



DOING DEMOCRACY DIFFERENTLY: INDIGENOUS RIGHTS AND REPRESENTATION IN CANADA AND LATIN AMERICA

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INTRODUCTION

Re-envisioning Democracy at the Intersection of Comparative and Indigenous Political Inquiry

“We do government differently.”¹ This description of territorial politics by an Indigenous member of the Yukon Legislative Assembly, Kevin Barr, of the centre-left New Democratic Party is what initially inspired this book project. The idea of striving “to do government differently” was repeated to me in Nunavut by John Quirke, the clerk of the Legislative Assembly of Nunavut.² During a research trip to Bolivia, Félix Cárdenas, the vice minister of decolonization, spoke with me about his government’s plans to decolonize and de-patriarchalize Bolivian democracy and the state.³ And in Ecuador, the national coordinator of the Indigenous-led Pachakutik Movement for Plurinational Unity, Rafael Antuni, outlined for me that party’s plans to direct the country’s constitutionally recognized plurinational state so as to make democracy work for all citizens.⁴ Across the Americas, Indigenous peoples are busy playing a dual political role building up the structures of self-government within their nations while participating in the electoral politics that characterize these settler states. This book tells the story of four successful examples from Canada and Latin America of how to advance Indigenous autonomy and self-determination through existing democratic mechanisms.

Indigenous peoples are increasingly important social and political actors in contemporary democracies worldwide. While much has been written by and about Indigenous peoples in both North and South America, there are few, if any, cross-regional comparative analyses of the tensions and connections between Indigenous groups and the state.⁵ This book intends to fill this gap. Indigenous political mobilization in the Americas raises important normative and empirical questions for scholars of comparative politics, democratic theory, and Indigenous studies: Are Indigenous-state relations improving in the region? How are different states responding to Indigenous

demands for greater recognition and representation? What are the democratic implications of Indigenous demands for autonomy from the state? In what ways does the project of decolonization unsettle the practice of democracy? These questions are at the heart of this book.

The central objective of the following chapters is to explain how democratic decolonization is being instituted in four different polities, those of Bolivia, Ecuador, Nunavut, and Yukon. The comparison between Canada and Latin America provides analytical leverage for identifying factors that produce distinctive patterns of Indigenous-state relations, with concomitant consequences for the practice of democracy. The book seeks to provide a comparative analysis of democratic innovations in the area of Indigenous rights and representation. It is also meant to contribute to the imaginative and practical task of exploring what democracy could mean and become beyond the “straitjacket of state politics” (Picq 2017, 2). Based on a structured, focused comparison of these four different cases, the study argues that the capacity for democratic innovation lies within the realm of civil society, while the possibility for the uptake of such innovations is found within the state and its willingness to work with Indigenous and popular-sector actors.

The study’s organizational framework is based on Abele and Prince’s (2006) quadripartite typology of self-government models. The theoretical approach elaborated below integrates considerations of structure, agency, and institutions. I borrow from the sub-field of comparative politics its logic of comparative inquiry, its attention to issues of conceptual stretching, and its focus on institutions, states, and regimes (Collier and Mahon 1993; George and Bennett 2005; Kohli et al. 1996). From the sub-field of Indigenous politics, I draw on its grounded approach to theory, its emphasis on local histories, practices and contexts, and its fundamental notions of resurgence, decolonization, and land-based politics (Asch, Borrows, and Tully 2018; Brooks, Ngwane, and Runciman 2020; Tuck and Wang 2012; Wildcat et al. 2014). Only by operating at the intersection of these two sub-fields of political science is it possible to make meaningful, cross-case comparisons that take seriously the role of institutions and the land on which they are built in bringing about democratic transformation in the Americas. Given the scope of this task, the study largely adopts a macro-institutional approach to the study of self-government. By examining various pathways to democratic decolonization, my goal is not to create a new subtype of democracy (e.g., decolonized democracy), but rather to draw out generalizable lessons from real-world examples

of how to upend colonial mindsets and practices within existing democracies. Similar to deepening democracy by ensuring more citizen input and control, democratic decolonization is a process, not a regime type (Roberts 1998). A central premise of the book is that liberal democracy is not the end point of democratic development. In order to do democracy better, and not just differently, Indigenous peoples and settler states and societies in Canada and Latin America will need to come to terms with the responsibilities and obligations of having different nations occupying the same space (Ladner 2018).

