The construction of the Charagua Iyambae Guaraní Autonomy: new autonomies and hegemonies. in the Plurinational State of Bolivia

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Introduction

On January 8, 2017, in a small town in the heart of the Bolivian Chaco called Charagua (Cordillera Province, Department of Santa Cruz), the first indigenous autonomy fully recognized as such by the Plurinational State of Bolivia was born: Charagua Iyambae Guarani Autonomy, the name given by its promoters to a new system of governance designed by local actors following the new Bolivian legal framework, inspired both by Guarani political and cultural practices, and by the new lexicon put into circulation in Bolivia since its "refoundation" as a Plurinational State in 2009. Since the beginning of 2017, and after a complex process of political construction and legal transition, this new indigenous autonomous framework replaces the institutionality of the municipality, the figure of local governance that spread in rural areas of the country from the decentralizing reforms of the mid-1990s promoted in the framework of the so-called "neoliberal multiculturalism" (Kohl, 2002; Postero, 2009).

The extinction of the former municipality of Charagua, and its "re-foundation" as a brand new indigenous autonomy, was staged through a crowded public event full of state authorities and leaders of the Bolivian indigenous movement, where the 46 authorities that make up the new (and complex) institutional fabric of the Charagua Iyambae Guarani Autonomy took office. Most, but not all, of the new authorities of the Charagua Iyambae Guarani Autonomy are Guarani, originally from several of the more than 100 rural communities within the territorial jurisdiction of the Charagua Iyambae Guarani Autonomy.

of the autonomy, which comprises an immense territorial space (more than 74 400 km²) although sparsely populated: with about 40 000 inhabitants[1] established only the north-western parts of the territory, leaving the vast eastern plains, which make up the bulk of the territorial jurisdiction of the autonomy, barren.

Previously elected through different mechanisms that put into practice the pluralist and intercultural conception of democracy contained in the 2009 Constitution, the new authorities of a Charagua that today proudly claims to be *iyambae,* "without owner", were sworn in during the January 2017 ceremony in a tribune where, among (pluri)national Bolivian flags and Guarani symbols, the speakers made words tinged with transcendence and political emotion resound: "historic milestone", "new era", "unity", "change", "responsabi- lity", "development". In one of the speeches, a young Guaraní leader (captain or *mburuvicha*) declared "the old discriminating and excluding municipal system has been buried". And in a veiled allusion to the traditional criollo-mestizo elites of the Bolivian Chaco, called *karai* by the Guarani, he added: "the time is over when only a few families governed the whole of Charagua![2]

As if to complement the words of the *mburuvicha* from the approach of academic knowledge, the then Vice President Álvaro García Linera, the highest authority of the Bolivian State present at the act of birth of the new autonomous Charagua, brought to the coalition one of his favorite concepts: hegemony, a concept on which pivots a good part of his speeches and writings (for example: García Linera, 2010, 2011) during his time as Vice President and organic intellectual of the "process of change". Linera took advantage of his speech to transmit to the new elected authorities of Charagua a sort of lesson in political theory coming directly from the "teachings of President Evo":

> The Aymara and Quechua converted into State power defend Aymara and Quechua interests, as well as those of the non-Aymara and Quechua. That is the key to political hegemony, that is the teaching of President Evo: relying on the indigenous-original nucleus, to irradiate, conquer, articulate and unite the rest of the peoples, social classes and sectors.

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1   According to the population projections of the National Institute of Statistics for the year 2020. Available at: https://bit.ly/2H6thIX

2   For the transcription of the speeches of the January 7, 2017 event, I rely on the live trans- mission via internet by Radio Santa Cruz-Charagua, a bilingual radio station belonging to the IRFA Foundation's radio network that broadcasts from Charagua Pueblo and has a

significant following in rural Guarani communities.

At that time, Linera's words were based on a politically stable present, with an (apparently) solid hegemony embodied by Mo- rales who, always from the officialist narrative, was sustained by a "native indigenous nucleus" capable of "conquering" other non-indigenous sectors. From this point of view, the lesson to be replicated in the new autonomy would be to build a new indigenous hegemony - in this case, Guarani - through the exercise of a (self-) government capable of questioning other non-Guarani sectors. A lesson that takes on a particular meaning in a space like Charagua: of Guarani majority, although ethnically heterogeneous and post-colonial, where the Guarani have been coexisting for almost two centuries from a subordinate position, mediated by profound material and symbolic inequalities, with Creole-mestizo or *karai* sectors: these "few families" that "have always governed all of Charagua" to which the Guarani *muburuvicha* alluded in the aforementioned speech.

However, in light of the profound crisis that is currently shaking Bolivia, shaking both certainties and social conquests that seemed irreversible, Linera's words take on a much more somber tone, far removed from the triumphalist epic of those who speak - or imagine they speak - from the pinnacle of a hegemony affirmed from state power. In view of the events of October and November 2019, and the alarming return to the public space of an anti-indigenous racism that in recent years had withdrawn to the private sphere, perhaps the "teachings" of Morales and Linera, rather than showing us how to build "hegemony", understood as a certain consolidated political regime with closed contours, reveal the instability and fragility - but also the very dynamism and richness - inherent to the processes of social struggle: whether for hegemony, autonomy or, as in the experience we will analyze in the following pages, when the boundaries between the two concepts are blurred and the struggle for autonomy also becomes a quest to build a new hegemony that shakes the foundations that sustain historical hegemonies.

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This chapter proposes a journey through the process of building the Charagua Iyambae Guaraní Autonomy. This is a unique and significant autonomous experience, not only because it was the first indigenous autonomy to be consolidated in the Plurinational State of Bolivia, but also because it served as a vanguard for other indigenous autonomous processes in the future.

The main reasons for this are not only the different stages of development (cf. Exeni, 2018), but also the very characteristics of this experience of indigenous autonomy.

To begin with, it is an autonomy project that is not located in the Andean region, where the majority of Bolivia's indigenous population, Quechua and Aymara, is found, but in the Bolivian Chaco, a space located on the periphery of academic constructions and representations of Bolivianness - and also of Bolivian indigenousness - which continue to be predominantly Andean-centric in nature. The case of Charagua places us, then, before another type of diversity: that of the Guaraní nation of Bolivia. Secondly, and unlike the high degrees of ethnic homogeneity of the rural Andean space, and of most municipalities in transition to indigenous autonomy,[3] the Charagua Iyambae Guaraní Autonomy is, as we will insist several times, a space crossed by ethnic heterogeneity and social complexity, giving rise to different overlapping ways of occupying and living in a space crossed, in turn, by disputes over the exploitation of its natural resources, among them, natural gas.

Last but not least, the Chara- gua Iyambae Guaraní Autonomy is, finally, a case of "success" that contrasts with the difficulties and internal conflicts that have been unleashed in many indigenous autonomy processes, in some cases blocking them *sine die* (cf. Cameron, 2012; Plata & Ca- meron, 2017, Exeni, 2018). Despite the complexity of the Charagua experience, and all the problems and contradictions that have been experienced throughout the process, and that continue with the indigenous autonomy now formally consolidated, the Guarani leaders and their allies have managed to articulate a political project capable of convincing and mobilizing a large part of the Guarani population of Charagua, preventing the processes of disintegration and internal conflict among Guarani from threatening the continuity of the project. Thus, in addition to presenting a dense and rich overview of the Guaraní autonomy process in Charagua, based on political ethnography (Auyero, 2012), one of the objectives of this text will be to try to explain the reasons for the success of the Guaraní autonomy project.

In terms of methodology, this chapter is the result of a long process of meetings and dialogues that began in 2012 and continued for a long time.

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3   One of the most updated analyses of the state of progress of the different processes of construction of indigenous autonomies can be found in Exeni (2018).

until the end of 2015 through four stages of ethnographic fieldwork,[4] that are the basis of my doctoral thesis (Morell i Torra, 2018) and of the present text.[5] Some encounters and dialogues with those who, from different intensities and positions, have been involved in the construction of the Charagua Iyambae Guaraní Autonomy throughout a process of more than eight years, although its roots and ramifications, we will see, go much deeper. After more than five years following the process from a distance, still relativized by social networks, in July 2019 I had the opportunity to physically return to an already (formally) autonomous and *iyambae* Chara- gua*, "*without owner". For three weeks I was able to see, once again, how the complex, changing and fascinating reality of Chara- gua - today perhaps even more changing, complex and fascinating - requires much more time to pose some kind of convincing analysis. Even so, and despite the fact that this text focuses on the analysis of the process of autonomous construction between 2009 and 2015, we will also refer to some dynamics of the present of this recent experience of indigenous autonomy that, to use a nice metaphor I heard in Charagua Iyambae, is still a *wawita* (a baby) that is learning to walk.[6]

Problematizing the notion of indigenous autonomy from conceptions of "proximate experience".

Although discussions on indigenous autonomy are still far removed from the daily life of rural Guaraní communities, where the majority of the indigenous communities are

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4   The first period of fieldwork lasted between late March and early August 2012; the second between early April and late October 2014; the third between early February and early May 2015; and the fourth between September and November 2015. During these periods of fieldwork I have conducted multiple unstructured interviews, I have held countless informal conversations in multiple contexts and, in addition to being part of different spaces of the charagüeña sociability - in the ambivalent quality of "participant observer" - I have tried to attend every event more or less linked to the autonomy process. Although I always try to cite the origin of the sources that support the statements and information, in some cases, these do not come from a particular identifiable source but from the observation deployed over time and from the information that flows during the encounters and interactions of ethnography.

5   The thesis is available at: https://bit.ly/3j1wo1D

6   I would like to thank the Guaraní people of Charagua for opening the doors of their process to me. I would also like to thank Marcelo Alberto Quelca, Magaly Gutiérrez and José Ledezma for, after so long, always being willing to talk and share.

As this is still perceived as something that is played on other playing fields - in the world of the Guaraní leadership and intelligentsia; in workshops organized by NGOs; in law firms and State representatives - one of the phrases that can be heard most often in the communities when the issue is addressed is that the true expression of autonomy is found in the community: "we are already autonomous", "in the communities we have always been autonomous, now we just need to put it on paper".

Through phrases of this type, recurrent and simple only in appearance, the Guaraní community members appeal both to an ideal of self-sufficiency and to a differentiated organizational *habitus* rooted in time and space: expressed in the nuclear Guaraní organization, the community or *tëta*, through certain socio-economic, cultural and territorial control practices (cf. Albó, 1990), as well as in collective decision-making bodies such as the assembly (*ñemboati*), political leadership (captains or *mburuvicha*) or other relevant social figures in community life. All this would form the core of what is known as *ñande reko,* "our way of being": a Guaraní expression to refer to Guaraní identity and culture and, at the same time, to claim them as their own.

From this perspective, rooted in the "long memory" (Rivera Cusicanqui, 2003) of the Guaraní communities of the Bolivian Chaco, but also in the "short memory" of the recent experience of cultural revitalization and political-territorial articulation through the Assembly of the Guaraní People (APG), the parent organization that brings together all the Guaraní communities in Bolivia, indigenous autonomy is something that already exists in fact, something that is present in the practice of the *ñande reko* and within the Guaraní organization, and that, perhaps, only needs to be recognized at the legal level: "put it on paper".

However, within the communities themselves, this factual conception of autonomy coexists ambivalently with other views that emerge from a situation of economic dependence and relegation strongly self-perceived as such, expressing both the difficulties of daily life in the community and the deep yearnings for transformation; yearnings and demands that can be projected through the glittering -and in a certain way, empty- signifier "self-mania". Thus, in the many Guarani meetings and assemblies I have been able to attend during the process of autonomy building, the Guarani "grassroots" -that is, those who do not occupy leadership positions within the supra-communal structures of the "capitanías"- projected such yearnings for change and improvement associated with the "self-empowerment" of the "capitanías".

to the notion of autonomy: "autonomy has to come with big projects, we do not want to manage poverty"; "autonomy is development, that we see the improvement in our communities"; "autonomy is not living as we have always lived".

While the first view - "we have always been autonomous" - reflects a positive self-awareness and a politicization of the Guarani socio-organizational *habitus*, conceived as spaces of "autonomy" from which to organize collective life and exercise territorial sovereignty; the second - "autonomy is not living as we have always lived" - introduces important nuances. We could say that the community members are alerting us to the risks of mystifying poverty by qualifying as forms of "indigenous autonomy" what are in fact strategies of social reproduction and self-organization deployed in peripheral spaces crossed by all kinds of material shortages and the continued absence of the State. In a way, the community members would be warning us that what had existed up to now was not exactly "autonomy", but rather relegation and abandonment. Perhaps, then, it is not so much, or not only, a matter of "living as we have always lived in our communities", but rather, through autonomy, to live differently and, above all, to *live better*.

These introductory notes, which are based on perspectives of "own experience" (Geertz, 1994) on indigenous autonomy, are worth noting the tensions and ambivalences that run through a concept often taken for granted in an excessively a priori manner both in legal instruments and in the specialized literature, where a certain tendency is revealed to (over)understand indigenous self- nomy exclusively as synonymous with territorial rootedness, cultural recovery and/or political resistance to *others* - the State, political parties, extractive companies, capitalism, modernity - conceived in terms of ex- teriority to contemporary indigenous societies, represented as isolated from the surrounding society and the processes of global change. Without any intention of entering into conceptual debates that go beyond the scope of this text, it is worth noting that in order to understand how the Guaraní people of Bolivia,[7] and in particular the Guaraní of Charagua, have approached indigenous autonomy, and how they have

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7   In addition to Charagua's experience, among the total of 17 municipalities that cover the territory claimed as "ancestral" by the Guaraní people, there are up to four municipalities with a majority Guaraní population that are currently in different phases of the process of conversion to indigenous autonomy, such as: Gutiérrez and Lagunillas (both in the Department of Santa Cruz), and Huacaya and Macharetí (in the Department of Chuquisaca).

In addition to the fact that these communities are filled with particular meanings and demands, it is essential to incorporate not only this dimension of valuing and defending "what is their own" in the face of different types of external attacks, but also to take into account the yearnings for transformation that emerge from the communities themselves.

In fact, as will be seen, one of the keys to the success of the Guarani self-nomic project of Charagua, which contrasts with the failure of other indigenous autonomy projects promoted simultaneously, lies precisely in the fact that its promoters have been able to link the construction of a new indigenous autonomy to concrete and rather pragmatic demands linked to such horizons of change, access to development and the search for a new framework of relations, a *rapprochement*, with the Plurinational State.

On the other hand, the promoters of Charagua's Guaraní autonomy project have also shown themselves to be skilled strategists: using the available legal tools to their advantage, forging different types of alliances with different actors and moving in the muds of Bolivian politics. This is part of what is known as "Guarani diplomacy", an expression often used to refer to the logic of Guarani negotiation and alliance with political parties and other non-Guarani actors: flexible, circumstantial and sometimes contradictory, but which, in the end, respond to a strategy of relationship with the non-Guarani Other subject to the achievement of specific objectives from a "common" framework; although the territorial scale on which the common is defined - a community or communal faction, a supra-communal "captaincy", or the Guarani people as a whole - can be very varied.

It is, in any case, from this type of logic, which has been a fundamental part of Guaraní collective action since their political-territorial re-organization in the late 1980s, that barely six months after the approval of the 2009 Constitution, the Guaraní leadership of Charagua began to mobilize its diplomatic capacity to explore one of the options opened up in the Constitution: the "conversion" of the former municipalities into new Autonomous Indigenous Original Peasant Autonomies (AIOC), the name given to the new indigenous autonomous regime according to the particular formula of identification of indigeneity in the Bolivian Constitution through the triad "indigenous original peasant".[8]

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8   The term "Autonomía Originario Campesina", as well as the constitutional category of "nacio-nes y pueblos indígena originario campesino", is hardly used by the Guaraní who, like other

indigenous peoples of the Bolivian lowlands, identify themselves as an "indigenous people".

On July 31, 2009, the four *capitanías* (Charagua Norte, Parapitiguasu, Alto Isoso and Bajo Isoso) in which the more than 100 Guaraní communities settled in the (former) municipality of Charagua are politically and territorially articulated,[9] met in a "great inter-zonal assembly", forged an "alliance" among themselves and publicly announced a decision that, although at the time its concrete scope was unknown, would change the political history of Charagua: "the decision to exercise their right to self-determination through CONVERSION FROM MUNICIPALITY TO ORIGINAL INDIGENOUS INDIGENOUS AUTONOMY" (CIPCA, 2009, more than a year ago).
and capital letters in the original).

Thus, Charagua, epicenter of the Guaraní renaissance of the 1980s, an example - and constructed as "exemplary" (cf. Bazoberry, 2008; Faguet, 2016)- in terms of indigenous peoples' access to the spaces of municipal power during the 1990s, in the first decade of the 2000s once again positioned itself as the vanguard of the Guaraní world in Bolivia, taking the reins of a political project that, using the new plurinational legal and conceptual framework, places in its central plot the powerful notion of indigenous autonomy.

The new Bolivian indigenous autonomy system: many limitations and some potentiality

Before delving into the complex Charagüeño universe, it is necessary to make some brief notes on the configuration of the indigenous autonomous regime of the Plurinational State of Bolivia.[10] The Bolivian Constitution of 2009, which declares the "re-foundation" of the Republic of Bolivia in a new and more democratic

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(now also as a "nation)" and, above all, they are wary of the practical implications (especially in terms of territorial rights) of the incorporation of the term "peasant", associated with Andean Quechua and Aymara migrants settled in Guaraní territory. In this text we will mostly use the term "indigenous autonomy" when referring to the legal figure AIOC.

9   There are notable differences both in the number of people in these communities (some have less than 10 families while others may have more than 1,000 people), and in their territorial distribution among capitanías, which also vary in size. According to data from the Community Territorial Management Plan prepared by the new Guaraní autonomous government (complemented by fieldwork data), the following is the distribution of communities by captaincy: Charagua Norte, 31 communities; Parapitiguasu: 11 communities; Alto Isoso, 27 communities; Bajo Isoso, 41 communities.

10 On the Bolivian indigenous autonomous regime and its deployment in practice, we highlight the following analyses: Albó and Romero, 2009; Cameron, 2012; Tockman and Cameron, 2014, Tomaselli, 2015; Morell i Torra, 2015; Exeni, 2015, 2018; Plata and Cameron, 2017; Alderman, 2017.

The new Plurinational State, which defines this refoundational horizon through a set of institutional, democratic and conceptual innovations, is at the forefront of the continent in terms of paradigmatic innovation with respect to liberal and multicultural constitutionalism (Sousa-Santos, 2010; Clavero, 2010), as well as with respect to the recognition of the collective rights of indigenous peoples.

However, despite the refoundational narrative that permeates the constitutional text, the truth is that the territorial organization model of the "new" Plurinational State, one of the main points of conflict between the government of the Movement Towards Socialism (MAS) and the conservative opposition of the Eastern Departments during the turbulent constituent process opened in 2006 (Schavelzon, 2012), is quite similar to that of the "old" Republic. On the one hand, ignoring the regional "territorial reconstitution" projects advocated by various indigenous organizations within the framework of the Constituent Assembly, among them the Guaraní People's Assembly, the Constitution that was finally approved maintains the main republican territorial structures, i.e., the nine departments (formerly called prefectures) of regional scope and the municipalities of local scope, now endowed with political autonomy according to a new framework of distribution of competencies.

On the other hand, the new indigenous autonomous regime, together with the "regio- nes", one of the two new levels of political and territorial autonomy of the Plurinational State, also proposes a continuity, at most a deepening, with respect to the decentralizing and multicultural reforms of the non-sale years, which promoted two types of local governance figures in the rural and indigenous space: the municipalities and the Community Lands of Origin or TCOs (in the new constitutional framework called Indigenous Territories of Origin or TIOC): the municipalities and the Community Lands of Origin or TCO (in the new constitutional framework called Territorios Indígena Originario Campe- sinos or TIOC). These two figures constitute the territorial base on which the new institutional systems of indigenous autonomies must be built. Thus, from the perspective of the initial proposals and demands of the indigenous movement, one of the main limitations of the new indigenous self-nomic regime of the Plurinational State is that it is fundamentally local in scope and, moreover, does not imply a re-territorialization with respect to the republican territorial organization, but rather a change in the institutional framework and political attributions of previously existing territorial entities.[11]

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11 Although there is the figure of "indigenous native peasant regions", formed from the

aggregation of previously constituted local indigenous autonomies, their creation is very difficult.

An important specificity of the level of indigenous autonomy is that it is not based on a "classic" process of state decentralization to lower territorial levels of governance, but is conceptualized as a space for the exercise and operationalization of indigenous collective rights, the main one being their right to self-determination, already recognized in Article 2 of the Constitution. However, and in clear conceptual contradiction, the exercise of this self-determination is "determined" by different constraints. The first, already mentioned, is of a territorial nature, since the indigenous autonomous regime is not applied according to the territorialities practiced or claimed as "their own" by the indigenous peoples, but is based on the municipalities and the TCOs, establishing two "access routes" (via municipality or via TCO) with slightly differentiated procedures towards the same indigenous autonomy regime.

The second constraint is procedural: the indigenous peoples living in the municipalities or TCOs and wishing to constitute an indigenous autonomy must necessarily go through a process of "conversion" to indigenous autonomy, that is: comply with a series of prerequisites and overcome a set of successive procedures, some already defined in the Constitution itself, others through subsequent legislative development. In the case of the municipal conversion route, the one that concerns us in this text, we can summarize these procedures in four main steps, which were followed by the first 11 municipalities (among them Charagua) that, in 2009, ventured on the uncertain path of converting the old municipalities into new indigenous autonomies. We cite the four steps below (with the chronology of the process for the case of Charagua in parentheses):

- The holding of a first referendum on "access" to autonomy to validate the beginning of the conversion process (held in Charagua and 11 other municipalities on December 6, 2009).
- The formation of an autonomous assembly representative of the social reality of the municipality in conversion; (in Charagua, the Guaraní Autonomous Assembly in Charagua, formed in May 2010).
- The drafting and approval by the autonomous assembly of an indigenous autonomous statute outlining the basis for the new system of

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In addition, the Constitution explicitly states that the regions (indigenous or non-indigenous) that are formed cannot cross departmental boundaries (art. 280.I). Likewise, a series of obstacles are also established -the need for a specific law to support it- for those autonomies (via municipality or TCO) that cross municipal administrative boundaries.

self-government; (the Statute of the Charagua Iyambae Guaraní Autonomy, approved by the Autonomous Assembly on June 16 and 17, 2012).

- The implementation of the statute (previously declared constitutional by the Plurinational Constitutional Court) through a second referendum validating the statute and making its deployment effective[12] (the Guarani Autonomy statute would be declared fully constitutional on June 12, 2014, the referendum for its approval was held on September 20, 2015 and the deployment of the autonomous system would not begin until January 8, 2017).

Although this procedural route, which involves all the public powers of the Plurinational State (legislative, executive, constitutional and electoral), has turned the exercise of the right to indigenous autonomy into a veritable bureaucratic odyssey, the indigenous autonomy system of the Plurinational State also has some transformative potential that should not be underestimated. Thus, in contrast to municipal institutions - homogeneous throughout the Bolivian territory and alien to the diversity of indigenous forms of organization and institutional traditions - the new indigenous autonomous regime opens up new spaces for democratic deliberation and horizons of political self-institution. Even with limitations, the inhabitants of the autonomies under construction can discuss collectively what their institutionality should be based on their own local cultural realities and, finally, on their democratic will.

Building a new post-municipal institutional framework to regulate communal life and access to paid political office is not an easy task. In fact, only two of the first eleven municipalities that began the conversion process at the end of 2009, Charagua and the small Uru-Chipaya municipality of the Andean *Uru* indigenous people, have managed to overcome the four steps and consolidate themselves as indigenous autonomies through the municipal route. In the rest of the municipalities, d e s p i t e having a much more homogeneous ethnic composition than Charagua, the processes have been blocked at different stages of their development due to different

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12   It should be noted that recently, in June 2019, as a result of pressure from indigenous o r g a n i z a t i o n s involved in autonomy conversion processes, the requirement for a second referendum was eliminated (through an amendment to the Framework Law on Autonomies and Decentralization), a problematic requirement in that it implied submitting a document previously approved (the statute) by the Autonomous Assembly through

community democracy mechanisms to a secret individual vote.

types of internal conflicts in which differentiations (generational, political, socioeconomic, religious) emerged among indigenous people and divergent understandings of how to express indigeneity politically (Cameron, 2012).

In Charagua, although there were all kinds of internal conflicts, these were largely attenuated by the existence of a major antagonism: the one between Karai and Guarani, which is at the basis of the historical conformation of Charagua as a territorial space.

Karai colonization and Guarani displacement: socio-spatial foundations of contemporary Charagua

Unlike other rural Bolivian municipalities, created from the municipalization process opened with the 1994 Law of Popular Participation, the territorial space now occupied by the former municipality of Charagua, now Autono- mia Guaraní Charagua Iyambae, was mapped out at the end of the 19th century, specifically in 1894, when a legislative provision decreed the creation of a new administrative division (a "municipal section") in the province of Cordillera, subdividing this new municipal section into four "cantons" and establishing that one of them, Charagua, would be its "capital".

At that time, Cordillera was a remote part of the Republic of Bolivia, a frontier region "pacified" *manu militari* just two years earlier, in 1892, when the battle of Kuruyuki (cf. Combès, 2014) took place, a sad episode of war in which the republican army crushed (causing between 500 and 1000 indigenous casualties) what would become the last great armed rebellion of the warlike Guarani, then known as "chiriguanos". Such was the historical nomination, that of "Chiriguano", received by the Guarani-speaking society of the last foothills of the southeastern Andes, formed through a process of ethnogenesis between Chané-Arawak groups established in the region and Tupi-Guarani groups that arrived later from present-day Brazil and Paraguay. It is a society that was originally "mestizo" - Chané and Guaraní, Guaraní and Chané (cf. Combès and Saignes, 1995) - but which since its political and territorial rearticulation process has decided to call itself (and organize itself) only as "Guaraní".[13]

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13 Although the category "Chiriguano", which has popular pejorative etymological connotations, has disappeared as a category of social self-identification, and all (former) Chiriguanos self-identify themselves as "Guaraníes" - compared to the 96,842 people who self-identified themselves as "Guaraníes" -, the "Chiriguano" category is no longer used as a social self-identification category, and the "Chiriguano" category is no longer used as a

social self-identification category.

Although the creation of a new "municipal section" from a governmental office would alter little the processes of territorial occupation of the land, we can consider that the Charagua we know today was born at the end of the 19th century through the aforementioned legislative act. To begin with, a peripheral and "wild" space was formally incorporated into the republican state order of territorial and population administration. Thus, it formally sanctioned the de facto colonization undertaken on the ground through the cattle ranch, the Franciscan missions, and the founding of "towns" by Creole or *Karai* colonizers: the colonizing trilogy that, from the last third of the 19th century, well into the Republican stage and with the invaluable help of the Republican army, would manage to definitively break up a world that had managed to remain free from Spanish colonial tutelage thanks to its reputed warrior *ethos*, combined with a centrifugal political logic based on a strong sense of group autonomy (Saignes, 2007).

On the other hand, following some of the existing forms of territorial ascription, the legislative provision of 1894 drew some external limits and internal territorial subdivisions ("cantons") which, although they will be redefined with greater precision, will not change substantially since then, constituting the territorial basis of the "zones" into which, as we shall see, the new Guaraní autonomous government is structured.

More importantly, these cantonal subdivisions established a *political center* for this new administrative unit: the Karai-majority town of Chara- gua, founded in 1873 on an ancient Guarani community, which was given the title of "capital", as well as some *peripheries*: the other rural "cantons" with a majority Guarani population, distributed in dozens of communities juxtaposed to private cattle-raising properties which, in a progressive process of spoliation and territorial concentration that would not be reversed (and only partially) until the end of the 1990s, would leave the Guarani communities with hardly any access to land and therefore dependent on the sale (in conditions of extreme exploitation) of their labor force: whether on the haciendas or in the sugar mills.

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as Guarani in the 2012 Census; only 327 did so as "Chiriguanos" [data available at https://bit.ly/3kb0IbK]-; the term "chiriguano", continues to be used and claimed from historiography from another non-pejorative etymological genealogy (as a synonym for "mestizos") considering that it better reflects the specificity of the Bolivian Guaraní world rather than the generic category "Guaraní" (for a detailed analysis of the controversy surrounding the denomination of the Bolivian Guaraní, see Morell i Torra, 2018, Chapter 4).

Even with precarious links, the rural cantons of the municipality would become administratively subordinated to the Karai people of Charagua, which would accumulate not only political centrality as the seat of the municipal institutionality, but also practically all services and infrastructures. Thus, contemporary Charagua was born from a racially hierarchical conception and practice of social space: with a *people* (karai/"modern") constructed in opposition to a *countryside* (indigenous/"backward") displaced to the periphery of space and of "charagüeño", a term of indigenous origin that would nevertheless become synonymous with karai.

Undoubtedly, as in Bolivia as a whole, things have changed a great deal today. Charagua Pueblo, with more than 4,000 inhabitants, is a dynamic area, with a growing population and social complexity: many Guarani people have arrived from the communities or were born in the town, as well as Andean migrants of Quechua and Aymara origin who control almost all the trade and transportation, many of them settled in Charagua Estación, a new urban center of about 2,000 inhabitants located a few kilometers from the town of Charagua. On a daily basis, another type of "whiteness" also breaks into the town: that of the Mennonites, an ultra-orthodox Anabaptist group of Central European descent who, since the mid-1980s, have settled in the rural areas near the town of Charagua through the purchase of land from decaying Karai haciendas.

However, despite these profound transformations that threaten the "charagüeñidad" understood as a marker of white-creolla distinction from the indigenous, the post (and neo-) colonial configuration of Charagua is still in force: expressed in the material and symbolic relegation of the communities with respect to the urban nucleus or in daily interactions between Karai and Guarani permeated by racism. It is, in any case, from this racially hierarchical configuration of social space, based on Karai colonization and Guarani displacement, that we can understand one of the deep meanings that run through the Guarani autonomy project: the will to (re)*Guaraniize* Charagua, that is, to place the Guarani in the political center; questioning, including and "converting" the non-guarani from this new centrality. This is how Milton Chakay, Guarani sociologist, puts it, drawing a sort of Guarani theory of hegemony:

> That the brother who comes from Oruro, from Potosí and lives in the indigenous autonomy, begins to be a Guaraní. This is what we want, and that is why we say:

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let them be included, let them be included! That the traditional karai, aggressor, that some moments subdued the Guarani, be converted. And that is why we say: "guaranization". Indigenous autonomy must allow guaranization (M. Chakay, personal communication, June 6, 2012).

