



## INDIGENOUS TERRITORIAL AUTONOMY AND SELF-GOVERNMENT IN THE DIVERSE AMERICAS

Edited by Miguel González, Ritsuko Funaki, Araceli Burguete Cal y Mayor, José Marimán, and Pablo Ortiz-T

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# Introduction

Miguel González,  
Araceli Burguete Cal y Mayor,  
José Marimán,  
Pablo Ortiz-T. and  
Ritsuko Funaki

The collection of articles in this volume came about through an invitation to a group of colleagues to reflect on Indigenous Peoples' struggles for autonomy in the Americas a decade on from the publication of the book *La autonomía a debate. Autogobierno Indígena y Estado Plurinacional en América Latina* (González, Burguete Cal y Mayor & Ortiz-T., 2010).<sup>1</sup> *Autonomía a debate* was a collective work which, at the time, sought to synthesize the growing interest in Indigenous Peoples' autonomies in Latin America following two decades of political, legal and socio-economic changes that had been fundamental to the relationship between States and Indigenous Peoples.

Unlike that publication, this book is not the result of a specialist meeting on the subject, nor does it attempt to offer a synthesis of the autonomous processes in the region, given their inherent plurality. On the contrary, this book is the result of a unique collaborative effort between people who, while they had no previous history of working together, did have a common interest in the same topic: the exercise of autonomy and self-government as expressions of Indigenous Peoples' right to self-determination in a diverse America. Another notable common feature among the contributors is that most of them are women, with extensive experience in research committed

to Indigenous struggles. Also notable is the fact that some chapters are the result of research by Indigenous scholars or activists in positions of leadership and influence within their respective communities, peoples and organizations, or the result of long-standing and well-placed collaborations between Indigenous and non-indigenous colleagues contributing to the struggles for autonomy in the Americas.

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Policies of multicultural recognition peaked in the region around a decade ago but criticisms of this paradigm, now being more forcefully formulated (Hale, 2005; Kaltmeier et al., 2012), were already evident at the time. Critical perspectives have come from different sectors and from a multiplicity of ontologies but particularly from Indigenous Peoples who are facing — in different areas of struggle and with varying degrees of intensity — the onslaught of new dynamics of cultural and economic dispossession, this time especially violent and persistent (Dest, 2020).

Kaltmeier et al. (2012) rightly note that:

Although the emergence of new social movements claiming recognition, participation and redistribution has occasionally been met by repressive institutional responses and open acts of violence, multiculturalism suggests a politics of symbolic recognition with only limited need for restitution or redistribution (p.105).

While policies of recognition began to neutralize the collective action being expressed by Indigenous Peoples in their demands of the State, Indigenous Peoples called (and continue to call) for equitable redistribution mechanisms and policies, and respect for and recognition of their sovereign forms for expressing political autonomy as a fundamental condition for reversing the historical legacies of racism and colonialism.

The limits and challenges to multiculturalism as a policy of recognition have been especially evident in the struggles for autonomy in the Americas. Autonomy — that variety of practices, processes and mechanisms of self-governance by which the inherent rights and sovereign aspirations of the world's Indigenous Peoples to self-determination are expressed and given meaning

— is an intrinsic part of the contemporary socio-political life of Indigenous societies in our Americas. Around the turn of the century, a number of works attempted to capture the origins, dynamics and diversity of the Indigenous self-determination processes that were resulting from constitutional reforms, inspired in part by the multicultural paradigm (Assies, 2000; Sieder, 2002; Van Cott, 2005; Postero & Zamosc, 2005; Yashar, 2007; Bengoa, 2009; González et al., 2010; Rice, 2012). As reflected in the articles published in this volume, the range of Indigenous autonomies is now far more complex, diverse and, at the same time, contradictory (González, 2016; Esteva, 2015). In one group of countries such as Bolivia, Ecuador, Colombia, Nicaragua, Panama, Canada and, more recently, Mexico, autonomies have managed to achieve State recognition, establishing themselves as political-administrative systems of self-government at differing sub-national levels (González, 2015). In other countries such as Chile, Brazil, Argentina, Guatemala, Honduras, El Salvador, the United States and Peru, there are still significant challenges to Indigenous Peoples being able to exercise their right to autonomy, especially in terms of these countries recognizing, respecting and strengthening self-government, promoting plurinational democratic coexistence and politically empowering those who are participating in these processes on a daily basis (Cameron, 2013).

It should be recognized that some States in the Americas have transformed their legislation to provide support to autonomies, and that the region as a whole is putting remarkable regulatory developments and public policies in place in relation to the rights of Indigenous Peoples (Aylwin & Policzer, 2020; ECLAC, 2020). The world's Indigenous population currently totals some 476 million inhabitants living in more than ninety countries (IWGIA, 2020, p. 7), of which the Americas accounts for around one-tenth (ECLAC, 2014, p. 98). If we compare this with the Asian region (China, South Asia and South-east Asia), where the vast majority of Indigenous Peoples reside (Hall & Patrinos, 2012, p. 12), the Americas are notable for its advancement of the recognition of rights (Inguanzo, 2014). And yet, in practice, this recognition has often been undermined by the dynamics of neoliberal economic globalization and the centralizing power of a bureaucratic State apparatus, particularly in terms of the dispossession of their ancestral land by extractive economies. The State has, not infrequently, and indeed perhaps most of the time, either colluded with (in some cases illicit) economic power groups in these processes or treated them with kid gloves, rendering the framework of rights recognized

in national and international legislation virtually toothless (McNeish, 2013; Ortiz-T., 2016; IWGIA, 2019). Moreover, in some countries this state of affairs has led to intransigence and a hardening of the political elites in relation to demands for autonomy together with a consequent radicalization or *de facto* self-proclamation of the peoples by founding or establishing their own autonomies and political sovereignty *vis-à-vis* the State (Sieder, 2020b; Dest, 2020).