Comparative Indigenous Politics

Indigenous politics has long been invisible to political science (Falletti 2021). Ferguson (2006) goes a step further with his provocatively titled article “Why Does Political Science Hate American Indians?” He argues that the discipline is so structured around the state as the primary unit of analysis, including in its technical questions of comparative method and statistical analysis, that non-state actors, even those with sovereign power such as Indigenous peoples, disappear from scholarly view (1031). Much of the concern in the literature has been with formal institutions and how to strengthen them (e.g., Brinks, Levitsky, and Murillo 2020; Huntington 1972; Mainwaring and Scully 1995). At the risk of stating the obvious, formal institutions are institutions of the state. In the Americas, state institutions have been imposed upon pre-existing Indigenous nations. Such institutions have not historically served the interests of Indigenous peoples well (Eversole 2010). According to Barker (2012, 332), “The goal is not to reform imposed systems such that Indigenous peoples can equally benefit from them, but rather to fundamentally decolonize power and place through a transformation of how people relate to and in place.” As noted by de Sousa Santos (2009), never before has there been such a great distance between political theory and political practice. Instead of studying what social actors *should* be doing, we should study what they *are* doing. In places such as northern Canada and the central Andes, Indigenous peoples are remaking democracy to serve their needs and interests, and in so doing they are working to improve the quality of democracy in highly exclusionary societies. Deeper dialogue between democratic theorists and scholars of Indigenous politics would help to close the gap between conceptions of democracy from above and the ideas and practices of democracy from below (Brooks, Ngwane, and Runciman 2020).

Why compare Indigenous rights and representation in Canada and Latin America? There are tremendous differences between both places in terms of levels of economic development, political culture, state capacity, and institutional arrangements. Yet, in both regions, Indigenous peoples have been working to transform a historic relationship with the state that has been characterized by domination and marginalization into one based on mutual respect and understanding and in which all parties are able to pursue their economic, social, and political interests (Altamirano-Jiménez 2013; González et al. 2021; Lindau and Cook 2000). Comparative Indigenous scholarship is needed to provide a better understanding of how Indigenous peoples navigate between Indigenous and settler worlds beyond the established democracies of Canada, the United States, Australia, and New Zealand (e.g., Maaka and Fleras 2005; Scholz 2006; Simpson 2014). According to Kuokkanen (2019, 7), “In order to comprehend and appreciate the complexity and diversity of Indigenous political autonomy and self-determination, it is necessary to transcend discourses, approaches and models created in the Anglo-settler democracies.” There is no one, single way to decolonize democracy. Instead, there are multiple responses, pathways, and possibilities to decolonize states and democracies. In the words of Skocpol (cited in Kohli et al. 1995, 45), “it pays to compare.”

One of the ways in which comparative Indigenous political inquiry has paid off has been in offering new insights into the structuring principle of settler colonialism in the Americas. Settler colonialism is a particular form of structured domination in which groups of people (settlers) leave their countries to establish a permanent homeland elsewhere by way of the displacement of others (Veracini 2016; Wolfe 1999). Premised on the acquisition of land, settler colonialism not only dispossesses Indigenous peoples of their territories and self-determining authority, but also impedes the transmission of knowledge about forms of governance that arise from Indigenous people’s relationships with and on the land (Coulthard 2014; Singh 2019; Wildcat et al. 2014). Settler colonial theory, which considers settler colonialism to be a feature principally of British imperialism, is rarely applied to Latin America (Castellanos 2017; Martínez 2016). Instead, Spanish and Portuguese imperial projects, which are suggested to be rooted in labour rather than land expropriation, are characterized as forms of extractive colonialism (Altamirano-Jiménez 2013). Speed (2017), whose work questions this land-labour divide, argues that in Latin America, Indigenous peoples were subjected to both land

dispossession and labour extraction. She laments the artificial divide between the Global North and Global South in Indigenous studies scholarship and finds that there is a dual theoretical gap in the literature, writing that “theorizations of the settler state (largely elaborated in the north) have not grappled fully enough with neoliberal capitalism, and theories of the neoliberal state (a primary focus in the south) fail to recognize the significance of settler logics that structure the conditions of state formation, including in its current iteration” (784). Likewise, Gott (2007) proposes that we resist viewing Latin America as a continent conveniently set apart from the general history of European settler colonialism in the Americas. In this vein, the unfolding of Indigenous politics in Canada and Latin America provides excellent fodder for comparative analysis.

Colonial history structures Indigenous-state relations within a country, which in turn condition the possibilities and pathways for decolonizing institutions, states, and regimes. European colonization in the Americas, despite a number of common features, resulted in the creation of different economies and politics owing to the encounters between distinct European countries and differing local environments (Lindau and Cook 2000). There are marked differences between Indigenous-state relations in Canada and Latin America. For instance, the Canadian state has traditionally assumed an interventionist role with regard to Indigenous peoples, such as in determining who is and who is not Indigenous and in designing band council governments and outlining internal election procedures (Belanger 2008; Lindau and Cook 2000; Maaka and Fleras 2005). In contrast, Latin American states have generally either disregarded Indigenous peoples, whose communities remained largely beyond the reach of the state, or attempted to recast them as peasants and workers (Rice 2012; Stavenhagen 2002; Yashar 2005). Nevertheless, as revealed by the broad contours of Indigenous-state relations in Canada and Latin America outlined in the next section, states in both regions have worked to dispossess Indigenous peoples of their lands and livelihoods, divide them, categorize them in ways that obscure their identity, discount them from national policy debates, and denigrate them as obstacles to economic growth and development. Viewed through a comparative Indigenous politics lens, states in Canada and Latin America have an uncanny resemblance.