Even without explicitly expressing itself in such terms elaborated by the Guarani intelligentsia within the framework of the autonomy project, the process of *Guaraniization* of Charagua would begin, in fact, at least two decades earlier. And it would do so through two central processes for understanding the Guarani autonomy project: the political and territorial re-articulation of the Guarani communities into "captaincies" attached to the Assembly of the Guarani People, and the assault of the captaincies on municipal power.

The (progressive) guaranization of Charagua: from the Law of Popular Participation to the autonomic referendum

In a surprising process of "rebirth" after almost a century of lethargy following the defeat of Kuruyuki in 1892, the formation of the Assembly of the Guarani People (APG) in 1987 would lead, in a matter of a few years, to the formation of previously dispersed communities of the Chaco, and even Guarani migrant communities in the conurbation of the city of Santa Cruz, to organize themselves into supracommunal territorial and political structures, called "capitanías", and even communities of Guarani mi- grantes conurbant to the city of Santa Cruz, organized themselves into supracommunal territorial and political structures, called "capitanías," which in turn were flexibly attached to the APG and had a high degree of internal decentralization. With their own network of authorities (capitanes or *mburuvicha*) and collective decision-making systems based on the assembly (*ñemboati*), the capitanías - currently a total of 29 in the three Departments (Santa Cruz, Tarija and Chuquisaca) which cover part of the Chaco eco-region - will form the territorial base of a new Guaraní movement which, with the influence of the indigenous movements, will be able to make its own decisions, with the influence of the continental indigenous movements and the new languages of indigeneity, for the first time in its history organized itself into a larger political structure that claims a common identity above regional differentiations and the centrifugal logic of the historical Guaraní world (Saignes, 2007).

In Charagua, the place where the APG was formed as a result of the sedimentation of a series of previous relationships between Guaraní and non-

Guarani allies (especially institutions linked to the Catholic Church), the Guaraní initially organized themselves into three captaincies with their own routes. While two of them (Charagua Norte and Parapitiguasu) were formed *ex novo* at the same time as the

At the birth of the APG, the Isoso captaincy (since the beginning of 2000, divided into two independent captaincies: Upper Isoso and Lower Isoso) had a very long history: Upper Isoso and Lower Isoso) had a very long history behind it. Sometimes united into a single captaincy, other times separated into "high" and "low", in any case, the Isoso captaincy did not disintegrate with the advance of the colonial front and managed to maintain its political structure based on the hereditary transmission of the position of *mburuvicha guasu* or "great captain" between opposing lineages, forming a sort of Isoso "royal house" whose influence (and internal disputes) can be traced to this day (Combès, 2005).

This socio-historical configuration, together with the more clearly Chané heritage in the region's settlement, has given the Isoseños a clearly differentiated identity, sometimes even opposed to the rest of the Bolivian Guaraní world. Thus, within Charagua itself, a "Guaraní "we" of variable parameters is drawn which, depending on the context, encompasses the whole of the "Guaraní people" of Charagua, but which can also be contracted into more delimited "we" and crossed by long-standing differentiations, such as that which separates the Isoseños-Guarani from the Ava-Guarani (of the captaincies of Charagua Norte and Parapitiguasu): "brothers" today in shared struggles as "Guaraní people," but "brothers just as Cain and Abel were," to quote an eloquent biblical metaphor used by an Isoseño community member to explain the type of brotherhood that unites (and separates) them from their *Ava* neighbors (personal communication, August 2, 2014).

Since the formation of the APG, the actions of the capitanías, with their own nuances among themselves, focused mainly on solving the material needs of the communities, weaving links with different development NGOs and placing special emphasis on the pressing issue of access to land. The latter, a situation that would be partially solved through the process of land titling in a special agrarian regime of collective ownership managed by indigenous organizations (Tierras Comunitarias de Origen or TCO), initiated in 1996 through the land titling process of all agrarian properties in Bolivia (cf. Colque et al., 2016). Although this agrarian reform process did not succeed in reversing the unequal agrarian structure of Charagua and the Chaco region as a whole, and led to the legalization of private properties within the territories demanded by the Guaraní capitanías, the TCOs consolidated the sense of territorial jurisdiction of the capitanías.

Without leaving aside the land issue, with the entry into force of the 1994 Law of Popular Participation (LPP), a transcendental change would take place:

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The capitanías would become political (and electoral) actors, directing a very significant part of their organizational energy towards the renewed spaces of municipal power: to *make politics*, breaking with the Karai monopoly of politics, but at the same time, making politics together with the Karai and their rules of the game. One of the most graphic explanations I could gather about the multiple and, on the other hand, ambivalent effects of the LPP in the political life of Charagüeño (in this regard, Ba- zoberry, 2008; Faguet, 2016; Albó, 2012) comes from the Charagüeño Roberto Vargas, who synthesized them through two concepts: "resources" and "Guaraní uprising".

Karai rooted in the town after several preceding generations and mayor of Charagua in two administrations - the first before the LPP, the second with it already in force, Roberto Vargas experienced from within the municipality two types of transformations. The first, which he judges as clearly positive, is the exponential increase of the economic resources transferred directly from the general pre-supposition of the State, and, consequently, of the capacity of the municipality to "execute works and projects" -leitmotiv of the post-LPP municipal policy- in the whole of a territorial jurisdiction that was extended beyond the town to incorporate in its radius of action the rural zones, organized now in "municipal districts" (the former "cantons") with capacity of incidence in the budgetary distribution. And the second, which even without enthusiasm, he assumes as irreversible: the "Guarani uprising", that is, the emergence and consolidation of the Guarani as decisive actors in municipal political life. So decisive that, in fact and in Roberto's own words, they would become the "last Karai mayor in the history of Charagua".

And indeed, in 2004, after the second administration of Roberto Vargas, one year ahead of the electoral victory of the "first indigenous president of Bolivia", for the first time in the history of Charagua, a Guaraní, Claudio López, became mayor of the municipality. He would do so under the APG's acronym and with the organic support of the North Charagua and Parapitiguasu capitanias, while the Iso-so, always "autonomous", chose to support its own candidate, in this case under the MAS acronym. After López's administration, in whose final stretch would begin the long process of transition from municipality to indigenous autonomy, the two "transitory" mayors who succeeded him in the mayor's office -Domingo Mérida (2010-2015) and Belarmino Solano (2015-2017)- would also be Guaraní, as well as most of the members of the Municipal Council.

From the Guaraní point of view, one of the most evident effects of the *Guaraníization* of the Charagüeño political field would be the dissonances

between the appeals to ethnic loyalty as "Guaraní" and the divergent ascriptions to the "Guaraní" and "Guarani".

The Guaraní leaders who entered the municipal political game, as well as their voters, did not always follow the instructions of the assemblies that pre-selected the candidates who would run in the elections, seeking to collectively guide the individual vote. Thus, for example, the first Guaraní mayor of Charagua, Claudio López, is considered an "organic mayor" because, even without the participation of the Isoseña capitanías, he was previously nominated by the Guaraní capitanías and would be voted for en masse in the communities of Charagua Norte and Parapitiguasu ("organic vote"). On the other hand, the second Guaraní mayor, the Isoseño-Guarani Domingo Mérida, did not have the official support of the organic structure of any of the four captaincies, but was nevertheless elected because he was able to weave his own strategy of alliances both with Karai sectors of the people and, above all, with different factions and lineages of the Isoso, who were in conflict with the official leaderships of the two Isoseño captaincies.

Thus, if in terms of access of the Guarani to the spaces of municipal power, the LPP can undoubtedly be qualified as a success, at the same time the Guarani experience within - and in recent years at the head of - the municipal institutionality was marked by many frustrations and deep ambivalences. As evidenced by the Guarani option to leave behind the municipal framework and set up a different (and better) institutional framework which, however, and revealing such ambivalent dimensions, continues to be strongly impregnated with the Guarani experience in municipal politics.

As we saw above, the decision to opt for the conversion of the municipality to indigenous autonomy arose from a "magna asamblea" among the four capitanías. But the definitive starting signal for the conversion process would be the holding of the referendum on access, held on December 6, 2009, coinciding with the general elections which, already in the new plurinational framework, would give the second consecutive victory to Evo Morales and the MAS. The adjusted results of the referendum, where the Yes would prevail with 55.7%, as well as its unequal territorial distribution throughout the charagüeña geography (a clear No in the town, a resounding Yes in the *ava* capitanías and a tie between Yes and No in the Isoso),[14] show how it expressed several of the differences that cross the variegated charagüeña society: ethnic (and class) differences between village and countryside, between Karai and Guarani, but also among the Guarani themselves.

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14 For a more detailed analysis of the electoral results of the 2009 referendum and their distribution logics according to the complex Charagua socio-political geography, Morell i

Torra (2018, pp. 330-332) can be consulted.

Moreover, the results of this first referendum, very similar to the one that would be held six years later for the approval of the autonomy statute, anticipated one of the dynamics that would mark the whole process of autonomy construction: the resistance of a good part of the non-Guarani sectors, which mobilized a discourse of minoritization and denunciation of "exclusion" that reversed the historical direction of racism. Although these sectors did not manage to stop the process from unfolding, a few months after the referendum they managed to gain access to municipal power (with the Isoseño-Guarani Domingo Mérida as mayor) in the April 2010 elections, which included the specification that, in the case of the 11 municipalities undergoing conversion to indigenous autonomy, their municipal authorities would have a "transitory" character until the statute was approved.

In this complicated context, with the promoters of the autonomy project (the four capitanías) out of a municipality dominated by the opponents of indigenous self-government, who would mobilize all municipal institutional resources to block the progress of the autonomy process and exhaust their five years in office, the process of gestation of *another institutionality* would begin.

Neither as the municipality, nor as the captaincy: re-creating another institutional framework

"It has been a revolution that we would never have done again in our normal life. As a *revolution*: in such terms, Belarmino Solano expressed his experience within and as Vice-President of the Guarani Self- nomic Assembly in Charagua, the deliberative body that, after the first referendum in 2009 and following the provisions of the Bolivian legal framework, was responsible for drafting and approving the statute with the institutional bases of the new indigenous autonomy.

Composed of some fifty Guaraní representatives elected by "their own rules and procedures" in different rural communities of the four capitanías, and without the presence of any representative of Charagua Pueblo because their neighborhood organizations refused to participate, between 2010 and 2012 the Assembly would periodically re-unite in Charagua Pueblo to imagine a new Charagua. Without its own premises, nor a public financing system, its marathon meetings took place in the same place where APG was born thirty years ago: at the headquarters of Arakuaarenda, an intercultural training institution linked to the Society of Jesus, which, together with the NGO CIPCA (Centro de Inves-

tigación y Promoción del Campesinado), with an office in Charagua since the 1970s, are two of the main allies of the Guaraní people, who would play an important role in accompanying the autonomy process.

The statute resulting from the meetings of the Autonomous Assembly, approved by the plenary of the Assembly on June 17, 2012 and, with some changes due to the observations of the Plurinational Constitutional Tribunal, declared fully constitutional on June 12, 2014,[15] is made up of a total of 104 articles that combine declarative aspects ("values and principles", "vision of development") with other regulatory and technical aspects (the organization of the autonomous government, the jurisdictional and fiscal regime), as well as elements much more closely linked to the reality of the Charagua region: from "access to and use of water" (art.77 The autonomous statute), to "hunting and fishing" (art.70), including the coordination between "Traditional Medicine and Academic Medicine" (art.96). It is a legal text, but of a heterodox legal nature, in which logics of the liberal-western legal culture and organizational schemes of the municipality are juxtaposed with Guaraní categories, contributions of the new Bolivian constitutionalism, Guaraní organizational forms and a set of elements that imply an effort to incorporate local issues, as well as the legal identification of the cultural identity or *ñande reko* Guaraní.

According to René Gómez, president of the Autonomous Assembly, "the Guaraní being is centralized in the statute", alluding to a set of symbols, principles and values in Guaraní that permeate the *ñande reko* statute while seeking to culturally orient the horizons of autonomy (R. Gómez, personal communication, April 26, 2014). Among one of the most repeated, the concept of *Yaiko Kavi Päve* ("To Live Well"), a linguistic Guaraniization created *ad hoc* of the famous Vivir Bien or Sumaq Qamaña Aymara incorporated in the Bolivian Constitution, something that, in turn, illustrates the important influence on the autonomy statute of Bolivian constitutionalism, in which this is translated into a vernacular language signified from the Guarani.

From Belarmino Solano's point of view, the "soul of the statute" is nevertheless its governance structure. He himself was a member of the commission that was set up in

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15   The Charagua Iyambae Guaraní Autonomy Statute is available at: https://bit. ly/35b0UkV

He was charged with designing it, a task he describes as the "most complicated" since the core of the discussion was nothing more and nothing less: "who is going to have the power":

> Then we said: "Is only one person going to have [power], or who else can have it? And another said: "No, it has to be the base, it has to be society as a whole! "And now how are we going to design this structure?" (...) What I was defending was *that power should be in the hands of the people. But that the organizations should not be part of the government*, that is, the capitanías, because they cannot be judge and party, they have to be like another separate coordinating body (...) Another comrade [argued that] the capitanías should be directly in charge of this power and that the *mburuvicha* should be at the head (B. Solano, personal communication, September 11, 2014).

Belarmino's retrospective account of the internal discussions of the commission that designed the "soul of the statute", an account that illustrates the intrinsic complexities of any effort of institutional imagination*,* points out a central dilemma when it came to instituting a "Guaraní government": to officialize the existing Guaraní organizational structures (the four captaincies) with their *mburuvicha* or captains at the head? Or to think of another institutionality, inspired by the Guaraní modes of organization, but with the Guaraní organic structure on the margins? In Charagua, this dilemma was resolved in favor of the second option, the one defended by Belarmino: to create another institutionality that was not like the municipality, but not like the captaincy either, revealing how the processes of construction of indigenous autonomies are not only processes of officialization of "traditional" forms of government, but also processes of democratic innovation that seek, perhaps, to institute new institutional traditions affirmed from the indigenous.

In this decision, the division between "the organic" (the captaincies) and "the political" (the instances of state power), which normatively orients Guaraní political action, weighed heavily, seeking to subordinate Guaraní political participation in the state instances to the organic decision-making channels. Aware that, in the new indigenous autonomous framework, "the organic" becomes "political", that is, part of the state structure, the promoters of the Guaraní autonomous project sought to protect their organization from the regulations and rigidity of the state, keeping it formally "autonomous" from the Guaraní autonomous government itself.

The institutional design of this new autonomous government is considerably complex. It is characterized, first, by a profound decentralization (territorial,

organizational and elective) among each of the six Zones into which the government is territorially structured. And second, by the heterogeneity of political logics and mechanisms.

democratic practices put into practice within an institutional framework composed of three types of bodies: 1) Ñemboati Reta-Collective Decision Making *Body*; 2) *Mborokuai Simbika Iyapoa* Reta-Legislative *Body*; 3) *Tëtarembiokuai* Reta-Executive *Body*.

The fundamental basis of the autonomous government are the six Zones[16] : Cha- ragua Norte, Parapitiguasu, Alto Isoso, Bajo Isoso, Estación Charagua and Charagua Pueblo (see map below), based on forms of territorial ascription previously agreed upon by different (legal and de facto) means: the previous "canto- nes" or, with the Law of Popular Participation, municipal "districts"; the territory titled under the TCO regime and claimed as "their own" by the four Guarani captaincies; and the territorial spaces in which the two main urban centers of Charagua are located: the town of Charagua and its neighboring Charagua Station.

Figure 1
Territorial Organization Map
by Guarani Autonomy Zones Charagu to Iyambae
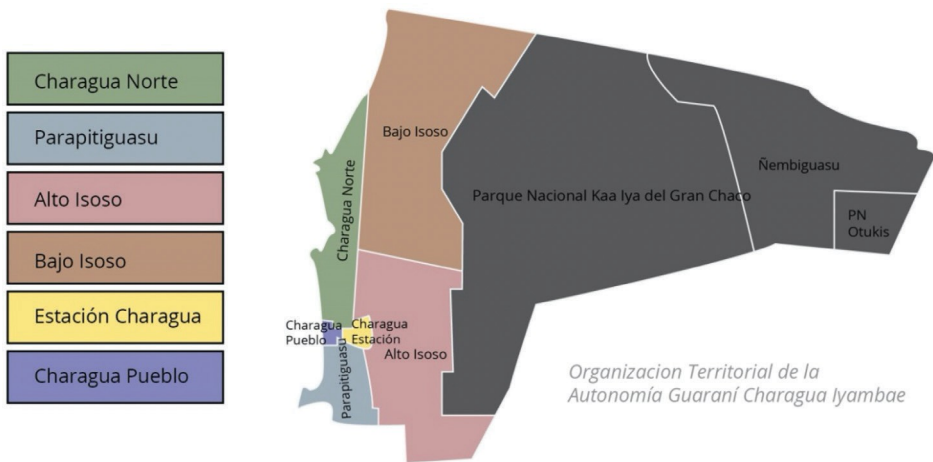
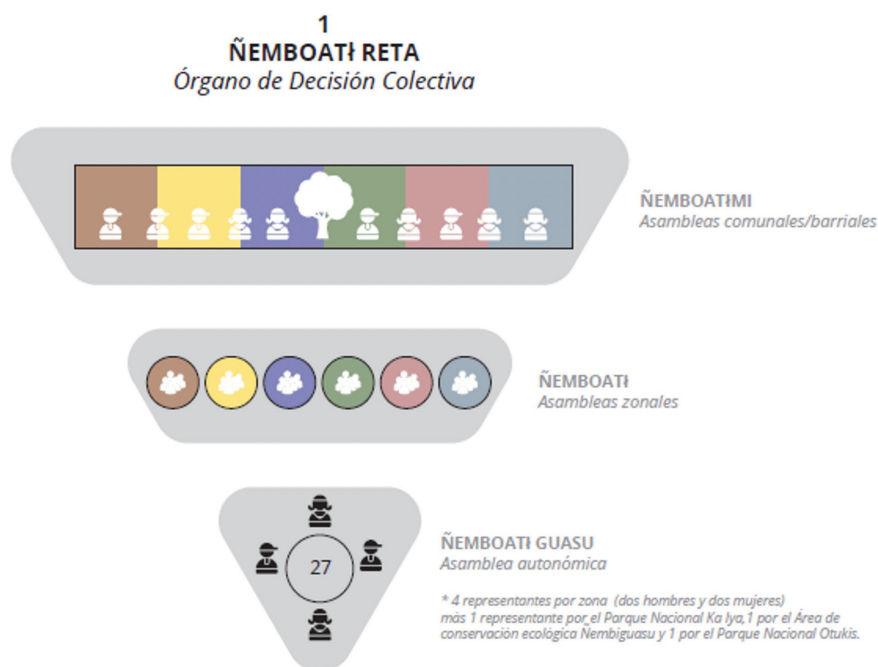Source: Pere Morell i Torra, 2018.

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16   Apart from the six Zonas, the populated areas of Charagua, the formal jurisdiction of the Charagua Iyambae Guaraní Autonomy extends further east to encompass areas that are almost totally barren, but of great ecological value: two natural parks (Kaa Iya and Otuquis) and an Ecological Conservation Area (Ñembi Guasu). In a strategy to try to establish jurisdiction over this space, these three areas are also incorporated into the structure of the

autonomous government and each has its own representative in the Ñemboati Guasu.

All of the 46 representatives of the three bodies that make up the autonomous government are elected in a decentralized manner in each of the six Zones and, in addition, through the elective systems that each Zone deems appropriate, whether or not they pass through the secret individual vote mediated by political parties. This option for the elective autonomy of the zones, which implies the coexistence of different elective mechanisms and democratic legitimacy within the autonomy, seeks to establish a sort of new coexistence pact with the non-Guarani Other, based on the non-imposition of the elective "uses and customs" of one Zone over the other. On the other hand, this did not prevent one of the main discourses mobilized by the sectors opposed to autonomy from denouncing the "end of democracy" and the "universal vote", supposedly threatened by indigenous "uses and customs" conceived as antagonistic to democracy and which would be imposed in urban areas.

As regards the institutional design of the autonomous government (presented graphically in the following pages), it maintains, albeit with guaranized names, the classic division between "legislative" and "executive" powers. The main novelty is, therefore, the incorporation of a third "collective decision-making" body, the Ñemboati Reta, of a composite nature and in which are intermingled powers of control of the executive and legislative powers, competences of election and revocation of these powers and quasi-legislative functions. Described in the statute as the "highest decision-making body" (art. 19.I), this new body embodies the idea of social redistribution of power launched by Bellarmine and repeated by many of the promoters of autonomy: "that power should be vested in the people". Without any parallel in the previous municipal institutionality, nor in the liberal tradition based on political representation through the secret individual vote, its most immediate institutional reference is the *ñemboati* or assembly, the main Guaraní decision-making body and one of the central elements of the *ñande reko* or Guaraní "way of being". It is a body that proposes decision-making through collective deliberation and the direct participation of the different territorialized population centers (whether in rural communities or urban neighborhoods) through an assembly system with three ascending territorial instances that follow the logic of territorial organization by zones: 1) Ñemboatimi (Communal or Neighborhood Assembly); 2) Ñemboati (Zonal Assembly); and 3) Ñemaboati Guasu (Autonomous Assembly).

Figure 2
Ñemboati Reta's internal organization

1
ÑEMBOATI RETA
Órgano de Decisión Colectiva

ÑEMBOATIMI
Asambleas comunales/barriales

ÑEMBOATI
Asambleas zonales

ÑEMBOATI GUASU
Asamblea autonómica

* 4 representantes por zona (dos hombres y dos mujeres)
más 1 representante por el Parque Nacional Ka Iya, 1 por el Área de
conservación ecológica Nembiguasu y 1 por el Parque Nacional Otukis.

Source: Own elaboration (Morell i Torra, 2018) based on the Charagua Iyambae Guarani Autonomy Statute.

In the case of the first two assemblies, their incorporation into the new government structure implies a recognition and institutionalization of different socio-organizational spaces existing in the previous municipal framework in an informal manner, without full legal recognition within the municipal system, such as the communal and zonal assemblies of the four Guaraní capitanías and certain deliberative mechanisms existing in the two urban centers of Cha- ragua (such as the Juntas Vecinales or the Cabildos). On the other hand, the Ñemboati Guasu (literally, "great assembly") is a new body created to represent the six Zones of autonomy. If the communal/neighborhood assemblies and the zonal assemblies are based on the direct participation of the population, the Ñem- boati Guasu works from a logic of political representation: each of the six Zones elects, through their respective zonal assemblies, four representatives (two men and two women) for a period of three years.

Figure 3
Organization of legislative bodies
and executive of the Autonomía Guaraní Charagua Iyambae
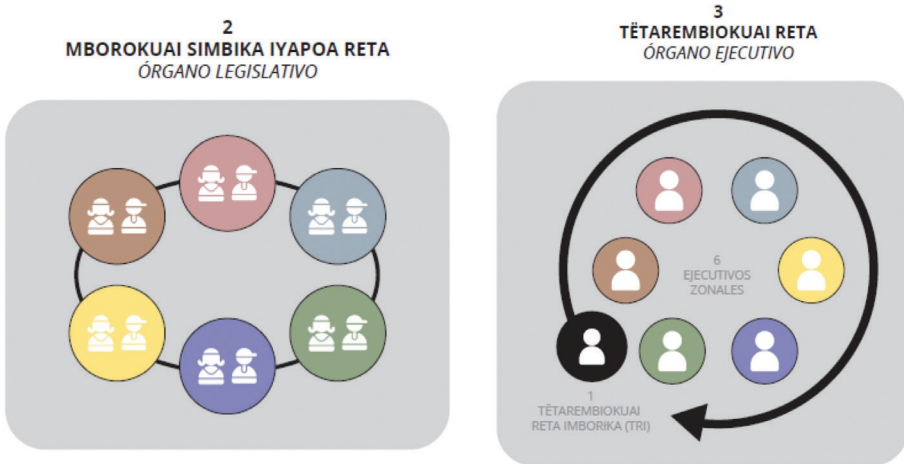
Source: Own elaboration (Morell i Torra, 2018) based on the Charagua Iyambae Guarani Autonomy Statute.

While the main novelty of the legislative body, heir to the former Municipal Council, is the change from seven representatives to twelve (two per Zone) and the establishment of gender parity in the internal composition of the body, the new executive body poses a major break, especially at the symbolic level, with respect to the municipality: the disappearance of the Mayor, an omnipresent figure who brings to the local world the presidentialist liturgies of Bolivian republicanism. In contrast, the new executive body is of a multi-personal nature: composed of six "Zonal Executives" (one per Zone, elected every five years according to the rules of each Zone) and a new figure, the *Tëtarembiokuai Reta Imborika (*abbreviated as "TRI" or "Coordinator"), which, without concentrating the attributions, the term of office (three years), nor the election system (rotating by Zones) of the previous municipal Mayor, is similar to it in that it is an individual figure that faces the "executive power" (or, at least, a part of it) and seeks to represent the whole of the autonomy.

Another of the significant contributions of the new au- tonomic design is the establishment of gender equity criteria in the composition and composition of the new system.

The internal structure of the collegiate bodies of the government, i.e., the Ñemboati Guasu and the Legislative Body, is an important advance with respect to the municipal framework. This is an important advance with respect to the municipal framework, where there were no mechanisms to guarantee parity in Municipal Council candidacies until the entry into force of the new Electoral Regime Law (2010), which introduced mandatory gender equity and equality in all electoral processes of the Plurinational State, a measure that radically transformed the gender composition of both the Municipal Councils and the Plurinational Legislative Assembly itself, making it one of the most equitable parliaments in the world (De Marchi & Gómez, 2017). Gómez, 2017). In reality, the conception of gender equity in the collegiate bodies of the Guaraní Autonomy goes a little further than the Bolivian Electoral Law, since the equitable presence of women within such bodies does not depend either on the position they occupy on the lists of candidates (in many cases, relegated to second and fourth places) or on the electoral results, but rather on a criterion, set by the statute itself, prior to the electoral process and which has a direct impact on the gender composition of the bodies: each of the Zones must necessarily elect one woman and one man for the Legislative Body, and four women and four men for the Ñemboati Guasu.[17]

Such advances should be understood as one of the fruits of the incidence (and insistence) of female leadership within the Guaraní organic world, leaders who were still emerging but who found opportunities to assert their voice in the context of the opening of new spaces for collective deliberation brought about by the process of autonomy building (in this regard, Morell i Torra, 2018, pp. 360-363). However, as in all spaces of political responsibility (in Bolivia and beyond), the organic and leadership world of the Guaraní continues to have a clear male bias. Thus, even with some exceptions, the vast majority of positions within the organizational structure of the Guaraní capitanías continue to be occupied by men, relegating women to roles conceived as eminently "feminine" (such as secretary). Likewise, in Guaraní deliberative spaces, such as communal and inter-communal assemblies, it is usually men who have a greater presence and voice.

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17 A small nuance should be introduced here with respect to gender parity in the Ñemboati Guasu. As mentioned in the previous note, there are three non-inhabited areas of the autonomous territory (the Kaa Iya Natural Park, Otukis, and the Ñembiguasu Ecological Conservation Area) that have a representative assigned to them. Thus, equity is only guaranteed for the representatives of the Ñemboati Guasu from the six inhabited Zones.

Finally, it should be noted that, despite the gender equity criteria in the composition of the Legislative Body and the Ñemboati Guasu, the dynamics of gender inequality and male over-representation continue to be clearly reproduced in the executive body, which is still perceived as the main space of power in the autonomy. So far, the two TRI (Autonomy Coordinator) who have succeeded each other in the position have been men, and only one woman has acceded to the position of Zonal Executive, with the other five Zonal Executives being held by men. All this, besides reflecting the structural gender inequalities of a patriarchal society, also reveals the difficulties faced by women, Guarani but also Karai, in reconciling political participation (which requires constant travel and displacement, leaving family responsibilities, etc.) with a gender system that displaces women from their jobs.) with a gender system that displaces women from political decision-making spaces, making them responsible for practically all reproductive and care work within a "domestic sphere" conceived as separate from the public space and devoid of politicization (Segato, 2016, pp. 94-95).

Walking between expectations, realities and inertia: the first steps of autonomy

Imagining a new institutional framework is, as Belarmino So- lano reminded us above, a difficult task. But not as difficult as deploying it, something he himself could experience. After his time in the Autonomous Assembly that was in charge of drafting the autonomy statute, a space where new and important Guarani leaderships would be forged, Belarmino would begin a meteoric political career that would lead him, first, to the (transitory) mayor's office of the municipality, heading the MAS list (allied with the four captaincies) in the municipal elections of March 2015. Then, in September 2016, he would be elected to the coveted position of TRI or Coordinator of Autonomy, moving directly from the mayor's office to occupy this new executive figure and, incidentally, reflecting in this leap the continuities between the TRI and the mayor, between the new autonomic system and the old municipal system. Belarmino thus became the first person to occupy a figure that he himself had contributed to devise, having to manage the formal extinction of the municipality and the transition to a post-municipal public management model, as well as the important expectations of change linked to the arrival of indigenous autonomy after more than six years of conversion process.

Such expectations would become an explicit political discourse and electoral strategy during the campaign for the second referendum on the approval of the

statute that, after more than a year of waiting and bureaucratic delays, would finally be held on September 20, 2015 (cf. Morell i Torra, 2017). Although there were other discourses that structured the Yes campaign, such as the defense of a new, more participatory democratic model or a redistribution of economic resources more favorable to rural communities, one of the central arguments linked the Yes to autonomy with the idea of *rapprochement* to the Plurinational State and its system of distribution of development resources ("works", "projects", "programs") in rural areas, closely linked to the staging of political loyalty with the MAS government. In the words of Belarmino himself in a speech given after the victory of the Yes vote in the referendum:

> Here the projects that we have started as a municipal government [of MAS allied with the four capitanías] are not going to be cut, they have to continue, and they will continue *even more with autonomy because we will work directly with the central government and brother Evo Morales*. (Belarmino Solano, recording of author, September 20, 2015)

Beyond being just a speech, the *rapprochement* with the top of the Plurinational State was embodied the day before the referendum, when "brother" Evo Morales arrived in Charagua Pueblo to stage the delivery of a work that has been demanded for decades by all the actors of Charagua and that constitutes, in itself, an incarnation of the idea of rapprochement and development: the international highway that should connect Charagua with the city of Santa Cruz and Argentina, financed with Chinese capital. A few days before the arrival of Evo Morales, (former) Vice-President García Linera would also visit Charagua. In his case, to stage the start of an ambitious state project for natural gas extraction in the Parapitiguasu Zone which, like the highway, generated important development expectations. Linera's visit to inaugurate a new hydrocarbon project gave support to another central discourse of the Yes during the campaign: the possibility that the benefits from the extraction of natural gas from the Charagua territory would go directly to the autonomous government, without the appropriation of royalties by the Santa Cruz departmental government.

