

BEYOND CONSTITUTIONAL RECOGNITION: PUBLIC CHALLENGES FOR THE DEFENSE OF INDIGENOUS RIGHTS IN LATIN AMERICA

Guilhem de Roquefeuil

“Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.”¹ —Article 2 of the International Labor Organizations Convention n.169 on Indigenous and Tribal Peoples (1989)

For scholars of Latin American politics, the evolution of public policy regarding indigenous populations is of vital importance to the larger debate on the consolidation of stable and representative democracies on the continent. Major turning points in the relationship between indigenous peoples and Latin American states have occurred during the last three decades. Tellingly, several authors identified the 1980s and early 1990s as a period of “cultural and political renaissance” for the Western Hemisphere’s indigenous populations.² Spurred by the transitions to democracy and their subsequent political openings, numerous indigenous groups, communities, movements, and associations became increasingly vocal in their demands.³ Furthermore, the language of universal human rights, which had been a focal point for opponents of Latin America’s military regimes, provided the foundation for the concept of *indigenous* rights.⁴ This newborn notion became the rallying cry for those who argued that modern Latin American nation-states failed to guarantee the rights and to consider the aspirations of their native populations.⁵

One of the most significant developments with regard to indigenous rights has been their near-continent-wide constitutional recognition by succeeding Latin American governments and leg-

Guilhem de Roquefeuil graduated from McGill University with first class honors in political science and international development studies last spring. He joined McGill’s faculty of law in September with the intention of obtaining a double degree in civil law and common law.

islative assemblies. Today, only a few Latin American constitutions do not attribute specific rights to indigenous citizens, and the majority of the region's states have ratified the International Labor Organizations (ILO) *Convention 169 on Indigenous and Tribal Peoples*. To be sure, there are sizeable qualitative and quantitative differences in the ways that these rights are recognized, but the trend has been unquestionably positive. These developments at the domestic and international levels have been a crucial step forward for indigenous movements striving to bring the indigenous rights agenda to the heart of state policymaking.

The literature on indigenous movements and the state in Latin America has thoroughly documented the factors—domestic and international—that led to the constitutional adoption of indigenous rights. Furthermore, it has offered numerous insights on the nature of these rights and their incorporation within the agendas of indigenous movements. However, in order for today's research to have a positive impact on policymaking in Latin America, scholars need to move beyond the existing literature to develop a policy framework for the domestic promotion, protection, and enforcement of indigenous rights *given* their constitutional recognition. Most importantly, this framework would clarify the role of national governments in assuring that indigenous rights become palpable features of the constitutional order rather than mere statements of principle.

This paper establishes the theoretical and analytical foundations for the elaboration of a tentative policy framework for the public defense, enforcement, and promotion of indigenous rights in Latin America. The study proceeds in four sections. It begins by presenting a comprehensive typology of indigenous rights and offering examples of their concrete formulation at the domestic and international levels. This section also summarizes the main difficulties associated with implementing these rights from the point of view of domestic policymakers. The second section debates the literature's theoretical contributions in outlining the state's role in the protection of indigenous rights. The third section examines the recent Ecuadorian experience with indigenous

rights in order to empirically stress the theory's significance. The final section presents five policy recommendations as well as avenues for further research, providing the basis for a future policy framework.

I. A TYPOLOGY OF INDIGENOUS RIGHTS DEMANDS

In order to properly evaluate the policies of current Latin American states regarding their indigenous populations, it is necessary to define and, to the extent possible, classify the rights most commonly demanded by the continent's indigenous associations and movements. Building such a typology clarifies the public policy challenges associated with each claim in complex national contexts. Pascal Lupien's astute classification of indigenous demands—cultural rights, land rights, natural resource rights, economic rights, and politico-legal rights—provides the structure for this inquiry.⁶

1.1 Economic rights

Partly based on a rejection of neoliberal economic policies seen as threatening to their territories and livelihoods, several indigenous groups have been militant supporters of redistributive economic policies and adamant opponents of the economic strategies resembling those of the "Washington Consensus."⁷ Thus, it has been common for indigenous movements to advocate for the adoption of socioeconomic rights (SERs) of a social-democratic nature. Furthermore, indigenous groups have demanded official recognition of customary modes of economic production and their sponsorship by the state.⁸ In addition, many of these groups have defended the right to be active participants in and beneficiaries of national and local economic development plans.⁹ Concrete formulations of these rights are notably present in the Bolivian constitution:

"The State shall recognize, respect, protect and promote the

communitarian form of economic organization. This form of communitarian economic organization includes the systems of production and reproduction of social life, established in the principles and visions that belong to the native indigenous nations, peoples and rural populations.”¹⁰

There are a number of problems associated with the applicability of SERs. Two frequent criticisms are that Latin American states do not possess the legal or bureaucratic capacity to enforce these rights, and that poor citizens cannot realistically afford to initiate litigation by appealing to such rights.¹¹ Concerning the recognition of indigenous modes of production, it can be argued that the dichotomy between “customary” and “modern” modes of production is an artificial construct, for which the legal interpretation will predictably be unclear. The definition of indigenous modes of economic organization requires an element of subjectivity. For instance, if the legal demarcation between customary and non-customary modes of production is not representative of the actual practices of indigenous communities, these groups will either file claims that are not recognized in legislation, or view these laws as unbeneficial to the protection of their livelihoods. Finally, the right of indigenous populations to participate in public development strategies that affect them represents a noble attempt to democratize policy making; however, if further legislation does not spell out the details of these arrangements, such a right remains notoriously abstract. Until indigenous communities become established contributors and veto-players in the elaboration of policies that concretely impact their livelihoods (e.g. the construction of a highway that crosses indigenous territory), they will be forced to accept or contest ministerial *faits accomplis*.

From a political point of view, there is also the danger that politicians support socioeconomic rights to gain votes from progressive and indigenous electorates, rather than to initiate bold socioeconomic transformation.¹² Furthermore, in the absence of stable and applicable legislation to promote and enforce these rights, opposition to political coalitions are likely to strategically delay or hinder their institutionalization. Because some of these

rights run contrary to the tenets of neoliberal and conservative ideology, their longevity and significance in states dominated by these parties is questionable. In sum, while the economic component of indigenous demands was successfully integrated in the consciousness of policymakers in several Latin American countries, their applicability and validity will remain controversial in the future.

1.2 Land rights

One of the common characteristics of indigenous movements in Latin America is a fight for the conservation of ancestral lands.¹³ Oftentimes, the problem revolves around the legal recognition of indigenous communities' custody over areas deemed to be sacred lands, the acknowledgement of communal modes of territorial organization, and the community stewardship of natural resources found on these lands.¹⁴ The indigenous populations' strong economic and spiritual ties to these lands are often mentioned among the arguments in defense of land rights. The Ecuadorian constitution provides concrete examples of the legal formulation of land rights:

[The State] recognizes and guarantees the following rights to the indigenous communes, communities, and to indigenous nationalities: ... to freely sustain, develop, and strengthen their identity, sense of belonging, ancestral traditions, and modes of social organization ... to maintain the possession of ancestral lands and territories, and to obtain their legal recognition at no costs ... to not be displaced of their ancestral lands.¹⁵

Most Latin American governments have made noteworthy advances in granting legal status to indigenous territories through land regularization and titling.¹⁶ However, these measures constitute more of a stepping stone toward the full enjoyment of land rights than a comprehensive solution.¹⁷ As activists and researchers tend to note, the de facto protection of the natives' land rights does not reflect their degree of legal validity.¹⁸ Most importantly, competing actors within the national polity continue

to press for the acquisition of these territories.¹⁹ Empirical case studies on the issue of territorial conservation reveal that indigenous populations across the continent face opposition from a wide variety of actors. In Colombia, for instance, the paramilitaries and guerillas present a serious challenge to the territorial integrity of the indigenous populations. In Mexico, the state's endorsement of "liberal" land policies favoring individual land titling has challenged the model of community ownership prevalent in indigenous areas. Frequently, clashes over the entitlement to exploit or conserve natural resources aggravate these issues.

1.3 Natural resource rights

The Latin American indigenous movements' concern with the protection and usage of natural resources is central to their rights-based claims.²⁰ Along these lines, indigenous groups have pushed for the adoption of constitutional provisions concerning the proper usage and protection of natural resources at the national and local levels. Generally, indigenous groups contend that public or communitarian resource management schemes are best suited to that task. In Andean countries, clashes over the privatization of water and the extraction of hydrocarbons have highlighted the indigenous communities' stance on the issue. Indigenous groups also tend to be proponents of universal rights such as the right to clean water. Most prominently, they stress the inalienable right to be stakeholders in the management of resources found in their lands, notably through obligatory public processes of "prior consultations" (*consulta previa*).

One of the most advanced constitutional formulations of natural resource rights is found in the Ecuadorian constitutional text:

Water is a part of the strategic and public national patrimony, under the inalienable and imprescriptible dominion of the State, and constitutes a vital element for nature and the existence of human beings. Any form of water privatization is prohibited. The management of water will be exclusively pub-

lic and communitarian.²¹

The international momentum for the recognition of indigenous peoples' rights to natural resources is growing. Nonetheless, ambiguities over their domestic application remain. First, at the domestic level, natural resource rights cannot plausibly be enforced in the absence of detailed and legally enforceable territorial demarcation of indigenous communities.²² For instance, a political battle over which resources "belong" to native communities seems inevitable in regions where natural resources overlap with different administrative and community demarcations, as well as private commercial concessions. This question is particularly problematic in the Amazon Basin, where the state, private companies, and indigenous groups routinely clash over the access to valuable resources such as gold, petroleum, gas, and rare plants.²³

With regard to national development strategies, it should be noted that the "human rights" approach to certain natural resources advocated by indigenous movements hardly fits with the "resources as commodities" mentality prevalent among economic policymakers and neoliberal politicians.²⁴ While leftist governments such as the Correa and Morales administrations have made considerable progress in incorporating some notions of the "resources as rights" approach at the constitutional level, it has yet to be determined whether they are truly willing to overhaul a system of resource exploitation based on the criterion of economic profitability. Because these governments' approach has mostly focused on the nationalization of resource concessions, it is worth analyzing the new dynamics created between state enterprises and indigenous communities. There is no a priori reason to believe that public companies will legitimately respond to the natural resource claims of indigenous populations.