Indigenous-State Relations in Canada

Section 35 of Canada's Constitution Act, 1982, identifies Indigenous peoples as First Nations (i.e., "status Indians"), Inuit, and Métis. Indigenous peoples account for almost 5 per cent of the total population in Canada. Subsumed within these legislated categories are approximately forty to sixty distinct nations or peoples (Abele and Prince 2006). Indigenous-state relations in Canada have been governed by the Royal Proclamation of 1763, the British North America Act of 1867, the Indian Act of 1876, and the pre- and post-Confederation treaties (McNeil 2001; Tully 1995; Turner 2006). The Royal Proclamation of 1763, which claimed British royal sovereignty over Indigenous peoples, set out the rules regarding the treatment of Indigenous peoples and their lands. Following Confederation in 1867, a process by which the Dominion of Canada came into being as a united federation, section 91 of the British North America Act (later renamed the Constitution Act, 1867) gave the federal government of Canada legislative authority over Indigenous peoples (Lindau and Cook 2000). Canada's Constitution Act, 1867, provides the legal authority for the much-reviled Indian Act of 1876, the main legislative basis for the country's Indigenous policy.

The Indian Act continues to serve as the key mechanism of federal policy over First Nation communities. It has allowed the federal government to intervene in the daily affairs of Indigenous peoples to an extent unparalleled in the Americas (Maaka and Fleras 2005). The act defines who is a "status Indian" for government administrative and entitlement purposes. Status is conferred on Indigenous people who are signatories or descendants of signatories to a treaty or party to some other exceptional administrative arrangement with the Canadian government (Lindau and Cook 2000; Tully 2000). Legal status provides First Nations people with special rights and benefits, including the right to live on reserve lands, limited tax exemptions, and certain health and education benefits. Many Indigenous people do not have status. Federal policy denies any special rights to non-status Indigenous people (Abele and Prince 2006; Papillon 2008). Up until 1985, with the passage of Bill C-31 ("A Bill to Amend the Indian Act"), First Nations women who married non-Indigenous men automatically lost their status under the provisions of the Indian Act (Brown 2003). Palmater (2011) has suggested that Canada's system of legislated Indigenous identity serves the state's agenda to control, divide, and assimilate Indigenous peoples. As Duncan Campbell

Scott, Canada's deputy superintendent of Indian and northern affairs from 1913 to 1932, infamously wrote, "Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question" (cited in Palmater 2011, 28). Regarded as wards of the state, First Nations people were denied the right to vote in federal elections until 1960 (Milen 1991).

The treaty relationship between Indigenous peoples and the state is one that sets Canada apart from Latin America. Treaties recognize both parties as equal, coexisting, and self-governing (Tully 2000). Historically, the government signed treaties with Indigenous peoples to legally secure land for settlement. Treaties also served to legitimate the settler state's presence on Indigenous lands (Starblanket 2020). Between 1701 and 1921, more than seventy treaties were signed between leaders of Indigenous nations and representatives of the British Crown (Belanger 2014, 78). Prior to Confederation, treaties served a mainly strategic purpose, while the post-Confederation treaties, including the "numbered treaties" across much of the West, were meant to advance the country's economic development (Lindau and Cook 2000, 9). The treaties contained an extinguishment clause, under which the various implicated Indigenous peoples were required to relinquish all existing and possibly existing land rights to vast territories in exchange for reserve lands, goods, and services (Blackburn 2007; Maaka and Fleras 2005). Canada's unusual land-settlement process has been the subject of criticism both domestically and internationally, including from the United Nations (Rice 2014b). The trajectory in the relationship between Indigenous peoples and the state in Canada is one in which the original treaty-based relationship was eventually replaced by policies aimed at displacing Indigenous people so as to facilitate further settlement and then, later, assimilating Indigenous people into the dominant society (Tully 2000).

Until the 1960s and the rise of the contemporary Indigenous rights movement, Canada's policy toward Indigenous peoples was based on assimilationist goals: conversion to Christianity; establishment of the reservation system; subjugation of Indigenous culture through residential schools; and imposition of Western-style band council governments (Lindau and Cook 2000). The release of the *Final Report of the Truth and Reconciliation Commission* of Canada in June 2015 is seen by some observers as a critical moment in Canadian history. The TRC was established as a condition of the 2006 Indian Residential Schools Settlement Agreement between the Canadian government and the

approximately 86,000 living survivors of residential schools (Corntassel and Holder 2008). The federal government's involvement in residential schools began in earnest in the 1880s when it took a more active role in the development and administration of the schools in partnership with the churches. In 1920, the Indian Act was amended to allow the Department of Indian Affairs to compel children to attend residential schools (Regan 2010). During this period, children as young as four were forcibly taken from their homes and brought to residential schools, where their hair was cut and where they were compelled to exchange traditional clothing for uniforms, forbidden to speak Indigenous languages, and were forced to endure physical punishment, and in some cases sexually abused, in what was tantamount to a system of institutionalized child neglect (Helwig 2017). For over a century, the residential school system separated more than 150,000 Indigenous children from their families based on the assumption that Indigenous cultures and spiritual beliefs were inferior, and as a means "to kill the Indian in the child" (TRC 2015, 130). The last residential school closed in Canada in 1996, though most began closing their doors in the 1960s in the face of mounting political pressure.