Despite the deployment of this type of strategy of linking indigenous autonomy to the idea of development, which is indeed an elaborate strategy but at the same time does not require much elaboration as it is embedded in the common sense of Charagua society as a whole - everyone in Charagua (re)wants "more development" -, the fact is that the results of the

The 2015 referendum, in which the Yes won with 53%, is quite similar to the first referendum in 2009. As then, in 2015 the No also won (even more convincingly) in urban areas and the Yes in rural Guarani areas (convincingly in Charagua Norte and Parapitigua- su, by a handful of votes in Isoso). This demonstrated that there are processes of historical accumulation, socioeconomic structures and collective loyalties that are not easily altered through political discourse and strategies. But even without provoking movements in the underlying currents that structure the Chaguan society, such as the differentiation between Karai and Guarani, the discursive strategy of the Yes, close to the concerns and languages of the communities, managed, at least, to maintain support among the majority of the Guarani communities.

Once the victory of the Yes vote has definitively opened the way to the consec- lation of indigenous autonomy, the new autonomous government installed as of January 2017 must, beyond "bringing down" major works and projects of a spectacular nature, manage the daily problems of the Charaguayan society, crossed - especially in the rural Guarani communities - by all kinds of shortages and, consequently, of strong expectations of change that increased with the arrival of autonomy, and of the projects and works that were inaugurated in a way that is practically unheard of in Charaguayan society, crossed - especially in rural Guarani communities - by all kinds of shortages and, consequently, The projects and works that were inaugurated practically simultaneously with the arrival of autonomy and the projects and works that were inaugurated practically simultaneously with the arrival of autonomy and the projects and works that were inaugurated practically simultaneously with the arrival of autonomy and the projects and works that were inaugurated practically simultaneously with the arrival of autonomy.

In July 2019, I visited don Justino (pseudonym) in Aguaraigua, a Guaraní community in Bajo Isoso located about 100 kilometers from the town of Cha- ragua. Despite the initial intention to decentralize the new autonomous administration to rural areas, the offices of most of the autonomous government bodies are located in Charagua Pueblo, including the offices of the new Zonal Executive of Bajo Isoso, one of the areas farthest from the urban center. Don Justino was one of the community members who had been part of the Auto- nomic Assembly that drafted the statute and also supported the Yes campaign in the 2015 referendum. But despite his personal involvement in the autonomy project, Don Justino's diagnosis of its implementation was emphatically negative:

There is no improvement, the projects do not reach Isoso, the authorities spend

all day in their office in Charagua, they do not come to the communities. Before, with the municipality, at least something arrived, a little, but a little. But now... nothing!

The roof of our little school is falling down and the kids have been going hungry for months because the school breakfast has been cut. I worked hard, you know, for autonomy. But the autonomy failed. You can write it down as clearly as that (Personal communication, July 24, 2019).

In reality, Justino's disenchantment, shared, although not so emphatically, by many community members with whom I spoke, was not something new: it was only that it was previously directed against the municipal authorities and, now, against the new autonomous authorities, from whom a different behavior is expected (and demanded) since they are invested with a different type of democratic legitimacy which, in rural areas, no longer passes through the secret individual vote mediated by political parties, but by the zonal assembly.

However, in Justino's criticism there was something new that I also saw in the criticisms of other charagüeños not directly involved in politics: a handling of information, data and very concrete figures on the management of their authorities, especially with regard to budget items and expenditures in each Zone. In this sense, one of the elements that, even the most critical, considered that the new autonomous framework was working were the mechanisms of social control over the management of the executives, at least in the rural areas where, thanks to the socio-organizational experience of the Guarani capitanias, there are inter-communal assembly bodies that have been consolidated and have been functioning *de facto for* years.

In the current autonomous framework, these bodies, the so-called Ñemboati, not only carry out periodic social control of government representatives, as they already did in the municipal framework, although in an unregulated manner and depending, in the end, on the will of each municipal government. In addition, they have the power to "revoke" any of the zonal representatives (be it the executive, the legislative or the Ñemboati Guasu). A power of revocation that in the North Charagua Zone had already been put into practice to revoke its Zonal Executive, who had not been able to justify the totality of expenses and invoices in one of the quarterly "reports" that must be made before the assembly.

If Justino's criticisms came from outside the structure of self-government, from within a structure made up of three types of bodies - each of them attracted by different political logics, democratic legitimacy and territo- rialities - there were also all kinds of critical views which, each in its own way, revealed the limitations and problems of these first years of autonomy. However, if there was

one thing that authorities, technicians and workers agreed on, it was that they were all in agreement.

The first was to lament the constant bureaucratic obstacles of the central State in carrying out basic administrative procedures to ensure the functioning of the autonomy; and second, the lack of state funding, which, contrary to what was conveyed during the Yes campaign, was still framed in the same system of municipal funding, despite the fact that as an indigenous autonomy a greater number of competencies are assumed than as a municipality.

And this is the extent of the coincidences between members of the structure of the autonomous government. Another of the most clearly visible dynamics is the existing tensions between bodies, which can be summarized on two levels. A first level of tension has to do with the decentralized territorial structure, both in organizational and elective terms, as well as in budgetary terms, and the Charagua Iyambae Guarani Autonomy can be understood as a sort of confederation between quasi-sovereign Zones, Although this ensures coexistence in a common framework that allows to overcome the multiple differences that cross the variegated Charagua society, it also increases the dynamics of disintegration and competition between Zones, even more so when the distribution of scarce economic resources to execute works and projects comes into play.

In this way, and despite the existence of highly aggregated demands in the territory as a whole, such as the demand for its own financing system, different from that of the municipalities, the dynamics of inter-zonal competition make it difficult to find spaces for shared struggle as indigenous autonomy. Nor have the bodies that are *common* to the whole of the autonomy (the TRI, the Legislative Body and the Ñemboati Guasu) managed to articulate these spaces, since the representatives in these bodies, elected territorially in each of the six Zones, consider themselves, and are considered, rather as representatives who owe mainly to *their* Zones.

On the other hand, the second level of tension reveals, once again, the iner- ciencies and legacies with respect to the previous municipal system, something that is very clearly evidenced in the ambivalent and uncomfortable position -perhaps precisely for that reason, full of potentialities yet to be developed- of the Ñemboati Guasu, the representative and common instance for the whole Autonomy that is part of the new Collective Decision Making Body, formed by 27 representatives of the six Zones. The Ñemboati Guasu is "the right arm of the grassroots, because we come from the grassroots, we are one step away from the organic and one step away from the political".

was conceived by Faviola Chavarría, one of its "assembly members" during the first administration (2017-2019) of this new body (personal communication, July 13, 2019).[18]

The Ñemboati Guasu is conceived as an instance of social control of the other powers, legislative and executive, at the same time as a body that, in direct communication with the zonal assembly instances -that is why Cha- varría conceptualized it as the "right arm of the bases"- defines the strategic plans of the Autonomy and has the capacity to issue "mandates" of obligatory compliance to both the Legislative and Executive Bodies. However, this new instance, the one "that most clearly breaks with the municipalist institutionality" (Ledezma, 2017, p. 6), has not yet finished finding its place within the institutional framework of the Autonomy, as evidenced by the fact that, unlike the other two bodies, it does not have a regular funding item in the autonomy budget to ensure its functioning. For the time being, the Ñemboati Guasu continues to struggle to gain such a place among the other autonomous bodies, which, according to several members of the Ñemboati, have not yet managed to get rid of the "chip" of the municipality.

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We close this chapter by returning to the initial reflections on Guarani autonomy as a hegemonic project, which we have brought up from the voice of someone, Álvaro García Linera, who has recently experienced the disintegration of a hegemonic project that he himself contributed to forge. Something that can be understood as a lesson not so much about "hegemony" as a synonym of strength and solidity, but about the fragility, reversibility and, if you will, delicacy of the processes of socio-political transformation, such as the one documented in these pages, leaving many open edges, because the *wawita* of autonomy is still growing and, as we have seen, the first steps are always hesitant, zigzagging.

What is certain is that the next steps of the Charagua Iyambae Guaraní Autonomy will take place in a radically different context, surely much more complicated, than the one in which it was conceived. Nevertheless, and in spite of the fact that the Charagua Guarani have strategically used the *approach* to the State

18   For a knowledgeable look at the first steps of the Ñemboati Guasu by someone involved in its technical support from the beginning, you can consult the text by José Ledezma (2017)

on the website of the Arakuaarenda Foundation: https://bit.ly/3o6zh5i

In order to build their autonomy and improve the situation of their communities, autonomy also opens up new spaces from which to organize and defend collective interests *against* and, if necessary, *against* the State. It is still too early to see how this new *Guarani* Charagua - "new" but where very old dynamics are still in force - will respond to the challenges ahead. In any case, and assuming its fragility and delicacy, the Charagua Iyambae Guaraní Autonomy continues to move forward, because after all, autonomous processes are always under construction.

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The path to autonomy of the Wampís Nation

Shapiom Noningo
Frederica Barclay

Peoples who courageously defend their territories
will remain alive and with territories
Pedro García Hierro, road companion († 2015).

Background

Peru is not the only country in Latin America where, since the approval of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, indigenous peoples have suffered a repeated attack from the State. This systematic onslaught has sought to curtail the constitutional guarantees of indigenous territories, which had already been eroded by the 1993 constitutional reform that eliminated the guarantee of inalienability and non-seizability of co-cultivated territories, and even went so far as to eliminate the communal regime, in order to facilitate and promote extractivism and neolatifundism.

A saying that illustrates this attempt is the one expressed at the time by former President A. García Pérez (2007), who labeled the indigenous peoples as "second-class citizens" and called them "dogs in the manger" for demanding respect for their territorial rights. It is well known how this historically accumulated charge of racism was coupled with a systematic program of inconsistent legal reforms, which finally led to the so-called Baguazo in June 2009 (Lombardi, 2010; Manacés & Gómez Calleja, 2013).

This dramatic situation of confrontation, in which the Wampís were actively involved as actors, accelerated a collective process of analysis of the conditions for survival in the face of the constitutional changes of the 1990s that several peoples of northeastern Peru had promoted within the Coordinadora de Pueblos Indígenas-San Lorenzo (CORPI-SL). As pointed out by

Noningo (2017, pp. 10-11) in 1995 the Wampís of the Kankaim sector "debated a new territorial configuration or reconfiguration [which] should include the territories of ancestral use and occupation, recalling and remembering the socio-historical and cultural occupation". Alerted by the Peruvian State's increasingly manifest will to put the Peruvian Amazon up for auction, in the mid-1990s the Wampís, together with eight other peoples that made up the regional organization, decided to self-demarcate their respective territories and establish the points of contiguity between them.[1] Despite all the adverse political signals, they found encouragement in Convention No. 169 of the International Labor Organization on Indigenous and Tribal Peoples, approved in 1989, which came into force in Peru in 1995, and in the Declaration (UNDRIP).[2] With the perspective of resisting and promoting rights in the medium term in the face of clear regression, these peoples began to prepare their files documenting their history and land occupation to support their rights and territorial claims. In this process, the Wampís, advantaged by the fact that their territory had not been subjected to massive fragmentation, adopted the perspective of recovering the exercise of governance of their territory by building tools for the exercise of autonomy.

The Wampís Nation's territory covers 1,327,000 hectares and extends over two of Peru's Amazonian regions. In the Amazon region, it covers the basin of the Kanús or Santiago River (Río Santiago district, Condorcan- qui province, Amazonas region), which runs from the border with Ecuador to the Marañón River. In the Loreto region, it covers the middle and upper reaches of the Kankaim or Morona River, which also originates in Ecuador. Linking both basins, connected by ancestral roads, is the Kampankias mountain range, which rises 1435 meters, where many of the tributaries that feed both basins originate. The Wampís population of just over 15,000 inhabitants is distributed in 85 settlements that make up 22 communities and annexes. The area currently under communal titles covers a little more than 33% of the territory under the jurisdiction of the Autonomous Territorial Government of the Wampís Nation.

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1   References to this process can be found in García Hierro and Surrallés (2009); Garra and Riol (2014).

2   Paradoxically, the Convention, ratified by Peru in 1994, entered into force the same year (1995) that the regime of A. Fujimori enacted the Law on private investment in the development of economic activities in the lands of the national territory and of the peasant and native communities (Law No. 26505), which concretized the elimination of the collective guarantees in the constitutional text, violating and weakening Indigenous collective and territorial rights.

Location of the Wampís territory
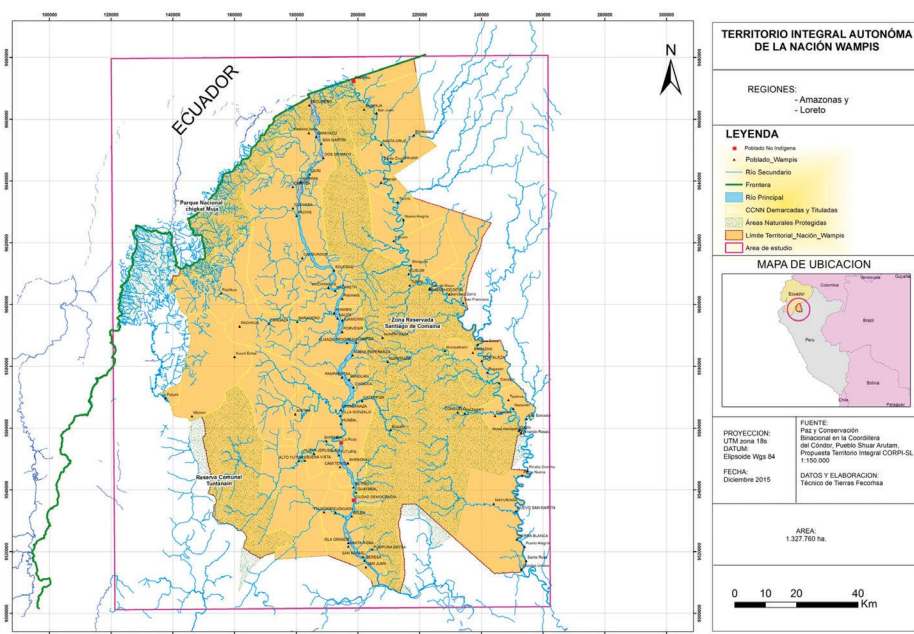
Active and creative resistance

Just as they resisted the conquest attempts of the Mochica kingdom of the northern coast around 600 AD and later of the Inca empire (late 15th century), the Wam- pís exercised active armed resistance when the Spanish entered their territory, also attracted by the gold deposits. Colonial tradition and archives have documented how from the 16th century onwards each Spanish advance attempt was followed by local rebellions and more often by rebellions articulated with other peoples such as the Awajún, located to the west, and the Yakinia Shuar to the north. These rebellions were designated as general uprisings because of their scope and forcefulness (Velasco, 1981; Juank, 1984). From there, the reputation as a warrior people was firmly established.

This reputation and the demonstrated resistance to colonial subordination did not prevent the installation of foreign shiringa (*hevea brasiya)* extractors (1880-1914) later on, when the entire Amazon region experienced the rubber boom.

liensis) in a few points of the territory, through alliances with a few local leaders with whom they established commercial relations.[3] However, until the beginning of the 20th century, many attacks were reported on rubber-tappers' settlements in the Marañón, Kanus and mouth of the Kankaim (Morona) carried out by Wampís gue- rreros, some of whose leaders are well remembered (Clark, 1954, pp. 226- 227; Up the Graff, 1996).

The Wampís territory is located in an area that was in dispute between Peru and Ecuador since the constitution of both republics in the early nineteenth century. This location, but above all, the fact that the Santiago River, or Kanus as it should also be called by the State, was considered the most strategic route in the face of a potential conflict, and later became the center of the territorial dispute, discouraged the colonization plans sponsored by the State in this area.[4] When in the early 1980s the government of F. Belaunde formulated a "living frontiers" program to promote the occupation of the region, opposition from indigenous organizations and lack of support from the army prevented it from receiving the support it would have required in this zone (AIDESEP, 1981). In contrast, within the border area, along the axis of the Marañón and a projected highway from the west, in Awajún territory, hundreds of settlers from other regions progressively established themselves, which is why the Wampís always rejected and have continued to reject proposals to extend the road axis parallel to the Kanus River.

Under these conditions, the Wampís territory remained relatively untouched by integration efforts through colonization. On the other hand, with a focus on cultural assimilation, after the 1941 armed conflict between

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3   The so-called rubber era resulted from the increase in demand for different types of latex obtained from various tree species, particularly rubber (*castilloa elástica*) and shiringa, for industrial purposes. It took place in the Amazonian areas of the various South American countries. European and North American demand led to extractor crews financed by a chain of enablers and traders to settle in remote areas inhabited by indigenous peoples. To gain access to indigenous labor, the extractors, called caucheros and siringueros, used different doses of violence and coercion, but also established alliances with local leaders (Santos Granero & Barclay, 2015).

4   After the signing of the Protocol of Peace and Friendship between Ecuador and Peru (1942), it was established that the border had been drawn due to ignorance of geography by referring to a *divortium aquarum* between the Santiago and the Zamora River that did not exist, which led to a large section of the border remaining in dispute for another forty years and the Protocol being ignored by Ecuador.

both countries,[5] Peru opted to invite missionaries from the Jesuit order and evangelical missionaries from the Summer Institute of Linguistics[6] to the border region to establish schools. The installation of missionaries in Wampís territory, which occurred for the first time, laid the foundations for a process of change with profound long-term consequences. Beginning in the 1960s, the missionaries established primary schools that were gradually accepted by families for the opportunity to acquire new tools to defend themselves against the abuses derived from the increased commercial movement along the Marañón River, around the population center and later provincial capital, Santa María de Nieva. The schools, as in other parts of the Peruvian Amazon, gave rise in turn to the progressive agglutination of the population in nucleated settlements, the traditional pattern being the zoning and dispersion of the clans mainly on the secondary tributaries in each river basin.

In the following decade, the Wampís organized to obtain land titles under the so-called Native Communities Law of 1974, the first of its kind.[7] In addition, they formed with the Awajún the Aguaruna Huambisa Council (CAH), one of the pioneering indigenous organizations in the Peruvian Amazon, which, with the few legal tools at its disposal, achieved important achievements in terms of land rights and interlocution with the Peruvian state. These include several agreements with the Peruvian state in the areas of education and health, and the establishment of a network of indigenous organizations in the Peruvian Amazon, which has been a pioneer organization in the Peruvian Amazon.

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5   The conflict originated in claims made by both countries since their constitution as independent republics. The 1941 armed conflict between Peru and Ecuador (July 5, 1941-January 29, 1942) was the first after 1859 and developed on several fronts, including the Santiago River, in Wampís territory. The deflagration is attributed to oil discoveries that had been made in the Ecuadorian Amazon in the context of an undemarcated border.

6   The Summer Institute of Linguistics, widely known as SIL, was a subsidiary of a North American evangelical institution that had set out to translate the Bible into all indigenous languages. To that end, and through literacy programs, it signed agreements with dozens of Latin American countries, beginning with Mexico (Stoll, 1985).

7   Law of Native Communities and Agricultural Promotion of Jungle and Ceja de Selva Regions (Decree Law No. 20653). In 1978, the law was weakened by the introduction of an article whereby in the future the lands of native communities that the State classified as "suitable for major forest use" or for protection could not be titled but only ceded for use, subject to supervision of their use of forest resources by the State administration. This was a real expropriation. Later, in the context of tropical agrofuel initiatives, these areas were in the eye of the García Pérez government (2006-2011), which also tried to convert the forests into uncultivated land that could be used for agriculture under a business initiative.

The company has also made significant progress in the titling of communities in order to close off access to colonization.

From the beginning, the Wampís and Awajún gathered in the new organization took note that the community law was destined to fragment the indigenous territories, making long stretches available so that the State could adjudicate them to third parties. This is why, with the scheme of delimited and titled communities and this understanding of the policies, the Awajún and Wampís peoples tried as far as possible to rebuild territorial integrity and then asked the Peruvian State to delimit "reserves" in order to guarantee future titled access to less accessible areas for eventual colonization. Over time, it became increasingly difficult to obtain new communal titles, but they still managed to obtain territorial extensions in order to recompose as far as possible the territorial spaces from the areas protected by communal titles. Guided by the principle of dignity, deeply rooted in the Wampís culture, these peoples continued to demand what the law established and what they knew to be their rights.[8]

Although in the 1990s the Wampís left the CAH and formed independent organizations, especially in the Kanus basin, they maintained their influence to a point where several processes converged. On the one hand, the Peruvian State's intention to implement reforms aimed at creating a land market, liberalizing access to land in the Amazon and destroying the communal regime, threatening indigenous rights, became increasingly evident.[9] Secondly, the process that began with the so-called "Cenepa War" (January-March 1995) between Ecuador and Peru, which concluded with a Definitive Peace Agreement signed by both countries in October 1998, came to modify the Peruvian geopolitical paradigm in relation to the northern border, which affected the nature of the relationship between the Peruvian State and the Wampís and Awajún peoples. As a result, these peoples ceased to have a strategic position derived from their location on the northern border.

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8   The expression dignity is expressed in the Wampis language as *ni inmari*

9   Several of the new norms that superimposed third party rights on indigenous rights that restricted the control of territories by indigenous peoples contributing to territorial "de-governance" (García Hierro & Barclay, 2014). Other strategies have been aimed at destroying collective spaces. Thus, the agencies that should ensure services such as water, sanitation, or electricity condition the provision of these services to the parcelization of communities.

The contentious pact had been translated into a tacit or de facto pact, but consistently confirmed (Barclay, 2019). Thanks to this pact, both indigenous peoples had achieved a high level of interlocution with the Peruvian State, unique in the national context.

This betrayal of the pact became evident immediately after the signing of the new Peace Agreement in 1998. Thus, before the so-called Baguazo, the Peruvian State had taken measures that seriously and directly affected the interests of the Wampís and Awajún, which were perceived as affronts to the peoples and attacks on their dignity. Thus, in 2006, the State ignored an agreement by which, with the consent of these peoples, a national park was established in the ancestral territories in the Cordillera del Cóndor to protect it from mining interests, reconverting part of the agreed area precisely in order to grant mining concessions, which in fact occurred on the same day that the reduction of the area of the Ichigkat Muja National Park took place. That same year, the State also imposed an oil lot (116) in a territory shared with the Awajún and destined for the conservation of the Tuntanain mountain range, making explicit in the creation norm the priority that oil activity would have. In addition, it converted a large part of the ancestral territory of these peoples into a "reserved zone to be categorized", including the Kampankias mountain range in the heart of the Wampís territory. For the Wampís, it became evident that the right to define their future as a people or as a nation was being limited to extreme levels. In the perception of many indigenous families, there was the idea that the Peruvian State intended to eliminate them (Santos Granero & Barclay, 2010).

Planning autonomy

The recovery of autonomy and dignity had been an underlying theme for many decades for Wampís thinkers before and after they collectively decided to put down their spears of armed resistance and exchange them for the demand for the enjoyment of rights and the exercise of those rights. The awareness of ILO Convention No. 169 (of constitutional rank) and the UNDRIP gave the Wampís a guideline that the international framework supported their expectation of the exercise of autonomy for the indigenous governance of their territories.

Strictly speaking, the 1974 native community law did not impede a people from recomposing their ancestral spaces by legalizing their communal territories and exercising the autonomy granted to the communities from there. However, the evolution of the legal system and the policies of occupation of the Amazon made this path unfeasible for the Wampís. In the current legal version, the communal titles fragment the portion of titled land into areas demarcated in favor of the indigenous community as property and areas that are registered only as ceded for use by the State. In addition, communal territories can be superimposed on numerous other regimes that involve or prioritize third parties and result in the restriction of the exercise of rights.[10]

As mentioned above, since the 1990s, various peoples in CORPI-San Lorenzo's jurisdiction had begun a process of self-regulation and reflection on the relationship between the State and the indigenous peoples. As a result of this process, and thanks to their participation in the government of the Datem del Marañón Province, they were able to get the provincial government to legalize an autonomous procedure for the indigenous peoples, framing the norm within the land-use planning procedure that the Peruvian State was beginning to employ at the time.[11] In this same framework, with the legal advice of the Peruvian-Spanish lawyer Pedro García-Hierro, a format was agreed upon for the preparation of dossiers that could be used to support demands for the legalization of "integral territories". As a result of this work process, several "dossiers" were formulated, some of which were presented to Congress and referred to the Ministry of Justice, without the national authorities deigning to make a decision on these demands based on the procedure established by the Municipal Ordinance of 2009, which has remained legally in force.

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10 To name a few: surface easements, protected areas, production forests, mining and oil concessions. "Law creates a fiction of multiplicity and attributes to different subjects different rights over the same thing according to certain economic functions. Thus we can have one type of treatment and a different legal subject for each of the possible elements of nature: water, forest resources, soil, air, fauna, subsoil, etc." (García Hierro & Barclay, 2014).

11 Municipal Ordinance 012-2008-MPDM published on April 15, 2009 *Establishing an autonomous land-use planning and zoning process for the indigenous peoples of Datem del Marañón Province*. https://bit.ly/35nNcLw. In 2004, the regulations of the 2001 norm that established the Ecological Economic Zoning at the national level were published through Supreme Decree No. 087-2004-PCM. https://bit.ly/3mb7Oxn.

With this experience, the Wampís decided to formulate a new path that, responding to their own historical moment, would allow them to advance in the exercise of autonomy. In essence, they decided to begin to generate their own instruments to govern their territory and to interact with the Pe- ruan State from their condition as a Wampís Nation. This task involved Wampís leaders from both basins who debated for more than two years the preamble and 94 articles of the Statute of the Autonomous Territorial Government of the Wampís Nation (GTANW). This was promulgated in November 2015 "In memory of our ancestors and for our right to self-determination as a people and nation" at a self-proclamation ceremony held at the GTANW headquarters.

The statute, after defining the territory as indivisible, the language and the self-designation of the Wampís Nation declares that in matters of citizenship:

> The men and women of the Wampís nation are themselves Peruvian citizens and enjoy, on an equal footing, all the rights and duties of the rest of the citizenry. Respect for the Peruvian State and its representatives, and mutual correspondence with our authorities, are recognized as the basis for a peaceful and productive coexistence with Peruvian society. The Peruvian Constitution and the International Human Rights Treaties that complement it constitute a framework that, together with the present Statute, our people recognize and respect. (art. 10)

The autonomous statute of the Wampís Nation is a technical and political instrument of government and socio-territorial governance that contemplates as its basic structure: the *Uun Iruntramu* (a sort of congress), composed of 96 *Iirunin* or community representatives, is the supreme body of the WNWG, the Central Axis Basin Government (*Takatan Chichamrin*), the Basin Government with its highest authority *Matsatkamu Iruntramu* and the Communal Government. Subsequently, the adaptation of the communal statutes has been initiated to reconcile and harmonize them with the structure, roles and attributions of the GTANW and its basin governments.

In parallel to the drafting of the statute, a document was compiled that incorporates the historical and anthropological support for the continued existence of the Wampís Nation and its territorial occupation, based on a previous document (Surrallés et al., 2013), as well as the legal support for the right to land following the guidelines of the files agreed upon with CORPI-SL. The document also includes the map of the Wampís territory accompanied by a memory, the minutes of integration of the communities into the GTANW, the agreements of the Wampís and the Wampís' territorial rights.

The GTANW's statute was proclaimed, followed a few months later by a socio-historical and cultural map and the agreed upon socio-political pact. The proclamation of the GTANW statute was followed a few months later by the delivery of the aforementioned documentation to the branches of government: legislative, judicial and executive, including the main ministries and the regional governments of Loreto and Amazonas, starting in April 2016.

This presentation had a protocol character and the purpose of *notifying* the Peruvian State of the will, decision and self-proclamation of the Wampís Nation to rebuild and exercise their autonomy, understanding and making it understood that this is the will of a people that is not willing to wait for the Peruvian State to adapt its legal system to exercise the rights that are inherent to them. As anomalous as it may seem, Peru has never brought its legal system into line with international norms and standards so that indigenous or native peoples would be considered subjects of rights, and only communities are recognized as legal entities and only they can be holders of land. For the Peruvian State, indigenous peoples are an abstraction resulting from the addition of communities (which do not necessarily manage to be registered or have their lands titled). They exist as the "surname" of the communities, they exist in the title and the text of numerous norms, and even as a designation of state dependencies, but the peoples are denied being subjects of law and exercising as such those political rights that Peru made its own by ratifying ILO Convention No. 169.[12]

In doing so, the Wampís Nation does not intend to challenge the Pe- ruan State of which the Wampís are a part as citizens, but to begin to implement a practice based on their rights, in the expectation that conditions will be created for a structural change in the relationship between the State and the indigenous peoples. Likewise, by submitting the documentation in 2016 to the United Nations Special Rapporteur on the rights of indigenous peoples appointed by the Commission on Human Rights of the international body, it does not intend an act of secession.

From the perspective of the Wampís Nation, the path of self-construction of autonomy has very solid technical-legal foundations: international legal instruments, such as ILO Convention No. 169, the UN Declaration on the Rights of Indigenous Peoples and the jurisprudence of the International Labour Organization (ILO), the UN Declaration on the Rights of Indigenous Peoples, and the jurisprudence of the International Court of Justice (ICJ).

12   There is also a list or "database" of indigenous peoples that the Ministry of Culture administers jealously without the intervention of the interested parties and for its own purposes (see https://bit.ly/2Thck0W).

American Human Rights System, which broadly develop the right to self-determination or self-determination of indigenous peoples. The Wampís Nation and its territorial government have recourse to these internationally enshrined instruments, which are also part of the constitutional block at the domestic level, and which the Peruvian State upholds along with its approval of the 2011 Law on Prior Consultation in the midst of the marked opacity that characterizes the Peruvian State in terms of the treatment of indigenous peoples and their rights.[13] Thus, the Peruvian State cannot disavow a practice implemented by the Wampís Nation, with clear national and international support, but neither is it currently willing to implement a regulatory framework to channel an approach to which several Amazonian indigenous peoples, such as the Kandozi, Shawi, Achuar and others, are already adhering. The main cost for now is not being able to legally register the Autonomous Territorial Government of the Wampís Nation as an institution with public registration, but nothing prevents it from operating as a representative institution of the Wampís Nation.