In their most general aspects, Indigenous autonomies can be viewed as a specific and flexible method of dividing up power — a constructive arrangement — by means of which States can move toward the construction of more inclusive societies and citizenships (Lapidoth, 1997, pp. 174-5). Beyond that possibility, however, the exercise of autonomy promotes and drives new social relationships based on inclusion rather than integration, on self-affirmation rather than domination.

A large proportion of the experiences considered in this volume coincided in time with the shift in several countries of the Latin American region toward governments elected on progressive political platforms, the so-called “pink tide”, which now seems to have faded away (Larrabure, 2020). These governments pledged to support Indigenous and Afro-descendant agendas, deepen democratic spaces and target their efforts toward the most dispossessed (Rice, 2020, p. 161). The “pink tide” governments adopted more inclusive policies with regard to wealth distribution and managed to reduce inequality and poverty (albeit to varying degrees) in comparison to countries under conservative governments over the same period (Huber & Stephens, 2012; Flores Macias, 2012; López Calva & Lustig 2010; Balam & Montambeault, 2020). These policies were based on universalist visions of social policy, however, and their implementation was accompanied by a more active role for the central State institutions. From this perspective, policies lost sight of a more integrated and differentiated perspective for Indigenous Peoples and, in practice, tended to overlook — and frequently undermine — mechanisms for the participation and inclusion of Indigenous Peoples, their institutions, organizations and communities.

It should nonetheless be noted that the conservative governments of the same era did no better in addressing Indigenous Peoples’ demands for autonomy. More conservative administrations frequently used social welfare programs to contain Indigenous protest as a counterinsurgency tool, as documented in the study by Yörük et al. (2019) in the case of Mexico. In addition, the rise in commodity and mineral prices on global markets promoted an

expansion of the extractive frontier and, in some cases, a return to primary economies both in those countries governed by the Left and those under conservative administrations, which as a whole showed a moderate level of economic growth. In our opinion — and as other authors have observed — this momentum in a growth model based on natural resources and primary goods brought into focus new and acute contradictions in the relationship between States and Indigenous Peoples and peasant communities (Rubio, 2012). For Indigenous Peoples, it was a struggle to preserve the integrity of their territories in the face of a new onslaught from neoliberal capitalism, and a struggle for their cultural survival. For governments, however, it was an opportunity to ride the wave of the commodity boom before it dissipated. It is no coincidence that, both in those countries governed by Left-leaning administrations and those governed by conservative governments, Indigenous Peoples initiated new cycles of mobilization and activism, often not to achieve new rights but to defend those already constitutionally recognized, and also to construct new meanings for those rights *on the basis of their exercise* (Santos, 2014, pp. 29-30).

At the international level, in terms of protecting the human rights of Indigenous Peoples, the scenario is both promising and declarative. Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Meanwhile, Article 4 states that:

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. (United Nations, 2007)

However, there are significant challenges to this supranational body of law, and it is not always legally binding on States to materialize these texts in a practical way such that Indigenous Peoples are able to effectively exercise their autonomy. Sambo Dorough (in this volume) draws attention to the difficulties of UN member states “have difficulty digesting the fact that the right of self-determination is one whole right, which has various forms, dimensions,

and contexts, including autonomy and self-government.” James Anaya made the same observation when he noted that:

Self-determination cannot be viewed in isolation from other human rights norms but must rather be reconciled with and understood as part of the broader universe of values and prescriptions that constitute the modern human rights regime. (2005, p. 141)

Despite all this, in those countries where agreements on autonomy and self-government have been established, rights are still not fully respected and, in the best of cases, they are adhered to sporadically, giving rise to what Victoria Tauli Corpuz, former UN Special Rapporteur on the rights of indigenous peoples, has called the exercise of “fragmented self-determination” (Tauli Corpuz, 2020, p. 14).

In States that are reluctant to recognize Indigenous Peoples as political actors demanding formal mechanisms through which to dialogue with the State, Indigenous autonomies are perceived as a threat to their jurisdiction. They therefore emphasize the need to defend their exclusive sovereignty over and above autonomy, together with apparent prerogatives over the legal, administrative and territorial competences that derive from this internationally-established principle. This position not only ignores the gradual developments in international human rights standards for Indigenous Peoples but is also outdated and anachronistic in the world today. For their part, Indigenous Peoples propose transforming the State through autonomies, which means facing up to and challenging important implementation gaps and, above all, improving the quality of democracies, making them more inclusive of those who have remained on their fringes. This they intend to do by means of a sub-national distribution of power/government, i.e. through mechanisms of political and not only administrative decentralization (Marimán, 2017, p. 32; IWGIA, 2019; Arteaga, this volume).

Autonomies are also challenged by the lack of an institutional or political environment conducive to Indigenous Peoples’ aspirations for self-determination. One example of this is the right to free, prior and informed consent (FPIC), the adoption of which is still uneven in different countries’ regulatory frameworks and, in some cases, has suffered setbacks caused by a predominance of sham practices. This frequently results in consultations being a mere formality that allows States and domestic and global private agents

to advance their projects to dispossess the peoples of their natural resources and ancestral territories (Aylwin, 2013; McNeish, 2013; ECLAC, 2020, p. 49; Mendoza, 2019; Ortiz-T., this volume).