Lastly, the absence of synergy between domestic legislation and the provisions of international treaties further complicates the problem for both policymakers and indigenous communities.²⁵ With regard to the indigenous groups' appeals to international law to secure their natural resource claims, Getches

explains that these legal procedures are bound to be “large and complicated,” and require indigenous groups to seek extensive legal support domestically and internationally.²⁶ So far, a “dearth of precedent” indicates that the pace of rights recognition has not yet been accompanied by major international legal victories by indigenous groups in natural resource-related claims.²⁷

1.4 Political and legal rights

Indigenous groups and movements often advocate for changes in the political and legal systems of the states in which they are found.²⁸ From a political standpoint, these actors have anchored some of the previously mentioned territorial and natural resource rights in wider projects of autonomy and self-determination.²⁹ Because these demands have ranged from quasi-secessionist policies to more limited claims for territorial recognition, it is impossible to speak of a common project for political autonomy and self-determination across the region. Generally, however, autonomy is argued in terms of the legal recognition of indigenous administrative units, which would then form an integral part of the national state and its political subdivisions.³⁰ In different forms, the twin rights of self-determination and autonomy have made their ways into some of the region’s constitutions, most notably in Bolivia:

Given the pre-colonial existence of the indigenous nations and native rural peoples and their ancestral dominion over their territories, the state shall provide for their free determination within the unity of the State, which consists in their right to autonomy, self-governance, their culture, and the recognition of their institutions and the consolidation of its territorial entities, in accordance with this Constitution and the Law.³¹

Advocating for autonomy and self-determination can be problematic both in federal states (as in the Mexican case), and in centralized republics (Chile, for instance). In both cases, opponents invoke the threat of dwindling national sovereignty and the formation of “states within the state.”³² Other problems arise

over the legal and administrative feasibility of carrying out such projects without a major overhaul of the state's current institutional and administrative structure.³³ Yet, as long as legislation does not articulate the distinction between the powers of local indigenous authorities and those of other regional substructures, the right to autonomy remains a vague policy statement at best. Lastly, many policymakers doubt the assumption that autonomous indigenous administrations are more democratic than current structures, and worry about the potential consequences of the failure to prevent human rights abuses within these units.³⁴

An offshoot of the pursuit of autonomy and self-determination has been the demand for the recognition of indigenous customary law.³⁵ Broadly, this implies the incorporation of indigenous authorities, as well as their specific modes of dispute resolution, alongside the state's legal system.³⁶ Going beyond this definition, John L. Hammond shows that indigenous community justice represents an alternative model to the liberal notion of individual rights, and that it forms an essential part of the demands for self-determination by indigenous peoples.³⁷ Calls to include the recognition and protection of customary law in constitutions have been fruitful in several Latin American countries, notably Colombia, Peru, Ecuador, and Bolivia.³⁸ The latter's constitution goes as far as establishing the "equal hierarchy" of customary and ordinary law.³⁹ However, major conflicts among policymakers arise over the boundaries of the applicability of community justice.⁴⁰ A prevalent "conservative" approach to this issue seeks to limit its implications by confining customary laws to "alternative dispute mechanisms" within the context of national law.⁴¹

Aside from its applicability, critics point to the incompatibility of community justice with the notion of human rights ascribed to individuals, harkening back to the age-old theoretical debate on the compatibility of individual and collective rights, which is beyond the scope of this essay.⁴² For the purpose of this discussion, it suffices to note that recognition of the right to customary law necessarily raises some wider questions about the state's duty to indiscriminately protect and enforce the rights

of individuals. Additionally, it would be wrong for politicians to assume that the indigenous population as a whole unconditionally and consensually support local institutions of customary law, a point that is valid for all the rights discussed in this section. As Sieder notes:

Even when dominant political and legal authorities are open to intercultural dialogue, the balance between guaranteeing the group rights of the collectivity and ensuring the individual human rights of its members is highly complex. This is because the legitimacy and nature of ‘customary’ law ... is not only contested by non-indigenous authorities, but also within indigenous communities themselves.⁴³

This observation also nuances the discussion over indigenous cultural rights, which concludes this section of the paper.

1.5 Cultural rights

The demands of indigenous movements have had a strong cultural component, as these groups reject the state’s prioritization of European or mestizo cultural heritages. In her seminal 1995 book *Indigenous Peoples and Democracy in Latin America*, Donna Lee Van Cott noted that indigenous groups often enmeshed the political projects of autonomy and self-determination with claims of cultural distinctiveness.⁴⁴ Generally, the cultural rights demanded by these groups focus on the recognition of the state as being “pluri-ethnic,” “multicultural,” or “plurinational;” the right to live according to certain cultural values and practices without discrimination; the official recognition of indigenous languages; and the right to education in one’s native tongue.⁴⁵ The 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (DRIPS) is a landmark in the formulation of indigenous cultural rights, as exemplified by Article 11 of the *Declaration*:

Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures ...⁴⁶

Most Latin American constitutions recognize, to some extent, the cultural rights of indigenous peoples. Positive trends in multicultural and multilingual education across the region are slowly countering the old assimilationist school systems.⁴⁷ However, some issue areas remain more controversial than others. For instance, the number of countries recognizing indigenous languages as having the same official status as Spanish is quite limited; the Bolivian and Venezuelan constitutions are the only ones to recognize indigenous languages as official across the national territory.⁴⁸

Several decades ago, the main political opposition to the public sponsorship of these rights would have come from proponents of the idea that indigenous populations would integrate into the national polities by following a model of assimilation based on a mestizo culture. Today, because of the increasing domestic and international support for the cause of indigenous peoples and the resulting political saliency of these issues, the days of *indigenismo* appear to be long gone. Still, the cultural institutions of many Latin American states have yet to fully integrate indigenous notions of cultural distinctiveness, of which non-indigenous politicians might remain skeptical. Indeed, research on cultural and educational policy in Latin America points out the persistence of inequalities in the means and attention provided to the valorization of indigenous cultures, in spite of a change in official discourse.⁴⁹ Some scholars argue that, in the midst of marked socioeconomic inequalities, “intercultural” and “multicultural” policies fail to redress historically resilient cultural imbalances in society.⁵⁰ Lastly, the idea of a strong and unitary national culture still has a strong normative appeal in the region’s political cultures.

A finer, less evident strand of criticism of indigenous cultural policies looks at the possible alienating effects of these agendas. For example, some authors contend that the identity politics approach to indigenous movements is problematic, because the claim that indigenous identities are shared is dubious.⁵¹ Others, by conducting extensive qualitative research in indigenous areas, have argued that the policies advocated for on the basis of cul-

tural rights favor some types of indigenous identity over others, and might even exclude important parts of the indigenous populations.⁵² These issues are addressed more in depth in the following section.

II. THEORETICAL PERSPECTIVES ON INDIGENOUS PEOPLES AND THE STATE IN LATIN AMERICA

2.1 Shifting citizenship regimes

Deborah Yashar's *Contesting Citizenship in Latin America* represents an influential contribution to the study of the interaction between the state and the indigenous peoples of Latin America. In particular, her concept of shifting "citizenship regimes" provides a sound theoretical base to evaluate some aspects of the Latin American states' indigenous policies in the presence of established movements and formalized constitutional rights.

To begin with, Yashar's approach stresses how the state structures political identity-building by citizens.⁵³ To that effect, assigning and defining citizenship is crucial for nation-states, because it defines who is a relevant player in the polity and who should be excluded from it. Additionally, citizenship entails certain modes of individual and group intermediation with the state, and a formal recognition of rights and duties.⁵⁴ From these observations, Yashar defines a "citizenship regime" as the "the patterned combination of choices" about who is given access to citizenship, the main modes of interest intermediation between citizens and the state, and what rights this status entails.⁵⁵

Yashar's perspective places the struggle for indigenous rights into this citizenship regimes framework. In brief, she argues that indigenous movements in Latin America have sought to redefine the content of citizenship in their respective polities.⁵⁶ In her own words:

We have found that indigenous groups, in particular, have mobilized in recent years to demand a redefinition of citizenship

that would maintain their rights as citizens of a polity but also accommodate their community-based demands to local autonomy.⁵⁷

Following Yashar's reasoning, the region's latest constitutional changes can be seen as the premise of a citizenship regime change based on the incorporation of indigenous political identities into the process of nation building. Therefore, it is pertinent to examine whether these identities are becoming stable components of the state's institutions, and if they are gaining the same structuring power as, for instance, established national-republican identities.⁵⁸ In sum, from Yashar's perspective, analyzing the current policies of Latin American states should test whether they are effectively institutionalizing the political identities of indigenous movements, and if this is bolstering a process of change in the countries' citizenship regime.

Today's research should build on these observations by analyzing whether the legal recognition of indigenous rights is effectively empowering the indigenous populations in the building of new citizenship paradigms. While the constitutional recognition of new rights is a major step in itself, it is a vague indicator of the actual experience of citizenship for indigenous populations. Attempts at altering a citizenship regime can be notoriously short-lived if they lack the necessary public support for their implementation, and if new principles are constantly flouted by private and public actors. Therefore, a formally inclusive but practically unresponsive state hinders the dynamic of citizenship regime change.