Challenges

Contrary to popular belief, for the Wampís, the greatest challenges do not stem from the absence of a legal framework that recognizes indigenous peoples as subjects of law or a regime that recognizes the territories. It is true that the lack of an adequate administrative framework has so far prevented the Superintendence of Public Registries from creating a book for the registration of the Autonomous Territorial Government as a legal entity. It is also true that with great blindness and arbitrariness the Ministry of Culture has opposed the recognition of indigenous peoples as legal subjects by suing the unconstitutionality of a Regional Ordinance managed by CORPI-SL at the request of the GTANW for that purpose.[14] When the Territorial Government Au-

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13 This opacity manifests itself in apparent adherence to the norms and jurisprudence of the international system, while whimsical glosses, lower-ranking norms and recurrent practices limit their implementation (Barclay, 2020, p. 11).

14 The first article of Ordinance No. 014-2017-GRL-CR agrees to "RECOGNIZE that in the Loreto Region inhabit native and indigenous peoples, who use denominations such as: "indigenous peoples", "native peoples", "peasant communities", "native communities", "rondas campesinas", "ancestral peoples", among others, complying with the criteria established in Article 1 of ILO Convention No. 169". Article Two of the Convention states

In the face of the bicentennial of independence, it still seemed an attainable goal to achieve that Peruvian society could admit a scheme of autonomy as an expression of the right to self-determination[15] .

However, from the GTANW's perspective, while the political conditions for the above arise, it is possible and necessary to strengthen its own capacities to advance in political dialogues with the State, at different levels, in order to build protocols for positive and respectful relations. In fact, there are already agreements at different levels of formality with sectors and levels of the Peruvian State where there is de facto cooperation and recognition of the institutionality and dialogue of the WGANW. At the same time, there are conflicts with irreconcilable positions on issues such as the overlapping of an oil lot, the overlapping of an oil field and the overlapping of an oil field.
(64) established in an inconsistent manner superimposed on the Wampís territory.[16]

The WGANW understands that it will take time and political will, as well as active support from civil society, for Peru to develop an institutional framework that provides better conditions for the exercise of autonomy by those peoples who so choose. For the time being, he has analyzed the autonomous models existing in the region as a result of constitutional reforms (Colombia, Bolivia, Ecuador) that recognize territorial jurisdictions and allow them access to public funds and, for the time being, he considers that they do not correspond to the model to which they aspire, since they integrate the autonomies into the state structure and oblige them to adapt to state procedures.

For the Wampís Nation, the external challenge refers mainly to the construction of a "creative and positive" scheme and mechanism at the political level for the relationship between the Wampís and the Wampís.

"TO RECOGNIZE the legal personality of those "original peoples" or "indigenous peoples" that in exercise of their self-determination, want to be recognized as such. The Ordinance was published on December 15, 2017 and regulated with Regional Decree No. 0001-2018-GR-Loreto. The Ministry of Culture sued the unconstitutionality of the Ordinance before the Constitutional Court on February 2, 2018 who issued a ruling on September 14, 2019 in favor of the Ministry. CORPI-SL has taken the case to the Inter-American Commission on Human Rights.

15 The permanent political crisis, aggravated by the Odebrecht affair that has penetrated the political parties and created a crisis of legitimacy, also makes it very difficult to envision the possibility of a constitutional reform in the desired direction.

16 On this conflict, several pronouncements can be reviewed on the WGANW website

https://bit.ly/3jlFGG3.

The aim is to establish a "system of coordination" with the State and civil society in general, including the capacity to influence the sectors and levels of government. A model of active relationship, dialogue, assertiveness and respect, with the goal of achieving a "system of consensus" in everything that concerns and affects the life, integrity and dignity of the Wampís Nation.

In the meantime, the GTANW has also sought and achieved sympathy for its process from various international forums and bodies such as the United Nations Permanent Forum on Indigenous Issues, an organ of the Economic and Social Council (ECOSOC), the Inter-American Commission, and the United Nations Special Rapporteur on the Rights of Indigenous Peoples. The WGANW has turned to these bodies to systematize existing experiences of self-government, autonomy and self-determination in order to learn from them and demonstrate to national states that they do not represent a risk to national integrity and that, in fact, they could contribute to development objectives with equity and sustainability. Significantly, the United Nations has published, online, a summarized and translated version of the Wampís Territorial Government statute as well as the *Socio-Political Pact, agreements and commitments. Preservation and conservation of living resources, nature: lands, territories, forests and biodiversity*, signed in November 2016.[17] Both the Forum and the Special Rapporteur have made explicit mentions of the Wampís Nation's autonomous process in their most recent reports (Tauli Corpuz, 2020; IWGIA, 2019).

At the national level, the Wampís Nation has gained the sympathy of the successive commissions of "Andean, Amazonian and Afro-Peruvian Peoples, Environment and Eco- logy" of the Congress of the Republic, which has conferred two recognitions, and has aroused interest and respect in sectors of academia and human rights activists. Along the same path are several other peoples who are interested in the steps taken by the GTANW, particularly, but not only, the peoples of the CORPI-San Lorenzo area.

The chosen path of proclaiming itself as a Wampís Nation without waiting for *de jure* recognition is certainly a great challenge. However, the Autonomous Territorial Government considers that at the moment it is the internal challenges that are the most difficult to face successfully. They are also the most urgent because they are considered

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17   Available at: https://bit.ly/3jjGNGb; https://bit.ly/37vXsUB. The text of the above-mentioned Socio-Political Pact is available at https://bit.ly/34maiTz.

If they are not attended to, they could face a situation of no return where there is no longer the capacity to imagine a different future.

There is no debate here between traditionalist and non-traditionalist in Wampís society. No one is proposing a return to the way of life in economic or cultural terms. It is neither desirable nor feasible. Schools and other means of articulation with the outside world have left their traces. It is a matter of recovering values and knowledge, developing mechanisms to effectively govern the territory and build proposals for a common future, something which, it must be said, Peruvian society lacks. This is to recover social viability and conditions in the territory that are compatible with nature, dignity and austere wellbeing.

In recent decades, aspects of the Wampís organizational and cultural base have been strongly eroded and transformed, resulting in situations that make governance difficult. To give a few examples: the territorial occupation promoted under the model of communities with settlements anchored around the existence of a school is drastically different from the traditional one, so that there is now greater pressure on the forests along the banks of the main rivers with impacts on the quality of life, nutrition and health and loss of biodiversity; the communal model that originally sought to guarantee rights has been turning into a format of forest privatization that occasionally generates conflicts and often inadequate management of the common patrimony; The use of money is no longer occasional but forms part of family strategies and makes families more vulnerable; with a third generation in school, which now includes men and women equally, the loss of forest knowledge, the variety of traditional food crops, or oral and medicinal traditions is notorious, and the loss of respect for elders is patent. Under these conditions, parents begin to visualize their children's future outside the territory as desirable, as do the sons and daughters themselves. Both the loss of internal conditions for well-being in the territory and the racist and foreign devaluation of indigenous ways of life play in favor. For this reason, Wampís governance includes creating conditions to improve the local economy based on the use of biodiversity.

In turn, patterns of outside behavior have begun to become the norm in communities, such as violence against women and the deterioration of solidarity as internal control mechanisms have been weakened.

Diagnosis and reflection on the various pressing issues require the incorporation of intergenerational and gender perspectives in order to make collective responses sustainable, as well as the economic and social investments that are proposed.

Other challenges are equally great, such as that derived from the fact that at the territorial level, State intervention is increasingly greater but parameterized from a unilateral development vision. Parallel to the expansion of the coverage of services provided by the State (health, education), these have become increasingly determinant in the life of the family, reducing its decision-making margins. At the same time, families tend to naturally assume that the care they receive derives not from their condition as citizens but from being poor due to their limited access to monetary resources (Campanario Baqué, 2019).[18] As a result, the stance towards the State has become increasingly passive, less critical and therefore more conditioned. All this is revealed in the collective diagnoses promoted by GTANW to define policies and lines of action.

If this occurs at the level of families, at the level of communal authorities there has been an increasing tendency to demand services from the State without demanding that they respond to their own perceptions of needs, with the result that the vision of development or well-being ends up being aligned with supply. Recovering its own vision of development, creating internal capacities, generating attitudes of vigilance and transparency, generating wellbeing without compromising the intergenerational resources of nature, are very important internal challenges that the Wampís Nation and its autonomous territorial government have already identified as fundamental elements for the achievement of *tarimat pujut*, collective wellbeing.

All these manifestations are in some sense an expression of what Gruzinski (1991) has called *the colonization of the imaginary*. In the face of this, the Wampís Nation seeks to diminish their destructive influence, generate internal capacities and channel the energies of generations that want a better life, but ensuring that the conservation of biodiversity, water, life and values of solidarity are expressed more fully.

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18   See Resolution No. 227-2014-MIDIS *They provide for the granting of the socioeconomic classification of extreme poor to people who are part of the indigenous peoples located in the Peruvian Amazon, included in the official Database of Indigenous Peoples listed in RM No. 321-*

2014-MC or the one that replaces or updates it, published on September 28, 2014.

Faced with this colonization of the imaginary that alienates creativity with cultural roots, the GTANW has set out to awaken the dreams of its countrymen to integrate them into future plans and energize the common vision and debates through its radio station, Tuntui, which now broadcasts ten hours a day from the Kanus River. It has also made significant efforts to make visible the new commitment to autonomy, which includes maxims such as "time is water" to revalue the nature on which society depends. Part of this autonomy effort is the renaming of sites, such as rivers, mountain ranges and community names, which centuries of state presence have expropriated, and therefore the emphasis and recovery of proper names for places, etc. For example, calling the Santiago river "Kanus", "Kankaim" to the Morona, "Kampankias" to the Campankis mountain range, or the use of own ex-pressions as "nature's goodness" that replaces natural resources, to signify the own vision that one depends on nature with which it is necessary to keep a relationship of a social and balanced nature. The radio station *Tuntui*, and the newspaper *Nakumak*[19] are privileged instruments to socialize the collective agreements and commitments that are debated and built through the periodic meetings of the *Uun Iruntramu*.

Where is the Wampís Nation going? and its Territorial Self-Government?

In the current globalized context, the great dream of the nation is heading in various directions and levels. At the internal level, in the first place, it is to achieve the strengthening and consolidation as a system of life, self-affirmation, which implies the collective awareness of the socio-historical and cultural origin, as well as the continuation in perpetuity of the historical and cultural identity to exercise effective governance of the territory.

Secondly, the consolidation of the system of land, forest and biodiversity conservation as a system and man-nature binomial, especially for future generations. Thirdly, the progressive construction of self-sufficiency and the capacity to effectively and adequately lead the attention and solution of the major problems that affect current life and the achievement of *tarimat pujut*. This implies the collective capacity to maintain the knowledge, practices and socio-cultural elements and, as a consequence, to reinstitute the

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19   Available at: https://bit.ly/3manCAv; https://bit.ly/3klPMI5; https://bit.ly/2Hs3OJX

maximum valuation of the human-nature binomial as coexistence and mutual dependence, translated as respect and valuation of the person and nature. Achieving a proper educational system, an education for the valuation of the person and nature and intercultural and socio-cultural values such as reciprocity, solidarity, honesty and integrity are fundamental.

This dream of the Wampís Nation, which is beginning to take shape through the constitution of the Autonomous Territorial Government of the Wampís Nation, the formulation of internal pacts, their own policies and capacity building, does not yet meet the conditions for the institutionalization of autonomy in the national framework. However, from the Wampís' perspective, this does not mean that it is necessary to wait for the Peruvian State and society to formalize a reform in this sense. Exercising autonomy from now on through the WGANW implies tracing a path of our own that is open to other peoples on the same path. For the time being, it implies starting to establish different conditions of relationship with sectors and levels of the State, through a political dialogue, which brings with it a recognition in the facts and, from now on, in agreements and conventions with levels and sectors of the Peruvian State that are being achieved. Along this route, opportunities should be opening up until there are institutional conditions for *de jure* recognition and respect for autonomies in Peru.

Through its interaction with other indigenous peoples' autonomies in other parts of the world, GTANW has been promoting the establishment of an autonomy caucus at the United Nations to promote the agenda of indigenous autonomies and to make efforts from this international forum to make visible their contribution to land governance.

Specifically, the Wampís Nation seeks to address and resolve in an autonomous manner, from its own vision, the needs of its members, family and collective, and seek to maintain a positive and creative relationship with the Peruvian State and society from a vision of rights. The Wampís Nation has collectively adopted the agreement and commitment to maintain its socio-cultural identity in perpetuity as the basis and condition of self-valorization as a human group. The path chosen by the Wampís Nation to exercise autonomy and recover the governance of their territory is *sui generis*, although not unique.

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"Guardia, Guardia!": autonomies and territorial defense in the context of the of the Colombian post-agreement

Viviane Weitzner

Opening: finding encouragement

November 4, 2019: "we can't take so much pain anymore."

It is hard to think beyond the increased bloodshed in black and indigenous communities in Colombia since the October 2019 regional elections. My WhatsApp group with my indigenous and Afro-descendant collaborators is disborded with news of bloody murders. And these are targeted bloody murders: murders of indigenous guards defending indigenous territories; murders of women mayoral candidates and indigenous governors; murders of social leaders who dare to try to assert their rights and autonomy in post-Agreement Colombia; and death threats against those who have managed to survive so far. As I sit down to write this article on indigenous and Afro-descendant autonomy in the context of the Colombian post-Agreement - and to consider particularly the role of the Guardia Indígena and Guardia Cimarrona as key mechanisms of territorial defense - pain and a sense of helplessness invade me as I try to figure out how to open space in my mind and heart, to begin to "make sense" of this chaos and write about it. "We can no longer stand so much pain," one of my closest collaborators, Héc- tor Jaime Vinasco, former governor of the Colonial Indigenous Resguardo Cañamomo Lomaprieta, wrote after receiving news of another murder. How to create an analytical route to talk about autonomy in the midst of 'the hunt' that the peoples I work with in Colombia are experiencing? How to find the analytical breadth - and the breath - to write and talk about the disan- gagement that is taking place? And as I struggle to find the encouragement to give

testimony and theoretical reflexivity to the onslaught that my indigenous and Afro-descendant colleagues are experiencing on a daily basis, the final key challenge we *all* face is: How to hold on to - and how to sustain - autonomy in the midst of an extreme and violent internal armed conflict?

This article places front and center the deadly challenge of exercising autonomy in the context of the Colombian post-Agreement. A Colombia that in 2019 gained international recognition for being *the most dangerous place in the world* for environmental and human rights defenders (Frontline Defenders, 2020). The article testifies to the extraordinary efforts of Colombia's indigenous and Afro-descendant peoples to counteract the violence that affects their daily lives and ancestral territories. Specifically, I examine the increasingly important role of the Guardia Indígena and Guardia Cimarrona, their own ancestral institutions, in defending ancestral territories and exercising autonomy; and the difficult coordination and (mis)encounters they experience with state institutions, and with other actors, both legal and illegal, seeking to control these resource-rich territories. Driven by the increasingly sharpened violent realities and territorial disputes taking place in their territories, I propose that Resguardo and Palenke thinking and praxis towards strengthening their self-protection mechanisms can be seen as "a turn": a turn towards self-protection that also implies closer inter-ethnic collaborations in an effort to maintain autonomy.[1]

I draw particularly on key ethnographic moments, workshops and interviews[2] from a decade of engaged research (Kirsch, 2018) with the 32 Embera Chamí communities of the Colonial Indigenous Resguardo Cañamomo Lomaprieta located in the municipalities of Riosucio and Supía, Caldas; and with the Black Co- munities of the Palenke Alto Cauca, an autonomous regional governance mechanism that is part of the national organization, Proceso de Comunida- des Negras, and which supports and accompanies 45 Community Councils located in 11

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1   Incidentally, I am equating this new approach with what scholars have labeled "turns" (e.g., Poblete, 2017), because it is the result of nuanced action-oriented analysis by indigenous and Afro-descendant thinkers.

2   In this article, I identify the persons cited only when they have given their free, prior and informed consent to do so. All others are anonymized.

municipalities of northern Cauca (see map).[3] These organizations allied in 2009 to join forces and strategize around territorial defense in light of large-scale extractive interests in their gold-rich ancestral territories. They have also been forced to confront the actions of illegal armed actors interested in both their gold and the strategic location of these ancestral territories along drug trafficking corridors.

This joining forces and weaving of strategies has resulted in a wide spectrum of autonomous and joint actions, ranging from the development of their own legislation and internal protocols on consultation and free, prior and informed consent; to the execution of legal actions that have led to groundbreaking rulings by the constitutional court; to protest mobilizations when orders are not implemented, or when state obligations to respect and protect indigenous and Afro-descendant rights are not met (Herrera & García, 2012; Machado et al., 2017; Weitzner, 2017a, 2019). But in recent years - and in light of increasing pressures that threaten territorial integrity, and renewed violence and threats against indigenous and Afro-descendant leaders who claim their rights, a situation that has become even more acute in this historical moment of global pandemic against COVID-19 - a key strategy on which the Resguardo and the Palenke have focused is the strengthening of their Indigenous Guard and Maroon Guard respectively, unarmed autonomous institutions.

I begin this article with a brief discussion of the concept of autonomy and its importance, from the perspective of the Embera Chamí and Afro-descendant leaders of the Cañamomo and Palenke Resguardo, also based on their own documents. Next, I present the institutions of the Guardia Indígena and the Guardia Cimarrona, their history and articulation with the exercise of autonomy. I examine how they operate in practice, highlighting key ethnographic moments that emphasize inter-ethnic collaborations, with a focus on the

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3   As a member of the North-South Institute (Canada), and later the Forest Peoples Programme (UK), I have managed to link direct support to the Resguardo and Palenke organizations for their organizational strengthening and territorial defense, in addition to my academic anthropological research with the Centro de Investigación y Estudios Superiores en Antropología Social (Mexico) and McGill University (Canada). Wearing these two 'hats', I have managed to position myself as an activist academic (Hernández Castillo, 2016; Hernández Castillo & Tervern Salinas, 2017; Mora, 2008, 2017; Hale, 2008; Stephen, 2008; Speed, 2006; Escobar, 2017) providing accompaniment to, and testimony about, the processes lived in both the Palenke and the Resguardo.

intergenerational and gender aspects; and challenges in meeting and coordinating with the State. I show how this challenge is exacerbated by the discriminatory state treatment of the Maroon Guard, which does not have the same constitutional guarantees that sustain the Indigenous Guard. And I dialogue with theoretical literature at the crossroads of autonomies, racisms, fragmented sovereignties and legal pluralities, providing contributions based on the very particular and complex reality of the Colombian armed conflict.

Map 1
Location of the Colonial Indigenous Resguardo Cañamomo Lomaprieta (Municipalities of Supía and Riosucio, Caldas) and the Palenke Alto Cauca (Municipalities of Santander de Quilichao, Suárez, Buenos Aires, Puerto Tejada, Caloto, Guachené, Villarrica, Corinto, Miranda, Padilla and Cali).

Source: Weitzner 2018.

At its core, this article brings unique perspectives on notions of autonomy, providing concrete and particular examples to the growing literature on community protection efforts in the face of state 'abandonment' (e.g., Comaroff & Comaroff, 2016; Sierra, 2018; Goldstein, 2012). It also breaks new analytical ground by examining Afro-descendant and Indigenous institutions in tandem, making visible Black autonomies that often remain invisible in theoretical debates (Restrepo & Rojas, 2004; Hooker, 2005, 2020; Rodríguez Garavito & Baquero, 2015; Wade, 2017).[4] And it contributes to the growing antropology on fragmented sovereignties and i/legalities (Sieder, 2019), showing exercises of territorial defense grounded, legitimized and legalized by the government and proper law, albeit in "liminal" spaces between legality and illegality from a state point of view.

Spinning the concept of autonomy

As the Plan de Vida of the Cañamomo Lomaprieta Resguardo points out, the term "autonomy" is controversial and acquires different meanings in different contexts (RICL, 2009, pp. 158-159). In this section I present a synthesis of perspectives on the meaning and importance of autonomy for the Palenke and Resguardo members, as presented by their national-level representative organizations, namely the Proceso de Comunidades Negras (PCN) and the Organización Nacional Indígena de Colombia (ONIC), respectively.

This conceptual basis is a necessary first step in examining how these perspectives fit in with or differ from the perspectives and approach proposed by the Colombian State. It is also fundamental for analyzing the challenges in the day-to-day exercise of autonomy.

My intention is not to provide an exhaustive analysis, but rather to highlight the complexities and particularities in the perspectives of autonomy - or, better said, autonomies, in the plural - within the current Colombian context. I focus here on two specific cases, recognizing the importance of opening up an analytical space to discuss both black and indigenous autonomies, and the importance of the autonomies in the Colombian context.

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4   There are several texts that investigate the autonomy of Black people both in Colombia (e.g., Machado Mosquera et al., 2018) and in other Latin American and Caribbean countries (e.g.,

Goett, 2016), but treating Black and indigenous autonomies side-by-side is less usual.

In the meantime, I am aware of the joint efforts to exercise autonomies in practice.[5] But also, I am aware that the perspectives I will share are shaped by very different historical experiences, complicated and multifaceted, and rooted in very specific territorial relations, which have been documented elsewhere[6] , and of which I will only be able to scratch the surface in this article.

A brief historical sketch

Very briefly, in the case of the Palenke, the Afro-descendant population was brought to northern Cauca in the 17th century to work in gold mines for the Spanish, bringing their ancestral mining knowledge from Africa. They eventually bought their freedom; and many bought gold mines from the Spaniards, living from them as a key subsistence activity along with agriculture and fishing. However, many of these ancestral mines and the fertile lands along the Cauca River have been flooded to make way for the Salvaji- nas Dam; and monoculture agriculture, namely sugar cane and oil palm, has driven out most of the traditional farms. Meanwhile, large-scale gold mining and, more recently, criminal mining by armed actors,[7] along with the planting of illicit coca and marijuana crops, has also led to land dispossession. The levels of contamination from crop cultivation and criminal mining using cyanide and mercury, combined with the lack of collective land titling, are just some of a myriad o f factors that have led to a situation in which livelihoods are severely threatened. These factors combined with the lack of access to viable economic alternatives - and the violence and confinement generated by the armed conflict - are fueling poverty in the region.

Indeed, even if there have been important advances in the recognition 'on paper' of the fundamental and territorial rights of the Afro-descendant peoples, it is not yet clear how much progress has been made in the recognition of their fundamental and territorial rights.

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5   I want to acknowledge the aspirations for autonomy of the Roma or Gypsy people of Colombia (see, for example, https://bit.ly/34BYWtl), as well as those of the campesinos (see, for example, https://bit. ly/2HXfKU3), experiences that were not part of the ethnography and fieldwork underlying this article.

6   For the Resguardo Indígena Colonial Cañamomo Lomaprieta see, for example: Herrera & García (2012); Appelbaum (2007); Lopera (2010); Caicedo (2018, 2020). For the Palenke Alto Cauca see, for example: Mina (2008); Ararat et al. (2013); Duarte (2015).

7   These include the Revolutionary Armed Forces of Colombia, FARC; several paramilitary groups; and various criminal gangs (OECD, 2017).

In Colombia - and especially with the incorporation of the transitional article 55 of the Colombian Constitution that recognized black communities as subjects of rights, which was later developed in 1993 with Law 70 - there is still a long way to go. Law 70 remains largely unregulated, and there is a bias towards black communities in the Pacific without specific provisions for areas outside the basin. This has resulted in a current situation where, of the 31 requests for collective titling of community councils in municipalities within the department of Cauca that are outside the Pacific basin, only six have been recognized. Only one title of the six is in northern Cauca (Forest Peoples Programme et al., 2019).

In the case of the Cañamomo Resguardo, this resguardo was established in the 1500s and reaffirmed in 1627 by the Spanish Crown, following an invasion by Spanish colonizers who seized the rich ancestral gold mines that date back to the Quimbaya people from whom the Embera Chamí descend.[8] The indigenous people were used as slave labor and decimated through inhuman working conditions. African slaves were brought to the Resguardo to continue gold mining for the Spanish, settling in the community of Guamal. Today, the Resguardo continues its ancestral mining, and its rich gold deposits are coveted by national and multinational mining companies, as well as by armed criminal actors. The community members also participate in agricultural activities, with panela and coffee production being the main pillars. As in the Palenke, the Resguardo's rivers are also of interest to energy producers, although to date the Resguardo has been able to prevent the installation of hydroelectric projects.

Daily life in the Resguardo is increasingly difficult and risky for the nearly 25,000 people living on a small land base of only 4,827 hectares, where there is very little land for subsistence activities. And where, despite advances in the recognition of the colonial title of the Resguardo as a result of Ruling T530 issued in September 2016 by the Constitutional Court ordering its delimitation and demarcation,[9] implementation of these orders remains difficult and elusive. This is mainly given the pode-

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8   The official boundaries were reaffirmed in 1627, after a territorial dispute was resolved. However, since its establishment, the Resguardo's territory has been subject to constant modification and erosion over time (Caicedo, 2020).

9   See: https://bit.ly/30Kbr53

The effects of the armed conflict are also profound in the Resguardo, where several massacres have taken place (CRIDEC & MOVICE, 2020).[10] The effects of the armed conflict are also profound in the Resguardo, where several massacres have taken place (CRIDEC & MOVICE, 2020). Its leaders are among the 40 Embe- ra Chamí leaders who are beneficiaries of precautionary measures issued by the Inter-American Commission on Human Rights in 2002 (IACHR, 2002).

In sum, what these stories attest to is a history of "racialized geographies" (Hernández Castillo, 2019), where centuries of "plunder" (Mattei & Nader, 2008) and "accumulation by dispossession" (Harvey, 2003) have decimated ancestral peoples' lands and resources, resulting in "racialized discounts" (Mbembe, 2003). Nader, 2008) and "accumulation by dispossession" (Harvey, 2003) have decimated the lands and resources of ancestral peoples, resulting in "racialized discounting" (Mbembe, 2012) where peoples and each of their constituents have become disposable or residue as they stand in the way of "development." But these territories have also been devastated by the underbelly of conventional "development"; namely, actors involved in the shadow economy or "raw economy" (Mbembe, 2012) of illicit activities. Cauca is a known hot zone for all armed actors in Colombia's armed conflict and the illicit activities that finance them, earning the nickname of the "epicenter of assassinations" in a recent analysis (Navarrete & Alonso, 2020). And the Resguardo has lost hundreds of community members to violent warfare, with early warning reports currently in effect from the Ombudsman's Office (2020), alerting to the continued risks of illegal armed acts. These brief historical sketches provide some background to help frame the following synthesis of perspectives on autonomies.

Perspectives of the Palenke: "autonomy in question"; "autonomy in danger of extinction".

The Palenke's perspectives reveal the multidimensional aspects of what comprises autonomy. Autonomy is often defined in terms of what constrains it and encompasses ontological, political, economic and ecological aspects and their interrelationships. For the sake of illustration, I quote at some length an excerpt from an interview with Lisifrey Ararat, one of the most respected elders of the Palenke:

10   Watch video Noticias Uno: https://bit.ly/33G8OmA

Autonomy, we even had it fifteen, twenty years ago... *Today our autonomy is in question*. Because there are many factors that have broken our autonomy. One definitely has to do with the conflict. I believe that, *threatened, one does not have autonomy*. Two, that autonomy, or those things that one did... one did what one wanted, and one moved. *That territorial control that they are doing to us today, they are doing us a lot of harm*. And the other thing too, how they have been impoverishing us. So, what we believed to be our strength, what we believed to be our father and mother, such as the river, is now in question. Because when you see your father so sick, almost in agony, as we see the river at this moment, there is no autonomy here, it is in question**.** *And for me, autonomy is... to have one's own economic movement, to have control of the territory, to have where we work, where we plant, what we eat. And we had that before. I used to say, on a Saturday, 'I'm going to eat a small mouth'. I would take my fishing line, and I would go to La Oveja. For me that was autonomy.* But today, here in La Toma, the situation is very, very difficult. (Ararat, 2015, emphasis added).

Major Lisifrey's comments underline how the loss of autonomy is associated with the loss of freedom of movement; and with the disease of the river Sheep, which is humanized here as father and mother, the creators of this particular world, its life force and also the source of the wealth of this world. And this sickness, and the consequent loss of the ability to be able to feed oneself, is aggravated by the confinement due to the "control" that others are advancing. Lisi clearly states that autonomy is simply not possible if one is at risk of having one's life taken away; and it is further limited by structural discrimination and racism, as poverty is exacerbated ("they have been impoverishing us") in a place where with a destroyed land there are few resources for daily survival. Exercising autonomy is therefore "challenged" because it is limited by its relational character with structures of domination.

The relationship with the territory and the ability to decide what happens within it were key elements that were developed throughout the conversations about autonomy in the Palenke. A leader from the Association of Community Councils of Northern Cauca (ACONC) braided the concept of autonomy with self-determination and natural rights. But this "ancestral" natural right, which by its very nature is autonomous, and preexists any state normative framework, is not something that sustains only individuals; it is a concept intimately linked to the communal, and closely linked to the care of the territory guided by the cosmovision:

> This natural right should not only be reflected in the right of the individual as a person, but also in all that has been developing and forging and preserving the community in its territory without being regulated. All those things that are part of the community ...that the community has done by instinct, by its own, by its own cosmovision, by its own action... to sustain itself in time in its territory, for me that is the ancestral natural right. (Anonymous, 2015)

In essence, autonomy is not simply a political proposal; it goes hand in hand with a cosmovision, a world of life, where autonomous care of the territory allows for survival over time. But the leader insisted that this in turn requires economic and food autonomy in order to be self-sufficient and thus feed, in addition to the people, the political and organizational processes, whether it be financing mobilizations, community radio stations, educational studies by Palenke members or, importantly, the work of the Maroon Guard. Here is a plan for "autonomous design," as Escobar (2018) calls it, that intertwines self-sufficiency, sustainability, and political commitment toward collective livelihood over time.

But a marked emphasis in the discussions was the tension between "ours" and "the other," and protecting autonomy from outside interference at all levels. As articulated by Yuliet Viviana Lucumi Paz, a young member of the Palenke who emphasized the importance of collectivity in autonomy, this means having the power to make decisions, organize and undertake what the collective wants to undertake "without the other, without the government, without outside, governmental entities, influencing, in the forms of organization, in the culture." He also pointed out that the government is trying by all possible means to extirpate autonomy, so much so that, in his opinion "the autonomy of peoples and ethnic groups, is at stake, and, one could say, in danger of ex- tinction." He added that the struggle today is to strengthen "the little autonomy that remains" (Lucumi Paz, 2015). This idea of freedom to exercise self-government in ancestral territories where "we have the possibility of doing whatever we want because it is our way of recreating ourselves" was another transversal axis, with the ultimate goal, as one palanquera said, "the preservation of life in the territory" (Mina, 2015). Autonomy towards recreation, towards sustaining life in the territory; and a living territory. This conceptualization recalls Mora's (2017, p. 23) analysis of Zapatista autonomy, and the aspects she argues infuse the concept of autonomy of Afro-descendant and indigenous peoples across the continent, where "the very act of living as part of a

dignified commitment to the reproduction of social life directly confronts the dehumanizing conditions of racialized colonial ways of being".