Given their relevance as Indigenous Peoples' processes of social, cultural and, above all, political construction, Indigenous autonomies now hold great significance as a political and epistemic concept for their peoples and communities in their relationship with States, which is why exercises in Indigenous self-government are gaining relevance, since they are struggling for their recognition, or sometimes simply self-proclaiming it in the face of State opposition. Autonomy can be uncomfortable and challenging to deep power structures that impose exclusive and totalizing systems of law, and States often therefore perceive it as a threat. And yet it is of strategic interest for States to identify best practices by which to improve the defence and protection of Indigenous Peoples' political rights as a distinct ethno-national human group because the State would thus be able to gain stability (peace and order), social justice and coexistence-tolerance-respect for the human rights of all its inhabitants; in addition, however, beyond formal recognition with all its inherent ambiguities, respect for the political rights of Indigenous Peoples lead to improved exercise of the democratic life of their national societies.

For Indigenous Peoples, the consolidation of their autonomies represents a social, cultural and political process that goes beyond the full exercise of recognized rights within contained or open territorial spaces. It may, in particular, mean their epistemological, sociocultural and political survival as distinct peoples, together with respect for their sovereignty to collectively self-recognize (Melin et al., 2016, p. 120). This volume attempts to offer an overview of experiences of autonomous self-government, some in the process of being established, others already operational and, more generally, of the different struggles for autonomy in the diverse Americas, bearing witness to the progress made, the challenges and threats.

## Organization and Content of the Book

The volume is organized into three sections, covering experiences from thirteen countries in the Americas. The first section, which we have entitled “Post-multicultural *Constrictum*”, brings together chapters that address the adversities that autonomies have faced in relation to States in an era of a roll-back of rights. The second section, “Possibilities: recovering what was lost



and rebuilding”, includes contributions that bear witness to important openings and opportunities, whether in national legal orders or in the practices of peoples and their organizations in terms of continuing to make progress toward building their autonomies and self-government, despite the obstacles. The third section, “Autonomies as emancipation: own paths”, includes chapters that highlight the plurality of own practices, the cultural, political and institutional processes being led by Indigenous Peoples on different levels, within different social orders, and with varying degrees of complexity. These processes offer new prospects for emancipation and creative futures in the struggles for autonomy. This plurality of autonomous actions reveals both the collective agency of peoples and their organizations, and the limits of a post-multicultural era.

### Post-multicultural *Constrictum*

Many of the contributions to this volume deal directly or indirectly with the inescapable question of the consequences of multiculturalism for autonomous processes and, in particular, self-government: what are the prospects for Indigenous Peoples today? One post-multicultural innovation, which was novel at the time, was the constitutional reforms in Bolivia and Ecuador. These incorporated the plurinational nature of their respective societies into their political charters, along with Indigenous Peoples’ right to self-determination and autonomy (Aparicio, 2018; Schavelzon, 2015; Santos, 2010). In the years following these reforms, however, not only did the avenues for realizing these rights become restricted, but States also often became actively involved in circumscribing these rights to self-government or actively dismantling the fragile community consensus necessary for forging viable agreements and building autonomies from the vision and practices of the peoples. This method of disabling autonomist aspirations is often accompanied by racist ideologies and colonial rhetoric that attempts to delegitimize Indigenous Peoples’ desires for self-determination, as highlighted by the contributions of the chapters on Bolivia to this volume, particularly those of María Fernanda Herrera, John Cameron and Wilfredo Plata, as well as that of José Marimán on Chile.

It can be seen from most of the contributions in this section that once multicultural policies of recognition had been adopted, limitations on their parameters and apparent hegemony became almost immediately evident

(Harvey, 2016; Postero, 2009). In practice, in a multicultural era, the globalized neoliberal State often behaves like a constricting machine: it restricts, contracts, compresses and frequently disables processes of collective self-determination and self-government by means of different strategies and technologies, resorting to judicial actions, economic policies and political manoeuvres. But this constrictor effect does not revolve exclusively around State power. Reflecting on the effect of Indigenous recognition policies in Canada, Coulthard observes that, while these have enabled a series of devolution agreements as regards Indigenous land rights, economic development initiatives and self-government arrangements, at heart such policies do not change the structures and relationships of domination upon which *settler states* are sustained (Coulthard, 2014, p. 3). These structures do not constitute single or immutable entities but rather form relationships of domination that *converge with the power of the State*, along with capitalism, patriarchy, racism and colonialism, to form the “constellation of power relations that sustain colonial patterns of behaviour, structures and relationships” (Coulthard, 2014, p. 14). Rather than an analytical category, we use the metaphor of a post-multicultural moment and constrictor effect in its heuristic and descriptive sense to investigate its tangible expressions (and its contradictory, non-hegemonic effects) on the possibilities of States entering constructive agreements that emerge from the struggles of the peoples for autonomy and self-determination.

Our colleague Ritsuko Funaki opens this first section with a rigorous comparative study of the implementation gaps existing in ten countries as regards recognized land and natural resource rights, qualities necessary for effective Indigenous autonomy. It is clear from her work that the greater the gap the fewer possibilities there are for “safeguarding other legally recognized rights, such as the right to life and the right to self-determination”. Her reflection reminds us that the exercise of the right to self-determination is an indispensable condition for the exercise of Indigenous Peoples’ other human rights (Sambo Dorough, in this volume).

After this regional comparative overview, the following chapters of this section provide insights into national cases and specific experiences, all of which reflect the multiple dynamics of instrumental constraints on autonomies. The chapter by María Fernanda Herrera, for example, offers an analysis of the regulation governing Indigenous self-government in Bolivia and she suggests that, far from producing a wealth of Indigenous and peasant

autonomies and inclusive and plurinational political decentralization, this regulation has instead resulted in a bureaucratic labyrinth of State control characterized by restrictive and centralizing tendencies. Herrera offers a careful documentary analysis to explain how the Law on Autonomies and Decentralization places limitations on the Constitution, establishing a minor form of autonomy backed by a State that ends up forcing its original nations to accommodate to the rationale of the State rather than bringing about their own territorial and political transformation.