Borrowing from Oxhorn's concept of "citizenship as agency," scholars should ask if Latin American states are providing the tools by which indigenous populations and movements can increase their agency in redefining a citizen's entitlements.⁵⁹ Indeed, avenues for a sincere "bottom-up" interchange between native groups and elected representatives can be seen as a necessary condition to sustain a shift in citizenship regime based on the extension of the rights granted to societal actors. When these channels are insufficiently developed or purposefully restricted,

so is the scope of citizenship.

Analysts should be mindful of one caveat: it is important to remain skeptical of state policies that render certain forms of indigenous identities more “legible” than others.⁶⁰ As mentioned in the above discussion on cultural rights, a monolithic conceptualization of indigenous culture by the state is likely to exclude certain segments of these populations, a process Taranzo Roca refers to as “the paradox of the new exclusions.”⁶¹ Mestizos who exhibit a strong sense of belonging to both the indigenous and “Latin” cultures, urban indigenous populations disconnected from their original communities, and indigenous Christians are examples of people potentially excluded by an overly unidirectional process of citizenship redefinition.

Research should be further guided by a parallel observation made by Yashar, namely that the political projects of states need to be understood in terms of their material capacity, or “reach.”⁶² By considering the material ability of public institutions to interact with indigenous communities, it becomes feasible to measure the gap between the intentions and outcomes of public policy towards native peoples.⁶³ This helps explain why, in regions where the state has little reach, some citizens remain isolated from the process of defining public identity. Scholars should be particularly mindful of this observation when seeking to analyze the gap between the *de jure* and *de facto* rights of indigenous people in isolated regions. A good starting point would be to ask whether the material institutional capacity to promote, protect, and enforce indigenous rights exists in regions with large indigenous populations.

As an overarching point in her discussion, Yashar observes that the participation of native groups in the process of influencing citizenship regimes, including calls for autonomy, are ultimately linked to the exercise of nation building within the existing boundaries of Latin American states.⁶⁴ Thus, she states that land claims have become the “contemporary territorial basis for determining access into the national polity.”⁶⁵ This remark sheds light on the indigenous groups’ choice to push for the recognition

of rights in national constitutions. However, it can hardly ease the qualms of those attached to the idea that national sovereignty and strong unitary states are inseparable complements.

2.2 Autonomy, national unity, and indigenous law

Throughout the region, talks about the recognition of the rights to autonomy and self-determination have been divisive. On one side, there are those who view these rights as enhancing governability and promoting bottom-up development. On the other, some contend that these rights weaken the state's control over its territory, and further a pernicious climate of ethnic conflict.⁶⁶ To move beyond a debate that tends to be heavily ideological, it is useful to consider Burguete's four preconditions for autonomy.⁶⁷ According to him, successful autonomy requires territorial definition, effective internal self-governments, set jurisdiction over territory and internal governance, and precise, constitutionally established competencies and powers.⁶⁸ These conditions provide a solid benchmark for evaluating the evolution of state policies in countries where the rights to autonomy and self-determination are recognized.⁶⁹

The use of customary law is among the most problematic features of autonomy and self-determination. Although some observers view the recognition of customary law as a reconciliation between Western notions of individual rights and indigenous practices of community justice, the literature is quick to point out that this process is "fraught with tensions" and creates "enormously messy grey areas" in practice.⁷⁰ Indeed, as Latin American states and constitutions have historically embraced unitary legal systems and the concept of individual rights, it comes as no surprise that the state's institutions are not well suited to the incorporation and acceptance of indigenous customary law.⁷¹

In sum, indigenous rights are interwoven with the broader issues of territorial integrity and legal supremacy, which traditional Western political thought often views as core functions of a state. The main challenge, Sider notes, "remains how to bal-

ance indigenous peoples' demand for greater autonomy to regulate their own affairs with their claims for greater inclusion in the nation-state."⁷² Today, the constitutional recognition of the rights to autonomy in political and legal matters puts the onus on the state to accommodate its institutions while responding to the technical challenges that such a reconfiguration entails. Therein lies a quintessential challenge of good governance.

2.3 Power relations and indigenous politics

Another theoretically relevant way of examining the evolution of the Latin American states' interaction with indigenous populations is to consider the redistribution of power within the structures of the state, from the established political oligarchy to previously excluded indigenous actors. This approach follows Van Cott's observation that, in countries where indigenous populations represent a significant minority (or a majority, as in Bolivia and Guatemala), the political and legal incorporation of native populations ushers in a major shift in power relations and an undermining of exclusionary institutions.⁷³ According to this view, the state's support for indigenous rights would increase as a result of greater electoral successes by indigenous representatives and political movements. As for legal representation, similar results would occur if indigenous judges and local councils became more influential. Thus, screening for an increase in the presence of indigenous political and legal actors within public institutions could point to a positive development in the struggle for the state to uphold and promote the rights-based agenda of many indigenous groups.

However, given the inherent complexities of indigenous politics and the possibility of indigenous political actors being co-opted by larger political movements, this approach can be misleading. First, if power relations between the state and indigenous peoples are considered, it is also important to understand power relations within the indigenous population itself. Although indigenous movements share elements of a common history across

the region and are often referred to as a joint force within civil society, there are considerable discrepancies within these groups in several countries. For instance, in Ecuador, the presence of strong evangelical indigenous organizations such as the *Consejo de Pueblos y Organizaciones Indígenas Evangélicas del Ecuador* (FEINE) seriously hampers the *Confederación de Nacionalidades Indígenas del Ecuador's* (CONAIE) goal to be the dominant voice of the country's indigenous population. The political success of certain indigenous actors cannot be assumed to be a victory for all indigenous peoples.

Also, the recent experiences of indigenous social actors with electoral politics highlight the complexity and difficulty of initiating a major shift in power relations by accessing and transforming the state's institutions. Yashar points to several difficulties in the movements' transition from civil society to party politics. Firstly, in the absence of an electoral watershed, it is likely that the minority of indigenous legislators will need to compromise, logroll, or create alliances with established parties in order to have an impact on legislation.⁷⁴ The ideological purity of these leaders is likely to suffer from such actions, creating a gap between indigenous legislators and their constituencies.⁷⁵ As indigenous politicians form alliances with other parties, political divisions within their movements are inevitably reinforced.⁷⁶ Thus, the direction of the power shift becomes rather unclear, for indigenous constituents may perceive electoral victories as a result of an undesired alliance that leaves them, and their cause, worse off.

Additionally, recent trends show that indigenous candidates have had a difficult time transforming their popularity as civil society leaders into votes in general elections (Evo Morales being the obvious exception).⁷⁷ Going back to the example of Ecuador, the *Pachakutik* (CONAIE's political arm) has never won more than a handful of seats in the National Assembly in spite of the CONAIE's strong presence in the 1990s. Guatemala provides another example of such difficulties. In spite of Nobel Prize recognition and her lifelong contribution to the cause of the contemporary Mayan peoples, Rigoberta Menchú fared particularly

poorly in the 2007 and 2011 Guatemalan general elections, winning less than 3 percent of the national vote each time.⁷⁸

The consequences of the redistribution of political power that can result from an increased presence of indigenous actors in the states' structures are a function of the indigenous representatives' and civil servants' attachment to the cause of indigenous rights *after* they join the formal dimensions of the state. The above discussion has two main implications. First, the direction and content of indigenous politics might substantially differ from the original agenda of many organizations and could be unrepresentative of important segments of the population.⁷⁹ Secondly, policies of positive discrimination in state institutions, or the appointment of indigenous politicians in governmental coalitions might point more to a phenomenon of "controlled inclusion" than a consequential power shift. In a pessimistic scenario, this can lead to the indigenous rights agenda being sidelined or instrumentalized. However, a more optimistic outlook would suggest that indigenous politicians and civil servants could nonetheless act as influential "policy-shapers" within governmental coalitions and legislative assemblies, thus steering their agendas toward the promotion and enforcement of indigenous rights.

III. THE STATE AND INDIGENOUS RIGHTS IN ECUADOR – 2008 TO THE PRESENT

3.1 Background

Throughout the 1990s in Ecuador, highly organized indigenous movements pressured successive governmental coalitions into integrating limited indigenous rights demands into their political agendas.⁸⁰ As an umbrella organization comprising most of the country's local indigenous groups, CONAIE partook in the constitutional assembly in charge of drafting the new constitution of 1998. This foundational document recognized the Ecuadorian state's "plurinational" character, the legitimacy of

customary law (circumscribed by national law), and the legality of autonomous indigenous territorial circumscriptions, which were to be determined by subsequent statutory laws.⁸¹

In 2006, Rafael Correa's election marked a turning point in the nexus between the state and indigenous peoples in Ecuador. Three main factors explain this shift. First, Correa's political program, *La Revolución Ciudadana* (The Citizen's Revolution), is anchored in leftist political and economic ideology.⁸² Thus, for the first time, an Ecuadorian president would be on the same side of the political spectrum as the country's main indigenous organizations.⁸³ Second, in relation to the previous point, the president's legislative majority managed to attract an important number of indigenous leaders and aspiring politicians,⁸⁴ giving the *Alianza País* an indigenous visage. Lastly, the result of Correa's first major political success as an incumbent, namely the popular approval of a new constitution, was a step in the right direction for indigenous movements. Indeed, the new constitutional text was more comprehensive and explicit in its recognition of indigenous rights than the country's previous foundational documents.⁸⁵

4.2 Indigenous rights and the "Revolución Ciudadana"

As noted in section 3.1, the legitimation of political identities contributes to setting the boundaries of national citizenship. On its face, recent developments in Ecuador could suggest that a public indigenous identity has made some headway in a historically Westernized state. For instance, the incorporation of indigenous political struggles into the state's developmental strategies is visible through the growth of the Development Fund of the Indigenous Peoples and Nationalities of Ecuador (FODEPI) and its close linkage to the novel Secretariat for Peoples, Social Movements, and Citizen Participation.⁸⁶ Also, the decision to name the country's national development plan The National Plan for Good Living (taken from the Kichwa expression "*Sumak Kasway*," or "Good Life") suggests the establishment of policies influenced by indigenous social movements.⁸⁷

In spite of these advances, an important impediment in the relationship between Ecuador's main indigenous movements and the Correa administration has emerged in recent years.⁸⁸ Emboldened by the popular consent to his political program, the Ecuadorian president has repeatedly responded to pressures from below by adopting a confrontational stance. For instance, during the summer of 2011, governmental advertising during major sporting events denounced the "lies" of CONAIE leaders and *Pachakutik* deputies. Some indigenous civil society leaders have been consistently branded as "counterrevolutionaries."⁸⁹ This political strategy has eroded the perceived legitimacy of the forebears of the indigenous movement in Ecuador. As a result, the executive is hampering the consolidation of indigenous political identities that do not fit the dominant political program, and important indigenous voices are excluded from the reformist process of the *Revolución Ciudadana*.