These conceptual offerings of Palenke members fit with the key principles underpinning the PCN's nationally articulated framework for action, rooted in affirming and enabling "being" black communities with particular cultural identities and ties to ancestral territory. All of these principles are oriented towards autonomy in its multifaceted aspects, including meaningful autonomous participation in decisions affecting black communities; advocating for development options aligned with the cultural aspirations of black communities and attuned to cultural and environmental sustainability; and linking in solidarity with other sectors towards "a more just world".

In summary, in addition to defending the right to political and organizational autonomy of the Black, Afro-Colombian, Raizal and Palenquero people of Colombia, the key principles of the PCN point to a much more dynamic, integral and holistic sense of autonomy.

Perspectives of the Resguardo: "without interference of anyone to make decisions"; "small states".

The conceptions of autonomy in the Colonial Indigenous Resguardo Cañamomo Lomaprieta point directly to the idea of self-government. However, beyond this, they adopt the concept of statehood, of sovereignty. Former Governor Héctor Jaime Vinasco described autonomy as the Cabildo having the power "to define its own laws, to exercise its own rights, to make decisions, to be able to exercise an autonomous scenario - without interruption from anyone...there is no interference from anyone". In fact, he added "they [the Resguardos] have been thought of as being like small states, because they have their own autonomy" (Vinasco, 2015). This view of autonomy where Resguardos are "small states" supports Sieder's (2019) argument that in Latin America it is more useful to examine legal pluralities-and perhaps autonomy by extension-through the lens of fragmented sovereignties, a concept to which I will return later.

The Resguardo's Plan de Vida establishes the Embera Chamí's official perspective on autonomy as:

The basis for our political-organizational structure is also the historical claim to return to our uses and customs. Autonomy is the essence of the major right developed by our ancestors, who created their own ways of regulating social, economic, cultural and spiritual life in pre-Hispanic times. *Reconquering autonomy* is a challenge for the Cañamomo Lomaprieta Indigenous Reservation, it is a historical struggle. (RICL 2009, pp. 158-159, emphasis added).

What emerges from this definition is the ancestral or pre-Hispanic roots of the practice of autonomy, and its links to regulating all aspects of life, including the spiritual.[11] However, the challenge posed by the Plan de Vida to "reconquer autonomy" is a difficult task in the context of an armed conflict and multiple overlapping interests over the Resguardo's territory. In this context, exercising self-government[12] and customary decision-making is undermined by meetings shortened as darkness approaches; community members afraid to join the political organization or even attend assemblies for fear of reprisals and threats from illegal armed actors; and conventional politics intruding and affecting the social fabric of the Resguardo, delegitimizing its institutions and creating even more insecurity for those who are part of the Resguardo's political organization.

In fact, the Resguardo suffers what the Palenke and all other ancestral territories rich in natural resources suffer in Colombia: the dispute over access to the riches by powerful illegal armed actors, on the one hand, and by the State, on the other hand, leading to a situation of "camps".

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11   The Life Plan also cites international definitions and agreements, such as those made at the "II Conference of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests" that took place in London in 1993, where the Working Group on the Americas agreed that: "Autonomy is the way indigenous peoples make policy; Autonomy provides the means, the open door to self-determination; Autonomy is the decision of a people seeking its own economic, political and social development". And that: "In order to be autonomous a people must have its own territory, develop its own indigenous economy, education, health and rights; also be respected for its way of thinking and living in freedom; In order to be autonomous, a people must be recognized for its culture, language, history and biodiversity" (RICL, 2009, p. 159).

12   The Plan de Vida defines the exercise of autonomy as integral: "For us, self-government means the right to legislate and make decisions within the territory, which we, the indigenous people, lead *without the participation or intervention of other actors, this as a product of the exercise of autonomy*" (emphasis added, RICL 2009, p.159).

social minados" (Rodríguez Garavito, 2011).[13] This dispute between overlapping fragmented sovereignties and le- galities-including what I call the "raw right" of illegal armed actors acting in collusion with state actors (Weitzner, 2017a, 2018, 2019)-is at the heart of the violence that Resguardo leaders experience today, as we will see below.

But perhaps the most powerful force intruding on the possibility of "reconquering autonomy" is the "ontological intrusion" of Western ideas of capitalism that are undermining indigenous ways of being and worldviews. This is highlighted primarily by examining the changing ideas surrounding gold mining, a practice that pre-dates the formation of the Colombian state. Over time, the spiritual and ceremonial use of gold has shifted to economic sustenance; and for some today, the motive of profit and accumulation - individual autonomy perhaps - has become the primary interest.

Some have put this profit motive first even at the expense of dividing collective territorial rights and renouncing indigeneity. In short, there is a growing "ontological territorial occupation" that puts the possibility of "ontological autonomy" at stake (Escobar 2018, p.167).

Looking at the national level, autonomy is a central principle upheld by the national indigenous movement in Colombia, along with the principles of unity, territory and culture. These four principles are inextricably interrelated, with autonomy defined as:

> ...an exercise of power based on the legitimate and legal *rights* of indigenous peoples and their authorities. From their own governments that impart justice, generate well-being and administer and exercise authority over territories and resources. To solve our problems and assume our own visions of the future. *To relate with the State and individuals, without breaking our unity of struggle.* From the collective conscience to value our cultural identity and ethnic belonging. As a guiding principle of our political mandates for the defense of

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13   Social minefields refer to ancestral territories, rich in minerals and plagued by conflict: "In sociological terms, they are true social *fields*, characterized by enclave aspects, extractive economies, which include extremely unequal relations in terms of power relations between companies and communities, and a limited state presence. They are *minefields*, because they are highly risky; in this terrain, social relations are permeated with violence, suspicion dominates, and any false step can lead to lethal consequences" (Rodríguez Garavito, 2011, p. 5, my translation).

the life and rights of indigenous peoples. Organizational, to form and administer our own instances of power (ONIC, 2020, emphasis added).

This is a far-reaching and all-encompassing definition of autonomy that is a starting point for relations with the State and other outsiders. In other words, what is important is that while there is an explicit mandate to exercise territorial authority over all aspects of ancestral lands in defense of the life and rights of indigenous peoples, this does not exclude relations with the State or other outsiders.

In other words, there is an explicit recognition that indigenous territories exist in what Moore (1973) calls semi-autonomy, in the sense that they exist within and maintain relationships with other political spheres, jurisdictions and sovereignties. Perhaps semi-autonomy is another way of thinking about the "small states" referred to by the indigenous leader cited above when speaking about the resguardos and their autonomy.

This reality of a semi-autonomous sphere is evident in the importance that the Resguardo, and also the Palenke, give to members of their own communities to access positions within municipal, regional and national governments. Much energy is devoted to ensuring that their own candidates gain access to positions of power so that they can use their influence favorably, even to advance territorial autonomy.

Colombian state perspectives on autonomy: "not even close".

So, how do the conceptions of autonomy advocated by the Colombian state fit with those of indigenous and Afro-descendant peoples? As Linares (2016, p. 23) says for the case of indigenous peoples, "not even close".

In fact, it was only after several mobilizations of indigenous peoples, and more than twenty years after the Colombian Constitution of 1991 welcomed the establishment of indigenous territorial entities in its article 329,[14] that in

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14 "The conformation of the indigenous territorial entities shall be subject to t h e provisions of the Organic Law of Territorial Ordering, and their delimitation shall be made by the National Government, with the participation of the representatives of the indigenous communities, following the opinion of the Commission of Territorial Ordering. The reserves are owned by the indigenous communities.

2014 Decree 1953 was issued to regulate the autonomy of indigenous peoples (Mininterior, 2014).[15] This decree delegated a series of powers, ranging from the management of health services to drinking water; and strengthened the Special Indigenous Jurisdiction enjoyed by indigenous peoples, now administered directly by the indigenous authorities themselves rather than through mayors.

These are all important steps towards *administrative* autonomy for indigenous peoples. But they are far removed from indigenous conceptions of au- tonomy, leaving aside fundamental aspects related to spirituality, identity and culture, resembling rather what the former UN Special Rapporteur on the rights of indigenous peoples has called a "fragmented autonomy" (Tauli Corpuz 2019, para. 20). In short, there is only a partial delegation of autonomy as defined by the State, through a top-down process.[16] Importantly, and regardless of the advances that this Decree may represent on paper, from the very beginning there was rejection from powerful political actors with territorial interests in indigenous territories, generating doubts about the political will to implement the Decree (Rodríguez Garavito & Baquero, 2014).

With respect to black communities, Law 70 of 1993 is one of the key domestic legal tools for defending the rights of black communities. As a product of transitory article 55 of the Political Constitution of Colombia, which recognized Afro communities as subjects of rights after a long struggle of the Afro-Colombian movement, its nor- mativity is developed with Law 70 (Katerí, 2019). Although the law does not establish any definition of autonomy *per se*, it does maintain this concept in Chapter II (Article 3.3), which is described as one of the key principles underpinning the law: "The

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collective and non-alienable property. The law shall define the relations and coordination of these entities with those of which they form part" (Political Constitution of Colombia, 1991).

15 The Decree was the product of an agreement between the Santos government and indigenous organizations following the 2013 Minga Social Indígena y Popular Por la Vida, el Territorio, la Autonomía y la Soberanía (Indigenous and Popular Social Minga for Life, Territory, Autonomy and Sovereignty) (Mininterior, 2013).

16 To highlight, the Constitutional Court has issued rulings interpreting the limits and scope of autonomy and special jurisdiction. Valero (2019) notes that in its ruling T-601/11 "established that the autonomy of indigenous communities may only be restricted if the decision to be implemented is intended to safeguard a higher hierarchical interest and there is no alternative with less impact on their autonomy (2011, footnotes 67 to 70)". However, a critical issue is what is meant by "higher-ranking interest" and how it is determined.

participation of the black communities and their organizations, *without detriment to their autonomy*, in the decisions that affect them and those of the entire nation on an equal footing, in accordance with the law" (emphasis added). However, Law 70 is narrow in scope, covering only the "Pacific Basin" and not the black communities in the Inter-Andean Valley, where the Palenke is located. In addition, the regulation to enact Law 70 has a long way to go, stalled by a lack of political will and resources (Rodríguez Garavito & Ba- quero, 2014). This has led to an ongoing cycle of protests and negotiations towards implementation, with progress to date on only 29 of its 67 articles, according to state sources.[17]

However, shortcomings in the content and scope of national policies and laws aside, autonomy is a key concept enshrined in the international human rights conventions and instruments that Colombia has ratified or approved, including ILO Convention 169 on the Rights of Indigenous and Tribal Peoples (1989); the UN Declaration on the Rights of Indigenous Peoples (2007); the Convention on the Elimination of Racial Discrimination (1969) and the Inter-American Convention (1969), among others. And indigenous and black communities are increasingly turning to these instruments and related mechanisms in their efforts to make autonomy, as they define it, a reality in their territories. This includes through legal actions that have reached the Colombian Constitutional Court, the Inter-American system and beyond, and have resulted in precedent-setting decisions.

In the case of the Palenke and the Resguardo, both have obtained rulings from the Constitutional Court - T-1045A of 2010 in the case of the Palenke, and T-530 of 2016 in the case of the Resguardo - that set precedents, suspending mining activities in their territories carried out without due consultation and consent; and recognizing them as ancestral territories. Of great importance, in the case of the Resguardo, Decision T-530/16 recognizes the jurisdiction of the Cabildo over the management of gold mining in their territory in accordance with their own laws and in coordination with the State, in addition to the Cabildo's protocol and law on free, prior and informed consent. Both rulings set a precedent towards greater recognition of autonomy, such as

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17   CERD/C/COL/17-19, para. 50.

The Resguardo and the Palenke conceive of it, and more in line with international standards that aim at self-determination.

However, as I noted above, "law on paper," Constitutional Court orders, and even pressure from inter- national instruments, such as the concluding observations of the Commission on the Elimination of Racial Discrimination, rarely translate into implementation in Colombia, echoing the reality of the entire Latin American region (Sieder et al., 2019). And if they do translate, it is partial implementation at best, filtered through the lens of the politics of the day, and restricted by the perspectives of the "implementing" state representatives who are often unaware of the international normative framework on rights, acting hand in hand with other powerful actors, both elites and legal and illegal corporations, and their territorial economic interests. This evidences what García Villegas (2019) calls "a culture of disobeying the law" that permeates Latin America, where the state is a primary culprit of disobedience, operating de facto in a "purely symbolic reality" (2019, p. 74).

As one Afro-descendant leader emphasized, the result of these realities and culture of disobedience is a perceived abandonment by the State and neglect of its obligations. And this neglect leaves communities in extremely precarious positions to defend their territories, especially from the onslaught of armed criminal actors interested in gold mining. In their words:

> The community should not have to reach these circumstances. The community should not have to be the one to confront those who are developing the activity, *thus body-to-body, assuming all the risks...to defend its territory and exercise its autonomy and self-determination* when there is a State that legally has the tools to prevent this from happening, and it does not do so. (Anonymous, 2015, emphasis added).

In this context where territorial defense literally means meeting body-to-body with dangerous intruders who do not respect the authority and autonomy of indigenous and Afro-descendant peoples, the Maroon Guard and the Indigenous Guard play critical roles in implementing territorial defense toward autonomy. In the following section, I examine these institutions and how they function in practice through ethnographic vignettes.

Autonomy in action, autonomy in fact: indigenous and Maroon guards in the context of extractive neoliberalism.

In the context of territories caught in the crossfire of warring factions over their strategic use and gold riches - and where there is ample evidence not only of "abandonment by the State" but of a State entangled in corruption and linked to the underground economy - day-to-day survival is a difficult proposition, and even more so is achieving autonomy in the broad sense that the Resguardo and the Palenke aspire to. However, it is this condition that sparks creativity, which feeds the possible solutions, where indigenous and Afro-descendant authorities mobilize all available resources, including the revitalization and strengthening of their ancestral institutions. In the words of the former governor of Cañamomo Lomaprieta, Héctor Jaime Vinasco: "To exercise autonomy, it is necessary to strengthen the Guardia - it is fundamental" (Vinasco, 2019).

Indeed, as the current wave of post-Peace Agreement violence continues to ravage indigenous and Afro-descendant peoples - for, among other reasons, lack of implementation, and the positioning of other criminal actors filling the vacuum of demobilized FARC members - resorting to self-protection mechanisms is critical to defend ancestral territory against the invasion of outsiders intent on "plundering" resources. But it is also fundamental in light of the deficient official "protection schemes" offered by the National Protection Unit for at-risk leaders that paradoxically often place the leaders even more at risk, as I will explain below.

In this section I briefly outline the roots of the Guardia Indígena del Resguardo Cañamomo and the Guardia Cimarrona de Palenke. I show how they function in practice, focusing specifically on joint actions around mining, and unpacking specific analyses related to the growing and central role of women in these institutions. I examine different notions of "protection" for indigenous and Afro-descendant peoples as compared to those of the state. And I also consider some key challenges faced by the Guards in the context of armed conflict and in coordination with the State.

Who are the Guards?

As described in a jointly prepared document:

The Guards at both sites are in fact *voluntary custodians, guardians and defenders of the ancestral territories*, who monitor the ancestral territories.

on behalf of their traditional authorities, ensuring that ancestral law is implemented, and alerting traditional authorities of fora- neo incursions-all without resorting to violence and without carrying weapons. (PAC, RICL, FPP, 2018, emphasis added).

In the Cañamomo Resguardo, the Plan de Vida (RICL, 2009) states that the Guardia was established in 2001, and is considered a critical component of the self-justice system, recognized in the Colombian Constitution (Articles 70, 246 and 330). With its motto "eyes open and ears awake", the Guard monitors the territory of the Resguardo to detect any situation that could put the community and its leaders at risk. It has a Student Guard to ensure early education on the importance of the Guardia and to allow for intergenerational trans- mission. It is integrated into the regional Guard, and is represented at the national level by a "national command". It is important to note that it is inspired by older and organizationally advanced Guards established by other indigenous peoples, such as the Guardia of the Nasa in Cauca. Although the numbers are very changeable, there are currently about 150 members, guarding a territory of 4827 hectares inhabited by a population of about 24 000 Embera Chamí people (PAC, RICL, FPP, 2018).

The Maroon Guard of the Palenke Alto Cauca was established in 2000 according to the "official versions" of its history as told by political leaders. It functioned first as a Human Rights Committee, expanding its radius of action in the mid-2000s when it began to function as the Maroon Guard. There are currently some 229 members of the Guardia Cimarrona, which is responsible for the community councils of the northern part of the Cauca. It is inspired by the millenary institution of the Maroon Guard established in the 17th century by the Palenke San Basilio, the oldest autonomous community of slaves or "esca-pados" Maroons in Colombia.

However, obtaining official legal state recognition of the Guar- dia Cimarrona has been an uphill struggle-subject to systematic discrimination-that was finally achieved through the Ethnic Chapter of the 2016 Peace Accords between the Santos government and the FARC-EP. However, this legal backing does not carry the same weight as the constitutional recognition enjoyed by the Indigenous Guard. In fact, while the Indigenous Guard is an integral part of the Special Indigenous Jurisdiction and is constitutionally recognized,

the capacity of Afro-descendant peoples to legislate continues to be the subject of debate while the regulation of Law 70 is being negotiated.

In narrating this historical glimpse I make a distinction on purpose, between the "official" versions and others, because the community workshops reveal different time frames and scopes for the analysis, which find that the roots of the Guards of both the Resguardo and the Palenke go back to much earlier times. Times when they may not have been called "Guards" or had the current organizational structure, but when there were very specific, ancestral territorial defense mechanisms that today are re-signified.

However, the timing of the emergence of these protection mechanisms more formally as "Guards" in the 2000s has much to do with the political context and the increase in violence that Colombia was experiencing. The leaders of the Cañamomo Resguardo were victims of bloody massacres and selective assassinations, leading to precautionary measures issued by the Inter-American Commission in 2002 (CRIDEC & MOVICE, 2020). The Palenke and their neighboring indigenous communities experienced similar atrocities, with the Naya Massacre in 2001 reaching new levels of horror.[18]

But it was in response to an avalanche of new threats from actors who wanted to extract ancestral gold in the mid-2000s, when the price of gold skyrocketed due to the global financial recession (OECD, 2017; Weitzner, 2018), that the Guards in both places began an important phase ha- cusing further organizational strengthening and actions towards territorial defense and autonomy. Below, I describe some pivotal moments and key actions undertaken by the Cimarrona Guardia of Palenke Alto Cauca and the Indigenous Guardia of Cañamomo Lomaprieta to defend their ancestral territories from unwanted outsider mining, highlighting their important role in defending their ancestral right to self-government, self-determination and, ultimately, autonomy.

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18   The Naya Massacre, perpetrated by the paramilitary group Autodefensas Unidas de Colombia (AUC) during Easter Week 2001, resulted in the death of more than 41 people and the displacement of more than 600. The severe impacts and damages of this massacre are reported in Cabildo Indígena Nasa Kitek Kiwe; Jimeno, Güetio, Castillo and Varela; Universidad Nacional de Colombia (2011).

Guardsmen in action: emblematic moments

Maroon Guard: women in the front line

The women and youth of the Palenke have much to do with the consolidation of the Maroon Guard as it is today, and the essence of its mo- dus operandi. In fact, Armando Caracas, the current coordinator of the Maroon Guard (equivalent to 'mando mayor'), proudly recounts the moments he considers when the Guard first began its process of formal establishment. And because the spirit and intent of these early moments in- found the logic of protection that underpins the Guard's subsequent actions, I narrate the story here with quotes in Armando's voice, as he told it at a Guardia workshop in Quinamayó, Cauca in June 2019.

Moment 1: Quibdó, 2013. To put the moment in scene, the year is 2013, when from all over Colombia, members of the Black, Afro-Colombian, Palenquero and Raizal community traveled to Quibdó, Chocó from August 23 to 27 to celebrate the First National Autonomous Congress of the Afro-Colombian Black, Palenquero and Raizal People. The overall objective was to consolidate the Afro-Colombian movement, establishing a very clear political vision and plan of action, driven by the fact that 20 years after its issuance, Law 70 had still not been regulated (ANAFRO 2014). Much work had been done at the territorial level to prepare for this national meeting, and the Afro-Colombian movement had managed to convene some high-level discussion tables with the government. But for some interests - especially businessmen enriching themselves from the natural resources and ancestral territories of the Afro people - this historic moment of organizational consolidation represented a threat. Some intended to sabotage the Congress.

> We were going to be 7,000 people summoned," said Armando, "and we knew that we needed our own protection mechanisms, because there were forces that wanted to dismantle the Congress. What was done, symbolically -without fierceness, but with courage- women, mostly young people, held hands and joined hands, and we made a cordon. We said, we need the thought of black people to pass.(Caracas, 2019).

But on the first day of the Congress, a separate group was formed in a room where it was alleged that there were interests aimed at sabotaging the Congress. When Armando entered the room and tried to take the floor to oppose this convergence, he was able to speak against it.

A flood of people threw themselves at him. One of the Palenke's younger women leaders positioned herself between Armando and those trying to grab him. "I grabbed her from behind," Armando said, "and I hit her feet. And we managed to clear that conversation away!" he said. "We managed that, and it was the guard - a woman with intellectual and physical ca- pacity - and she did it." And now he refers to "our Lei- dy Guard" as one of the first Maroon Guards. After this incident, those who were at that meeting separately - which had included a woman from a mining company and 6 of her armed bodyguards were asked to leave, and escorted out of the building.

The narration of these moments is important because it reveals the essence of the type of protection to which the Guardia aspires: nonviolent, forging unity and collectivity, and enabling courageous and symbolic actions. But they also show the key leadership role played by women in actions towards collective self-protection. Which brings us to a second emblematic moment for the Maroon Guard, now to confront criminal mining.

Moment 2: "Afro-descendant women's march for the care of life and ancestral territories". In 2014, black women from northern Cauca made national and international headlines when 80 women marched from the La Toma Community Council to Bogotá to protest the invasion of their ancestral territory by armed criminal actors operating backhoes and using harmful substances to extract gold.

The territory of this Community Council was protected by Constitutional Court Ruling T-1045 of 2010. The ruling stopped the eviction of the community of La Toma by a third party who obtained a mining title over the ancestral territory of La Toma without due process of consultation and free, prior and informed consent. In addition, it ordered the suspension of all third party mining activities in this ancestral territory until a due process of consultation and free, prior and informed consent has been carried out. However, these orders were not being complied with, resulting in an invasion of backhoes mining the territory.

The women's march to protest this situation eventually led to the occupation of the Ministry of the Interior in Bogotá, prompting important negotiations. The women became heroes for environmental and human rights defenders at the national and international level for these actions.

tions, with one of the main organizers Francia Márquez, winning the prestigious Goldman Environmental Prize in 2018.

But *what is not* so often *mentioned* is the important role of the Guardia Cimarrona in accompanying these actions. In fact, this march was fundamental to the consolidation of the Maroon Guard, where some 60 Guardsmen marched alongside the 80 women. And the slogan of the march - "The land is not for sale, it is loved and defended" - has now become the motto of the Guardia Cimarrona. It is important to note that, in this march, we see women taking the first line of territorial defense in the Palenke, together with the Maroon Guard who offered them protection.

Moment 3: Joint actions to confront criminal mining. During the invasion of backhoes operated by criminal actors that came to a head in 2014 and 2015, the Maroon Guard worked hard together with neighboring Nasa Indigenous Guards on joint actions to stop criminal mining. A series of steps and protocols were developed for these actions, including obtaining the consent of the authorities of the affected communities where these actions would take place.

These autonomous actions were considered critical in light of the failure of state actions to stop criminal mining, where many community members suspected that corrupt state representatives alerted criminal miners to state plans to stop and destroy their machi- naria. As Afro-descendant lawyer Gabino Hernández-Palomino stated at an inter-ethnic workshop between the Resguardo and the Palenke in November 2019, today the criminal mining invasion has largely been stopped in the Palenke Alto Cauca due to the successes of the actions of the Guardia Cimarrona, often working hand in hand with the Guardia Indígena of neighboring resguardos (Hernández, 2019).

Guardia del Resguardo Indígena Cañamomo Lomaprieta: protecting their own rights in the face of mining activities

In the Cañamomo Lomaprieta Colonial Resguardo, the Indigenous Guard forms a fundamental part in the implementation of self-government, and self-justice, and in ensuring that "uninvited guests" do not intervene in the territory (Weitzner, 2019). But the types of threats that the Resguardo has faced

mining are somewhat different from those of the Cauca. Although both territories are of great interest to mining companies and the State, as well as illegal actors interested in laundering assets, extorting and benefiting from direct mining profits, the resguardo has not experienced an invasion of heavy machinery and criminal actors using mercury and cyanide to extract gold. Instead, threats come from infiltration by outside investors who want to profit from the ancestral mines, including illegal actors.[19] But also, a handful of indigenous miners have rebelled against the Resguardo's authority - with one even rejecting his indigenous jurisdiction in an attempt to get rid of the obligation to obey self-government - in the hope of attracting, or maintaining, outside investment prohibited by the Cabildo.

In short, in this context of permanent violence that indigenous communities survive, one of the key roles of the Indigenous Guard is to monitor the mines and verify the implementation of the Resguardo's laws. And this can be extremely risky. In fact, simply monitoring the mines led to an indigenous leader, Fernando Salazar Calvo, being killed in 2015 for his role. But attempting to implement the Resguardo law, especially around mine closure, has also resulted in violent situations, with miners pulling iron and even blowing up machetes.

It is important to note that the Constitutional Court ruling T530/16 ordered the closure of all mines in the Resguardo that do not comply with the Resguardo law or state law. Some 18 have been identified that should be closed. However, to date, police attempts to close the mines supposedly following 'state' law have failed, and miners have continued their operations.

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19   According to the Ombudsman's Office (2020), there are several illegal groups with diverse presence and interests in the Resguardo, including paramilitaries, former FARC-EP combatants, and the armed structure "La Cordillera" that disputes drug trafficking markets. The pressures are occurring due to the reorganization process of illegal armed groups after the demobilization of the United Self-Defense Forces of Colombia (AUC); due to regional elections where there is an attempt to inhibit the political participation of indigenous inhabitants; due to territorial claims and territorial control exercised; or due to the transformation of illegal groups after the signing of the Peace Agreement in 2016.

While fear of violent reprisals permeates the failure to close the mines, there is also speculation that the lack of police action may have to do with the "gray zones" and "clandestine connections" (Auyero, 2010) that may exist between state representatives and mine owners. In other words, the territorial dispute to regulate resources is so strong that it seems that not even an order from the Constitutional Court can actually be implemented. This is evidence of a State where beyond the lack of political will to actually implement the orders of the highest court in the country, it is a State permeated by corruption and infiltrated by other interests. And it is in this context that an innovative proposal is being considered.

Moment 4: Joint action between the Guardia Indígena-Guardia Cimarrona towards mine closure. During the celebration of ten years of inter-ethnic alliance between the Cañamomo Resguardo and the Palenke in November 2019, an innovative inter-regional action was proposed between the Maroon Guard and the Indigenous Guard to collaborate on mine closures in the Resguardo. This would have to be very well prepared and would also involve careful coordination also with the State to avoid criminalization and judicialization of this action. This is still only a plan, but it shows the innovations that can be forged across regions and ethnic groups towards autonomy.

Autonomous protection mechanisms: mismatches between the concepts of protection

Although the Indigenous Guard and the Maroon Guard are key institutions for implementing indigenous and Afro-descendant law and justice, they also play a fundamental role in territorial protection and security. If state policies and actions have left ancestral territories exposed to dispossession, violence, and the global pandemic we face today by CO- VID-19 - including through inaction to defend constitutionally guaranteed rights and injunctions - current state protection schemes also further expose leaders at risk. In fact, there is a fundamental mismatch when comparing State protection schemes with the autonomous protection mechanisms provided through the Guards, as the concepts of protection that underpin them are almost diametrically opposed.

When a leader is at risk of death following threats, the State considers offering an individual protection scheme, which could include

include a cell phone, a bulletproof vest, escorts and a car, armored or not. Measures that often put the leaders even more at risk when the cars issued are deficient and get stuck in the mud on community roads; when cell phones run out of their plan or break; when the escorts hired by the UNP turn out to be operators of illegal armed actors; or when UNP cars become easily identifiable targets, among other things.[20]

In addition, this limited individual protection counteracts the collective nature of protection provided by the Guardia, and its spiritual aspects. In the Res- guardo, traditional doctors work with the Guardia and the authorities to offer protection, including through the walking sticks they carry. "Protection is not only a scheme," said Oscar Anibal Largo Calvo, former governor and traditional doctor of the Resguardo, adding, "It must be more focused on the spiritual. The cane is fundamental at all times. If he puts spirit strength in that cane, he is protective" (Largo, 2019). The guardian spirits are nourished by ceremonies carried out constantly in the Resguardo at their sacred sites, and at key moments, such as before community assemblies as a way of providing protection.

In the Palenke, the conceptions of the Guard also refer to the spiritual and cultural aspects of protection and survival; and beyond this, to a historical memory of resistance. As Félix Banguero, major of the Palenke, emphasized, to be a Guard today is:

> The reencounter with a historical exercise of our ancestors to respond to those 200-300 years ago to vicissitudes that allowed them to exist, recreate themselves and endure - in the sense of resisting. It is a reencounter with a historical cultural heritage from its arrival until today (Banguero, 2019).

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20 It is worth noting the observations of the IACHR in its latest report on Colombia (IACHR 2019), which highlights that "an ethnic approach must be ensured" (para. 222) and that: "In the protection schemes for Afro-descendant communities and indigenous peoples, the State must take into account the geographic location, the particular needs and special situation that these communities have faced in the context of the armed conflict. For remote communities without access to electricity or satellite signal, it is important to recognize that measures such as panic buttons or cell phones are not useful, and that the simple visit of a state representative in the region or the installation of electric lighting may be more effective in deterring violence. Comprehensive strategies should also be designed for the implementation of collective protection measures" (para. 354).