Paradoxically, the federal government's attempt to terminate its special relationship with Indigenous peoples in the late 1960s stimulated Indigenous political mobilization in the country. The White Paper of 1969 put forward by the minister of Indian affairs sought to abolish the Indian Act, dismantle the Department of Indian Affairs, and eventually eliminate treaty privileges and special status in an attempt to absorb Indigenous peoples into Canadian society (Ladner and Orsini 2003; Lindau and Cook 2000). According to Turner (2006, 13), the backlash generated by the proposal galvanized a new generation of Indigenous leaders to press for greater recognition of Indigenous rights. It also propelled Canada's five main national Indigenous organizations onto the front lines of Indigenous politics—the Assembly of First Nations, the Congress of Aboriginal Peoples, the Inuit Tapiriiksat Kanatami, the Métis National Council, and the Native Women's Association of Canada. There is no overarching organization to unite the diverse array of Indigenous groups and their interests in Canada.

Indigenous peoples have generally used the courts and the language of rights to assert their claims. Canada's long-standing tradition of providing government funding for legal advocacy has served as an important support structure for Indigenous legal mobilization (Aks 2004). The courts have thus played a central role in redefining Indigenous-state relations in the country.

Scholtz (2006) has suggested that the combination of Indigenous political mobilization that began in the 1960s alongside landmark court rulings shifted Canada's policy terrain toward negotiation and away from assimilation. Most notably, the 1973 ruling by the Supreme Court of Canada, known as the Calder decision, forced the government to reconceptualize its political relationship with Indigenous peoples as one between sovereign and self-determining peoples or nations as opposed to dependent wards. The decision recognized Indigenous title and implied that other types of rights might also be recognized under the law. The ruling ultimately led to the key revisions in the Constitution Act, 1982, that formally recognized and affirmed Indigenous and treaty rights. It also opened the door to the modern-day treaty process, now referred to as comprehensive land claims agreements.

In 1996, the Canadian government released the massive, five-volume report of the Royal Commission on Aboriginal Peoples. The commission was tasked with investigating and finding ways to improve relations between Indigenous peoples, the Canadian government, and Canadian society as a whole. The commission recommended the pursuit of a series of legislative and policy goals aimed at allowing greater Indigenous control over their own affairs (Borrows 2002). The commission's final report offered a vision of a renewed nation-to-nation relationship based on the inherent rights of Indigenous people to autonomy and self-government. The commission's recommendations required such far-reaching structural reforms on the part of the Canadian government that political leaders immediately rejected its findings (Frideres 2008). Instead, the government has sifted through the hundreds of policy proposals contained within the report and selected the most politically expedient issues to resolve, such as compensation to victims of residential schools. By doing so, the Canadian government has managed to sidestep the fundamental issue of Indigenous sovereignty (Maaka and Fleras 2005).

Indigenous-State Relations in Latin America

Latin America came into being through Indigenous dispossession. At the time of the European conquest, between 30 and 70 million people inhabited the continent. Possibly half of the Indigenous population died during this period. Disease, displacement, and forced labour took the lives of millions more (Vanden and Prevost 2009). The estimated number of Indigenous people in the region today ranges from 28 to 40 million, divided among some

670 officially recognized nations or peoples (Layton and Patrinos 2006, 25). Indigenous people are a marginalized majority in Bolivia and Guatemala, a substantial portion of the population in Ecuador and Peru, and a significant minority in most other Latin American countries. Indigenous people's interests have long been excluded from Latin American political agendas, that is, until the 1990s, when Indigenous communities began to mobilize on a variety of fronts in defence of their rights. Race, ethnicity, and power continue to overlap in important ways in Latin American societies, contributing to the ongoing marginalization of Indigenous peoples as well as Afro-descendant populations (Wade 2010). Indigenous mobilization, in particular, has begun to challenge the region's exclusionary governing structures and their failure to meaningfully include, represent, and respond to large segments of the population.

The colonial period, which ran from the late fifteenth to the early nineteenth centuries, saw Indigenous lands divided up into large estates, or haciendas, which were awarded to Spanish and Portuguese conquistadors. Many of the conquistadors were the second- or third-born sons of noblemen, and as such were prohibited from inheriting their fathers' lands in their home countries under Latin law as land went to the first-born son (Chasteen 2011). In the New World, however, they were free to acquire vast territories and live as feudal lords. The Indigenous peoples already living on the land instantly became peasants from whom landowners could extract labour under the *encomienda* system, as long as the landowner took responsibility for instructing them in the Spanish language and Catholic faith (Samson and Gigoux 2016). Indigenous communities that were not absorbed into the hacienda system were required by law to pay a head tax or tribute to the state as well as a set amount of free labour to the landowners, the owners of the mines, or the state for public works under the *repartimiento* system. However hated and onerous the institution of the head tax was, it imparted traditional colonial rights and obligations to Indigenous people by virtue of their status as "Indians" under colonial law (Larson 2004). In some countries, the head tax made up more than 50 per cent of public revenues (Platt 1987, 287). This practice lasted well into the independence period as a means to fund the state. In contrast to North America, European settlers in the Spanish and Portuguese Americas did not generally bring with them their wives and children. Instead, the conquistadors turned to Indigenous and enslaved African women as their partners, giving rise to an entirely new population of *mestizos*, or mixed-race

people (Lindau and Cook 2000; Martínez 2016). It was within this context that Latin America was first developed.