John Cameron and Wilfredo Plata's contribution coincides with Herrera's assessment in noting that the right to Indigenous autonomy in Bolivia was broad in its expectations to begin with but, in practice, became highly restricted in the years following its constitutional approval. The result has been that few Indigenous Peoples and organizations have been able to exercise their theoretical right to autonomy or even express an interest in exercising that right. The authors explore the reasons for these institutional constraints and find that "the political and economic imperatives of the Morales government to control extractive resources and rural voters took priority over the implementation of the right to Indigenous Autonomy". These conditions resulted in different kinds of responses from the communities, ranging from continuity and persistence in the struggle for autonomy despite the existing restrictions and obstacles (such as the Guaraní experience discussed by Pere Morell i Torra in this volume), to "pragmatic and hybrid strategies to govern themselves through already existing state institutions", illustrating their capacity to act in the face of institutional adversities. The chapter also includes a careful analysis and updated data on the variety of community responses to paths to building , Indigenous and peasant governments.

In this section, for example, Miguel González' chapter on the Caribbean Coast of Nicaragua documents how regional autonomy has gone from being a platform for inclusion and restitution of rights to defensive life strategies, often in conditions of a clear deterioration of the social fabric, roll-back of rights and violence against communities. This contribution describes the restrictive system of autonomy and citizenship rights imposed on the country by the second Ortega administration and the tensions and contradictions looming over Indigenous Peoples as a result of the authoritarian and extractivist turn of this government.

Meanwhile, in Verónica Azpiroz' chapter, we read how the way in which States are politically organized and how their bureaucracies act can have

an impact on the manner in which the discourse of autonomy emerges and develops. She tells us that Argentina's non-ethnic federalism (a federalism tailor-made for Spanish-European settlers that did not include Indigenous nations or their territories), and a State bureaucracy that co-opts/captures/atrophies Indigenous Peoples (seen as poor) by means of State subsidies or jobs, has caused Mapuche ideas of political empowerment to develop slowly and diverge in at least two different directions: first, toward a search for spaces of recognition and integration by becoming subsumed in Argentina and its nationalist State discourse (a kind of multicultural neocolonialism in the field of ideas that does not question their political-military incorporation into the Argentine State). And, secondly, toward an autonomism that emulates the experience of the Mapuche on the Chilean side in that it attempts to politically empower Mapuche society but by applying formulas mechanically to an Argentine reality that they do not really fit, since there is no clear or compact territory in which to achieve this utopia (the Mapuche communities are scattered across seven provinces of enormous dimensions). The author recognizes that the discourse of autonomy is reuniting the Mapuche, particularly the young but that, if it is not coordinated with the country's politics or does not dialogue with this and only seeks to confront it, it will have little chance of success.

This section closes with an essay by José Marimán on the recent changes in Chile's political situation, particularly the approval of an historic constituent process and, with this, the possibilities for constitutional recognition of Mapuche Indigenous autonomy and self-government. Marimán values the fact that the social protest of October 2019 has brought into question "the nationalist-assimilationist discourse of the elites, expressing an openness to and acceptance of ethnonational pluralism" — and possibly— Indigenous self-government. However, the author reflects that deeper change is still needed to dismantle the colonialist mentality of the elites, which is preventing the political empowerment of the Mapuche people through various political and legal chicanery. One challenge of great significance is that of overcoming the atomizing dynamic that has already become a part of Mapuche activism and political action, and which is preventing the cross-community, multi-organizational and strategic consensus necessary for the exercise of the right to self-determination.

## Possibilities: recovering what has been lost and rebuilding

As discussed in the chapters of the first section, even though the State has actively placed restrictions on the right to Indigenous self-determination, Indigenous Peoples have still found opportunities to make progress in their autonomous processes within a degraded multicultural framework and a fairly active, albeit not hegemonic, neoliberalism. This is a complex and contradictory scenario, however, both in the internal and external dimensions of the peoples' struggles and in their interactions with different actors. These new socio-political landscapes highlight the agency of Indigenous Peoples to defend or assert their rights to political autonomy through the national courts and the Inter-American Human Rights System — what observers have called the judicialization or juridification of Indigenous political action (Sieder, 2020a) — albeit often combining such strategies with actions of open resistance and active mobilization. In her study on neoliberal multiculturalism in Bolivia, Nancy Postero intuitively warned that “subjects of neoliberalism find in it a number of resources and tools”, since the latter “is not an all-encompassing or hegemonic paradigm that dominates society but rather a philosophy that is expressed in various policies, practices and institutions that are constantly being conserved and/or contested” (2009, p. 39). This dynamic is present in the chapters of this second section, which brings together a body of contributions that describe and reflect on the counter-hegemonic fissures in the post-neoliberal *constrictum* while also turning their gaze toward the different autonomous struggles among the peoples.

Autonomy is also a political process internal to the movements that is built and constructed from the experience of mobilizing organized men and women (binary and complementary genders). The political subjectivity of the subjects as they mobilize and organize to demand rights represents a sphere of socio-political reflection that needs to be interpreted, from the local, micro and experiential levels, the agencies and resistance, right through to the impacts of State power, organized crime, social racism and market logics. This glimpse into the social dynamics within the movements and the construction of social identities (binary and non-binary) places the challenge of inclusion in Indigenous political processes at the very heart of the matter, as suggested by some of the chapters included in the volume, especially Figueroa and Hernández, Azpiroz, Arteaga and Mora.