The coordinator of the Maroon Guard emphasized that the very word "guard" orients the institution: "What do we guard? Our culture, practice, knowledge and our daily life. The Guardia is to keep the ancestral, cultural...to complete our being and the space to be" (Caracas, 2019). The Guardia Javier Peña echoed this idea, adding: "Who else but us, who knows our culture, our people -how we speak, how we appropriate our lives-, who else but us, who knows our culture, our people -how we speak, how we appropriate our lives-..." (Caracas, 2019).
To protect us?" (Peña, 2019).

In fact, there is a push for the Guards to be fully recognized as the appropriate protection mechanism for the ancestral territories where they have organized themselves and are exercising control. The Regional Indigenous Council of Cauca, for example, has negotiated far-reaching agreements with the National Protection Unit, where they administer UNP funds and provide their own autonomous protection. This is an example that others in Colombia are considering, particularly as the security aspects of the Peace Accords (Article 3.4) are negotiated regionally. International pressure in this regard is also present, with the Commission for the Elimination of Racial Discrimination (CEDR) recently issuing recommendations that point to the strengthening of the Maroon and Indigenous Guard as fundamental.[21]

A complicated reality

Although I have described the spirit and intent of the Guardia Indígena and the Guar- dia Cimarrona in their own words and through their actions, I also do not want to essentialize or romanticize these homegrown institutions (Kennemore & Postero, 2020). In fact, these autonomous protection mechanisms are fraught with enormous challenges, particularly in the context of armed conflict. Difficulties arise from not having sufficient resources for adequate communication systems and radios, but also for ensuring the security of the communication systems that do exist. In addition, some new members are confused as to why the Guards at both sites do not carry weapons given the context of the conflict.

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21 In paragraph 29c of its December 2019 concluding observations, the CEDR urges the Colombian State to: "Strengthen, with sufficient resources and express legal recognition, the pre-existing collective protection mechanisms in the affected communities, in particular the

Indigenous Guard and the Maroon Guard" (CERD/C/COL/CO/17-19).

This highlights the need for constant training and awareness of the Guard's values.

In addition, given the increase in the number of women and men joining the Guards at both sites, developing protocols for action that take into account the different vulnerabilities of women compared to men in the face of violence, as well as psychosocial support for those who experience violent events, has become a priority.

Ultimately, as with any institution in the context of armed conflict, there is the potential for infiltration by dissidents and illegal armed actors. There have also been reports of incidents involving "simulacra", in which illegal armed actors have donned Guardia garb to block roads and extort money. The armed conflict is, in short, a very complicated reality to deal with in order to make indigenous and Afro-descendant autonomy a reality, in the ways they conceive of it.

This is particularly true in post-Agreement Colombia, where there are a number of new armed actors hoping to control the regulatory space left by the demobilized FARC. Now community leaders in these demobilized areas do not know who are the armed actors roaming their territories. This is a much more volatile situation, which leads to new levels of fear, anxiety, and new restrictions on autonomy.

Returning to the idea of semi-autonomy, the intrusion of the transnational cry- minal economies and their actors has diverse effects on indigenous and Afro-descendant autonomies: from the possibility of a 'coexistence', although uncomfortable, where armed actors and ancestral peoples coexist and open a certain level of dialogue and negotiation of autonomous space;[22] to situations where there is open conflict, uncertainty and continued violence without negotiated space for autonomy, as in the current context of lethality both in the Palenke and in the Resguardo.

Without losing sight of the collusion that exists between state actors and illegal armed actors, and the fragmentation of state autonomy and sovereignty in this regard, the analysis of the efforts of the Resguardo and the Pa.

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22   Resembling what Arjona (2016) calls "rebelocracy".

lenke to sustain their autonomies in the context of a lethal armed conflict, is that they not only counter the restricted state conceptions of autonomy and the legacy of nefarious policies and neoliberal frameworks over time, which as Mora (2017) argues, is the case of Zapatista conceptions. But beyond this, these autonomies are constructed, practiced, and sometimes negotiated as a result of encounters with outside actors, including armed actors outside the law. They are dynamic autonomies, and in movement, even if in "question".

Conclusions: "Guard, Guard!"

I close this article with an ethnographic note that summarizes the current moment of lethality in Colombia, before drawing some key conclusions.

November 25, 2019: Community Assembly, Portachuelo, Resguardo Cañamomo

Just days after Colombia mobilized on November 21 in a national strike - the largest in 50 years - to protest the lack of implementation of the Peace Accords as well as a range of social injustices, I was sitting under a large tent, protected from the hot sun at the General Assembly of the Resguardo Cañamomo, community of Portachuelo. Ex-governor Carlos Eduardo Gómez Restrepo approached the microphone, sweat soaking the back of his white T-shirt:

> - "Guard, Guard!" he shouted.
> - "Fuerza, Fuerza!" thundered the Assembly in response.
> - Again, "Guard, Guard!"
> - Again, "Fuerza, Fuerza!"
> - (And another) …

The former governor was paying homage to the Indigenous Guard, recognizing its importance, its hymn, before beginning his speech: "18 years ago today, with the complicity of the State, the paras marked our territory with blood and pain with the massacre of the wheel. And it seems that we are back to the same thing". He then gave a succinct analysis of the crisis facing Colombia and its ancestral peoples in the post-Agreement period:

> The problem in this country was not the FARC...but social injustice. It is not obeying the constitutional mandate, but the order of capitalism. It is allied with the

mafias, with the narco, with the groups outside the law. They want to silence our voices with bullets. We cannot be silent, nor can we remain indifferent. We cannot rest a single day without demanding our collective rights, our Plan of Life. We will not give an inch. We are actors for peace, we have to honor life.

And he punctuated his speech with a chilling line: "As our guard's hymn says, we know we have the strength to 'defend our rights, even if we have to die'". A chilling line, because it is so true: *the life of every person in this Assembly is at stake.*

Carlos Eduardo's speech summarizes why the possibilities for exercising autonomy are so deadly in Colombia. And it underscores why, as I have argued in this article, there has been a "turn" toward self-protection mechanisms and the revitalization of both the Maroon Guard and the Indigenous Guard in this new era of violence. It highlights the intertwining of the State with illegal armed actors that has generated a landscape of fragmented sovereignties at war, where ancestral peoples find themselves in the crossfire. And it places at the center of this lethal mix a key element that threatens the thirst for life and autonomy of ancestral peoples: capitalism through accumulation, dispossession, violence and, ultimately, death.

In fact, the capitalist economy, both licit and illicit, and its interventions in ancestral territories, shape and limit the possibilities of the autonomies defined by the Palenke and the Resguardo. It creates the violent conditions that lead to autonomy being "questioned" to take up Major Lisifrey's analysis. However, the extent to which this "interdict" depends on each particular context and the possibilities of negotiating space, which in the current context of uncertainty about which actors are intervening, is almost non-existent.

Returning to the question I asked in the introduction: How can autonomy - as defined by the Resguardo and the Palenke, with its territorial, spiritual, cultural and life project aspirations - even sustain itself in this lethal context? The answer that the ethnographic moments and the analysis in this article imply, is with renewed creativity, with alliances that some- time were never thought possible, fueled by an unwavering conviction, hope and strength that are grounded in "the reencounter with a historical exercise of our ancestors" (Banguero, 2019). As Escobar (2018, p.167) emphasizes, paradoxically, it is precisely in conditions of ontological occupation

The idea of autonomy is blossoming into the sustenance of lifeworlds where "honoring life" is central.

In this article, I have emphasized autonomy in action, or in fact, focusing on the perspectives and analysis of members of the Palenke and the Resguardo. This is only a preliminary attempt to weave together analyses of different worlds and life projects around autonomies in Colombia, which merits further dialogue with critical literature on race, among others. For example, analyzing the discrimination that the Maroon Guard has faced from the State, in comparison with the treatment given to the Indigenous Guard. Or by examining more closely the philosophical underpinnings of the lifeworlds that inform the Maroon Guard and the Indigenous Guard and their spheres of action. How are they revitalizing these institutions? Beyond providing autonomous protection, what are their links to their own justice systems? These are some questions that will guide future research and ethnography, as well as support the strengthening of these institutions themselves.

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Landscapes of indigenous self-government in Michoacán. Struggles, experiences, paradoxes and challenges

Orlando Aragon Andrade

Introduction

For many years, to speak of indigenous autonomy in Mexico was reduced to referring to the Zapatista experiences in Chiapas. For better and for worse, the visibility and mediatization of the Zapatista Army of National Liberation gave a singular content and practice to the idea of indigenous autonomy, the rejection of the Mexican State and its institutions. However, this common sense does not correspond to the enormous diversity of autonomous practices and experiences that the indigenous peoples and communities settled in the Mexican State have built throughout history and in the present (Burguete, 1999; López, 2019).

In fact, as Araceli Burguete (2018a) warns, the term self-governance contains today more than ever a great polysemy. These warnings are of utmost relevance for this chapter, since in it I study experiences that should be framed within a concept that is more limited than that of indigenous autonomy, I am referring to indigenous self-government. Although on many occasions these two concepts are used indistinctly, there is a distinction that is accepted both by anthropology and law.

Thus, indigenous autonomy refers to the exercise and control by communities of a diversity of spheres of social, cultural, religious, economic and political life; while indigenous self-government refers only to political and legal dimensions involving the exercise of governance functions (Sánchez, 2010; Figueroa & Ariza, 2015; TEPJF, 2014).

This first point alone is not enough. It is also necessary to address the enormous diversity of expressions of indigenous self-government. For

To address this issue, I turn to the approach that Professor Burguete (2018b) has recently formulated. From her perspective, indigenous government can be understood as a set of "negotiated" institutions and authorities appropriated or inhabited by indigenous people, throughout their relationship with the colonial state, but also with the independent state and its subsequent vicissitudes. In this way, indigenous government is simultaneously ancient and contemporary.

Starting from this notion of indigenous governance is very important because it allows us to see its dynamic and flexible character. However, it is also necessary to intervene it in order to be able to make qualitative distinctions among the sea of expressions of indigenous governance that we can find today. In this sense, the breaking points that have defined at different times the indigenous "negotiations" and appropriations become fundamental to be able to understand the context, the singularities, the novelties and the resignifications of the different expressions of indigenous governance.

In this order of ideas, a turning point for understanding the present of the struggles of indigenous communities in Michoacán is the one that occurred with the multicultural project tested in Mexico mainly in the last part of the 1990s and the first part of the 21st century. I am not interested in characterizing the policies of recognition based on multiculturalism, since they have already been extensively studied (Hernández, 2004; Hale, 2004; Díaz Polanco, 2006). Suffice it to point out that despite its disappointing results, it managed to change the state rhetoric of denial of indigenous peoples and communities in Mexico and reconstituted the field of dispute between the communities and the Mexican state through the emergence of a new discourse, new fields, actors and instruments of struggle. It is in this rupture that the human rights of indigenous peoples are accepted, at least rhetorically, by the State.

In Michoacán, for example, multicultural policies left behind institutions and bureaucracies such as communal courts, bilingual public ministries, the now defunct Secretariat of Indigenous Peoples, the Intercultural Indigenous University of Michoacán, among others. However, all of them had a rather brief period of prosperity and today are in clear decline or even some of them are extinct.

It is in this context of the closing of the multicultural stage and the emergence of a new post-multicultural turning point that the

processes of indigenous self-governance that I study here. Taking into consideration the above, I find it useful in analytical terms to make a triple classification of indigenous self-government expressions: pre-multicultural, multicultural and post-multicultural. As any classification is a simplification of a more complex reality, it is important to clarify that these three expressions of indigenous self-government do not necessarily imply their overcoming. In Michoa- cán, in a region, even in an indigenous community, we can find them coexisting in a variegated and often conflicting manner. Nevertheless, this analytical proposal is useful to show the uniqueness, non-variety and potential, under its context and conditions that have not yet been studied, of a new set of Purepecha processes for indigenous self-government that have been growing in Michoacán and that today have influenced the current struggle of other communities in different provinces of Mexico such as Guerrero, Chiapas, Jalisco, Puebla, Mexico City and Oaxaca.[1]

The data and reflections that the reader will find in the following pages are committed to the militant insertion that I have been building with the vast majority of the processes of struggle that I study here (Aragón, 2019). In such a way that much of the content of this work comes from my critical collaboration from the Colectivo Emancipaciones as a lawyer and anthropologist[2] who has closely accompanied these struggles for the self-government of the Purepecha communities in the last nine years.

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1   The judicial precedents built by the Purépecha communities of Michoacán in their struggle for self-government have been taken up by municipalities and communities of these entities. On a municipal scale we have the municipality of Ayutla de los Libres in Guerrero, Oxchuc in Chiapas, and Hueyapan in Morelos. On a sub municipal scale we can count among others the Wixárikas communities of San Sebastián and Tuxpan de Bolaños in Jalisco; the Otomí community of San Pablito in Puebla, the original colonies and neighborhoods of Xochimilco and the community of San Andrés Totoltepec in Mexico City, and the community of Dolores in Oaxaca.

2   Colectivo Emancipaciones is a militant academic organization that for nine years has been collaborating pro bono in the struggle for the rights of autonomy and self-government of indigenous communities in Michoacán and Mexico. The majority of its members are professors and researchers specialized in critical and interdisciplinary legal studies who work in different public universities and research centers in Mexico. From this space I have worked for more than nine years with Purepecha communities such as Cherán, Pichátaro, San Felipe de los Herreros, Arantepacua, Santa Fe de la Laguna, Teremendo and La Cantera that are currently exercising or fighting for their right to indigenous self-government.

The itinerary I propose to develop my arguments is as follows. In the first two sections I will stop to study the post-multicultural context to which I have referred. Specifically, I will first study the social and political conditions in which these new processes of indigenous self-government emerge in Michoacán. Subsequently, I will analyze the legal context in which the recognition of the right to indigenous self-government was possible. Thirdly, I will study the two scales of indigenous self-government that have resulted from the Purepecha experience, focusing on the different communities that have achieved recognition of this right and have exercised it for several years. Finally, I will refer to the limitations and challenges faced by the Purepecha processes after nine years of indigenous self-government.

Post-multicultural conditions in the socio-political field of the struggle for indigenous self-government in Michoacán: between the old and the new Mexican State.

The political and social conditions of this post-multicultural stage in which these experiences of indigenous self-government arise are due to a combination of problems with relatively new trajectories and older ones.

The abriles purépechas in the face of insecurity and crisis of the credibility of governments and electoral institutions

The most defining phenomena that marked the end of the first decade and the beginning of the second decade of the 21st century in Mexico were, on the one hand, the enormous increase in violence and insecurity (Turati, 2011; Olmos, 2015), and on the other, the profound crisis of credibility of the elected institutions only a few years after the defeat of the hegemonic party in the presidential elections and the inauguration of the stage known as party alternation. In fact, in 2007, in the midst of a great questioning due to the tight results of the presidential election, the government of Felipe Calderón made a turn in the strategy to fight organized crime. From that moment on, the militarization of the country was increased with the supposed purpose of combating drug trafficking and other criminal groups. This shift, which began with

Operation Michoacán" resulted in a dramatic increase in violence in practically all regions of the country.

In contrast to previous decades, the power of organized crime had grown considerably in a large part of the territory. In addition to the criminal activities that had been carried out for many years, such as drug and arms trafficking, other activities such as kidnapping, extortion, murder, human trafficking, etc., were added. However, the most notorious novelty was the incursion into the black market of raw materials, mainly forestry and minerals. In this way, organized crime became another central actor in the wave of dispossession and neoextractivism suffered by many indigenous and mestizo populations in Mexico.

This change in the activities of organized crime, however, cannot be understood without the collusion of state authorities at different levels that facilitated and benefited from the profits obtained (Gledhill, 2017; Maldona- do, 2018). Two emblematic examples of this collusion were, on the one hand, the multiple arrests of municipal presidents of Michoacán in 2009 for alleged links to organized crime (Ferreyra, 2015), and on the other, the arrests in 2014 for the same reason of the ex-secretary of government, the son of the former governor-elect of Michoacán, and the subsequent resignation of the former governor-elect due to these scandals.

State capture, whether by complicity or incapacity, contributed to the discrediting of electoral institutions, political parties and local and national governments. For many Mexicans it became clear that they were alone in the face of crime. Thus, already burdened with the discredit of the electoral institutions due to the controversial result of the 2006 presidential election, the governments of the country's three main political parties added to their very low credibility the generalized perception that their actions were the same when it came to organized crime. It is within this framework that we can explain the beginning of the struggles of the communities of Cherán and Arantepacua, which, although they occurred in two different years, have met on the common path of indigenous self-government.

The Purepecha communities are the main ethnic group in Michoacán. Traditionally they have been located, as shown in the following map, in four different regions: the meseta, the Ciénega, the cañada and the lake basin (West, 2013). Both Cherán and Arantepacua are located in the plateau region.

In the case of the Cherán struggle, the factors related to insecurity and the crisis of electoral institutions took particular shape in the looting of its forests by organized crime; the increase in violence and insecurity among the population; the criminal co-optation of the municipal authority; and the crisis of political legitimacy faced by the municipality in the last election for municipal president. This combination of factors led to the beginning of the movement for "peace, justice and the reconstitution of the territory".

Map 1
The four Purepecha regions of Michoacán
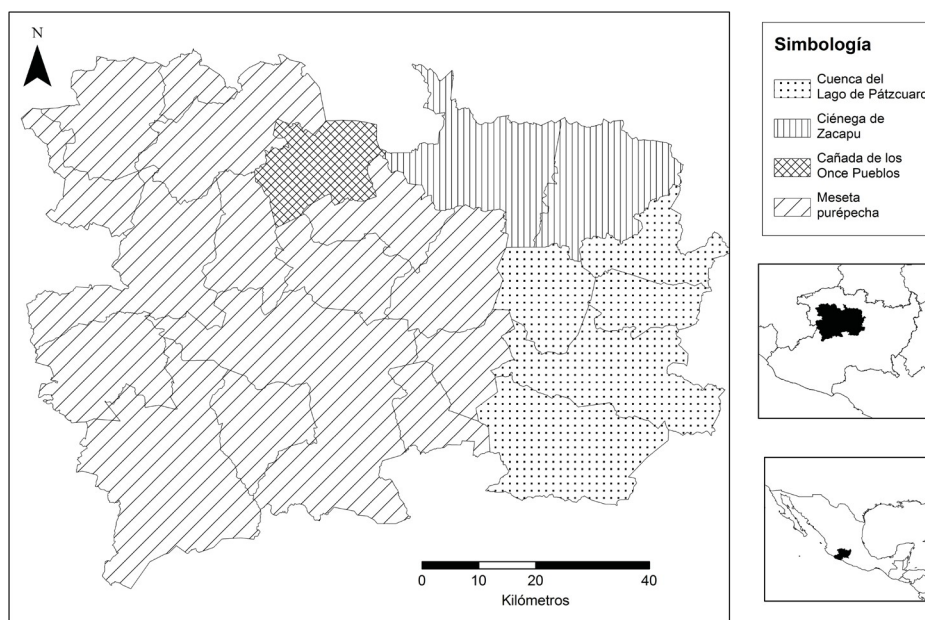
Source: Own elaboration.

In effect, on April 15, 2011, the Cherán community initiated an organizational process that was originally defensive in nature in the face of the threat of organized crime and the abandonment of the municipal, state and federal governments, which at that time were occupied by the three main political parties in Mexico. Faced with this difficult situation, Cherán reactivated and adapted several of its community practices to cope with the emergency and reached a new political pact based on two central principles for all self-governance processes

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government of Michoacán: no more political parties, yes to community organization; no more police, yes to community security.

However, this political pact should be understood not as just any agreement, but as a constitution at the community level. In another paper I have argued at greater length about the relevance of decolonizing the modern and Euro-centric notion of the constitution in order to understand the juridical-political logic that communities set in motion in these processes (Aragón, 2019). Community constitutions, as fundamental political pacts on this scale, perform many of the functions of constitutions in national and multinational states, despite not having the same degree of formalism, the written nature of the norms (Aragón, 2019). Now, the extension of the term cannot lead us to consider that any political pact of a people, community, collective, etc. is a constitution. As I have explained, it requires the existence of at least two fundamental elements: the recovery, adaptation or invention of institutions in which such pact is given life and the creation or rehabilitation of its own legal and political procedures that allow its defense (Aragón, 2019).

This is very clear for the Cherán experience. From April 2011 until February 5, 2012, the date on which the new municipal government was officially installed by "usos y costumbres", the Purepecha of Cherán did not recognize the established municipal government and opposed it with a popular indigenous government based on the traditional division of their community, the four barrios. In this way, a series of commissions were formed to attend to the needs of the community. Thus, sixteen were established, among which the General, Honor and Justice, Education, Forest, Press and Propaganda, Food, etc. were the most important. The logic followed in the formation of these commissions was that their integration depended on the assemblies of each of the four neighborhoods of Cherán. For this reason, all the commissions were made up equally by people from each of the neighborhoods. In addition, the work carried out by the members of these commissions was done on an honorary basis, i.e., unpaid as part of a service to the community.

In addition to the development of this neo-institutionality, based on reconfigurations of traditional forms, in accordance with the new community pact of Cherán, the general assembly was established as the maximum space for community decision making, and therefore, as a mechanism to defend, modify or suppress the political pact made as a result of the movement.

Almost five years after the Cherán uprising, on April 5, 2017, the community of Arantepacua belonging to the municipality of Nahuatzen suffered a police raid that resulted in the murder of four community members at the hands of the police, the detention of many others and a social trauma in the community that still has not been overcome. This situation led the community of Arantepacua to adopt a new political pact in its general assembly consisting of: demanding justice for the murdered community members, expelling the political parties that only took advantage of and divided the community; not allowing state security forces to enter the community and seeking judicial recognition of the indigenous self-government, which would allow them to govern themselves, through their "uses and customs", and independently of the municipal government.

Parallel to this legal path, a process of institutional redesign began in the community. After a period of subjugation to the municipal capital of Nahuatzen, the general assembly reaffirmed its character as the highest authority, and at the same time decided to disregard the tenure chiefs, the authority that subordinated the community to Nahuatzen, and to form a new representative authority called the Indigenous Communal Council of Arantepacua. Its members were elected for a period of two years in the general assembly in which men and women participated. This new Council integrated into a single authority the agrarian authorities (the representatives of communal property) and the civil authorities, which grew in number due to the diverse functions they had to fulfill as a result of the recognition of their right to indigenous self-government.

Although this novel context has been defining, there are other very old political processes that have intersected with these conditions and have contributed to the emergence of these struggles in the Purepecha communities.

Political exclusion of indigenous communities within the Mexican state apparatus and the vicissitudes of the struggle for indigenous self-government at the submunicipal level.

As is well known, since the time of the colonial regime in New Spain, the indigenous communities strove to maintain a differentiated political status through the Republic of Indians. With the birth of the Mexican State in the 19th century, they continued in their efforts, in this case seeking to inhabit the

seat of the municipal government. In fact, the historiography of indigenous peoples in the nineteenth century has documented in the case of Michoacán how, based on the provisions of the Cadiz Constitution, some indigenous communities ephemerally managed to establish themselves as municipal councils (Cortés, 2012).

Despite these efforts, the vast majority of the communities remained integrated and politically and administratively subordinated to municipalities with a capital population controlled by mestizos or amestizo populations, as was the case in Nahuatzen and Charapan (West, 2013). Cherán, within this general rule, is a notable exception in the case of the Purepecha. It is one of the few indigenous communities in Michoacán that managed to achieve the political status of municipal capital.

Thus, in Michoacán the municipal government was integrated, according to the municipal organic laws, in a political hierarchy made up of a capital city called cabecera municipal, by subordinate towns, generally smaller than the cabecera, called tenencias, and by towns even smaller than the cabecera and the tenencias, known as encargaturas del orden.
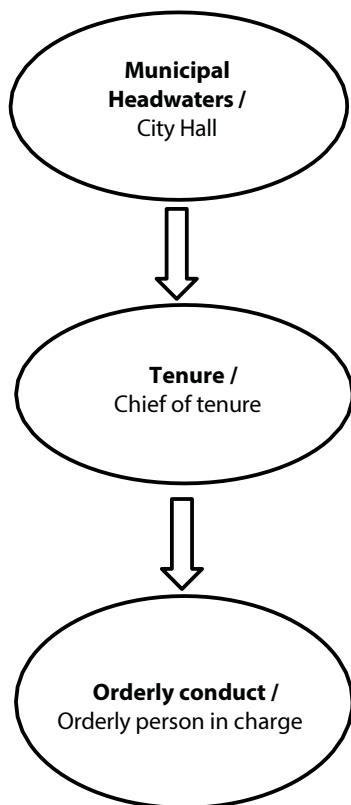
The representative authorities of these last two jurisdictions of the municipal government followed the same logic of political subordination. Thus, their legal character was limited to being an auxiliary authority of the municipal president, as shown in Table 1.

This legal order does not prevent the relationship between these authorities from being much more complex in practice; sometimes in open resistance, sometimes in dispute due to electoral differences and sometimes in total subordination (Cas- tilleja, 2003; Dietz, 1999; Aragón, 2020). For this reason, it should be understood that the establishment of a state normativity did not imply forgetting the autonomist aspirations of the communities during the twentieth century. In fact, we can find several episodes in which they changed their municipalities due to conflicts with their headwaters. Examples such as Cherán *Atzicurín* and Santa Cruz Tanaco illustrate these conflicts.

In the last years of the 20th century and the beginning of the 21st century, some indigenous organizations in Michoacán demanded a remunicipalization process so that the indigenous communities could acquire autonomy in the management of their own land.

the framework of the municipality (Ventura, 2010). This demand found good grounds to gain strength due to the political and economic strengthening of the municipality in Mexico in the 1980s (Ziccardi & Assad, 1988).