With one exception, there is no history of treaty relations between Indigenous peoples and the state in Latin America. The Parliament of Quilín, convened in 1641 between Spain and the Mapuche people of present-day Chile, recognized the border of the Biobío River and the independence of Mapuche territory to its south (Bengoa 2000, 37). Chilean independence from Spain in 1810 led to the military defeat of the Mapuche by the Chilean army in 1881; this saw the decimation of the Mapuche population, the expropriation of their lands, and their forced relocation onto dispersed *reducciones*, or reserves, surrounded by Chilean settlements (Saavedra 2002; Schulz 2018). Europeans came to stay in Latin America, just as they did in Canada and the United States. When the Latin American republics achieved their political independence in the early nineteenth century, the *criollo* elites, the descendants of the Spanish and Portuguese ruling classes born in the Americas, became the power holders (Gott 2007; Martínez 2016). Settler colonial logic continues to permeate Latin American state structures and institutions. Political elites in the post-independence period wrestled with the question of what to do about their respective nations' large and unassimilated Indigenous populations, as succinctly summarized by Stavenhagen:

Latin America's ruling classes, unable to wish Indians away, were quite happy to build nations without Indians, and this they have been trying to do for almost two centuries. To their chagrin, as the new millennium dawns, not only are [I]ndigenous peoples still present—and their numbers are rising—but they are actually challenging the very model of the nation-state that ruling groups have tried so conscientiously to build up. (2002, 28–9)

Indigenous sovereignty, embodied by a treaty relationship, has never been recognized by Latin American states (Lindau and Cook 2000). This is one of the fundamental features that distinguishes Indigenous-state relations in Latin America from those in Canada.

Indigenous-state relations in contemporary Latin America can be characterized by three attempts at state-led Indigenous incorporation: state-sponsored corporatism (lasting from the 1930s to the 1980s); neoliberal multiculturalism (the 1980s to the 1990s); and post-neoliberal plurinationalism

(2000s to the present). National attempts to link long-excluded Indigenous populations to the state have generally followed on the heels of economic disruptions that upset the existing contract between state and society (Drake and Hershberg 2006). The first of these major crises occurred in the 1930s with the Great Depression, the impacts of which were felt worldwide. The second occurred in the 1980s, owing to the international debt crisis. And the third was prompted by the massive tide of protest against neoliberalism in the early 2000s that, in some cases, managed to topple successive national governments (Rice 2012). In all instances, major economic dislocations opened the door to new models of development, growth, distribution, participation, and inclusion in the region.

The crisis of the 1930s led to inward-looking development, redistribution, and import-substitution industrialization as a means to decrease Latin America's economic dependency on global markets. This state-led model of development was accompanied by corporatist measures that offered a degree of popular inclusion in national life, though according to the terms set out by the state (Collier 1995). State-sponsored corporatism was based on the regulation of official channels for demand making. This system promoted assimilation into the dominant *mestizo* culture by reconstituting Indigenous people as national peasants. States did this through agrarian reform. In return for access to land, credit, and services from the state, Indigenous people were obliged to organize and define themselves as peasants (Yashar 2005). But while Indigenous people assumed a peasant status before the state, they continued to practise their cultural ways of knowing and being within their communities.

The 1980s debt crisis, which began in Latin America, led to free market reforms as part of the general shift to the neoliberal economic model. One of the immediate consequences of the adoption of the neoliberal model was the weakening of state corporatist institutions in Latin America (Oxhorn 1998). As a result, the primary mode of interest representation for Indigenous communities was severed. In response to the political and economic exclusion resulting from neoliberalism, Indigenous peoples began to mobilize in the 1990s. The states' response to this mobilization has been neoliberal multiculturalism—the active recognition of a minimal package of cultural rights (e.g., bilingual education, recognition of Indigenous identity) but a rejection of socio-economic and political rights (e.g., land, power, and wealth redistribution). In other words, the multicultural policies that accompanied

the market-led development model privileged recognition over redistribution as a means of managing difference (Hale 2000; Postero 2007; Van Cott 2000). Hale (2011) has cautioned that under the neoliberal state, the notion of Indigenous autonomy has been translated into the devolution of limited rights and extensive responsibilities to local communities without the corresponding resources or decision-making powers.

Although state-sponsored corporatism and neoliberal multiculturalism proposed distinct models of state-society relations, both targeted Indigenous people as the problem in need of change. In contrast, the latest bid for Indigenous incorporation is challenging the unidirectional relationship between the state and Indigenous groups. The focus is now on transforming the state to better serve and reflect the interests of society (Rice 2020). Plurinationality seeks to develop a bilateral or nation-to-nation relationship between the state and Indigenous groups. A plurinational state recognizes the plurality of cultural, legal, and political systems that exist within a given nation-state and places them on an equal footing (Becker 2011; Walsh 2009). Plurinationality represents an opportunity for governments in Latin America to reconceptualize their political relationship with Indigenous peoples as sovereign and self-determining peoples or nations. Ecuador and Bolivia are the two countries that have made the most progress in this area (Schilling-Vacaflor and Kuppe 2012). Constitutional reforms in Ecuador (2008) and Bolivia (2009) officially recognized the plurinational character of their nation-states. While the demand for plurinationality may be spreading in Latin America, most governments in the region have a long-standing tradition of centralized authority in which Indigenous sovereignty is viewed as a threat to state unity (Stavenhagen 2002).

