenous women have been greatly discriminated, and this needs special attention when one
talks about Indigenous governance. The Native Women’s Association of Canada has made
efforts to defend their rights due to the violence in which they live, especially in urban areas. It
is evident that this is one main remain of the provisions of the Indian Act.

Lessons from the seminar

- Indigenous governance in Latin America is better explained from the way the Indigenous
  society works with its own institutions.
- Democracy in the Andean region has two perspectives: on the one hand, the continuity of a
  political class and institutions with an identity crisis, and on the other hand, the renovation with
  opening to plural identities. This last one gathers the Indigenous demands and from other social
  sectors through the inclusive participation in the national and regional development.
- Protection of the territory is the key right of Indigenous peoples for the political development of
  these peoples, as well as their participation in the democratic renovation of the states.
- Indigenous governance in Canada acquires greater connotation in the relations between
  Indigenous peoples and the state from the perspective of the public administration of Indigenous
  affairs.
- Indigenous institutions are based on the complementariness principle, and they are able to
  fortify the social weave for the exercise of the participative democracy.
- Governance and self-determination are faced with the Indigenous proposals as to alleviate
  poverty and achieve the proper development with identity.
Seminar 2: “Indigenous Territory, Natural Resources, and Governance: Challenges”
(Guatemala City, April 6th, 2006)

This seminar took place due to the support of the Rigoberta Menchu Tum Foundation and the Canadian Embassy in Guatemala.

Introduction

The opening of the seminar was led by Eduardo del Buey, Executive Director of FOCAL, who greeted the attendees and mentioned the relevance of the seminar as to achieve a better understanding and exchange of knowledge between the North and the South countries of the Americas. The Ambassador of Canada in Guatemala, Kenneth Cook, referred to the challenges that both natural resources and development represent in order to achieve human development. The Ambassador of Peace, Rigoberta Menchu Tum, referred to the participation of Indigenous peoples in the creation of democratic spaces where natural resources have been historically shared under the principle of equality. She declared that the duty to consult Indigenous peoples is relevant due to the great responsibility of respect of human rights, especially those of the Indigenous peoples. Omaira Mindiola, project coordinator, explained the objectives of the seminar as well as those of the Ottawa seminar.

Topic: “Governance and Previous Consult to Indigenous Peoples”: Omaira Mindiola (Canadian Foundation for the Americas - FOCAL)

Historically, Indigenous peoples have had dialogue mechanisms, based in their own institutions and on those that interact with the national society scheme. This intercultural relationship, from an external point of view, has been known as governance; in other words, when the state conducts special programs that benefit Indigenous peoples and contribute towards their participation in the public administration. One of the strong indicators within Indigenous governance, from an internal point of view, is the decision-making process on issues that directly affect them as peoples. This is why the ILO Accord 1690/89, recognizing the right to participation of Indigenous peoples, establishes the right of previous consultation as one of the tools that can lead to an informed consent of certain proposals. It is within intercultural dialogue that this right - as well as the right to autonomy and identity - is respected. One could not be able to talk about good Aboriginal governance if the affected communities are excluded from the process of consultation, or are not recognized as being entitled to that right.

Topic: “Indigenous Territories, Natural Resources, and Governance in Peru”: Jorge Agurto

Peru is a country of mining-industry tradition, which is the most important sector of its economy, generating more than 50% of its national income with great capital movements but low occupation of labour. The Indigenous population constitutes 48%, which are distributed in three geographic areas of the country: the Andes, the Coast, and the Amazonian. Between 1993 and 2000, 58.5% of the Indigenous territory was given into mining activities with an extractive character, making Peru a dependable country on foreign investment.

Despite the economic potential, the mining industry does not generate a significant amount of employment as to alleviate poverty (54%) or extreme poverty. Human development is seriously
affected by the social consequences and by the conflicts that are derived from natural resources exploitation, due to the impact on health, biodiversity, and the environment. Regarding Indigenous rights, Indigenous communities are not properly informed nor consulted about the projects that take place within their territories. State modernization is being forced, producing identity conflicts that do not allow the possibility of building a new democracy within a plural nation.