Table 1
Political structure of the municipality in Michoacán

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        ┌─────────────────┐
        │   Municipal     │
        │  Headwaters /   │
        │    City Hall    │
        └─────────────────┘
                 │
                 ▼
        ┌─────────────────┐
        │    Tenure /     │
        │ Chief of tenure │
        └─────────────────┘
                 │
                 ▼
        ┌─────────────────────┐
        │  Orderly conduct /  │
        │ Orderly person in   │
        │       charge        │
        └─────────────────────┘
```

Source: Own elaboration.

Within this new wave of struggle, some communities with the character of tenure mobilized and managed to improve their living conditions in the face of the margi- nation of the municipal government. For example, after a complicated electoral process in the municipality of Paracho in 2004, the communities of Nurio and Quinceo succeeded in getting the city council to give them, by means of a political agreement, the budget for their land.

public office that corresponded to them to be exercised directly by them (Ventura, 2010). The case of the Nurio community continues to this day to be a point of reference for the struggle of other indigenous communities in Michoacán.

However, not all communities combined the same conditions that occurred at that time between Nurio and Paracho, so it took a long time for another community to achieve a political victory of this magnitude against its municipal government. This situation led other communities with similar demands to diversify their strategies of struggle and to incorporate other instruments such as the counter-hegemonic use of state law, as Cherán did in 2011 (Aragón, 2019).

As can be seen, the conditions that I have presented in this paper as long and short term are not mutually exclusive, but rather interconnected. However, this classification is useful because in some cases one of these processes may have had a greater or lesser incidence in the conjunctural origin of the mobilization for indigenous self-government. The case of the Purepecha community of Pichátaro, however, represents the best example of this combination of old issues and tensions with the municipality of Tingambato and new challenges such as the theft of their forest and the increase of insecurity in the community.

The main reasons for the discontent of the community of Pichátaro were the very poor public services they received from the municipal government, the corruption of the municipal presidents in the execution of infrastructure works, but above all the unequal exercise of the budget, which was frankly scandalous. Until before obtaining judicial recognition of indigenous self-government, the municipality allocated between 5 and 6% of the total budget to the community, despite the fact that Pichátaro represents 36% of the total population of the municipality. The level of political exclusion in the municipal government was such that since 1877, the year in which the municipality of Tingambato was created, it never had a municipal president from Pichátaro, despite the fact that the population in the seat of the municipal government has practically the same population percentage, 39% of the inhabitants of the municipality.

This discontent with the municipal government was accompanied by the same conclusion reached in Cherán, that the political parties were a fundamental element for the system that marginalized them to function. In the case of Pichátaro, the discontent of a broad sector of the community focused on the political parties.

ways in which local party leaders made agreements and negotiations with the elites of Tingambato for their own benefit and not for that of the community.

The previous community diagnosis of the seven barrios that make up Pichátaro and their traditional authorities (the head of tenure, the commissariat of communal property and the heads of the barrios) also led to a new political pact in the community, ratified by agreement of the general assembly, which consisted of not allowing the installation of polling stations in their community on the day of the local elections in 2015, rejecting political parties and their leaders, retaking the community organization and seeking direct administration of the public budget that corresponded to them in order to exercise and apply it themselves.

Almost at the same time as Pichátaro, the Purépecha community of San Felipe de los Herreros also began a mobilization for the public budget in front of the Charapan town hall. In that case, the straw that broke the camel's back was the corruption of the then municipal president in the execution of public works in the community. Like Cherán and Pichátaro, the struggle began by prohibiting the presence of political parties in the community and not allowing the installation of polling stations in the 2015 elections. At the same time, the general assembly decided to strengthen the community organization, fight for the budget and form the Communal Council, as the new community authority, which would have the function of conquering the goal that the community had set for itself with respect to the city council.

The aforementioned conditions help us to understand the emergence of community struggles, but not the legal elements that allowed them to obtain recognition and later the exercise of the right to self-government. For this reason, I consider it important to focus on the socio-legal conditions that made it possible for these struggles to lead to new experiences of indigenous self-government.

Legal schizophrenia and transformative community constitutionalism. Post-multicultural conditions of the socio-legal field of the struggle for self-government in Michoacán.

In previous works I have argued that this second decade brought together a series of transformations in the field of state law that shifted the struggle for indigenous rights to the judicial arena (Aragon, 2019) thus breaking with the inertia of multicultural policies in the production of reforms and

of new laws. These transformations were the product of a series of legal and political changes, outside the orbit of multi-cultural recognition policies, which the Mexican State and its law have undergone in recent decades. These changes have translated into an increase in the possibilities for indigenous communities to claim their rights before the courts with relative effectiveness or at least with a greater chance of success than in the past. However, this new space of opportunity is of an ambiguous nature, since it has been sustained not by a systematic and coherent transformation of Mexican state law, but by its heterogenization, fragmentation and consequently the increase of its indeterminacy.

For these reasons, I have proposed that the current state law in Mexico is schizophrenic in nature (Aragón, 2019). Such legal schizophrenia is manifested in the increasingly frequent and intense overlapping of different legal norms and interpretation criteria on the same legal situation, as a consequence of the impact of the neoliberal globalization of law and the growing diversification of normative sources that it brings with it. Thus, we have in certain fields of state law the coexistence of multiple legal provisions coming from very dissimilar times and political projects, or in the case of the courts, the validity of openly differentiated interpretation criteria even within the same court. Of course, this schizophrenia is not arbitrary in nature, but rather responds to or is conditioned by an inertia of power which, while generally favoring the *status quo,* occasionally opens the door to questioning it.

An example of legal schizophrenia is the different state regulations that apply to indigenous territories. In addition to the agrarian law, we have the new neoliberal legislations of the energy sector, the human rights of indigenous peoples over their territories and the right to free, prior and informed consent; even in some cases civil law. As can be quickly seen, each of these regulations responds to dissimilar political projects and date from very different historical moments.

Another element that contributed to the emergence of this schizophrenia in state law was the change in the balance between the powers of the Mexican State in the last three decades. After a very long period of hegemony of the executive power over the legislative and judicial branches, it began a gradual weakening in the last decade of the previous century, in the face of the progressive advancement of the

opposition parties. The arbiter that once was the executive power in the face of political conflicts was replaced by the judicial power through institutional reforms. This global phenomenon, which the socio-legal literature has called the judicialization of politics (Sieder et al., 2011), positioned in Mexico the Supreme Court of Justice of the Nation (SCJN) and the Electoral Tribunal of the Judiciary of the Federation (TEPJF) as the new recognized arbiters to resolve disputes between the political power of the State (Ríos, 2007).

Despite the importance of this change in state powers, the most important change in terms of turning the courts into arenas of dispute with more opportunities for the struggles of indigenous communities in Mexico was the human rights reform that Article 1 of the federal constitution underwent in 2011. This reform meant, in short, the direct application of international human rights treaties in the jurisdiction of the Mexican State.

In the case of the rights of Mexico's indigenous peoples and communities, this reform resulted in the end of the refusal of Mexican courts to apply Convention 169 to domestic legislation, as well as the rest of the international human rights law provisions favorable to this sector. This change has marked a qualitative difference with the past, since the international regulation of the rights of indigenous peoples provides a much broader and more favorable framework than that established by domestic law.

This new legal scenario, however, by itself does not transform anything. It was necessary for the communities to activate these spaces and they did so in order to defend their community constitutions from state harassment and organized crime. For this reason, they promoted judicial processes that achieved the recognition of their right to indigenous self-government and, at the same time, perforated the state apparatus. This political power that comes from below, from the Purepecha communities and not from a court or an external actor, is what I have called transformative community constitutionalism (Aragón, 2019).

The Cherán and Pichátaro processes are illustrative in this regard. Although the Cherán community's struggle began as a reaction to the danger posed by the return of organized crime and to stop the devastation of the forest, the path of their mobilization was altered by the beginning of the electoral process to renew the Michoacán state government and municipal presidencies.

This coincidence brought pressure from local and regional leaders of political parties for the community organization to allow electoral proselytism. Faced with this situation, the community members of Cherán began to look for alternatives to prevent this from happening and thus maintain one of the pillars of the political pact adopted in April 2011, no more political parties. In addition to resisting these pressures by strengthening the community organization, it was decided to submit a letter to the Electoral Institute of Michoacán (IEM) to request that the election of their municipal authority be carried out within what in Oaxaca was known as an election by "uses and customs" (Anaya, 2006).

At that time, Michoacán was one of the states with the worst legal framework regarding the rights of indigenous peoples and communities, and such procedure was not regulated neither in the local constitution nor in the electoral code of Michoacán. In such a way, it was easy for the IEM to respond by saying that it did not have the attributions to respond affirmatively to the petition.

It was at this moment when, in order to defend its political pact, Cherán decided to resort to an external element, the counter-hegemonic use of state law. Thus, a lawsuit for the Protection of the Political and Electoral Rights of the Citizen (JDC) was filed before the TEPJF against a resolution of the IEM.

The legal argumentation on which the JDC's lawsuit was based consisted of taking up the reform of Article 1 of the Constitution to request the direct application of international treaties on the human rights of indigenous peoples, as well as Article 2 of the Constitution. Unlike the request to the IEM, the community in this lawsuit asked not only for the organization of an election according to "uses and customs", but also for the recognition of a municipal government organized not under the logic of the town council, but under a communal one. These last two demands were finally recognized by the TEPJF in a historic judicial resolution issued on November 2, 2011.

With this same logic of counter-hegemonic use of state law, the municipality of Pichátaro filed a new JDC before the TEPJF to defend its community constitution, in the face of the danger that the leaders of the political parties in complicity with the municipality would pass over it.

Once this decision was made, work was done on a legal argument that would allow the presentation of an issue that was apparently about money (the pre-tax

economic assumption), and therefore proper to administrative law, in a political-electoral jurisdiction. The need made it necessary to bring, for the first time, before the TEPJF the political rights of the indigenous communities beyond the power to elect an authority or a system of government; even beyond requesting the participation of the communities in a State decision that could affect them through a consultation procedure. The approach taken in the petition consisted of a broad interpretation of the right to self-determination and autonomy of the indigenous communities, as rights of an intrinsically political nature, which endeavored to show their multiple and interdependent dimensions and to argue that they were all susceptible of being processed in the political-electoral jurisdiction.

The central argument revolved around the fact that the political rights of self-determination and indigenous autonomy included other dimensions such as the right to self-development and effective participation in the political life of the State. In light of these, the TEPJF should make a systematic and integral interpretation of the provisions of Convention 169, the United Nations Declaration on Indigenous Peoples and Article 2 of the Constitution with the provisions of Article 115 of the Constitution, since although the latter article (which regulates municipal government in Mexico) did not contemplate the possibility of the municipality transferring the public budget to be administered and exercised directly by an indigenous community, it did not explicitly prohibit it either.

Practically after a year of litigation, on May 16, 2016, the highest instance of the TEPJF ruled in favor of the community of Pichátaro. However, the execution of the sentence was prolonged until the end of November 2016 due to the reluctance of the municipal president to comply with it.

The two scales of indigenous self-government in Michoacán

As can be seen, the transforming communitarian constitutionalism of the Purepecha communities generated two scales of indigenous self-government, one municipal and the other sub-municipal. Both dispute the political-administrative logic of the municipal government of the Mexican State, the city council. Both have different logics, institutions and mechanisms of political participation. However, each scale also has its own singularities and challenges. Let us begin with the municipal level.

Cherán K'eri. Self-government at the municipal level

On February 5, 2012, the new municipal government of Cherán was officially installed, which was elected through the four neighborhood assemblies that make up the community and whose representative authority was the Major Council of Communal Government (CMGC). The new municipal government structure was very much based on the form of community organization by commissions that prevailed during most of 2011. The highest authority of the municipality and the community was no longer the City Council, but the general assembly represented first by the CMGC, composed of twelve community members, three from each of the neighborhoods of Cherán.

The CMGC was accompanied by six operational councils that were instituted to help it carry out the functions of government that correspond to a municipality. During the first administration, these councils were composed of: the Communal Property Council; the Local Administration Council; the Civil Affairs Council; the Honor and Justice Council; the Social, Economic and Cultural Programs Council; and the Neighborhood Coordinating Council. The second administration also created the Youth Council and the Women's Council, which complete the communal government structure of Cherán to date. It should be noted that the integration of these operational Councils is done through elections of neighborhood assemblies and have a collegiate integration similar to that of the CMGC.

With this new integration, Cherán has exercised the functions granted to the municipality by the federal constitution. Thus, functions such as security correspond to the Council of Honor and Justice in coordination with the Community Round. Works and infrastructure are the responsibility of the Local Administration Council in coordination with the CMGC. But perhaps the most important thing is the link that all these Councils have with the neighborhood assemblies and the general assembly. Each week the Neighborhood Coordinating Council must convene an assembly to report on the development of the communal government and to consult the assembly on matters of importance to the community, such as how and on what to spend the money allocated to the municipality. Likewise, the members of the CMGC must be present at these assemblies to report on the state of the government.

It can be said then that the Cherán experience, unlike other autonomous struggles in Mexico, disputes the State from its base: the municipality. In

In contrast to the Zapatista experiences that build their own institutionality parallel to the Mexican State, the Cherán process does so by Indianizing and decolonizing the municipal government and the forms of political participation even from within state law. Unlike the municipalities of Oaxaca that elect their authorities through "usos y costumbres", Cherán goes beyond the procedural aspect of the election mechanism and questions within state law itself the colonial monopoly that had existed in Mexico until then with regard to the town council as the only form of recognized municipal government.

Pichátaro, San Felipe de los Herreros and Arantepacua. The emergency of the fourth level of government

As I have already mentioned, the community of Nurio has been developing for several years an experience of indigenous self-government for the Purepecha communities. In spite of its political luminosity, this experience has more limited implications for the State and its law. Although some government functions are exercised with the budget provided directly by the municipality of Paracho, it does not generate major legal and political consequences for the transformation of the municipality and the State, since legally it remains an internal matter of the municipal government.

Within this sphere of internal political agreements we can also find the cases of the communities of Tanaco, Comachuen and Pomacuaran. These three cases, with very different actors and trajectories, share more or less the same legal implications. The most important in my opinion is that they remain within the legality and the state building that has historically excluded them, they are contained in the internal political affairs of their municipalities. In addition to this issue, it should be taken into account that, although these experiences speak of agreements with the municipalities, several of them do not even physically exist. Therefore, their temporal and material scope is completely discretionary. Moreover, like all agreements, they are based on the will of the two parties that give life to them, so that if either of the parties no longer wishes to maintain them, they can be terminated without any legal consequences, as happened years ago in Quinceo.

In a different register we find the experiences of the communities of Pichátaro, San Felipe de los Herreros and Arantepacua. These cases derived from

a series of judicial recognitions that go beyond the will of the municipal presidents and the political agreements with the municipalities. In fact, they are largely the result of the impossibility of reaching them. Furthermore, the legal and political implications of the legal recognition that sustain these experiences go beyond the internal political sphere of the municipality and link them to countless state agencies and levels of government. The same, practically, as those maintained by a city council.

For this reason it is necessary to make a qualitative distinction between these last experiences and the first ones described in this section, given that in our opinion what the TEPJF and the Electoral Tribunal of the State of Michocán (TEEM) created with their respective judicial resolutions was a new level of government in the Mexican State, one with a submunicipal or communal scale, a fourth level of government.

Map 2
The processes of indigenous self-government in Michoacán
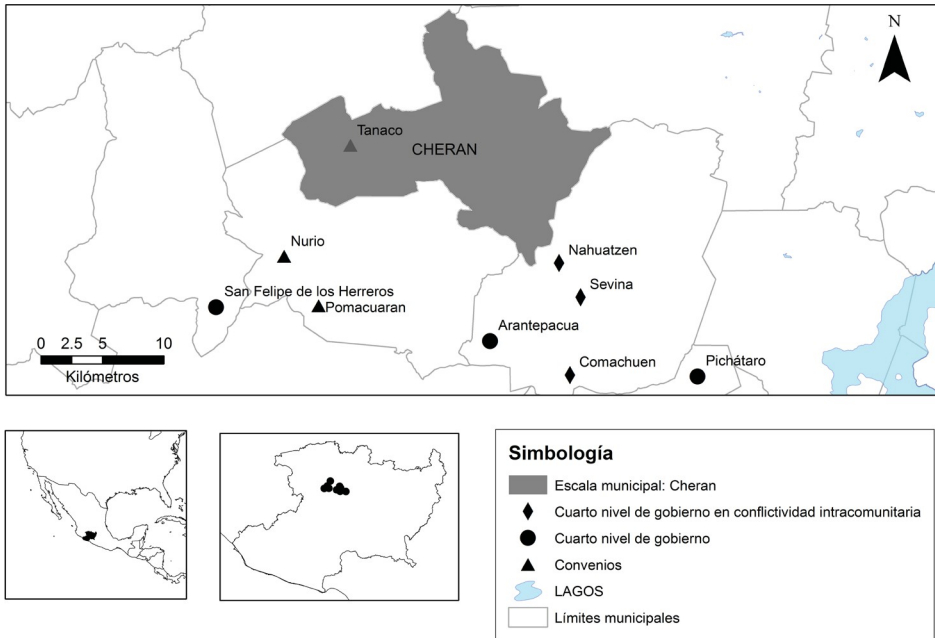
Source: Own elaboration.

Pichátaro was the first community to achieve this judicial recognition. Like Cherán, it carried out a series of institutional transformations to materialize the exercise of self-government. In May 2016, a few days before the TEPJF resolved the matter, the community decided, by agreement of the general assembly, to eliminate the figure of the chief of tenure and to appoint the authority that would henceforth be in charge of completing the process of struggle and, at the time, of administering the budget. In this way, they sought to break all ties of dependence with the Tingambato municipality, while at the same time generating an institutionality in accordance with the new political pact and the eventual recognition of indigenous self-government. This is how the members of what has since become known as the *Chatarhu Anapu* Communal Council were elected in each of the assemblies of the seven neighborhoods that make up the community of Pichátaro. Each of the members of the Communal Council was elected to serve for two years, although it was established that they could be removed whenever the assembly of their neighborhood decided to do so.

The appearance of the Communal Council implied a reengineering of the communal authorities and an important adjustment in their indigenous government. From that moment on, the highest authority in the community was determined to be the general assembly. Below it, there were three authorities at the same level: the Community Property Representation, the Heads of Neighborhoods and the Communal Council. The latter is organized for its work in seven different portfolios that each of its members is responsible for: finance; public works; security; maintenance and services; education and culture; health and sports; and the environment.

After obtaining the execution of the sentence in November 2016, the Communal Council began to administer and exercise 36% of the total budget previously received by the municipality of Tingambato. In spite of many legal and administrative conditions in the exercise of government and in the execution of economic resources, the Communal Council has made an effort to carry it out in a communitarian key. To achieve this, it works closely with the Heads of Neighborhoods and the assemblies of each of them to determine where and how the resources are spent.

Only weeks after Pichátaro's triumph, the community of San Felipe de los Herreros initiated its judicial process to achieve this same re-knowledge. Unlike the Pichátaro case, the JDC of San Felipe was processed before the TEEM and was resolved in less than three months. Shortly thereafter, under the

The community of Arantepacua did the same and in a similar time as San Felipe also obtained the same recognition.

Despite acquiring the same legal status as Pichátaro, the exercise of self-government and the respective adjustment in the indigenous government in San Felipe and Arantepacua was significantly different. For example, as a result of the struggle for self-government in San Felipe, two new figures of authority were created in addition to the traditional ones. Thus, the Chiefs of Tenure and the Representation of Communal Property were joined by the Major Council and the Administrative Council.

As can be seen in this case, the community did not eliminate the figure of the Chief of Tenure, largely because the municipality did not control him. Furthermore, it was felt that it was very important for him to remain in order to continue fulfilling the governmental and religious functions that he has historically performed.

In the case of San Felipe, responsibility for the administration of the budget was given to the Administrative Council, which in its first integration was made up of some of the members of the Major Council who had been previously elected in the four neighborhoods that make up the community. In addition to leading the struggle for the recognition of indigenous self-government, the Major Council continued to function once this objective of the struggle had been achieved. Since then, it has played the role of comptroller, consultative body and articulation with the neighborhoods in relation to the work carried out by the Administrative Council. The members of the Council meet twice a week and perform their duties free of charge as a service to the community, unlike the administrative councilors.

The members of the Administrative Council divide their positions to attend to the functions of the government. In this case, one of the councilors serves as president, another as treasurer, one more is in charge of works, another of justice and security, another of education and sports, another of the environment, and finally one more is in charge of the functions of the System for the Integral Development of the Family (DIF). The San Felipe Administrative Council also employs a couple of dozen workers from the community to complete the functions they are responsible for.

In the case of Arantepacua, an Indigenous Communal Council was also formed. However, in this case, it implied the disappearance of the figure of the chief of

and the integration of all authorities into a single one. Thus, the Representation of Communal Property was integrated into the Indigenous Co- munal Council itself. In general terms, the functioning of this new and unique authority of Arantepacua follows a logic similar to that of the other two communities. That is, the members of the Council are divided and head portfolios such as communal goods, social programs, works, DIF, treasury, justice and security, among others. In the second administration, a Commission of Honor and Justice was created by agreement of the general assembly to supervise the work of the Communal Council, with functions similar to those of a local comptroller's office, and was made up of community members who provide their work free of charge. An issue that is important to point out and that is transversal to all the experiences of indigenous self-government in the Purepecha communities, whether at the municipal or sub municipal level, is that in all cases those who are part of the authorities in charge of administering the budget have a very low salary. To occupy this responsibility is not seen as a business, but as a service to the people.

Another issue worth highlighting is that in these cases and in Cherán, women's political participation has increased. Until before these processes, in several of these communities no women had been elected to serve as authorities. As a result of the self-government processes, both due to the parity laws and the internal pressures of women, it can be assured that they have been gaining ground in the public sphere. This does not prevent them from playing a greater or lesser role in some communities and in some administrations.

It is also important to point out that the communities that exercise self-government at both levels have developed their own transparency and oversight mechanisms, independently of the external ones, either through the appearance of the councilors in neighborhood assemblies, or through the review of an authority with comptroller competence or in the periodic reports in assemblies. For the Councils, these mechanisms are usually more demanding and effective for the adequate management of the resources received, than those that they have to send to the State Superior Audit Office in the same way as the municipalities.

As we have seen in all of these experiences there are similarities, but also differences. One that is worth highlighting in the case of Arantepa- cua is the way in which the security and justice function is carried out, in contrast to Pichátaro and San Felipe. In contrast to the latter where cooperation

between the state police and the communities' own police is possible and usual, in Arantepacua security and justice is an exclusively communal matter. Thus the *Kuaris* or *Kurichas* are completely in charge of the security of the town and of imparting the function of justice, while the entry of the state police is prohibited due to the events of April 5, 2016.

Since their judicial recognition, the legal actions of the Co- munal Councils of Pichátaro, San Felipe de los Herreros and Arantepacua have the same legal consequences as those of a municipality, only on a sub-municipal scale. They have analogous rights and obligations due to the transfer of these functions from the municipality to the community. They now share obligations that range from being subject to auditing by the Superior Audit Office of the State of Michoacán, to being considered responsible authorities in possible lawsuits. But also attributions that go from the definition and administration of their pre-assigned, to the personality to act legally. It is precisely for these reasons that I speak of the emergence of a fourth level of government.[3]

Although in these three communities the Community Councils have already been replaced (in the case of Pichátaro two and in the cases of San Felipe de los He- rreros and Arantepacua one) in an orderly and peaceful manner, their management has not been exempt from moments of crisis. However, these do not compare with the most recent cases of judicial recognition concerning the communities of Nahuat- zen, Sevina and Comachuen where division and intra-community violence have been the rule in the short time they have been functioning.

Final words. The Challenges of indigenous self-governance in Michoacán

Over the last nine years, indigenous self-governance experiences have been developed in Michoacán, but it would be a mistake to think that they have been free of problems, especially in the last two years. The challenges they face

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3   It is worth noting that the idea of a fourth level of government has already been used, although with meanings and expressions of local governments different from those recognized in these judgments where the right to indigenous self-government is explicitly recognized. For example, Héctor Díaz Polanco (2003) referred to the autonomous region as a fourth level of government, while Raúl Olmedo (1999) speaks of a fourth level of government on the same submuni- cipal scale based on the Tlaxcalan experience of municipal government dating from the 1980s.

We can divide them into two, according to their characteristics. The first of these is of a more legal nature and shows the reverse side of the legal schizophrenia that made possible the recognition of the right to self-government, but which at the same time conditions and limits it. The second refers to the intra-community conflicts that in some cases the struggle for self-government has generated in some communities.

Although the judicial triumphs promoted by the transforming communitarian constitutionalism of the Purepecha communities have allowed the realization of experiences of indigenous self-government at the municipal level and as a fourth level of government, it is also true that they have not been enough to force the legislative powers to carry out the legal harmonizations that would establish a new framework for indigenous self-government, It is also true that they have not been enough to oblige the legislative powers to carry out the legal harmonizations that establish a new framework for indigenous self-government, neither in its most basic dimensions nor in the laws of municipal public administration, so that the different Councils may function in an adequate legal regime in accordance with their realities. For example, a reform is needed in Article 115 of the federal constitution, in the local constitution, in the Michoacán municipal organic law, in the Michoacán law of mechanisms for citizen participation, in the Michoacán electoral code, in the Michoacán law of superior auditing and accountability, among many others.

On the contrary, and largely due to the fear of the political parties, the deputies have preferred to ignore these advances in the judicial field and leave the legislation as if they had not happened. Thus, to date, the self-government processes in Michoacán have to deal with a hostile legislation of the municipal public administration made for the town councils, which, as can be imagined, makes it very difficult for them to operate communally.

In the face of this, the communities have not stood idly by. Since 2017, coordination work began between the communities of Cherán, Pi- chátaro, San Felipe de los Herreros and Santa Fe de la Laguna to walk together in the face of an eventual reform to the legal framework of municipal public administration. In 2019 this alliance was formalized in a front for indigenous self-government with the communities of Pichátaro, San Felipe de los Herreros, Arantepacua and Santa Fe de la Laguna. From there, joint actions have been undertaken to seek the much-needed reforms, which unfortunately to date have not occurred.

Another important challenge of the self-governance processes in

Michoacán is the divisions and intra-communal conflicts that have arisen in some communities.

communities in the region. As was to be expected, the influence of the Cherán and Pichátaro experiences not only impacted those communities that already had community consensus around the demand for autonomy and indigenous self-government. They also influenced a very diverse set of actors and power groups (local leaders of political parties, social organizations, etc.) who, without the grassroots of the communities, sought to achieve self-government. This situation has resulted in the last mobilizations being shipwrecked and resulting in internal conflicts in the communities, in which the old scheme of dependence on the municipality does not end up dying, nor does the demand for self-government end up imposing itself.

This violence and internal conflict has also led to the strengthening of a new phenomenon that, although it had already manifested itself in some form in the cases of Cherán, Pichátaro and Arantepacua, it really had a marginal character. I am referring to the judicialization of the "usos y costumbres" and the internal political conflicts of the communities, as in the cases of the community of Sevina and the head of Nahuatzen, which have resulted in a chain of trials that seems to have no end.

One of the negative aspects of this whole situation of the communities of Nahuatzen is that the issue of indigenous self-government is increasingly perceived as problematic and a generator of violence, so that at present some state agencies that opened the judicial path for its realization, are proposing to close the door to these demands. The TEEM is the clearest expression of this intention. At the end of 2019 it declared itself, for the first time since 2017, as incompetent to resolve these matters related to indigenous self-government.

As can be seen at this post-multicultural moment in Michoa- cán we have not one, but many landscapes of indigenous self-government. That is why in the title of this paper we use the term in the plural to try to account for this diversity of expressions that coexist in an intricate way in the Purepecha communities. However, this apparent irreducible diversity is not the point I intend to emphasize in this contribution. In any case, what interests me is to highlight what stands out in these landscapes, which in my opinion are some of the experiences built from below, from the Purepecha communities themselves that emerged in this post-multicultural period, which although they dispute the State like the older indigenous government experiences, do so with new community arrangements, through other rhetoric, with other instruments, in other fields.

and therefore with another decolonizing potential. First of all, the unprecedented nature of the doors that have opened in the judicial field for other municipalities and indigenous communities in Guerrero, Chiapas, Oaxaca, Mexico City, Morelos, Puebla and Jalisco to achieve the recognition and exercise of self-government in the last five years, despite the lack of new indigenous reforms or secondary laws on autonomy and indigenous self-government, should be recognized. Therefore, their limits and scope are still in dispute.

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Innovation in indigenous governance in Canada and Latin America:
emerging practices and real challenges

Roberta Rice

Introduction

The exclusion of indigenous peoples in colonized states has a great impact not only on the legitimacy of democracy, but also on the performance and effectiveness of democratic institutions and processes (Eversole, 2010; Papillon, 2008). Democracies in the Americas that operate without indigenous participation are deficient (ECLAC, 2014). Current attempts in Canada and Latin America to link this long-excluded sector of society to politics raise important questions about the role of political parties and the nature of political representation in intercultural settings. What are the successes, failures and lessons learned from innovative experiments in decolonization currently underway in Canada and Latin America? This question is the basis of this chapter. Drawing on case study examples from Bolivia, Ecuador, Nunavut and Yukon[1] the argument is developed that the capacity for initiative for political innovation lies in the realm of civil society, while the possibility of adopting such innovations lies with the state and its willingness to work with indigenous communities. 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,

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[1] The research for this chapter was conducted by the author in Iqaluit (Nunavut), La Paz (Bolivia), Quito (Ecuador) and Whitehorse (Yukon) in 2012, 2013 and 2014 with funding from a standard research grant from the Social Sciences and Humanities Research Council of Canada (SSHRC). All translations from English to Spanish are by the author, unless otherwise indicated.

The cases highlight different models and approaches to indigenous autonomy and self-governance that have been achieved in Canada and Latin America. Together, they demonstrate that alternatives to the *status quo* exist for national and subnational governments.

In the cases considered in this chapter, indigenous movements see institutional change as key to self-determination. In northern Canada and the central Andes, the liberal-inspired democratic order coexists and competes with traditional and adapted indigenous governance structures. However, between the extremes of Western and indigenous forms of governance, there is ample room for political experimentation, which allows for linking formal institutions with non-formal types in order to improve overall democratic governance (Retolaza-Eguren, 2008; Postero & Tockman, 2020). The process, to be effective, should not formalize all institutions (as this would only tilt the political arena and give additional advantage to the politically powerful), but promote productive interaction between both types of institutions. This would make it possible to build a democratic system with the capacity to produce the results demanded by civil society and to consolidate political institutions that guarantee the fundamental rights of indigenous peoples.

The study employs a "most different systems" comparative research design that involves the study of similarities between structurally different cases. The inclusion of four relatively successful cases of indigenous autonomy in practice, two from the Global North and two from the Global South, serves to bring together highly distinct cases and bodies of literature in the same theoretical and conceptual space. The focus of the study is institutionalist in nature, emphasizing how institutional arrangements shape political outcomes through the way they structure the rules of the game (Rothstein, 1996). The study aims to demonstrate how institutions, in theory and practice, are designed or constructed to achieve a degree of autonomy for indigenous communities in Bolivia, Ecuador, Yukon and Nunavut. In all these cases, indigenous leaders and politicians are looking for ways to do democracy differently.

The chapter begins with an overview of the concept of decolonization as applied to the institutional experiments underway in Canada and Latin America. It is suggested that the process of democratic decolonization be facilitated by emphasizing the process of governance, as distinct from the exercise of government, with the meaningful incorporation of non-formal institutions into politics, and the role of citizens as agency, in order to pre

the limits of representative democracy. The chapter pays particular attention to how indigenous institutional participation promotes the creation of new forms of society-centered governance, including in the natural resource sector. The chapter also discusses how formal, informal and non-formal institutions are involved in current efforts to redi- sign governance institutions in a more culturally relevant way. Finally, the chapter examines the relationship between civil society engagement and inclusive democratic governance. The chapter then explores how these dynamics play out on the ground through the use of case study examples. Indigenous movements have been instrumental in determining the extent and nature of democratic inclusion in Bolivia, Ecuador, Nunavut and Yukon. The case study examples are presented, not with the intention of using them as yardsticks to measure one against the other, but rather in the spirit of advancing the project of decolonization in all of them and in providing instructional lessons for Indigenous movements elsewhere struggling against colonially minded governments.

Decolonizing democracy