As seen in section 3.1, Yashar's definition of a citizenship regime entails a change in the modes of interest mediation between citizens and the state.⁹⁰ According to the Ecuadorian constitution, indigenous communities have a right to be consulted before any piece of legislation affecting their communal rights is passed, and before any development project involving the extraction of natural resources is initiated in their territories. If these rights were consistently applied, the Ecuadorian state would make great progress toward devising a mode of interest mediation allowing for indigenous communities to take part in the public policymaking processes.

However, this does not yet seem to be the case. Indigenous movements have repeatedly denounced the infringement of their rights to "previous consultations" when resource extraction schemes affect their livelihoods. So far, the government's answers have been alarmingly dismissive. For instance, in defense against the accusation that indigenous communities were not consulted before the signing of a \$1.2 billion mining deal in the Amazon, Rafael Correa explained:

What the Constitution and international treaties establish with

regards to prior consultations is the need to organize public meetings in order to explain to the people the environmental impacts, work opportunities, and revenue schemes of the project; if somebody does not agree, the Constitution confers the power to make the pertinent decision to the president.⁹¹

This implies that the Ecuadorian government is reluctant to engage in a consequential redefinition of interest mediation between the indigenous communities and the state. The president's interpretation of constitutional provisions on previous consultations is minimalist, to say the least. Given that close to 40 percent of the Ecuadorian state's revenue is generated from natural resource extraction, this refusal is not unimportant.⁹² This refusal points to the inability of stakeholder indigenous communities to participate in one of the state's main development strategies.

With regard to the preconditions of autonomy identified in section 3.2, the development of legally recognized Indigenous Territorial Circumscriptions (CTI) makes relative the negative picture painted by recent conflict over resource extraction. Indeed, there seems to be a gradual process of autonomy building in some Ecuadorian regions, as indigenous communities are increasingly forming autonomous administrative structures through Article 57 of the Constitution.⁹³ Furthermore, the Ecuadorian government's investment in the redefinition of the state's administrative structures (the 2010 "Code of Territorial Legislation") addressed some of the legal and technical difficulties that had hitherto hindered the process of autonomy building for indigenous communities.⁹⁴ Thus, at the administrative level, it seems that the preconditions for autonomy in Ecuador are being bolstered rather than deconstructed.

As mentioned above, autonomy and self-representation are closely linked to the recognition of the right of indigenous peoples to practice community forms of justice. The Ecuadorian constitution of 2008 recognizes the right of indigenous authorities to "exercise judicial functions within their territories for the resolution of internal conflict." Rulings, however, cannot be contrary to the constitution or international human rights law.⁹⁵

Confirming Eisenstadt's observation that the coexistence of national and community justice creates "messy grey areas,"⁹⁶ recent events have exposed the contradictions of legal pluralism in Ecuador.⁹⁷ The following case, which echoes many similar situations across Latin America, accurately highlights these tensions.

In May 2010, indigenous leaders in an Ecuadorian highland town sentenced a villager who pleaded guilty to murder to five years of labor. The villager was also sentenced to drag a 100-kilogram bag of soil across his village while being whipped and doused in freezing water by other members of the community.⁹⁸ For indigenous leaders, this punishment resolved a matter of internal conflict through the application of applying a community law based on indigenous customs and practices, as allowed by the Constitution. For jurists in the capital, as well as a significant portion of the general public, these punishments were nothing short of torture and were thus clearly unconstitutional.⁹⁹ In addition, some lawyers argued that the indigenous justices overstepped their authority, as criminal proceedings fall under the exclusive competences of the states.¹⁰⁰ Both camps drew their arguments from different interpretations of the Constitution. After the widespread denunciation of the events by the national media, the executive stepped in to put an end to the judicial deadlock. Correa's stance was unambiguous: "This degrading spectacle that we saw through the media is an injustice. For God's sake, this is torture, this is barbarity."¹⁰¹ The accused was transferred to Quito to go through a "regular" trial. Three indigenous leaders were arrested under charges of kidnapping, extortion, and torture.¹⁰²

What explains this outcome? First, the lack of a clear and mutually agreed upon set of jurisdictional and legal competencies—Burguete's third and fourth preconditions for autonomy—created widespread confusion over the legitimacy of the indigenous justices' ruling. Correa's cabinet later recognized this.¹⁰³ Second, the lack of a widely legitimated norm of community justice fueled nationwide repulsion at the events that had taken place, which were framed by the media as an obvious case of autonomy gone wrong. Nonetheless, a positive result of this case is

that it propelled the issue of indigenous justice onto the agenda of the current judicial reform.¹⁰⁴ The state is now expected to clarify the articulation of community and national justice in order to lessen such legal uncertainty.

With regard to politics, Correa's governmental coalition has succeeded in attracting numerous indigenous political actors.¹⁰⁵ This development underlines the difficulties associated with indigenous politics examined in section 3.3, because the political power shift in favor of some indigenous political actors has had palpable divisionary effects on the wider indigenous movements. Indeed, the joining of forces between some indigenous leaders and the current administration has contributed to the creation of an official discourse that tends to pit "good" indigenous peoples against "reactionary" ones—essentially the partisans of CONAIE.¹⁰⁶ This contributes to a feeling that the dominant political force is practicing controlled indigenous inclusion. Furthermore, it exemplifies the political difficulties associated with preserving a solid link between the grassroots and the higher echelons of the political sphere.

In sum, this discussion suggests that some of the policies instated and political decisions taken during the era of the *Revolución Ciudadana* have produced a mismatch between the extensive constitutional provision of indigenous rights (the de jure quality of citizenship) and its de facto experience by indigenous peoples. To be sure, there have been some notable successes. The developments in bilingual education, public valorization of the indigenous heritage, increase of the state's reach in indigenous areas via social and economic development programs, novel legislations to create autonomous territories, and the presence of indigenous justice in the judicial reform agenda constitute positive developments in the Ecuadorian state's commitment to the constitutional rights of indigenous communities.¹⁰⁷

On the other hand, as shown by the tensions over resource extraction, the state remains quick to dismiss the right of indigenous local communities to shape policy in economic development projects. The constitutionally recognized political agency of

indigenous communities suffers from this dismissal. In addition, the recent conflicts over the application of community justice have exposed important tensions in the Ecuadorian judicial system. Furthermore, in spite of a successful normative integration of certain indigenous political values at the constitutional level, the state's most visible institution, the executive, is locked in a rhetoric of de-legitimization vis-à-vis "dissenting" indigenous leaders. Thus, the dialogue between public institutions and civil society is becoming increasingly tense, confrontational, and counterproductive. Taken together, these factors mitigate the hopes raised by the 2008 constitution. With regard to indigenous rights, there may be doubts as to the state's commitment to moving beyond constitutional recognition.

IV. POLICY AND RESEARCH RECOMMENDATIONS

In order for Latin American governments to respect their constitutional commitments with regard to indigenous peoples, future policies should reduce the gap between the *de jure* depth and breadth of citizenship and its *de facto* experience by indigenous citizens. This implies that governments should take an active stance in providing public institutional support for the promotion and defense of indigenous rights. This support should come through judicial and administrative reforms clarifying the state's relation with autonomous communities and customary law. States should also prioritize the establishment of clear mechanisms to promote the active participation of indigenous communities as stakeholders in designing developmental policies. Furthermore, the political expression of indigenous identities should neither be reduced to expressions of cultural difference nor strategically co-opted within partisan platforms. Rather, states should encourage indigenous groups' independent input on national policy with the aim of promoting constructive political dialogue.

Given these considerations, this article offers several tentative policy recommendations. Recognizing their crucial role in the

promotion, defense, and enforcement of constitutionally recognized indigenous rights, Latin American states should:

- Design legally enforced mechanisms to ensure the prior consultation of indigenous communities. These mechanisms should safeguard these communities' ability to veto the operation of private or state-run economic projects within their territories.
- Appoint expert committees composed of indigenous leaders, as well as international and national legal experts with the mandate to:
 - Devise precise laws regulating the judicial competencies of indigenous justice councils and remediate problems of overlapping jurisdictions.
 - Clarify the political and administrative competencies of autonomous territories, and their articulation within relevant regional structures.
 - Develop partnerships with international and national civil society aimed at increasing legal support to indigenous peoples and training existing courts in multilingual-intercultural relations and indigenous rights adjudication.
 - Promote the input of indigenous civil society groups at the national policymaking level regardless of political stances and alliances.

These recommendations are of a general nature, and should be adapted to specific national contexts. However, through their strong theoretical and analytical basis, they can orient public policymaking in an enlightened way. Future research efforts in the field of indigenous rights and Latin American states should thus focus on case-specific impediments to the realization the above goals:

- Researchers should seek to document the different conceptions of the right to prior consultation across communities and public institutions to facilitate informed and constructive debates.