In the second section, the chapters by Consuelo Sánchez and Araceli Burguete on Mexico, and by Bernal Castillo on Panama, relate the progress made in terms of the right to autonomy as enshrined in the constitutional principles of their countries, but they also reflect on how insufficient such legislation can be when its content is filtered into secondary legislation, significantly restricting Indigenous Peoples' right to autonomy. Despite this, both Burguete's and Sánchez' contributions (and Aragón's, in this volume) demonstrate that, in the case of Mexico, the struggle for self-determination, autonomy and self-government continues to find new opportunities in the processes of constitutional reform and through the courts, making the enforceability of rights and the construction of political alliances effective. The chapter by Consuelo Sánchez, in particular, relates how the constituent process of Mexico City, in which the author participated as a member of the Constituent Assembly, enabled the construction of political agreements and a community consensus in order to incorporate recognition of the collective and individual rights of the Indigenous Peoples of the Valley of Mexico (former seat of the Triple Alliance of Tetzoco, Tlacopan and Tenochtitlan) but also made it possible to recognize the rights of urban Indigenous residents from other parts of the country. The city's constitutional reform thus opened up a path to creatively include rights to functional autonomy — for example, the right to Indigenous identity on the part of populations who were residents of but not native to ancestral territories that are today urbanized — through territorial autonomies that protect and guarantee the collective right to Indigenous lands and self-government as a different (but complementary) scale of jurisdiction to the scope of the city and its municipalities.

Araceli Burguete Cal y Mayor, on the other hand, recounts the experience of an election process using Indigenous Normative Systems in Oxchuc municipality, Chiapas. After a long battle in the streets and in the courts, and in the context of an acute post-electoral conflict that began in 2015 with violent effect, the Permanent Commission for Peace and Indigenous Justice of Oxchuc obtained a favourable ruling from the Electoral Tribunal of the Federal Judiciary on 28 June 2017, ordering the Chiapas Institute for Elections and Citizen Participation to consult its population on their preference for one or other electoral system: that of political parties, or that of Indigenous Normative Systems, thereby initiating a process of autonomy for municipal self-government. The chapter focuses on documenting this election experience (2016-2019), which was the first in Chiapas, and examines the challenges

faced by the municipal authority resulting from this election. She concludes by reflecting on the challenges of replicating this electoral model in other of the State's Indigenous municipalities.

Bernal D. Castillo's text reviews the Gunadule people of Panama's experience of autonomy. Its relevance lies in the fact that this experience is one of the oldest in Latin America, dating back to the second decade of the 20<sup>th</sup> century, so it is important to consider how it has developed in recent years. The Guna have articulated their own perspective on autonomy, in which the development of their institutions of self-government is notable. The chapter describes the functions of the Guna General Congresses (the Guna General Congress, which is the political-administrative unit, and the General Congress of Culture, which is spiritual and cultural in nature), as the highest authorities of the Guna people of *Gunayala Comarca*. It also reflects on the central importance of the *Sagladummagan* (General *Caciques*) as the authorities of the region, recognized since 1953. The chapter provides a detailed record of the socio-political structure of the Guna people in *Gunayala Comarca* based on the norms of the *Gunayar Igardummawala* (Gunayala Fundamental Law). It also documents other strengths of the Guna autonomous experience, such as territorial and economic control. At the same time, it reflects on the challenges currently facing the region given its gradual integration into the market economy.

The chapter by Dolores Figueroa and Laura Hernández offers an intimate look at the internal dimension of autonomy, exploring the analytical and strategic-political elements that Indigenous women organized in the *Coordinadora Nacional de Mujeres Indígenas de México* [National Coordinating Body of Indigenous Women of Mexico / CONAMI] deploy to advocate for their inclusion in the community's political life and, simultaneously, to call for a gender justice that encompasses other dimensions of social life. These other spheres also form the terrain for their autonomous struggles. The analysis thus focuses on understanding how the discourse and critical action of young women within the organization, the change in policies toward Indigenous Peoples, and the effect of public policies on gender equality and prevention of gender violence and femicides, has been shaping the conditions within CONAMI for a paradigm shift in its activism. Figueroa and Hernández suggest that this new type of activism is based on a "double gaze": on the one hand, it "implies a critical and reflexive intersectionality" that constantly challenges the mixed Indigenous movement in the country; on the

other, it questions hegemonic feminism since this simultaneously articulates the struggle of their peoples with demands for gender equality within their communities and organizations.

Magali Copa, Amy M. Kennemore and Elizabeth López share an analysis of the Bolivian State's bureaucratic barriers to autonomy in the Jatun Ayllu Yura territory of the Qhara Qhara Nation, in the face of which the peoples are developing creative strategies by which to challenge the State — both in the courts and in the streets — and, in the process, strengthen self-government and create new forms of social and political organization, which the authors call a form to “re-appropriate the plurinational”. This dynamic usually takes the form of pragmatic actions of articulations both to build community consensus — and thus avoid conflict — and to establish new relationships with the State, as observed by Morell i Torra in the case of the Charagua Iyambae Guaraní Autonomy, also in Bolivia. The novelty of the Jatun Ayllu Yura process lies in the fact that its autonomy process is a territorial reconfiguration that includes strengthening its self-government. However, it also illustrates an important challenge to the limitations of the Bolivian territorial order since its protagonists see in it the possibility of creating “a much broader strategy toward the reconfiguration of an entire nation, the Qhara Qhara Nation”. This implies, in the voices of the authors, a challenge to the configuration of the Indigenous and native nations established in the plurinational State.