Topic: “The Defense of Indigenous Rights: Territories / Natural Resources and the Exploration / Mining Exploitation Concessions”: Roberto Coy (Defenders of the Q’cqchi Peoples - Guatemala)

Even though there is an Indigenous majority in Guatemala, Indigenous peoples have low participation in the decision-making processes. The non-governance model is reflected in the unilateral vision of the national legislation as well as on the lack of recognition of Indigenous peoples’ laws, whose institutions are still in force. Besides, it has been necessary the creation of civil society organisms for the defence of Indigenous rights regarding land property and government mining concessions. Indigenous communities are not duly informed about the process that the government follows to engage certain areas of their territory as to exploit their resources. Thus, there is not a clear consultation process, there are dispossessions of lands, and the affected population is even reinstated in other territorial areas, without settling the dispute between the parties. When the communities’ demands are not heard, after exhausting the legal means, Indigenous communities opt for other means, such as the closing of roads and public protests with a series of petitions and communications towards the Presidency. What Indigenous communities want is the defence of their rights in a pacific and legal way, as Guatemala is still in the process of reconstruction after a long war period. This is why it is necessary that the government be accountable towards communities regarding the exploitation of natural resources on Indigenous territories and its duty to respect ILO Accord 169/89.


The cosmogonic and integral vision of the Earth unites Indigenous peoples of the world. Ever since Colonial times, Indigenous peoples of the Americas have faced a series of conflicts that have threatened their territories. One of them is the extraction of natural resources, which has produced a conflict between the original owners of lands, territories, and resources (Indigenous peoples) and those that use and enjoy those resources (private or public enterprises). The key is to look for the balance point. The Canadian experience has reflected the search for recognition of Indigenous rights, the dialogue, the creation and application of laws related to the extraction of natural resources. Good governance has allowed Canadian Aboriginal peoples to be well informed, participate in the negotiations, as well as on the benefits of extractive industries in their territories. This has not been easy, but Canada has tried to avoid conflict by respecting the rule of law and by trying to achieve human development. International law is one of the mechanisms that Indigenous peoples and states, as well as the World Bank, use to facilitate the dialogue regarding their lands and resources.
General observations of the attendees towards the seminar

- The topic of the seminar is extremely relevant for national debate, and a bigger audience is needed.
- The non-Indigenous vision of governance is simply the relationship between actors.
- The Indigenous vision of governance is that of harmony, respect, dignity, and peace. The authorities of Chichizcatnenalgo pointed out “we do not want anyone to talk on our behalf”. There are 37 spokespersons that depend from the Indigenous Mayors who dominate the Aboriginal language and have Aboriginal knowledge. They exercise their ad-honorem authority, as they dialogue with enterprises and are always willing to settle conflicts in the communities.
- Indigenous governance should be built from the people.
- The World Bank underestimates governance, as it considers it as a way to accommodate interests.
- The Indigenous struggle for their rights is criminalized, as it is considered as a threat for democracy.
- Thinking on solutions
  - In order to achieve governance and harmony, the rule of law is required.
  - The Indigenous peoples of Guatemala have their own proposals for change within a social covenant that would lead to the recognition of Indigenous rights. Indigenous organizations are in charge of socializing those objectives and of negotiating, as well as of forming alliances and associations with the enterprises.
  - Improve the unity and tolerance between Indigenous peoples.
  - The creation of public policies that would lead to the coherence of the rhetoric and the reality regarding multiculturalism.
  - Challenge: How to achieve the relationship between national development from the exploitation of natural resources and the development of Indigenous peoples. In other words, how to achieve an understanding between the parties.
  - Petition
    - To continue with the project in Guatemala regarding Indigenous Governance and Extractive Industries in order to enhance the participation of other social sectors.
    - Produce another seminar in order to make a follow-up of the discussed topic.

Teachings from the seminar

- Governance in Latin American countries, especially in Guatemala, does not possess political instruments that would achieve equilibrium.
- Guatemala needs a deeper dialogue that would lead to tolerance and political will by both the state and the community.
- Indigenous communities are not well represented within the decision-making processes, as there is limited participation, which does not correspond to the majority of the population.