- The evolution of national territorial administration legislation in different countries should be cross-examined to determine which models have been more conducive to consensus-building on issues of indigenous autonomy and self-representation.
- Legal studies and anthropological research should jointly aim to identify how a stable and representative nexus between national and community justice can be attained in different regional contexts.
- Sociological studies on the sociocultural and institutional barriers faced by indigenous individuals or communities in different national judicial systems should identify priorities for domestic judicial reforms.
- Public opinion, media content analysis, and studies of public discourse should attempt to assess the impact of certain policies on the perception of indigenous communities as legitimate political actors in contemporary Latin American democracies.

V. CONCLUDING REMARKS

The consolidation of Latin America's democracies is embedded in the state's capacity to make concrete its constitutional engagements in a stable, forward looking, and depoliticized manner. After having been successfully brought to the forefront of national and international forums in the 1990s, indigenous rights are still at the heart of many debates and controversies in Latin American states. Much has been done, and solutions to complex problems are being found in some policy areas. Yet a stable methodology and analytical framework are needed to ensure that public policy is going in the right direction. The experience of Latin American citizenship regimes by indigenous peoples should reflect true advances, rather than increasing disillusionment and flouted promises. This article has moved toward this goal by taking into account the specific role of the state in this endeavor. In the near future, additional research and elaboration on this article's main points should provide policy-makers with the confidence to step up to the challenge.

Endnotes

- 1 International Labor Organization, "C169 Indigenous and Tribal Peoples Convention, 1989," <http://www.ilo.org>.
27/06/1989. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>.
- 2 Donna Lee Van Cott, *Indigenous Peoples and Democracy in Latin America* (New York: St. Martin's Press, 1994), 1.
- 3 See Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge: Cambridge University Press, 2005)
- 4 Rachel Sieder, "Indigenous Peoples and the State in Latin America: An Opening Debate," in *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*, ed. Rachel Sieder (New York: Palgrave Macmillan, 2002), 1; Rodolfo Stavenhagen, "Indigenous Peoples and the State in Latin America: An Ongoing Debate," in *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*, ed. Rachel Sieder (Basingstoke, NH: Palgrave Macmillan, 2002), 31–32.
- 5 Donna Lee Van Cott, "Constitutional Reform in the Andes: Redefining Indigenous-State Relations," in *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*, ed. Rachel Sieder (Basingstoke, NH: Palgrave Macmillan, 2002), 46–47.
- 6 Pascal Lupien, "The Incorporation of Indigenous Concepts of Plurinationality into the New Constitutions of Ecuador and Bolivia," *Democratization*, vol. 18, no. 3 (2011): 774–96.
- 7 Ibid., 779.
- 8 Ibid.
- 9 Ibid., 779, 785.
- 10 Republic of Bolivia, "República de Bolivia/ Constitución de 2009," *Political Database of the Americas*, July 2011, <http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia09.html> (translated by author).
- 11 Daniel Brinks and William Forbath, "Commentary: Social and Economic Rights in Latin America: Constitutional Courts and the Prospects for Pro-poor Interventions," *Texas Law Review*, no. 89 (2011): 1949.
- 12 Consider the example of former Ecuadorian president Lucio Gutierrez (2003–2005) who campaigned on a leftist platform but continued the strict implementation of neo-liberal policies during his two years in office.
- 13 Andrew M. Crain, "Indigenous Land Regularization in Latin America," *Native Web*, <http://www.nativeweb.org/papers/essays/crain.html>.
- 14 Pascal Lupien, "The Incorporation of Indigenous Concepts of Plurinationality into the New Constitutions of Ecuador and Bolivia," 778;
Andrew Huff, "Indigenous Land Rights and the New Self Determination," *Colorado Journal of International Environmental Law and Policy*, vol. 16, no. 2 (2005): 295–97.
- 15 Republic of Ecuador, "República del Ecuador / Constituciones de 2008."
- 16 Crain, "Indigenous Land Regularization in Latin America."
- 17 Ibid.
- 18 See: Anthony Stocks, "Too Much for Too Few: Problems of Indigenous Land Rights in Latin America," *Annual Review of Anthropology*, no. 34 (2005): 85–104.
- 19 Ibid.
- 20 Lupien, "Indigenous Concepts of Plurinationality," 778.
- 21 Republic of Ecuador, "República del Ecuador / Constituciones de 2008."
- 22 David H. Getches, "Indigenous Peoples' Rights to Water Under International Norms," *Colorado Journal of International Environmental Law and Policy*, vol. 16, no. 2 (2005): 292–93.

23 See for instance: The Guardian, "Peruvian police fire on unarmed indigenous tribes' oil and gas protest," June 6, 2009, <http://www.guardian.co.uk/world/2009/jun/05/amazon-tribes-police-protest-deaths>;

Earth Times, "Preservation and development clash in Brazilian Amazonia," November 30, 2009, (<http://www.amazonrainforestnews.com/2009/11/preservation-and-development-clash-in.html>).

24 Joyeeta Gupta, Rhodante Ahlers and Lawal Ahmed, "The Human Right to Water: Moving Towards Consensus in a Fragmented World," *Review of European Community & International Environmental Law*, vol. 19, no. 3 (2010): 296–99.

25 Getches, "Indigenous Peoples' Rights to Water Under International Norms," 292–93.

26 Ibid.

27 Ibid. The final outcomes of the legal saga over the *Chevron* case in Ecuador could change this by creating a massive precedent for environmental damages reparation.

28 Lupien, "Indigenous Concepts of Plurinationality," 778; Stavenhagen, "Indigenous Peoples and the State in Latin America," 6. Also see Deborah Yashar, *Contesting Citizenship in Latin America*.

29 Deborah Yashar, *Contesting Citizenship in Latin America*, 296; Van Cott, *Indigenous Peoples and Democracy in Latin America*, 13.

30 Stavenhagen, "Indigenous Peoples and the State in Latin America," 8–9.

31 Republic of Bolivia, "República de Bolivia/ Constitución de 2009>."

32 Rodolfo Stavenhagen, "Indigenous Peoples and the State in Latin America," 35.

33 Sieder, "Indigenous Peoples and the State in Latin America," 7–8.

34 Todd A. Eisenstadt, "Reconciling Individual Rights, Communal Rights, and Autonomy Institutions: lessons from Chiapas and Oaxaca," in *Politics, Identity, and Mexico's Indigenous Rights Movements*, ed. Todd A. Eisenstadt (Cambridge: Cambridge University Press, 2011), 174–79.

35 Stavenhagen, "Indigenous Peoples and the State in Latin America," 38. In this article, the terms "community justice" and "customary law" are used interchangeably.

36 Sieder, "Indigenous Peoples and the State in Latin America," 10.

37 John L Hammond, "Indigenous Community Justice in the Bolivian Constitution of 2009," *Human Rights Quarterly*, no. 33 (2011): 655.

38 Van Cott, "Constitutional Reform in the Andes," 47.

39 Republic of Bolivia, "República de Bolivia/ Constitución de 2009."

40 Sieder, "Indigenous Peoples and the State in Latin America," 10.

41 Ibid.

42 Hammond, "Indigenous Community Justice," 673–676; Sieder, "Indigenous Peoples and the State in Latin America," 11.

43 Sieder, "Indigenous Peoples and the State in Latin America," 11.

44 Van Cott, *Indigenous Peoples and Democracy in Latin America*, 12.

45 Lupien, "Indigenous Concepts of Plurinationality," 778; Marc Becker, "Correa, Indigenous Movements, and the Writing of a New Constitution in Ecuador," *Latin American Perspectives*, vol. 38, no. 47 (2011): 53–55. There are important distinctions between those terms. Whereas a pluri-ethnic or multicultural state implies the acceptance and valorization of different ethnicities and cultures in the public realm, Becker notes that plurinationalism is a term that is more politically charged. However, the definition of plurinationalism remains contested. A more "conservative" definition of plurinationalism would be Maldonado's: "the legal and political recognition of political diversity." For some, plurinationalism is more akin to a political platform; Chuji defines it as "a new form of social contract that respects and harmonizes the rights of indigenous peoples and nationalities with the judicial structure and political force to recognize their status as political subjects with clear rights"; Lupien, "Indigenous Concepts of Plurinationality," 778.

46 United Nations, “United Nations Declaration of the Rights of Indigenous Peoples,” March 2008, http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf.

47 Luis Enrique López, “Reaching the unreached: indigenous intercultural bilingual education in Latin America,” *Commission Background Study for Education For All Global Monitoring Report 2009*, UNESCO, 2009, <http://unesdoc.unesco.org/images/0018/001866/186620e.pdf>.

48 Lupien, “Indigenous Concepts of Plurinationality,” 787. In several other countries, some indigenous languages are recognized as official, but only within certain territories or regions.

49 See Guadalupe Tinajero and Karen Englander, “Bilingual- intercultural education for indigenous children: the case of Mexico in an era of globalization and uprisings,” *Intercultural Education*, vol. 22, no. 3 (2011): 163–78.

50 Ibid.

51 Rudi Colloredo-Mansfield, “The Power of Ecuador’s Indigenous Communities in an Era of Cultural Pluralism,” in *Indigenous Peoples, Civil Society, and the Neo-liberal State in Latin America*, ed. Edward Fisher (New York : Berghahn Books, 2008), 88.

52 Robert Albro, “Confounding Cultural Citizenship and Constitutional Reform in Bolivia,” *Latin American Perspectives*, vol. 37, no. 3 (2010): 71–86.

53 Yashar, *Contesting Citizenship in Latin America*, 5–6.

54 Ibid., 47.

55 Ibid., 47–48.

56 Ibid., 32.

57 Ibid.

58 To be sure, the extent to which these political identities can be incorporated into the states depends on the relative political strength of indigenous movements, and of the numerical importance of indigenous populations.