Methods and Cases

This study follows the method of a small-N structured, focused comparison (Collier and Collier 2002; George and Bennett 2005). This methodological approach is “structured” in that I make systematic comparisons of Indigenous rights and representation gains in the cases under consideration; and it is “focused” in that only certain aspects of the cases are examined—most notably, Indigenous-state relations. My comparative cases are Bolivia, Ecuador, Nunavut, and Yukon. This selection of cases was guided by two main criteria. First, despite the vast differences in their social and economic makeup, these polities have witnessed the most successful Indigenous rights

movements in the Americas, at least in terms of bringing about institutional change to advance self-determination. The Governments of Bolivia, Ecuador, Nunavut, and Yukon have embarked on ambitious projects of decolonization, albeit to varying degrees, as a result of their engagement with Indigenous movements. Second, the Indigenous movements in these cases are involved in the work of revitalizing Indigenous institutions within their communities while simultaneously engaging with institutions of the settler state. This dual political dynamic is crucial for democratic decolonization, and it may have implications for improving the quality of democracy in cases beyond those under consideration here. My strategy of comparison analyzes similarities and differences among the cases to provide a more nuanced understanding of Indigenous politics. The case studies are presented not with the intention of using them as yardsticks with which to measure one against the other, but rather in the spirit of advancing efforts at democratic decolonization in all of them and providing instructional lessons for Indigenous movements elsewhere that are struggling against colonial-minded governments.

There are political scientists who will object to the comparison of national with sub-national governments in this study, and even those who might balk at the comparison of Canada with Latin America. I take my lead from Canessa (2018) in developing a comparative analysis of Indigeneity. According to Canessa (2018, 209), “As a country with a majoritarian [I]ndigenous discourse, Bolivia has more in common with many African countries than with its Latin American neighbors.” Following this logic, it makes little sense to compare Bolivia with Canada as a whole, given that the latter’s Indigenous population represents less than 5 per cent of its total population. Yet, Canada is a country of incredible regional variation, ranging from the Indigenous-dominated territories in the North to the settler-dominated provinces in the South, from the large body of French-speakers in the East to the predominantly English-speaking population of the West. When viewed through a sub-national lens, the unique experiments in Indigenous governance in Canada’s North call out for comparative analysis. Bolivia and Nunavut are the first large-scale tests of Indigenous governance in the Americas. In both cases, Indigenous people are a marginalized majority who have assumed power by way of democratic mechanisms (see table 0.1). In a broadly similar dynamic, the Governments of Bolivia and Nunavut are working to incorporate Indigenous values, perspectives, and experiences into a liberal democratic order (Anria 2016; Henderson 2009). Ecuador and Yukon

also share key features that warrant their comparison, including Indigenous populations that are roughly one-quarter the size of the total populations of each polity and Indigenous movements that have participated in party politics to achieve a modicum of representation within their respective political systems (Alcantara 2013; Rice 2012). A research design based on an innovative approach to comparative case studies is necessary to reveal the rich and complex dynamics that characterize Indigenous politics.

I employ a qualitative research methodology in this study. Qualitative research, which is based on an inductive approach to theory and generalization, is well-suited to exploring and understanding social and political phenomena, especially in unique and deviant cases (Van den Hoonaard 2015). I also draw on principles of Indigenous research methods in my work. Indigenous methodologies contribute to self-determination as defined and controlled by Indigenous communities and as such involve a commitment to respectful relationships with Indigenous peoples and their communities and to doing research by and with, rather than on and for, Indigenous peoples (Kovach 2000; Smith 1999). As a Euro-Canadian settler scholar and ally with graduate degrees in environmental studies and political science from Canadian and US institutions who specializes in Latin American politics and teaches in Indigenous studies and political science programs, I am accustomed to crossing disciplinary, departmental, geographic, cultural, and linguistic divides. There are risks to such academic trespassing. In particular, specialists in Canadian as well as Latin American history and politics will likely disapprove of the cross-regional comparative approach of the book. However, to quote Evans (cited in Kohli et al. 1996, 4) on comparative research, “Neither theories nor cases are sacrosanct.” I hope that my search for broader generalizations on Indigenous politics in the Americas generates sufficiently important and interesting questions and insights to warrant the intrusion.