In Chile, on the other hand, there is still no constitutional recognition of Indigenous Peoples and, therefore, issues related to their rights, including the exercise of Indigenous jurisdiction (customary law) are debated between the dilemma of their denial and their *de facto* enforcement. In this context, the chapter by Elsy Curihuinca and Rodrigo Lillo describes the Chilean legal framework, which recognizes Indigenous Peoples' access to their own justice system while still living tensely under the dilemma of hierarchical orders of legality (Sieder, 2020b; Melin et al., 2016). In other words, degrees of legal pluralism are permitted but Indigenous Peoples are at all times reminded that State law is pre-eminent and that their own law is unquestionably and arbitrarily subordinate to this. From the authors' perspective, the recognition of a special Indigenous jurisdiction as an expression of their own law is a legitimate and necessary mechanism for peoples to be able to exercise their right to self-determination. And, with this opinion, we have raised a strategic question that needs to be addressed in future discussions of legal orders and autonomous processes: what is autonomy in its essence if not the capacity to



dictate one's own laws and be governed by them?<sup>2</sup> In a political reality dominated by the figure of the State, a pluralist restructuring of the State without questioning its unity-sovereignty but encouraging plurality of government (a government at the country level plus governments at the level of Indigenous territories, and others) requires the capacity to have one's own laws respected at sub-state levels. Otherwise, there is no autonomy/self-government, only administrative decentralization (Máiz, 2008).

In Pablo Ortiz' contribution on Ecuador, it can clearly be seen how institutional staging and ethnocentric political practices have neutralized the intention of the 2008 Constitution to facilitate the creation of special autonomous regimes as the only option for accessing control and administration of local governments. To support this idea, Ortiz studies two experiences in detail: the Kichwa Kayambi community government of Pukará Pesillo, Cayambe in the Sierra Norte; and the self-government of the Pastaza Kikin Kichwa Runakuna-Pakkiru in the Central Amazon. These processes, each in their own way, illustrate some of the paradoxes, deviations and challenges facing Indigenous Peoples in the exercise of autonomy, as well as the recurrent tensions and conflicts they face with the central State, especially as a result of policies linked to the expansion of the extractive industry, agribusiness and deterritorialization.

The overall perspective of this second section is that struggles for autonomy develop creatively, and not without conflict, both in the field of dialectical relations between Indigenous Peoples and State institutions, and internally, as a space of contestation for effective forms of inclusion, representation, voice and contested legal orders, and of intergenerational and gender changes within the organizations, which is of fundamental importance for autonomy.

## **Autonomies as emancipation: own paths**

The last section of the book comprises chapters that reflect on Indigenous autonomy beyond, in opposition to, or having rejected official recognition in order to extend its status as an emancipatory process and thus protect life. It is a section dedicated to autonomy as emancipation, i.e., as a sovereign process of a political and cultural nature capable of expressing Indigenous Peoples' right to self-determination.

The dawning of a multicultural era offered new rights and recognition to Indigenous Peoples in a number of countries, including the right to autonomy,

but at the same time reinforced the State's capacity to limit these rights in practice. The materialization of rights has thus been characterized by force fields that have opened up possibilities both within Indigenous Peoples' movements and in their relationship with States, as reflected in the chapters in the second section of the book. Orlando Aragón (this volume) observes that, in the case of Mexico, multiculturalism "reconstituted the playing field between communities and the Mexican State through the appearance of new narratives, new sectors, actors and instruments of struggle". These new conditions offered opportunities, not without risk, for innovation in Indigenous forms of governance and self-governance, judicial recognition, and new autonomous political relations and practices, including the creation of non-liberal social and political orders and institutions of governance or, occasionally, the open refusal to recognize or participate in interactions with State institutions and other actors (Simpson, 2015).

The contributions included in this third section also suggest that it is critically important to understand how and to what extent the autonomous practices of peoples who are in the process of building their own knowledge and powers (usually focused on interaction with politics as regards State officials) also have a counterpart in other aspects of social community life, for example, in social reproduction and the possibility of creating new social consensuses. Or they are perhaps inseparable, one a dimension of the other, where the politics of rejection of the State in turn enacts "multilayered forms of engagement, internal to the rebel autonomous project", as Mora reflects with reference to Zapatista autonomy (2017, p. 3). Ana Cecilia Arteaga, whose contribution opens this section, seems to corroborate Mora's observation. Arteaga provides an analysis of the struggles of the Aymara women of Totora Marka in Bolivia to promote changes in the gender hierarchies and oppression present in their communities. Women's criticism of these orders (and their possible dismantling) transfer simultaneously to the public sphere through their struggles both to obtain internal consensus in favour of the statutes of autonomy and to achieve external recognition from the State. Starting from women's proposals for local and national transformation, the author conducts a broader analysis focused on the progress and challenges facing Indigenous Peoples in obtaining their institutional recognition within the framework of the plurinational State.

Mariana Mora, on the other hand, reflects on the transition in meanings that the peoples confer on autonomy in Mexico, in an era marked by a

regressive and repressive turn toward extractivism and State security policies. Her analysis clearly shows that such conditions have limited the struggles for autonomy and put the organizations and territories that are today articulating politics of “life-existence” on the defensive in the face of the eliminating and incriminating actions characteristic of the State and other agents, and which result in extreme violence. This same “turn towards self-protection” is described by Viviane Weitzner in her chapter on the Cañamomo Lomaprieta resguardo in Caldas and the Black communities of the Palenke Alto Cauca, where forms of Afro-Indigenous solidarity and territorial governance mechanisms have been established through the creation of unarmed autonomous guards as an expression of territorial self-government. Weitzner’s text also offers an approach to plural conceptions of autonomy, highlighting its conception as an inherent right (albeit limited by external conditions and therefore in “jeopardy”), rooted in the community, territory and cosmovisions of Indigenous and Afro-Colombian peoples.