59 Philip Oxhorn, “Citizenship as Consumption or Citizenship as Agency? The Challenge for Civil Society in Latin America,” Paper prepared for presentation at the annual meeting of the American Political Science Association, Toronto, September 2009, 2.

60 Legibility, according to Scott, refers to “the efforts of statecraft to synoptically map its people,” quoted in Albro, “Confounding Cultural Citizenship and Constitutional Reform in Bolivia,” 72.

61 Albro, “Confounding Cultural Citizenship and Constitutional Reform in Bolivia,” 72.

62 Yashar, *Contesting Citizenship in Latin America*, 6.

63 Ibid., 52, 6–7.

64 Ibid., 40.

65 Ibid.

66 Martin Andersen, *Peoples of the Earth: Ethnonationalism, Democracy, and the Indigenous Challenge in Latin America* (Lexington, VA: Lexington Books, 2010), 4–9.

67 In this section, autonomy is defined as “the degree which groups can operate independently from the state and its dominant culture as well as the degree to which individuals are free to make conscious decisions about the institutions, parties, and practices they support,” Eisenstadt, “Reconciling Individual Rights.”

68 Eisenstadt, “Reconciling Individual Rights,” 163.

69 To be sure, a formation of autonomous communities greatly depends on the capacity and willingness of indigenous groups to organize them independently of the state in a stable and consensual manner.

70 Hammond, “Indigenous Community Justice,” 653; Eisenstadt, “Reconciling Individual Rights,” 157.

71 Hammond, “Indigenous Community Justice,” 672; Rachel Sieder, “Recognizing Indigenous Law and the Politics of State Formation in Mesoamerica,” in *Multiculturalism in*

Latin America: Indigenous Rights, Diversity and Democracy, ed. Rachel Sieder (New York : Palgrave Macmillan, 2002), 185.

72 Sieder, "Recognizing Indigenous Law and the Politics of State Formation in Mesoamerica," 199.

73 Van Cott, "Constitutional Reform in the Andes," quoted in Lupien, "Indigenous Concepts of Plurinationality," 791.

74 Yashar, *Contesting Citizenship in Latin America*, 303.

75 Ibid.

76 Ibid., 305.

77 Ibid., 304..

78 The New York Times, "Complex Defeat for Nobel Winner in Guatemala," November 9, 2007, http://www.nytimes.com/2007/09/11/world/americas/11guatxx.html?_r=2&ref=rigobertamenchu;

Tribunal Supremo Electoral de Guatemala, "Presidente y Vicepresidente - Nivel Nacional - Resultados Preliminares," 2011, <http://resultados2011.tse.org.gt/primeravuelta/index.php>.

79 This observation parallels the "paradox of new exclusions" in Latin America from the standpoint of party politics.

80 Yashar, *Contesting Citizenship in Latin America*, 150–51.

81 Van Cott, "Constitutional Reform in the Andes," 47.

82 To be sure, the definition of a "leftist" is vague in the region. However, Rafael Correa's two presidential terms have remained steadily anchored in policies of economic redistribution, the bolstering of social services, and an increase of the state's control of the economy.

83 See Marc Becker, *Indians and Leftists in the Making of Ecuador's Modern Indigenous Movements* (Durham, NC: Duke University Press, 2008).

84 Becker, "Correa, Indigenous Movements, and the Writing of a New Constitution in Ecuador," 51.

85 Ibid., 59–60.

86 Fondo de Desarrollo de las Nacionalidades Y Pueblos Indígenas del Ecuador, *Quines Somos?*, 2012, <http://www.fodepi.gov.ec>.

87 Government of Ecuador, "National Plan for Good Living 2009-2013-Presentation," 2012, <http://plan2009.senplades.gob.ec/web/en/presentation>.

88 See: Marc Becker, "The Children of 1990," *Alternatives*, vol. 35, no.3 (2010): 291-316.

89 Ciudadanía Informada, "Correa dice que no hablará con los dirigentes "golpistas y oportunistas" de la marcha indígena," March 22, 2012, http://www.ciudadaniainformada.com/noticias-politica-ecuador0/noticias-politica-ecuador/ir_a/politica/article//correa-dice-que-no-hablara-con-los-dirigentes-golpistas-y-oportunistas-de-la-marcha-indigena.html.

90 This seems to be a central focus of Correa's political rhetoric. The program of the "Citizen's Revolution" presents itself as initiating a paradigm shift in citizenship by favoring instruments of direct democracy and creating new institutions of popular control.

91 El Ciudadano, "Consulta previa sí se realizó para ejecución de proyecto minero Mirador," March 31, 2012, http://www.elciudadano.gov.ec/index.php?option=com_content&view=article&id=31649:consulta-previa-si-se-realizo-para-ejecucion-de-proyecto-minero-mirador&catid=40:actualidad&Itemid=63.

92 World Finance, "Natural resources propel Ecuadorian recovery," February 22, 2012, <http://www.worldfinance.com/markets/energy/natural-resources-propel-ecuadorian-recovery/>.

93 El Mercurio, "Circunscripciones territoriales indígenas (CTI) afianzan estado unitario, intercultural y plurinacional," November 28, 2011, <http://www.elmercurio.com.ec/260656-circunscripciones-territoriales-indigenas-cti-afianzan-estado-unitario-intercultural->

y-plurinacional.html;

Ecuador Informativo, "Nacionalidades Indígenas Avanzan Con el Proceso de las CTT's," March 20, 2012, <http://www.ecuadorinformativo.com/2012/03/nacionalidades-indigenas-avanzan-con-el.html>.

94 Observatorio de la Decentralización y de la Democracia Local en Latino America y el Caribe, "Ecuador: Código de Ordenamiento Territorial busca mejorar la descentralización," February 17, 2009, http://www.observatoriodescentralizacion.com/index.php?option=com_content&view=article&id=152:ecuador-codigo-de-ordenamiento-territorial-busca-mejorar-la-descentralizacion-&catid=35:inicio.

95 BBC Mundo, "Ecuador: justicia indígena pone a prueba al Estado," May 26, 2010, http://www.bbc.co.uk/mundo/america_latina/2010/05/100526_0713_ecuador_justicia_indigenas_cr.shtml.

96 Eisenstadt, "Reconciling Individual Rights, Communal Rights, and Autonomy Institutions," 157.

97 BBC Mundo, "Ecuador: justicia indígena pone a prueba al Estado."

98 Ibid.

99 Ibid.

100 Ibid.

101 BBC News, "Ecuador's indigenous justice system on trial," July 27, 2010, <http://www.bbc.co.uk/news/world-latin-america-10683003>.

102 Ibid.

103 BBC Mundo, "Justicia ordinaria vs. justicia indígena," September 16, 2005, http://news.bbc.co.uk/hi/spanish/latin_america/newsid_4135000/4135398.stm.

104 BBC News, *Ecuador's indigenous justice system on trial*.

BBC Mundo, *Justicia ordinaria vs. justicia indígena*.

105 Becker, "Correa, Indigenous Movements, and the Writing of a New Constitution in Ecuador," 50.

106 See Noticias 24, "Correa califica de 'contundente derrota' la marcha de los indígenas en Ecuador," March 22, 2012, <http://www.noticias24.com/internacionales/noticia/34194/correa-califica-de-contundente-derrota-la-marcha-de-los-indigenas-en-ecuador-video/>; El Telégrafo, "Gobierno está abierto al diálogo con los indígenas y no con conspiradores," March 26, 2012, http://190.95.205.35/index.php?option=com_zoo&task=item&item_id=33815&Itemid=2.

107 Radio Cadena Agramonte, "Rafael Correa transforma la Educación Intercultural Bilingüe," June 1, 2012, http://www.cadenagramonte.cu/index.php?option=com_content&view=article&id=4587:rafael-correa-transforma-la-educacion-intercultural-bilinguee&catid=3:internacionales&Itemid=50; Blog de Jaime Valdes, "Primera mujer indígena en Corte Nacional de Justicia de Ecuador," June 2, 2012; Prensa Indígena, "Ecuador: Nombran a jurista kichua Mariana Yumbay como nueva Jueza," October 2, 2012.

Bibliography

Agencia Andes. "Justicia indígena' también entrará en el proceso de reforma judicial." September 9, 2011. <<http://andes.info.ec/2009-2011.php/?p=90445>>.

Albro, Robert. "Confounding Cultural Citizenship and Constitutional Reform in Bolivia." *Latin American Perspectives* ((37:3) 2010): 71–90.

America Economía. "Ecuador: corte confirma millonario fallo contra Chevron por caso de contaminación ambiental." January 4, 2012. <<http://www.americaeconomia.com/negocios-industrias/ecuador-corte-confirma-millonario-fallo-contra-chevron-por-caso-de-contaminacion>>.

Andersen, Martin. *Peoples of the Earth: Ethnonationalism, Democracy, and the Indigenous*

Challenge in Latin America. Lexington, VA: Lexington Books, 2010.

Asamblea Nacional del Ecuador . “Ecuador: Constitution, 2008.” July 2011. Georgetown University Political Database of the Americas. May 11, 2011 <<http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador08.html#mozTocId492816>>.

Baud, Michel. “Indigenous Politics and the State: The Andean Highlands in the Nineteenth and Twentieth Centuries .” Fisher, Edward. *Indigenous Peoples, Civil Society, and the Neo-liberal State in Latin America*. New York : Berghahn Books, 2008. 19–40.

BBC Mundo. “Ecuador: justicia indígena pone a prueba al Estado.” May 5, 2010. <http://www.bbc.co.uk/mundo/americas_latina/2010/05/100526_0713_ecuador_justicia_indigenas_cr.shtml>.

—. “Justicia ordinaria vs. justicia indígena.” September 16, 2005. <http://news.bbc.co.uk/1/hi/spanish/latin_america/newsid_4135000/4135398.stm>.

BBC News. “Ecuador’s indigenous justice system on trial.” July 27, 2010. <<http://www.bbc.co.uk/news/world-latin-america-10683003>>.