The data for the study were drawn from primary and secondary sources. I carried out four months of field research in Bolivia, Ecuador, Nunavut, and Yukon between June 2012 and August 2014. The study also draws on research material from six months of fieldwork in Bolivia and Ecuador between July 2003 and March 2004 that I conducted as part of my doctoral dissertation. My research findings for the present study are based on personal interviews, primary documents, and secondary sources. I conducted over forty interviews in the four cases with Indigenous leaders, activists, and politicians, government ministers and officials, directors of Indigenous associations, and

Table 0.1 Selected social and economic indicators (most recent year available)

	Bolivia	Ecuador	Nunavut	Yukon
Total population size	11,673,029	17,643,054	39,536	43,118
Total land area (km ²)	1,098,581	283,560	2,093,190	482,443
Indigenous population (%)	62	25	84	23
Per capita GDP (USD)	3,143	5,969	46,981	56,931
Mining as % of GDP	11.0	6.0	21.1	11.1
Infant mortality rate (/1,000)	35.3	16.4	21.4	5.0
Human Development Index	0.674	0.739	0.821	0.889

Sources: Compiled by the author from Economic Commission for Latin America and the Caribbean, Country Profiles (<https://estadisticas.cepal.org/>); Nunavut Bureau of Statistics (<http://www.stats.gov.nu.ca>); Statistics Canada (<http://www.statcan.gc.ca>); United Nations Development Programme (<http://hdr.undp.org/>); World Atlas (<https://www.worldatlas.com/>); World Bank (<http://data.worldbank.org/>); Yukon Bureau of Statistics (<https://yukon.ca/en/bureau-of-statistics>).

local academics. The interviews were semi-structured and conducted in an interactive, conversational format. The interviewee responses were recorded in a standard notebook. The average interview lasted for thirty minutes. The interviews in Canada were conducted in English, while those in Latin America were done in Spanish. All translations from Spanish to English in this book are my own. I consulted a variety of primary documents in the course of my research, including comprehensive land claims and self-government agreements, constitutions, legislation and laws, government publications, organizational newsletters, and local newspapers. I also relied on the excellent secondary literature produced by area study specialists to strengthen my analysis.

A central claim of this study is that Indigenous-state relations condition the pathway to democratic decolonization. Comprehensive land claims, also known as modern day treaties, in Nunavut and Yukon are a continuation of the historic treaty relationship between Indigenous peoples and the state in Canada. In the absence of treaty relations in Latin America, Indigenous peoples in Bolivia and Ecuador have instead sought constitutional recognition of plurinationality as a means to institutionalize a form of nation-to-nation relationship between Indigenous groups and the state. Strong and well-organized Indigenous movements that have pursued a strategy of institutional engagement have taken the lead in decolonizing efforts in these

four cases. Individually, the cases highlight different models and approaches to Indigenous autonomy and self-government that have been achieved in Canada and Latin America. Together, they demonstrate that alternatives to the status quo exist for national as well as sub-national governments.

The Cases

Yukon is a global leader in modern-day Indigenous self-government. In 1990, the Government of Canada, the Government of Yukon, and what is now the Council of Yukon First Nations signed an Umbrella Final Agreement to establish an innovative model for Indigenous self-government in the territory (Alcantara 2007; Cameron and White 1995). Since then, eleven of the Yukon's fourteen First Nations have successfully negotiated comprehensive land claims and self-government agreements providing them with an impressive array of formal powers, the scope of which are unprecedented in the Americas. The agreements transformed the former Indian Act bands into self-governing First Nations. In terms of territorial rights, self-governing First Nations in the Yukon enjoy surface as well as subsurface rights to much of their settlement lands, including mineral, oil, and gas rights (CYFN and YTG 1997, 11). Self-governing First Nations also have the jurisdictional authority to pass their own constitutions and laws, including the right to determine citizenship and to assume full legislative and delivery responsibilities for their own programs and services if and when they so desire. In matters of general application, First Nations law takes precedence over Yukon law (Cameron and White 1995). In short, the governing power of Yukon First Nations is very much comparable to that of provincial and territorial governments in Canada.

The 1993 Nunavut Land Claims Agreement (NLCA), the largest in Canadian history, brought about substantive change in the governance of the eastern Arctic. In addition to a whole host of land and resource rights, the NLCA resulted in the creation of the new territory of Nunavut. The Inuit-led Nunavut Implementation Commission was tasked with the design and structure of the new government. The Government of Nunavut is modelled largely after the Euro-Canadian parliamentary form of government, with a few key innovations. For instance, the Nunavut Legislative Assembly operates by consensus decision making. There are no political parties in the territory. Instead, candidates run in elections as independents. Most members of the assembly are Inuit and much of the debate is carried out in Inuktitut. Members tend to wear traditional clothing and are seated in a circle, rather than in opposing

rows of benches, as in the rest of Canada (White 2006). From the outset, the implementation commission sought to emphasize the distinctiveness of Nunavut. Early goals included incorporating Inuit values and perspectives into the political system, achieving 85 per cent Inuit employment in the new bureaucracy, and having Inuktitut as the working language of the government (NIC 1995; Timpson 2009b). Nunavut's co-management boards dealing with land, wildlife, and environmental issues represent the most significant governance innovation to date. The boards ensure Indigenous participation in policy decisions that are central to Indigenous culture and livelihoods while maintaining federal government control over the use and management of public lands (Nadasdy 2005; Stevenson 2006; White 2008). Nunavut's institutional experiment highlights the centrality of both economic and political rights for advancing Indigenous agendas.