With a similar aim, that of exploring the plurality of conceptions of autonomy and looking at internal strategies of self-determination (in a context of relatively less violence), in his contribution Pere Morell i Torra offers a look at the process of the gestation, construction and implementation of the Charagua Iyambae Guaraní Autonomy, the first Indigenous autonomy officially recognized by the Bolivian State. The socially participatory design of new institutions of self-government, conceived on the basis of Guaraní political practices and traditions, albeit in dialogue (and tension) with other institutional traditions that coexist alongside Indigenous ones in inter-ethnic contexts such as that of the Bolivian lowlands, illustrates the great propositional capacity of Indigenous autonomous projects. They are capable of incorporating within them (of “Guaranizing”, in the words of a Guaraní intellectual quoted by Morell i Torra) even the traditionally hegemonic white-*criollo* population of the region, which is essential when designing other hegemonies that can provide the peoples with new spaces of power.

An autonomy that forms part of this emancipatory generation, albeit self-proclaimed, is presented in the chapter by Shapiom Noningo and Frederica Barclay, on the Wampís nation in the Amazonian region of Peru, bordering Ecuador. This experience tells how the Wampís nation came to the conclusion that autonomy — which implies a painstaking process of political-territorial reconstitution — is a cultural survival strategy, a fragile but

important line of defence for life in the face of “a point of no return [could be reached] in which there is no longer the ability to imagine a different future”.

While the chapters by Mora, Morell, Weitzner, Shapiom and Barclay do not ignore the important transformations of the State and its relationship with peoples in the construction of autonomies and self-government, they focus instead on recounting how the practices of organizations, communities, territories, self-affirmed municipalities, and autonomous governments are being implemented ‘inwards’ in order to create collective consciousness, build new meanings for autonomy, accumulate power for self-advocacy, and create *life-narratives* that give primacy to political and cultural emancipation (Burguete Cal y Mayor, 2018). As Coulthard observes, the nature of these more radical forms of practising and exercising rights belongs to *permanent* alternative epistemologies of Indigenous Peoples, not necessarily or exclusively operating as responses to official recognition (2014, p. 23).

The third part of the book closes with chapters by Orlando Aragón on Mexico, and Roberta Rice on Bolivia, Ecuador, Nunavut and Yukon, Canada. Aragón documents the emergence of Indigenous self-governments in Michoacán the creation of which is the expression of a particular path to autonomy via the judicialization of Indigenous struggles, and a type of “community-level constitutionalism” of litigation that feeds both interactions with the courts and the building of local consensus. However, Aragón warns of the inherent risks of judicialization in disrupting the “habit and custom” of the communities and, in some cases, the result may be to fuel a kind of intra-communal fragmentation and animosity that could destroy the path to self-government.

Roberta Rice’s chapter reminds us that autonomies, even under favourable institutional and political conditions, are not inevitable but require strong Indigenous movements and States willing to reach lasting and comprehensive agreements. By comparing the process of building autonomies in Ecuador and Bolivia with self-governing agreements and land claims in Nunavut and Yukon in Canada, the author concludes that the possibilities of realizing recognized rights in realities as different as northern Canada and the central Andes can only be achieved through strategies of “institutional engagement” between civil society and the State. Rice comments that, in defining these strategies, there is room for innovation in the processes of self-government and public policy more generally, but she also suggests that “the capacity for political innovation lies within the realm of civil society, while the possibility

for uptake of such innovations is found within the state and its willingness to work with Indigenous communities.” Rice’s conclusions echo one of the most important strands of this collection: autonomy as a constructive agreement and a democratic method of inclusion.

At the time of writing, the COVID-19 pandemic is not over, and it continues to affect the entire world albeit with particularly strong impacts on the most vulnerable communities, and a profound effect on Indigenous Peoples. This crisis has shone a light on the cumulative problems and barriers that have always existed: poverty, a lack of basic services, a lack of health care, a lack of territorial protection, etc. (IWGIA-ILO, 2020, p. 7). As the first regional report of the Regional Indigenous Platform against COVID-19 (2020, p. 39) warns, it is vital to involve Indigenous Peoples in any action taken by governments or institutions of cooperation and to respect the decisions of Indigenous Peoples. This is in line with respecting their autonomy and self-determination. We will thus be able to overcome this critical situation. As the same report states: “more than vulnerability, Indigenous Peoples have demonstrated resilience over several centuries of pandemics and this will not be the last” (p. 4).<sup>3</sup>

Finally, our book seeks to understand the multiple political, cultural and legal dynamics by which Indigenous self-government has been able to assert (or not) the right to self-determination in the light of both global standards and national legislation, or as an exercise of self-assertion. In people’s exercises to affirm spaces, practices and relationships within their communities and in their interactions with State institutions, the right to autonomy is imbued with new meanings. In many of the experiences studied here, the right to autonomy is not a pre-defined right, and the very content of this right is therefore established *in its exercise*, which is readapted in relation to changes in historical relations, political conditions and cultural transformations.

More importantly, we seek to identify and examine common challenges and discuss specific local features that speak to the complexities of implementing different orders of rights in different experiences in the Americas. Many of the chapters included in this book suggest that exercising the right to autonomy is fundamental for the protection of other rights, not only economic, social and collective rights but also so-called individual rights. Autonomy thus becomes a condition for the full exercise of other rights. In the same vein, we seek to contribute to global conversations on Indigenous Peoples’ perspectives of autonomy around the world, as it is quite clear that the current

trends and agendas of international civil society organizations are shifting toward understanding and supporting Indigenous struggles for self-determination and autonomy (ECLAC, 2020; IWGIA, 2019).

## Our imagined audiences

The collective that is coordinating this work gladly offers up the chapters that have shaped this book to an imagined audience that is as diverse as the Americas. We had in mind at every stage of its formation the Indigenous Peoples, their leadership and their activists, as diverse as our diverse Americas in terms of culture, gender, generations and political experience. Among them we highlight the young people, new generations who are seeking and deserve a life of dignity, political subjects who are masters of their own destiny, far removed from the subjugation to which their parents and, above all, their grandparents and past generations were condemned. Young people who have generously embraced the ideas of and struggle for the self-determination of peoples and the political empowerment of their nations and societies.