Becker, Marc. “Indigenismo and Indian Movements in Twentieth-Century Ecuador.” September 1995. Latin American Network Information Center . <<http://lanic.utexas.edu/project/lasa95/becker.html>>.

. “The Children of 1990.” *Alternatives* , vol. 35, no.3 (2010): 291–316 .

Bellettini, Orazio. Author interview. Quito, Ecuador, July 19, 2011.

Boelens, Rutgerd and Hugo de Vos. “Water Law and Indigenous Rights in the Andes.” *Cultural Survival Quarterly*, vol. 29, no. 4 (2010) :

Brinks, Daniel and Abby Blass. “Determinants of Judicial Power.” Forthcoming (n.d.).

Brinks, Daniel and William Forbath. “Commentary: Social and Economic Rights in Latin America: Constitutional Courts and the Prospects for Pro-poor Interventions.” *Texas Law Review* no. 89 (2011): 1943–54.

Brinks, Daniel. “Faithful Servants of the Regime.” Helmke, Gretchen and Julio Rios-Figueroa. *Courts in Latin America*. Cambridge : Cambridge University Press, 2011. 128–53.

Carothers, Thomas. “The Backlash Against Democracy Promotion.” *Foreign Affairs*, vol. 85, no.2 (2006): 55–68.

Castañeda, Jorge G., Marco A. Morales and Patricio Navia. “Resilient nationalism in the Latin American left.” Castañeda, Jorge G. and Marco A. Morales. *Leftovers : tales of the Latin American left*. New York : Routledge , 2008.

Centro Ecuatoriano de Derecho Ambiental . “Hacia una Gobernabilidad Transparente: Potenciando a las Organizaciones Sociales Democráticas en el marco de la nueva Constitución Política.” 2009. www.ceda.org.ec. November 3, 2011 <<http://www.ceda.org.ec/descargas/publicaciones/SistematizacionNED2.pdf>>.

Ciudadanía Informada. “Correa dice que no hablará con los dirigentes ‘golpistas y oportunistas’ de la marcha indígena.” March 22, 2012. <http://www.ciudadaniainformada.com/noticias-politica-ecuador0/noticias-politica-ecuador/ir_a/politica/article//correa-dice-que-no-hablara-con-los-dirigentes-golpistas-y-oportunistas-de-la-marcha-indigena.html>.

Clavero, Bartolomé “Ecuador: Corte Constitucional contra Pueblos Indígenas.” January 4, 2010. Blog. <<http://clavero.derechosindigenas.org/?p=5843>>.

—. Escamoteo de la Consulta Indígena en el Ecuador. June 19, 2009. Blog. <<http://clavero.derechosindigenas.org/?p=1705>>.

Cotopaxi Noticias . “El futuro de la justicia indígena está en manos de la Corte Constitucional.” June 17, 2011. <<http://www.cotopaxinoticias.com/seccion.aspx?sid=13&nid=3678>>.

—. *Indigenous Peoples and Democracy in Latin America*. New York : Palgrave Macmillan, 1995 .

Crain, Andrew M. “Indigenous Land Regularization in Latin America.” Native Web. March 2012. <<http://www.nativeweb.org/papers/essays/crain.html>>.

Deere, Carmen Diana and Magdalena León. "Institutional Reform of Agriculture Under Neoliberalism: The Impact of Women's and Indigenous Movements." *Latin American Research Review*, vol. 36, no. 2 (2001): 31–63 .

Delgado, Rafael Correa. "Descargas Legislacion ." September 2007. Accessed January 5, 2011. <http://www.infodesarrollo.ec/recursos/documentos/cat_view/133-legislacion.html?orderby=dmdate_published&ascdesc=DESC>.

Diario Hoy. "Correa dice que prensa es el 'nuevo opio' de los pueblos." May 21, 2011. Accessed November 5, 2011. <<http://www.hoy.com.ec/noticias-ecuador/correa-dice-que-prensa-es-el-nuevo-opio-de-los-pueblos-476467.html>>.

—. "Gobierno gasta \$15 millones en publicidad." December 4, 2008. Accessed October 22, 2011. <<http://www.hoy.com.ec/noticias-ecuador/gobierno-gasta-15-millones-en-publicidad-322016.html>>.

—. "ONG's que intervengan en política serán expulsadas, dice Correa." July 10, 2010. Accessed November 6, 2011. <<http://www.hoy.com.ec/noticias-ecuador/ongs-que-intervengan-en-politica-seran-expulsadas-dice-correa-418108.html>>.

Dosh, Paul and Nicole Kligerman. "Correa vs. Social Movements: Showdown in Ecuador ." *NACLA report on the Americas*, vol. 42, no.5 (2009): 2–40.

Earth Times . "Preservation and development clash in Brazilian Amazonia." November 30, 2009. <<http://www.amazonrainforestnews.com/2009/11/preservation-and-development-clash-in.html>>.

Ecuador Informativo. "Nacionalidades Indigenas Avanzan Con el Proceso de las CTT's." March 30, 2012. <<http://www.ecuadorinformativo.com/2012/03/nacionalidades-indigenas-avanzan-con-el.html>>.

Eisenstadt, Todd A. "Reconciling Individual Rights, Communal Righths, and Autonomy Institutions: lessons from Chiapas and Oaxaca." Eisenstadt, Todd A. *Politics, Identity, and Mexico's Indigenous Rights Movements*. Cambridge: Cambridge University Press , 2011. 157–80.

El Ciudadano. "Consulta previa sí se realizó para ejecución de proyecto minero Mirador." March 31, 2012. <http://www.elciudadano.gov.ec/index.php?option=com_content&view=article&id=31649:consulta-previa-si-se-realizo-para-ejecucion-de-proyecto-minero-mirador&catid=40:actualidad&Itemid=63>.

—. "Jefe de Estado ratificó que Fundamedios sí recibe financiamiento de la USAID." July 2, 2011. Accessed November 5, 2011. <http://www.elciudadano.gov.ec/index.php?option=com_content&view=article&id=25839:jefe-de-estado-ratifico-que-fundamedios-si-recibe-financiamiento-de-la-usaid&catid=40:actualidad&Itemid=63>.

El Comercio. "Las ONG analizan el decreto que las regulará." June 29, 2011. Accessed November 3, 2011. <http://www.elcomercio.com/sociedad/ONG-analizan-decreto-regulara_0_507549364.html>.

El Mercurio . "Circunscripciones territoriales indígenas (CTI) afianzan estado unitario, intercultural y plurinacional." November 28, 2012. <<http://www.elmercurio.com.ec/260656-circunscripciones-territoriales-indigenas-cti-afianzan-estado-unitario-intercultural-y-plurinacional.html>>.

El Telegrafo . "Gobierno fustiga cobro de multas a indígenas que no apoyan marcha." March 18, 2012. <http://www.telegrafo.com.ec/index.php?option=com_zoo&task=item&item_id=33001&Itemid=2>.

—. "Gobierno está abierto al diálogo con los indígenas y no con conspiradores". March 26, 2012. <http://190.95.205.35/index.php?option=com_zoo&task=item&item_id=33815&Itemid=2>.

El Telégrafo. "Correa descarta consulta popular para tema minero." October 27, 2011. Accessed November 8, 2011. <http://www.telegrafo.com.ec/index.php?option=com_zoo&task=item&item_id=19389&Itemid=2>.

—. "Usaid y sus socios tienen 108 proyectos en el país." July 1, 2011. Accessed

November 29, 2011. <http://www.telegrafo.com.ec/index.php?option=com_zoo&task=item&item_id=8424&Itemid=2>.

El Universo . “Pleno de la CC sesiona para revisar procesos.” March 27, 2012. <<http://www.eluniverso.com/2012/03/27/1/1355/pleno-cc-sesiona-revisar-procesos.html>>.

El Universo. “Correa criticó el uso de ‘escudos humanos.’” October 23, 2011. Accessed November 8, 2011. <<http://www.eluniverso.com/2011/10/23/1/1447/correa-critico-uso-escudos-humanos.html>>.

—. “Correa refuta a los obispos por crítica.” October 23, 2011. Accessed November 8, 2011. <<http://www.eluniverso.com/2011/10/23/1/1355/correa-refuta-obispos-critica.html>>.

Estévez, Liseth. “Organizaciones de la Sociedad Ecuatoriana Piden A Gobierno que no Promulgue Reglamento.” January 7, 2011. Accessed November 5, 2011. <http://www.grupofaro.org/archivos/2011/boletindeprensa/BOLETIN%20DE%20PRENSA_OSCEcuador%207EN2010.pdf>.

Europa Press. “Indígenas de Ecuador inician una marcha hacia Quito contra las políticas de Correa.” March 8, 2012. <<http://www.europapress.es/latam/ecuador/noticia-ecuador-indigenas-ecuador-inician-marcha-quito-contra-politicas-correa-20120308211535.html>>.

Fisher, Edward. “Indigenous Peoples, Neo-Liberal Regimes, and Varieties of Civil Society in Latin America .” Fisher, Edward. *Indigenous Peoples, Civil Society, and the Neo-Liberal State in Latin America*. New York: Berghahn Books, 2008. 1–17.

Fondo de Desarrollo de las Nacionalidades Y Pueblos Indígenas del Ecuador. “¿Quines Somos?” 2012. <<http://www.fodepi.gov.ec/>>.

Getches, David H. “Indigenous Peoples’ Rights to Water Under International Norms.” *Colorado Journal of International Environmental Law and Policy*, vol. 16, no. 2 (2005): 259–95.

Global Post . “Ecuador’s green president pushes massive Chinese mine.” March 30, 2010. <<http://www.globalpost.com/dispatch/news/regions/americas/120329/ecuador-indigenous-protest-chinese-mirador-copper-mine>>.