The governments of Bolivia, Ecuador, Nunavut and Yukon have embarked on ambitious decolonization projects, albeit to varying degrees. Although Nunavut and Yukon are sub-national governments within Canada (as opposed to nation-states), they are also struggling with many of the problems faced by the Bolivian and Ecuadorian governments, especially in terms of how to incorporate relatively large and unassimilated indigenous populations into their respective political systems. Despite dramatic differences in economic development, geography and political history, powerful and well-organized indigenous movements have emerged to press for change in Bolivia, Canada and Ecuador (see Table 1). In this study, decolonization refers to the revaluation, recognition and reestablishment of indigenous cultures, traditions and values within the institutions, rules and arrangements that govern society (Vice Ministry of Decolonization, 2013). According to the Bolivian Vice-Minister of Decolonization, Félix Cárdenas, the Bolivian State has not only historically excluded indigenous peoples, but was founded in opposition to or against them.[2] The same can and should be said of all the colonial states.

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2   Interview conducted by the author in La Paz, Bolivia, August 22, 2014.

nial. The decolonization project implies imagining the nation-state as indigenous. This means not only infusing the State with indigenous principles, but an attempt to create a national indigenous culture, with new political subjects and forms of citizenship (Canessa, 2012; García Linera, 2014). Previous attempts to link indigenous peoples with the State through State-patrocinated corporatism or multiculturalism sought to reshape society along the lines desired by the ruling elites (Hale, 2002). Such approaches tended to target indigenous peoples as the problem in need of change. Decolonization, by contrast, posits the meaningful incorporation of indigenous peoples into democratic nation-states by focusing on transforming the state to better serve and reflect the needs and interests of society.

Table 1
Selected social and economic indicators (most
recent year available)

Item	Bolivia	Ecuador	Nunavut	Yukon
Total Population	11 153 785	16 773 473	38 243	33 897
Total area (km)^2	1 098 581	283 560	2 093 190	482 443
Indigenous Population (%)	62	25	84	23
GDP Per Capita (USD)	3105	5969	46 981	56 931
Infant Mortality Rate (/1000)	35.3	16.4	21.4	5.0
Human Development Index	0.674	0.739	0.821	0.889

Sources: Nunavut Bureau of Statistics (https://bit.ly/3kJddem); Statistics Canada (https://bit.ly/368XqBt); United Nations Development Programme (https://bit.ly/363UDti); World Atlas (https://bit.ly/2HreUPb); World Bank (https://bit.ly/2G6NSw0).

Decolonization imposes new demands on democracy. Liberal or representative democracy, with its reliance on elections and parties as the only channels of communication available between representatives and citizens, does not require citizen deliberation on matters of policy or collective action. According to Cameron (2014, p. 5), "[W]ithout a voice in deliberations about decisions that may affect them directly, many citizens become disengaged. This discomfort can be especially acute in indigenous communities with strong traditions of collective decision making."

Institutional innovation is crucial to making democracy work for all sectors of society. Democratic innovations are

institutional arrangements that open the policy-making process to citizen participation, deliberation and decision-making (Smith, 2009; Talpin, 2015). Comprehensive land claims settlements, as well as self-governance arrangements in the North and the introduction of elements of communitarian democracy and indigenous governance principles into constitutions in the South, are key democratic innovations that have provided important measures of self-determination for indigenous peoples. Self-determination challenges an institutional context that shapes and limits indigenous participation (Eversole, 2010). As Montúfar (2007) points out, agents of representative democracy are reluctant to innovate because their actions are guided by their commitment to the principle of political accountability and their evaluation criteria are performance-based. Unlike political parties, civil society organizations have greater freedom to propose and act on new initiatives, as their legitimacy derives from internal consensus, rather than external approval. Therefore, decolonizing democracy requires that civil society actors drive change and that institutions are based on, or at least compatible with, the traditions and values of the peoples they serve (Eversole, 2010).

Based on the comparative case study examples presented in this chapter, the critical components of a decolonized democratic system suggest including: 1) an actively engaged civil society pushing for institutional change; 2) non-formal institutions as a space for political innovation; and 3) the extension of governing authority beyond traditional centers of power. Decolonizing democracy means that representation and participation can occur beyond, and sometimes outside, traditional channels of representation. However, while the shift to a decolonized democratic system may change the character of representative democracy, it should not be seen as weakening it (Cameron et al., 2012; Exeni Rodríguez, 2012). New mechanisms for indigenous inclusion have the potential to strengthen representative democracy by enhancing or expanding liberal democratic conceptions and expectations (Anria, 2016).

Governance and the State

Decolonization is closely linked to the concept of governance. Governance can be understood as:

...the structures and processes that enable governmental and non-governmental actors, in the absence of a unifying political authority, to coordinate their interdependent needs and interests through policy formulation and implementation. (Krahmann, 2003, p. 331).

In other words, while government centralizes power in the state, governance distributes political authority among governmental and non-governmental actors (e.g., indigenous communities) in potentially democratizing ways (Swyngedouw, 2005). Governance is the process through which governments, civil society organizations and private sector associations interact and make decisions on matters of public interest (Graham et al., 2003; Levi Faur, 2012). To promote the growth of society-centered governance, governments must be willing to work in partnership with civil society at every stage of the policy design and implementation process. The practice of public dialogue and deliberation is both a means and an opportunity to bridge the gap between formal democratic institutions and excluded indigenous communities and their authorities (Retolaza-Eguren, 2008). New institutional arrangements to promote Indigenous participation and representation in northern Canada and the central Andes are challenging conventional forms of state-centered policy-making and generating new forms of society-centered governance, such as co-management boards for natural resources and Indigenous-centered public policy (Clarke, 2017).

Indigenous autonomy is the articulated demand of indigenous movements in Canada, Latin America and around the world. The demand for autonomy centers on the call for self-determination and self-government within indigenous territories. However, autonomy is more than just a demand; it is "the demand that enables the realization of all other demands" (Díaz Po- lanco, 1998, p. 218). Securing political and economic rights is the key to advancing indigenous autonomy. New institutions of participatory governance must include sectors of the economy that affect indigenous peoples' lands and livelihoods. The economies of Bolivia, Ecuador, Nunavut and Yukon are heavily dependent on mineral, oil and subway gas resources. Given the strong overlap between the location of Indigenous communities and the presence of mineral, oil and gas deposits, natural resource extraction projects in or near Indigenous territories pose a serious threat to the practice of Indigenous autonomy (Anaya, 2011). The

society-centered natural resource governance serves to promote sustainable and inclusive development.

The right to free, prior and informed consent (FPIC), which is set out in international conventions, notably the 1989 International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples and in non-binding or soft law, such as the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an important institutional innovation in resource governance (Kirsch, 2014; O'Faircheallaigh, 2012). It is a global standard against which governments can measure themselves in their interactions with indigenous peoples. FPIC is free in the sense that consent is given without coercion, intimidation or ma- nipulation. It is prior that consent is sought prior to each significant stage of project development. It is informed in the sense that all parties share information, have access to it in a form that is readily understood, and have sufficient information to make decisions. And it is consensual, meaning that it comes with the option to support or reject developments that significantly impact indigenous lands or cultures (Bustamante & Martin, 2014). There is a broad family of FPIC and governance regimes si- milar to FPIC. According to Szablowski's (2010) framework of analysis, a consultation regime is marked by the two-way exchange of information between a project proponent and indigenous community members. Despite the presence of dialogue, the choice to support or reject the proposed development is denied under a consultation regime. In other words, consent is sought, but not required. In contrast, a consent regime is characterized by the ability to offer or withhold consent. A true FPIC process involves the exchange or transfer of authority between proponents and indigenous communities in nation-to-nation type negotiations.[3] Based on the above descriptors, Nunavut and Yukon can be classified as classic consent regimes, while Bolivia and Ecuador can be characterized as consultation regimes.

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3   Nation-to-nation relations between the State and indigenous peoples refer to a bilateral relationship based on mutual respect and consideration.

Formal and non-formal institutions

In Canada and Latin America, formal institutions of representative democracy (e.g., political parties, elections, legislatures, tribunals) coexist and compete with vibrant but marginalized, traditional and, at the same time, adapted indigenous governance structures and institutions (e.g., customary law and communal justice; leaders and authorities; land use and tenure practices). According to Retolaza-Eguren (2008):

> At one extreme, we have Western-minded formal institutions with strong public funding, as well as funding from donors and international lending agencies; at the other extreme, self-sufficient or underfunded non-formal institutions, which severely condition the social and political life of indigenous people and peasants and, therefore, their interaction with the broader context. (p. 313).

In much of Latin America, the uneven reach of the state and formal democracy excluded indigenous and rural peoples and provided them with a form of de facto autonomy (Lucero, 2012). A similar dynamic is observed in northern Canada, where indigenous groups are remote from the seat of power and have experienced a much less intense and prolonged citizenship process than their southern counterparts, due to the logistical and technical challenges involved (Henderson, 2008; Milen, 1991). The governance gap that exists between these historically excluded indigenous communities and formal public authorities and institutions has produced democratically dysfunctional states.

Institutions are the underlying "rules of the game" that organize social, political and economic relations within a polity (North, 1990). Indigenous governance institutions are distinct from formal and informal institutions. *Formal institutions* are the written rules and regulations, such as constitutions, laws and policies, that are enforced by officially recognized authorities. Much of the literature on democracy and development focuses on how formal institutions shape political actions and outcomes (Mainwaring & Scully, 1995; March & Olsen, 1989; Rothstein, 1996). This body of literature fails to note the important influence that informal and non-formal institutions have, in practice, on actors' expectations and behaviors. *Informal institutions* are socially shared, generally unwritten rules and regulations that are created, communicated and enforced outside of officially sanctioned channels (Levitsky, 2012);

O'Donnell, 1996). *Non-formal institutions* are neither informal institutions nor are they formally recognized by the state. They include customary laws and practices and traditional structures of authority and governance (Eversole, 2010; Retolaza-Eguren, 2008). While the emerging literature on informal institutions is divided between whether or not informal practices, such as clientelism and patrimonialism, compete with or complement the performance of formal institutions, the role of non-formal institutions in making formal democratic institutions work has not yet been addressed (Levitsky, 2012).

The institutions historically imposed by Western civilization on indigenous communities have not served the interests of indigenous peoples (Eversole, 2010). The cultural basis of indigenous governance institutions, however, is also not without controversy. Recent studies on multiculturalism and indigenous rights have focused on the tension between collective and individual rights. On the one hand, it is suggested that recognition of the collective indigenous right to autonomy serves as an important corrective to the assimilation and integration policies and practices of the past. On the other hand, it is argued that local autonomous spaces may come to be constituted at the expense of the constitutionally protected individual rights of community members, especially women's rights (Danielson & Eisenstadt, 2009). According to Lucero (2013):

> While any romantic notions about indigenous spaces should be avoided, it is also important to avoid the opposite mistake of seeing them as static containers of 'tradition' and to look closer and see how indigenous men and women continue to transform what it means to be 'indigenous,' 'men' and 'women'. (p. 33)

Generally speaking, indigenous peoples cannot enjoy their individual rights without first enjoying their collective rights (Regino Montes & Torres Cisneros, 2009). Coates and Morrison (2008) have suggested that, although self-governance based on traditional philosophies and practices may not be democratic in the liberal sense, it appears to serve the needs of communities well by helping to educate indigenous youth in traditional ways, broadening community discussions and providing greater potential inclusion in governance processes. Formal recognition of the important role played by non-formal institutions within Indigenous communities is essential to promote Indigenous peoples' engagement with the broader formal political environment.

Citizenship and agency

Indigenous governance innovation requires active citizenship. Political will and inclusive democratic institutions, while necessary, are not enough to decolonize democracy. Citizens must assume the role of protagonists, demanding and defending their rights, seeking greater social control of their governments, working with the institutions of democracy and leading political innovation (Beatriz-Ruiz, 2007; Montúfar, 2007). In the words of Guillermo O'Donnell (2010, p. 197), "[T]his construction implies, and legally demands, the establishment of a system of mutual recognition, respectful as citizens/agents in our legitimate diversity". Citizenship is at the heart of democracy. Since citizens bring with them dense networks of social relations, collective affiliations, cultures and identities, there can be no single, superior model of democracy, but many variations and avenues for further democratization (O'Donnell, 2010). Democratic innovations, such as self-governance, popular assemblies or commissions for participatory budget discussion, open an important space for citizen initiatives to influence formal institutions and processes, which in turn allows for the development of a more active citizenry (Lupien, 2016; Oxhorn, 2016). Mechanisms for indigenous collaboration with formal authorities on key policy issues do not imply the erosion of representation or the replacement of the roles and responsibilities of political parties, but rather allow for the development of a synergistic relationship between indigenous communities and the state.

Struggles for citizenship have profound consequences for state-society relations. Oxhorn (2011) has identified three general models of citizenship: citizenship as co-optation; citizenship as con- sumption; and citizenship as agency. *Citizenship as co-optation* refers to the historical tendency of Latin American elites to grant citizenship rights selectively, in order to control and contain popular sector demands for socioeconomic equality and political inclusion. For indigenous peoples, this meant national incorporation as peasants in the sixties and seventies of the last century, as a means to access land, credit and state services (Yashar, 2005). The shift to neoliberal economic policies in the 1980s and 1990s resulted in the weakening of state corporate institutions and a shift to more atomized state-society relations, or "state-society relations" (Yashar, 2005).

individualized. *Citizenship as consumption* understands citizens as consumers who use their votes and resources to access minimal democratic citizenship rights in a market-oriented environment (Oxhorn 2011, p. 32). Both citizenship as co-optation and citizenship as consumption largely limit the role of civil society in democratic governance. In contrast, *citizenship as agency* involves the active participation of civil society actors in the deliberation, design and implementation of public policies. Active citizenship implies a democratic learning process, both for civil society actors and political authorities, which has the potential to generate a new understanding of social reality and the ways of doing democracy (Montúfar, 2007). According to Oxhorn (2011, p. 30), "... citizenship as agency ideally reflects the active role that multiple actors, particularly those representing disadvantaged groups, must play in the social construction of citizenship, so that democratic governance can reach its full potential". Only citizenship as agency has the capacity to achieve inclusive democratic governance.

Collective action has been the main historical engine for the expansion and universalization of civil, political and economic rights. In Latin America, indigenous movements organized nationwide strikes and protests, blocked unpopular economic reforms, overthrew corrupt leaders and, in some cases, formed political parties and even captured presidencies (Albó, 2002; Bengoa, 2000; Van Cott, 2005; Yashar, 2005). In Canada, indigenous peoples participated in constitutional reforms, negotiated land claims, won political concessions and obtained a considerable degree of self-determination (Abele & Prince, 2003; Cairns, 2000; Cameron & White, 1995; Henderson, 2007; Ladner & Orsini, 2003). Scholtz (2006) has suggested that a combination of activism coupled with landmark court rulings shifted the political terrain in Canada toward negotiation regarding issues of territorial control and self-government. Indigenous movements in Canada and Latin America face a central dilemma about maintaining an oppositional position in their respective political systems or trying to achieve change through existing democratic mechanisms. Conventionally, it is assumed that a strategy of institutional participation jeopardizes the legitimacy and autonomy of the movement to the extent that indigenous groups submit to the rules and regulations of the political system, largely alien to them, which for a long time served as an instrument of their domination and oppression (Ladner, 2003);

Massal & Bonilla, 2000). As the cases considered in this study indicate, autonomy and participation need not be mutually exclusive. Civil society can play a key role in facilitating democratic governance innovation by working with the state on policy issues, setting new public agendas and advocating for institutional change at the highest levels of power (Oxhorn, 2011).

The practice of indigenous autonomy

Bolivia and Nunavut are the first large-scale tests of indigenous governance in the Americas. In both cases, indigenous peoples are a marginalized majority who have assumed power through democratic mechanisms. In Bolivia, the inclusion of direct, participatory, and community-based elements in the democratic system under the administration of Evo Morales (2006-2019), the country's first indigenous president, dramatically improved the representation of indigenous peoples (Anria, 2016; Madrid, 2012; Rice, 2012). In Nunavut, Indigenous peoples have also chosen to pursue self-determination through a public governance system, rather than through an Inuit-specific self-government arrangement. In a dynamic broadly similar to that of Bolivia, the Nunavut government seeks to incorporate indigenous values, perspectives and experiences into a liberal democratic order (Henderson, 2009; Timpson, 2006; White, 2006). In any case, the conditions for success are far from ideal. Significant social, economic and institutional problems continue to plague the new governments in Bolivia and Nunavut. However, important democratic advances have been made.

In Ecuador and the Yukon, indigenous peoples constitute approximately one-quarter of the total population (see Table 1 above). Despite the similar proportional size of the indigenous population, the geographic and socio-economic differences between the two jurisdictions are striking. The Yukon may be the smallest territory in Canada, but its total land area (482 443 km^2) is almost twice that of the Ecuadorian territory (283 560 km^2). Ecuador's gross domestic product per capita (USD 5969) is only a fraction of the Yukoner average (USD 56 931). However, both entities are struggling with the question of how to reconcile indigenous rights with extractive industry operations as they attempt to rebuild relations between states and indigenous peoples in a more just manner (Rice, 2019). In the Yukon, the solution to a recla-

In Ecuador, sustained social pressure on the government has driven efforts to incorporate indigenous peoples' priorities into national policy agendas. In Ecuador, sustained social pressure on the government has driven efforts to incorporate indigenous peoples' priorities into national policy agendas.

Bolivia

The presidential victory of Evo Morales and his Movimiento al Socialismo (MAS) party in 2005 marked a fundamental change in the relationship between the state and the indigenous population in Bolivia and in the composition and political orientation of the state. President Morales made indigenous rights the cornerstone of his administration in his attempt to promote a more inclusive policy. The 2009 Constitution is fundamental to the advancement of this agenda. According to the preamble of the Constitution, Bolivia has left behind the colonial, republican and neoliberal state of the past.[4] In its place is a plurinational state based on indigenous autonomy. The new constitution goes beyond any previous legislation in the country, and perhaps in the world, by ensuring the representation and participation of the nation's indigenous peoples, including, for example, the recognition of Bolivia's thirty-six indigenous languages as official languages of the state (art. 5) and the guarantee of the right to proportional representation of indigenous peoples in the national legislature (art. 147). It also redefined Bolivian democracy as "intercultural." Intercultural democracy is a hybrid form of democracy that is both direct and participatory, representative and communitarian (Exeni Rodríguez, 2012). Co- munitarian democracy is based on indigenous customs, traditions and decision-making processes. This form of democracy is exercised in indigenous communities through the election or selection of government authorities. Constitutional recognition of community democracy institutionalizes indigenous forms of government as part of the State (Zegada et al., 2011). These and similar democratic innovations have made Bolivia's democracy more inclusive, although definitely less liberal (Anria, 2016).

The Morales government pledged to deepen the decentralization process that began in the mid-1990s. The Participation Law

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4   The Bolivian Constitution is available at: https://bit.ly/3j6NXNM.

(LPP) of 1994 created more than 300 municipal governments with broad administrative powers, direct citizen oversight and dedicated resources as a means to bring government closer to increasingly mobilized rural and indigenous communities (Arce & Rice, 2009; Postero, 2007). The reforms opened the door to the electoral participation of a new generation of indigenous leaders, including Morales. Once MAS captured power at the national level, it instituted additional reforms to grant a substantial degree of autonomy to departmental, regional, municipal and indigenous governments (Centellas, 2010; Faguet, 2013). The 2010 Framework Law on Autonomies and Decentralization regulates the new territorial organization of the state as defined in the 2009 Constitution. In addition to the recognition of the three hierarchical levels of government in Bolivia (e.g., departmental, regional and municipal), the new constitution also identified the autonomía indígena originario campesina (AIOC) as a separate and distinct order of government, one that is not directly subordinate to the other levels of government (CIPCA, 2009). Under current provisions, existing indigenous territories, as well as municipalities and regions with a significant in- digenous presence can become autonomous entities based on cultural norms, customs, institutions and authorities in accordance with the rights and guarantees of the new constitution (Faguet, 2013, p. 6).[5] Bolivia's experiment with indigenous autonomies aims to improve citizen engagement and government responsiveness, and ultimately make democracy more meaningful for indigenous citizens.

The innovations of the MAS government have brought about important changes in the structure of the state and the practice of democracy in Bolivia. However, tensions and contradictions within the new constitution have limited the construction of the plurinational state in practice. According to constitutional scholar Roberto Gargarella (2013), a highly centralized organization of power tends to work against the implementation of indigenous rights. Bolivia's new constitution concentrates state power while expanding indigenous rights. In other words, it pits government against government. For example, the Morales government's commitment to indigenous autonomy is at odds with its model of resource-dependent, state-led development. The constitutional provision that all indigenous

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5 Currently, two municipalities (Charagua Iyambae and Uru Chipaya) and one territory (Raqaypampa) have completed the requirements to be established as AIOCs. For more information, please visit: https://bit.ly/341rUUx

non-renewable resources remain under state control establishes firm limits to the right to self-government and self-determination (Tockman & Cameron, 2014). The Bolivian Constitution (art. 30, 15) establishes the right of indigenous peoples to free, prior, informed and obligatory consultation regarding planned measures that affect them, such as mining and oil or gas exploration. The Constitution stipulates that the process of prior consultation by the State must be carried out in good faith and in a concerted manner, and must respect local indigenous norms and procedures. However, indigenous groups cannot veto state-sponsored resource development and extraction projects in their territories (Schilling Vacaflor & Kuppe, 2012; Wolff, 2012). Veto power is a feature of a classic consent regime. As it stands, the new Constitution does not completely change the power relations between the State and indigenous peoples.

Nunavut

The 1993 Nunavut Land Claims Agreement (NLCA), the largest in Canadian history, between the Inuit Tungavik Federation of Nunavut, the federal government of Canada and the territorial government of the Northwest Territories brought about substantial changes in the governance of the eastern Arctic. In addition to a host of land and resource rights, the NLCA resulted in the creation of a new territory called Nunavut ("our land" in Inuktitut). Canada's Eastern Arctic Inuit had long dreamed of their own homeland and felt increasingly alienated culturally and geographically from the Government of the Northwest Territories (Henderson, 2009; Hicks & White, 2015). The comprehensive land recla- mendation agreement and the accompanying political settlement marked the achievement of this dream by establishing a political regime in which Inuit could control their own affairs. The NLCA granted Inuit title to over 350 000 km^2 of land (equivalent to 18% of Nunavut), subsurface mineral rights to approximately 36 000 km^2 of that land, and over \$1 billion Canadian in federal compensation money (Henderson, 2009). Inuit beneficiaries of the claim are also entitled to a share of royalties from oil and gas extraction on public lands, additional hunting and fishing rights, and the guaranteed right to participate in land and resource management decisions. Given the disproportionate size and relative homogeneity of their population, the Inuit decided on a system of public government (which serves the Inuit people) and a system of public governance.

Indigenous and non-Indigenous) rather than a more direct form of Inuit self-government (White, 2006).

The Inuit-led Nunavut Implementation Commission (NIC) was responsible for the design and structure of the new government. The Nunavut government is largely based on the Euro-Canadian parliamentary form of government, with some key innovations. For example, the Legislative Assembly of Nunavut operates through 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 conducted in the Inuktitut language. Members tend to wear traditional clothing and are seated in a circle, rather than sitting on opposite rows of benches, as they are in the rest of Canada (Whi- te, 2006). From the beginning, the Implementation Commission sought to emphasize the distinctiveness of Nunavut. Initial goals included incorporating Inuit values and perspectives into the political system, achieving 85% Inuit employment in the new bureaucracy, and having Inuktitut as the working language of government by 2020 (NIC, 1995; Timpson, 2009). Nunavut's co-management commissions, dealing with land, wildlife and environmental issues, represent the most important government innovation to date. The co-missions ensure Indigenous participation in policy decisions that are central to their culture and livelihoods, while maintaining federal government control over the use and management of public lands (Nadasdy, 2005; Stevenson, 2006; White, 2008). The Nunavut institutional experiment highlights the centrality of economic and political rights in advancing Indigenous agendas.

The guiding principle of the Government of Nunavut is *Inuit Qaujimajatuqangit* (or "what Inuit have known for a long time"). The *IQ* (as it is commonly known in abbreviated form) is the key mechanism for incorporating Inuit cultural values into a Canadian system of government. The Implementation Commission recommended the creation of departments that would translate the *IQ* into public policy. Two departments of particular interest were the Department of Sustainable Development (DSD) and the Department of Culture, Language, Elders and Youth (CLEY). Although both departments were instrumental in the creation of Inuit-sensitive government institutions, they have since been dismantled. In 2004, the Department of Sustainable Development was split off to form the Department of

of Environment and the Department of Economic Development and Transportation to create smaller, more manageable units (Timpson, 2009, p. 202). In 2012, the Department of Culture, Language, Elderly and Youth was restructured into the conventional Department of Culture and Heritage in response to budget constraints (Hicks & White, 2015, p. 245). According to Nuna- vut *IQ* Director Shuvinai Mike, the restructuring process essentially left his office solely responsible for "*Inuitizing*" government policy and programs.[6] As White (2001, p. 93) warns, "how governments do things may be as important as what they do." In many ways, *IQ* can be seen as a benchmark for judging the success and failure of new territory by doing government differently.

Ecuador

Ecuador's 2008 Constitution was the first in the region to institutionalize the principles of Andean indigenous governance as part of the state. Under the leadership of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), Ecuador's indigenous movement was once widely regarded as the strongest social movement in Latin America (Van Cott, 2005; Yashar, 2005). The indigenous mobilization around the promulgation of the new constitution resulted in one of the most progressive constitutional texts in the world, both in terms of recognition of the collective rights of indigenous peoples and in the attribution of rights to Nature (Caria & Domínguez, 2016; Gudynas, 2011; Lalander, 2014).[7] The new constitution officially proclaimed Ecuador to be a plurinational state, the historical goal of the nation's indigenous peoples. It also made an explicit commitment to the indigenous principle of "good living" (*sumak kawsay,* in Quichua) as an alternative model of development, around which the state and its policies are now organized (Bretón et al., 2014; Ugalde, 2014). The principle of buen vivir derives from the Andean indigenous values of harmony, consensus and respect, redistribution of wealth and elimination of discrimination, all within a framework that values diversity, community and the environment (Fischer & Fasol, 2013).

According to Delfín Tenesaca, former president of the main indigenous confederation of the highlands of Ecuador, ECUARUNARI: "In the past, the Church used to tell us

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6   Interview conducted by the author in Iqaluit, Nunavut, June 11, 2013.
7   The Constitution of Ecuador is available at: https://bit.ly/344N7NC

that we would have sumak kawsay in the next life. Then we ask ourselves, why does everyone but us have the good life now? We want the good life too.[8] While the principle of *sumak kawsay* presents an opportunity to generate an alternative to development, the Ecuadorian government is using it to justify resource extraction in the name of progressive social welfare programs (Lalander, 2014; Peña & Echeverría, 2012). Indigenous movements seem to be losing patience with official rhetoric and are increasingly mobilizing against government-sponsored development initiatives.

Indigenous activism in the streets and in the electoral arena paved the way for an alternative political project in Ecuador under the leadership of leftist President Rafael Correa (2007-2017). Correa's government introduced several important policy measures to address indigenous demands in the country, albeit without meaningfully including indigenous peoples in political deliberations. Correa's "citizen revolution" succeeded in institutionalizing the political vision of the indigenous movement, while marginalizing the indigenous movement itself (Becker, 2013; Rice, 2012). The constitutional recognition of plurinationality in 2008 marked a turning point in relations between indigenous populations and states in Latin America. However, Ecuador's model of plurinational constitutionalism is quite limited in comparison to that of Bolivia. For example, Spanish remains the official language of Ecuador (art. 2), while indigenous languages are only recognized in the realm of intercultural relations (Schilling Vacaflor & Kuppe 2012, p. 360). Furthermore, while both countries recognize indigenous or customary law, the new Bolivian constitution places ordinary and customary legal systems on equal footing (art. 179), while the Ecuadorian constitution does not (Wolff, 2012, p. 192). Martínez Novo (2013) suggests that the Ecuadorian government's emphasis on interculturality contradicts its commitment to plurinationality. While plurinationality recognizes different legal and political orders within the state, interculturality privileges the individual rights of disadvantaged groups to inclusion and equity in diversi- ty. Since 2017, under the presidency of Lenín Moreno (former vice president of Rafael Correa), the indigenous movement has assumed social leadership in defense of their constitutionally acquired rights and in holding the government accountable. This was the case in October 2019, when massive austerity protests ceased

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8   Interview conducted by the author in Quito, Ecuador; August 29, 2012.

only after indigenous groups and President Moreno reached an agreement to reverse austerity measures and begin a collaboration to combat excessive spending and public debt (*Los Angeles Times*, 2019).

Yukon

The Yukon is a world leader in modern self-government. More than half of Canada's formally recognized self-governing First Nations are located in the Yukon. In 1990, the Government of Canada, the Government of Yukon and the Council of Yukon Indians (now the Council of Yukon First Nations; CYFN) signed a Comprehensive Final Agreement to establish an innovative model for indigenous self-government in the territory (Alcantara, 2007; Cameron & White, 1995). Since then, eleven of the fourteen Yukon 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 is unprecedented in the Americas. The agreements transformed the earlier Indian Act agreements into self-governing First Nations. In terms of land rights, self-governing First Nations in the Yukon enjoy surface and subsurface rights to much of their settlement lands, including mining, oil and gas rights (CYFN and YTG, 1997, p. 11). Autonomous First Nations also have the jurisdictional authority to adopt their own constitutions and laws, including the right to determine citizenship and to assume and issue full legislative responsibility for their own programs and services, if they so choose. In matters of general application, First Nations law takes precedence over Yukon law (Cameron & White, 1995). In summary, the governing power of Yukon First Nations is very comparable to that of provincial and territorial governments in Canada. They are a new order of government. Comprehensive land claims and self-government agreements are constitutionally protected documents, which means that they cannot be changed without the consent of the parties invoked. According to Ruth Massie, former Grand Chief of the CYFN, "Yukon First Nations eat, sleep and draw inspiration from these documents".[9]

Yukon First Nations achieved such significant powers of self-government through the adoption of a participatory institutional strategy. At

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9   Interview conducted by the author in Whitehorse, Yukon, June 5, 2012.

1973, Chief Elijah Smith of the Kwanlin Dün First Nation called for greater First Nations control over their territories and affairs with the drafting of the visionary document, *Together Today for Our Children Tomorrow: A Statement of Grievances and a Focus for Solution* (CYI, 1977). Chief Smith was the founding president of Yukon Native Humanity (YNB), an organization that represented the interests of indigenous people with official status (Johnston, 2011; Joseph Rear, 2011). A delegation of Yukon Chiefs traveled to Ottawa to present the document to Prime Minister Trudeau and his Minister of Indigenous Affairs. In an address to the Prime Minister, Chief Smith stated:

> This is the first time that the leaders of the Yukon Indigenous people have come to Canada's capital. We are here to talk about the future. The only way we feel we can have a future is by settling our land claim. This will be a future that will bring back to us our lost pride, our self-respect and our economic independence. We are not here for a brochure. We are here with a plan (CYFN, 2005, p. ii).

Together, the Chiefs were able to convince the federal government to negotiate a land claim agreement with Yukon First Nations. In 1975, the Council of Yukon Indians (CYI) was formally incorporated as a non-governmental organization with an official mandate to negotiate and complete a Yukon land claim with the Government of Canada on behalf of the fourteen First Nations (Jensen, 2005). CYI provided the political front and powerful voice that Yukon First Nations needed to succeed. This radical change in the relationship between the state and indigenous peoples in Canada came not from above, but from below through citizenship as agency.

Conclusion

This chapter has analyzed different models and approaches to indigenous autonomy and self-government in Canada and Latin America with the aim of uncovering best practices and challenges. Strong and well-organized indigenous movements pushing for institutional change were found to drive political innovation in Bolivia, Ecuador, Nunavut and Yukon. Mutual respect and recognition between state and indigenous actors appears to be a critical ingredient for strengthening autonomy and self-determination. The findings of the chapter suggest that innovation in indigenous governance

plays an important role in improving the performance and effectiveness of formal institutions that, in turn, can contribute to democratic governance and advance indigenous rights agendas. The decolonization of democracy requires new institutions that provide the space for an active partnership between indigenous actors and the state in pursuit of common goals (Oxhorn, 2011). In Bolivia, Ecuador, Nunavut and Yukon, unparalleled space and political momentum for democratic innovation have resulted in efforts to incorporate indigenous or non-formal institutions into formal democratic arrangements. This has broadened the inclusive qualities of their respective democracies. The limited scope of representative democracy in indigenous communities in Canada and Latin America has created a fluid democratic landscape that is ripe for experimentation (Roberts, 2016).

The case study examples presented in this chapter also reveal several challenges to implementing indigenous autonomy and self-governance in practice. First, while the cases highlight the achievements of indigenous peoples in working within the system to push for positive change, rather than relying solely on extra-systemic tactics, they also demonstrate the need for political will from government elites to address indigenous rights demands, a feature that is in short supply in much of the Americas. Second, the case study examples reveal the importance of establishing a secure territorial base, ideally with subsurface mineral rights, for self-determination and autonomy to be realized in practice. Finally, the cases demonstrate that serious tensions exist between indigenous political and territorial autonomy and the resource-dependent extractive development models pursued by the governments of Bolivia, Canada and Ecuador. Reconciling natural resource development with indigenous sovereignty is a critical challenge for the Americas. Repairing and rebuilding relations between indigenous peoples and the state on a more just and egalitarian basis requires recognition and respect for indigenous peoples' rights to autonomy and self-governance. Indigenous governance arrangements of the variety explored here have great potential to foster inclusive democratic processes in Canada, Latin America and beyond. There is much to celebrate in all four cases, just as much work remains to be done to realize their visions of a more just society.

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