In Bolivia, the 2005 presidential win by Indigenous leader Evo Morales and his Movement toward Socialism party marked a fundamental shift in Indigenous-state relations in the country and in the composition and political orientation of the state. President Morales (who served from 2006 to 2019) made Indigenous rights the cornerstone of his administration in a bid to create a more inclusive polity. The 2009 constitution is central to the advancement of this agenda (Schilling-Vacaflor and Kuppe 2012; Wolff 2012). According to the constitution's preamble, Bolivia has left behind the colonial, republican, and neoliberal state of the past.⁶ In its place is a plurinational state that rests on Indigenous autonomy. The new constitution goes further than any previous legislation in the country—and perhaps the world—in securing representation and participation for the nation's Indigenous peoples, including, for example, the recognition of all thirty-six Indigenous languages of Bolivia as official languages of the state (article 5), and the guaranteed right to proportional representation of Indigenous peoples in the national legislature (article 147). It also redefined Bolivian democracy as “intercultural.” Intercultural democracy is a hybrid form of democracy that is direct and participatory, representative, and communitarian. Communitarian democracy is based on Indigenous political customs, traditions, and decision-making processes. It is exercised within Indigenous communities through the election or selection of governing authorities. The constitutional recognition of communitarian democracy institutionalizes Indigenous forms of governance as part of the state (Zegada et al. 2011). These, and other such democratic

innovations, have made Bolivia's democracy more inclusionary, though decidedly less liberal (Anria 2016).

Ecuador's 2008 constitution was the first in the region to institutionalize Indigenous governing principles as part of the state. Under the direction of the Confederation of Indigenous Nationalities of Ecuador, Ecuador's Indigenous movement was once widely regarded as Latin America's strongest social movement (Van Cott 2005; Yashar 2005). Indigenous mobilization around the enactment of the new constitution resulted in one of the most progressive constitutional texts in the world, both in terms of recognizing the collective rights of Indigenous peoples and in attributing rights to Nature (Caria and Domínguez 2016; Gudynas 2011; Lalander 2014).⁷ The new constitution officially proclaimed Ecuador to be a plurinational state, the historic objective of the nation's Indigenous peoples. It also made an explicit commitment to the Indigenous principle of "Living Well" (*Buen Vivir* in Spanish and *Sumac Kawsay* in Kichwa) as an alternative model of development around which the state and its policies are now organized (Bretón, Cortez, and García 2014; Ugalde 2014). The Living Well principle is derived from the Andean Indigenous values of harmony, consensus, and respect, the redistribution of wealth, and the elimination of discrimination, all within a framework that values diversity, community, and the environment (Fischer and Fasol 2013). Although the principle of Living Well presents an opportunity to bring about an alternative to development, it has been used by Ecuadorian governments to justify resource extractivism in the name of progressive social welfare programs (Lalander 2014; Peña y Lillo 2012).

Plan of the Book

The book is organized into case study chapters that follow the introduction and a first theoretical chapter. Chapter 1 establishes the theoretical and conceptual framework of the study on how to decolonize democracy. It defines and outlines the critical components of a decolonized democratic system. It also highlights the four different models of Indigenous self-government, with varying degrees of autonomy from the state, put forward by Abele and Prince (2006), which are then applied to the book's cases in subsequent chapters.

Chapter 2 examines Indigenous autonomy and self-government in the precedent-setting case of Yukon, Canada. In the Yukon, the successful negotiation of comprehensive land claims and self-government agreements has produced a nation-to-nation relationship between Indigenous peoples and

the state on shared land. The objective of this chapter is to explain how Yukon First Nations were able to achieve such a substantial degree of autonomy and self-governing power.

Chapter 3 is devoted to an examination of plurinationality as an exercise of democratic inclusion and power sharing in Bolivia. The chapter is tasked with analyzing the governance innovations of the administration of President Evo Morales, Bolivia's first Indigenous head of state. The inclusion of direct, participatory, and communitarian elements into Bolivian democracy has improved democratic representation for the nation's Indigenous peoples. Nevertheless, serious gaps between legislation and practice still exist.

Chapter 4 is dedicated to a study of Indigenous politics and government in Nunavut. The hopes and aspirations of Inuit hinge on the success of Canada's newest territory. Inuit have opted to pursue self-determination through a public government system rather than through an Inuit-specific self-government arrangement. However, the conditions in which this experiment has thus far taken place are far from ideal. Significant social, economic, and institutional problems plague the new territorial government.

Chapter 5 focuses on the case of Ecuador and the limits to Indigenous autonomy in the face of an intractable government. The populist and left-leaning administration of President Rafael Correa (2007–17) took up most of the political space formerly occupied by Indigenous parties and movements. While the constitutional reform carried out under the Correa administration recognized the plurinational basis of the state, efforts to enact the reforms needed to implement plurinationality have been frustrated by a lack of political will.

The volume ends with a conclusion analyzing the factors that produced distinctive pathways to Indigenous autonomy and self-government in the four cases under consideration. The chapter also explores how participation in institutionalized politics affects Indigenous activism, as well as how activists change institutions and the practice of democracy.