Gobierno Bolivariano de Venezuela . “Gran marcha en defensa de la soberanía nacional recorrió calles de Caracas.” May 29, 2011. Accessed October 17, 2011. <http://www.gdc.gob.ve/content/site/module/news/op/displaystory/story_id/907/format/html/>.

Government of Ecuador . “National Plan for Good Living 2009-2013.” Presentation. 2012. <<http://plan2009.senplades.gob.ec/web/en/presentation>>.

Gupta, Joyeeta, Rhodante Ahlers and Lawal Ahmed. “The Human Right to Water: Moving Towards Consensus in a Fragmented World.” *Review of European Community & International Environmental Law*, vol. 19, no. 3 (2010): 294–305.

Hammond, John L. “Indigenous Community Justice in the Bolivian Constitution of 2009.” *Human Rights Quarterly*, no. 33 (2011): 649–81 .

Hernandez, Moises Elizarraras. “Experiencias y Dilemas de la Autonomía en Tres Regiones Indígenas de América Latina .” 2007. Universidad Autónoma del Estado de México. <<http://redalyc.uaemex.mx/pdf/281/28101304.pdf>>.

Huff, Andrew. “Indigenous Land Rights and the New Self Determination.” *Colorado Journal of International Environmental Law and Policy*, vol. 16, no. 2 (2005): 295–332.

International Labor Organization. “C169 Indigenous and Tribal Peoples Convention, 1989.” June 27, 1989. <<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>>.

Laprensa.com.ni. “Correa amenaza con expulsar a ONG que intervengan en política.” July 10, 2010. Accessed November 6, 2011 <<http://www.laprensa.com.ni/2010/07/10/internacionales/31108>>.

Leon, Luis Vicente and David Smilde. “Understanding Populism and Political

Participation: The Case of Venezuela ." *Woodrow Wilson Center Update on the Americas*, no. 3 (2009): 1–10.

López, Luis Enrique. "Reaching the unreached: indigenous intercultural bilingual education in Latin America." Commission Background Study for Education For All Global Monitoring Report 2009. UNESCO, 2009.

Lupien, Pascal. "The Incorporation of Indigenous Concepts of Plurinationality into the New Constitutions of Ecuador and Bolivia." *Democratization*, vol. 18, no. 3 (2011): 774–96.

Merco Press. "Last US forces abandon Manta military base in Ecuador." September 19, 2009. Accessed November 25, 2011. <<http://en.mercopress.com/2009/09/19/last-us-forces-abandon-manta-military-base-in-ecuador>>.

Ministerio Coordinador del Patrimonio del Ecuador . Interculturalism Program. 2012. <<http://www.ministeriopatrimonio.gob.ec/>>.

Noticias 24. "Correa califica de 'contundente derrota' la marcha de los indígenas en Ecuador." March 22, 2012. <<http://www.noticias24.com/internacionales/noticia/34194/correa-califica-de-contundente-derrota-la-marcha-de-los-indigenas-en-ecuador-video/>>.

Observatorio de la Decentralización y de la Democracia Local en Latino America y el Caribe. "Ecuador: Código de Ordenamiento Territorial busca mejorar la descentralización." February 17, 2009. <http://www.observatoriodescentralizacion.com/index.php?option=com_content&view=article&id=152:ecuador-codigo-de-ordenamiento-territorial-busca-mejorar-la-descentralizacion-&catid=35:inicio>.

Observatory on Latin America . "OLA: Past Activities." September 23, 2011. Accessed November 5, 2011. <http://www.observatorylatinamerica.org/events_past.html>.

Oxhorn, Philip. "Citizenship as Consumption or Citizenship as Agency? The Challenge for Civil Society in Latin America ." Paper prepared for presentation at the annual meeting of the American Political Science Association, Toronto, September 2009 (n.d.).

—. "Democratic Backsliding and the Threat of New Forms of Authoritarian Rule." *Foresight*, vol. 1, no.1 (2007): 1–11.

—. *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile*. University Park: The Pennsylvania State University Press, 1995.

—. *Sustaining Civil Society: Economic Change, Democracy and the Social Construction on Citizenship in Latin America* . University Park: The Pennsylvania University Press, forthcoming 2011.

Prensa Indígena . "Ecuador: Nombran a jurista kichua Mariana Yumbay como nueva Jueza." October 2, 2012. <<http://www.prensaindigena.org.mx/?q=content/ecuador-nombran-jurista-kichua-mariana-yumbay-como-nueva-jueza>>.

Radio Cadena Agramonte. "Rafael Correa transforma la Educación Intercultural Bilingüe." January 6, 2012. <http://www.cadenagramonte.cu/index.php?option=com_content&view=article&id=4587:rafael-correa-transforma-la-educacion-intercultural-bilinguee&catid=3:internacionales&Itemid=50>.

Republic of Bolivia . "República de Bolivia/ Constitución de 2009." July 2011. Political Database of the Americas. <<http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia09.html>>.

Republic of Ecuador . "República del Ecuador / Constituciones de 2008." July 2011. Political Database of the Americas. <<http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador08.html#mozTocId492816>>.

Roberts, Kenneth. "Populism and Democracy in Latin America ." 2000. Accessed October 19, 2011. <<http://www.cartercenter.org/documents/nondatabase/roberts.pdf>>.

Schmitter, Phillipe and Terry Lynn Karl. "What Democracy Is . . . and Is Not." *Journal of Democracy*, vol. 2, no.3 (1991): 75–88.

Shills, Edward. "The Virtue of Civil Society." *Government and Opposition*, vol. 26, no.1 (1991): 3–20.

Sieder, Rachel. "Indigenous Peoples and the State in Latin America: An Opening

Debate." Sieder, Rachel. *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*. New York : Palgrave Macmillan, 2002. 1–23.

Skjaevestad, Anne. "The Mapuche People's Battle for Indigenous Land: Litigation As a Strategy to Defend Indigenous Land Rights." Couso, Javier, Alexandra Huneeus and Rachel Sieder. *Cultures of legality: judicialization and political activism in Latin America*. Cambridge: Cambridge University Press, 2010. 207–34.

Stavenhagen, Rodolfo. "Indigenous Peoples and the State in Latin America: An Ongoing Debate ." Sieder, Rachel. *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*. Basingstoke, NH: Palgrave Macmillan, 2002. 24–42.

Stocks, Anthony. "Too Much for Too Few: Problems of Indigenous Land Rights in Latin America." *Annual Review of Anthropology*, no. 34 (2005): 85–104.

Tercera Informacion. "Participa Correa en ceremonia por año nuevo indígena." March 23, 2012. <<http://www.tercerainformacion.es/spip.php?article35257>>.

The Guardian . "Peruvian police fire on unarmed indigenous tribes' oil and gas protest." June 5, 2009. <<http://www.guardian.co.uk/world/2009/jun/05/amazon-tribes-police-protest-deaths>>.

The New York Times. "Complex Defeat for Nobel Winner in Guatemala." September 11, 2007. <http://www.nytimes.com/2007/09/11/world/americas/11guatxx.html?_r=2&ref=rigobertamenchu>.

The Telegraph. "Ecuador's political instability: 8 presidents in 13 years." October 10, 2010. Accessed November 5, 2011. <<http://www.telegraph.co.uk/news/worldnews/southamerica/ecuador/8035942/Ecuadors-political-instability-8-presidents-in-13-years.html>>.

Tinajero, Guadalupe and Karen Englander. "Bilingual- intercultural education for indigenous children: the case of Mexico in an era of globalization and uprisings." *Intercultural Education*, vol. 22, no. 3 (2011): 163–78.

Torre, Carlos De La. "The Resurgence of Radical Populism in Latin America." *Constellations*, vol. 14, no.3 (2007): 384–97.

Tribunal Supremo Electoral de Guatemala. "Presidente y Vicepresidente - Nivel Nacional - Resultados Preliminares." 2011. <<http://resultados2011.tse.org.gt/primeravuelta/index.php>>.

U.S. Department of State. "Ecuador." June 8, 2011. Accessed November 5, 2011 <<http://www.state.gov/r/pa/ci/bgn/35761.htm#gov>>.

United Nations Permanent Forum on Indigenous Issues. "Water Rights: Seventh Generation Statement at the Permanent Forum on Indigenous Issues." May 21, 2009. <<http://www.abayalanexus.net/page/Water+Rights%3A+Seventh+Generation+Statement+at+the+Permanent+Forum+on+Indigenous+Issues+5%2F21%2F2009>>.

Valdes, Jaime. "Primera mujer indígena en Corte Nacional de Justicia de Ecuador." February 6, 2012. Blog. <<http://www.jaimevaldes.cl/primeramujer-indigena-en-corte-nacional-de-justicia-de-ecuador/>>.

Van Cott, Donna Lee. "Constitutional Reform in the Andes: Redefining Indigenous-State Relations ." Sieder, Rachel. *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*. Basingstoke, NH: Palgrave Macmillan, 2002. 45–68.

World Finance. "Natural resources propel Ecuadorian recovery." February 22, 2012. <<http://www.worldfinance.com/markets/energy/natural-resources-propel-ecuadorian-recovery/>>.

World Movement for Democracy . "Aportes Ciudadanos a las Regulaciones de las Organizaciones de la Sociedad Civil del Ecuador." 2011. Accessed November 5, 2011. <<http://www.wmd.org/documents/DCS/Ecuador0809.pdf>>.

World Rainforest Movement. "Ecuador: Clashes between indigenous group and loggers in the Amazon." May 2002. <<http://www.wrm.org.uy/bulletin/58.html#Ecuador>>.

Yashar, Deborah. *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* . New York : Cambridge University Press , 2005.

Zamosc, Leon. "The Indian Movement and Political Democracy in Ecuador." *Latin American Politics and Society*, vol. 49, no.3 (2007): 1–34