We hope that our publication will inform interested individuals, groups and organizations in the Americas and around the world who seek to better understand the processes of implementing autonomy, Indigenous rights and self-governance arrangements in the countries and experiences researched here. As for the specific use that our collection may have for the Indigenous Peoples of the Americas, we have to say that given that the politically more advanced segments of the Indigenous movement have begun to raise the demand for the self-determination of their peoples in many States (no longer content to ask those who have subjugated them to solve their problems but demanding the power to participate in decision-making on all matters that affect them), our book is critical for Indigenous Peoples' leaders and activists. We say this because the publication addresses successful and unsuccessful experiences of the use and exercise of political power by Indigenous Peoples (by themselves or in shared spaces). In the same way, our volume examines the paths that some have taken to achieve this strategic objective. Most of the time these paths are tortuous, among other reasons because actual recognition has become a formality that has not been accompanied by the will to put actual changes into effect in the exercise of the rights and powers of peoples.

This is undoubtedly not the only research that takes this perspective. *Autonomía a debate* was certainly a much needed publication at a political

moment when progressive governments, in Bolivia and Ecuador for example, were emerging in Latin America, a time of hope for the Indigenous Peoples of those countries and the continent. The more political of the movement's leaders will find inspiration in this book to discuss their own strategies for progressing the goals they have set for their peoples and organizations, or to review what has been achieved in the exercise of self-government, extracting elements from an analytical and comparative reading that will enable them to contrast their own experiences in order to draw positive lessons from it and improve their political actions. We hope that our effort will encourage these sectors of the Indigenous movement to approach a critical reading of the ideas contained in this book and to reflect on their own political experiences, with the hope of overcoming the pragmatism that is present in some movements and which is stalling the possibilities of advancing toward the goal of self-determination for the peoples in the form of autonomies.

This book is also designed for the "others", for those who, without belonging to the Indigenous world, have been heavily involved in creating positive solutions to the much desired strategic demands for political empowerment of Indigenous Peoples. This includes non-governmental organizations and international cooperation programs, human rights defenders in judicial processes and litigation in national courts, as well as the bodies of the Inter-American Human Rights System, such as the IACHR and the Inter-American Court of Human Rights, which play a fundamental role in protecting human rights. The positions of the political, religious, business and other elites of the dominant nation-state groups in each State of our diverse Americas are also relevant to this discussion, and we hope that a reading of this book may motivate positions and actions in favour of Indigenous Peoples' right to self-determination. This book also shows them that their anachronistic and 19<sup>th</sup>-century nationalist conceptions of the State ("one nation one State" = nation-state) are meaningless in the modern world. The demand for Indigenous Peoples' autonomy does not threaten the unity and stability of States with their imposed and designed "nations". National ethno-political plurality is possible within the current State formation, positively honouring one of the most significant political values of our times: democracy. Autonomies involve a decentralization of power and simply broaden the spectrum of this democracy, breaking down power in order to create valid and operational regulations in specific areas of the territory claimed by the State for those who were previously only marginal, inferior citizens or election fodder in the political

societies constructed in the aftermath of the break with the European colonial metropolises (Marimán, 2017). Through the experiences recounted here, we hope that this audience will re-evaluate the principles and ideologies on which the State has operated and act generously to redress the political perversions of past generations of State nationalists. These policies are regressive and persistent, and therefore need to be overcome.

Finally, because of our professional university training, we cannot fail to mention the world of academia. Colleagues from so many different disciplines will draw inspiration from these works when developing their critique of our ideas and their own visions. Hopefully, this book will motivate them to write on the subject, helping to make visible after decades of neglect the political demands of Indigenous Peoples and thus contribute, from their classrooms or publications, to advancing a more fraternal future in tolerance, respect and national plurality, for future generations of both Indigenous and non-Indigenous peoples.

## NOTES

- 1 Autonomy is understood here as a form of self-determination. The substantive element of self-determination is not the creation of or demand for a state but the fact that it is a universal human right not deriving from international law between states. Secession, or the creation of a separate state, as *the ultimate goal* of self-determination is tantamount to reducing the concept to one of its attributes, that of statehood. James Anaya suggests that “understood as a human right, the essential idea of self-determination is that human beings, individually and as groups, are equally entitled to be in control of their own destinies and to live within governing institutional orders that are devised accordingly” (Anaya, 2010, p. 197). The chapters included in this volume consider the forms of autonomy that are being achieved, or the aspirational processes of peoples struggling for self-government within States, and we therefore consider them to be statements and practices of self-determination. This book is about those experiences.
- 2 Boaventura de Sousa Santos makes an interesting comment in this regard. Indigenous justice is not “an alternative method of dispute resolution like arbitration, conciliation, justices of the peace, or community justice. It is the ancestral justice system of native peoples anchored in a whole *system of territories, of self-government, of their own cosmovisions*” (Santos, 2014, p. 24, emphasis ours).
- 3 In relation to the practical resilience demonstrated at this time, a notable example is the “small measures” taken by Guatemalan Indigenous authorities. As Gladys Tzul shared in a virtual chat, communal political structures or organizations are taking the lead in measures such as disseminating culturally relevant and useful information in their own languages on how to raise the body’s defence system against the virus, decentralizing markets to the communal level to avoid price hikes and shortages, and implementing isolation policies (CLACSO TV, 26 May 2020). In turn, Yásnaya Elena Aguilar invites



us to be aware that there is no conflict between individual and collective well-being. To save ourselves from this pandemic, we each need to act responsibly as a collective and only then will we ensure the lives of each individual (Aguilar, 2020).

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