

## **REPORT**

### **FOCAL VISITING RESEARCHER**

Centre File: 102985

**Grant holder:** Omaira Mindiola

**PROYECT: Indigenous Governance in the Americas**

Funding: Canadian International Development Agency – CIDA  
International Development Research Centre - IDRC

**Year 1 (2005 – 2006): Mapping of Indigenous Governance in Chile, Peru, Bolivia, Guatemala, and Canada**

#### **Synthesis**

Competition to secure natural resources in indigenous' territories has hindered rather than fostered indigenous peoples development. Ignorance of their rights and pressure to abandon their lands, causes the deterioration of their social structure and traditional political and economic system. Land conflicts have intensified and poverty and inequality have increased. Indigenous Peoples are the most marginalized and the least likely to achieve the Millennium Development Goals in the Americas.

At the same time, a cause and an indicator of poverty are the lack of representation and political power of Indigenous Peoples. Indigenous communities are systematically excluded from the decision-making processes in plans and programs aimed at improving their living conditions.

The Indigenous movement in the Americas has adopted a more active role in their respective countries' democratisation processes. Essential to this process is the (re) establishment and refinement of indigenous organizations and governance structures. Issues related to land, natural resources as well as the inherent right to self-determination or self-government have been the focus of the agendas in meetings on indigenous issues.

Multilateral institutions have developed a legal system on indigenous peoples rights to support the inclusion of ethnic minorities. The United Nations Declaration on the Rights of Indigenous Peoples and the OAS's Proposed American Declaration on the Rights of Indigenous Peoples are instruments that, despite still being under negotiation, have encouraged a debate within national institutions. Furthermore, fourteen countries (of which ten are Latin American) have ratified ILO's Convention 169/89 concerning Indigenous and Tribal Peoples in Independent Countries.

#### **Expected Development Outcome**

- Better informed decision makers and opinion leaders on policy options tied to Latin America and the Caribbean (LAC) development priorities outlined in regional and international agendas (MDGs/Summit/Canadian international policies)

### **Expected Development Outputs**

- Targeted groups increase their knowledge and understanding of indigenous governance issues in the Americas

### **Project outputs and dissemination**

#### **Events attended:**

- Workshop on “Aboriginal Governance: Challenges and perspectives” delivered by Institute On Governance, Ottawa, October 2005
- Second Indigenous Peoples Summit of the Americas: “Determining Our Future”. Buenos Aires, October 2005
- Aboriginal Research Policy Conference. Ottawa, October 2005
- Workshops of Indigenous International Law Issues I: “Self-determination and Indigenous jurisdictions”. II: “Proposed American Declaration on the Rights of Indigenous Peoples”. OAS and University of Ottawa, Faculty of Law. Ottawa, October 2005

#### **Conferences:**

- “FOCAL Project: Indigenous Governance in the Americas”, delivered in the Aboriginal Research Policy Conference, Ottawa, October 2005

#### **FOCAL Seminars**

- “Indigenous Governance and Democracy in the Americas”; held in Ottawa, March 15, 2006
- “ Indigenous Territory, Natural Resources and Governance: Challenges”, held in Guatemala, April 6, 2006

#### **Publications**

Summits in the Americas: Convergences and Divergences. *By Julieta Uribe*. In FOCAL POINT, December 2005, Vol. 4, No. 10

Indigenous Summits and the Summit of the Americas : Towards Continental Integration. *By Omaira Mindiola*. In FOCAL POINT, September 2005, Vol. 4, No. 8

Indigenous Governance and Territory. *By Gladys Jimeno*. This paper examines the historical ties between indigenous peoples and the government. 2005 (English and Spanish version)

Indigenous Governance and Politics in the Americas. *By Omaira Mindiola*. In FOCAL POINT, January/February 2006, Vol. 5, No. 1. (English and Spanish version)

Indigenous Women and Governance in Guatemala. *By Lorena Mejia Laynes*. Paper presented at the Seminar on Indigenous Governance and Democracy in the Americas, March 15, 2006 (English and Spanish version)

Pueblos Indigenas, Democracia y Gobernabilidad en la Region Andina. *By Oscar del Alamo*. Paper presented at the Seminar on Indigenous Governance and Democracy in the Americas, March 15, 2006. (Text is in Spanish)

Gobernabilidad y Consulta Previa a los Pueblos Indigenas. *By Omaira Mindiola*. Presentation in the Seminar ' Indigenous Territory, Natural Resources and Governance : Challenges', April 6, 2006

FOCAL POINT, Special Edition, May 2006 : Indigenous Governance and Democracy in the Americas :

- Indigenous People, Democracy and Governance in the Central Andean Region. *By Oscar del Alamo*
- An Indigenous Perspective on Cultural Diversity and Integration in Latin America. *By Omaira Mindiola*
- Community engagement with Indigenous Communities is good business. *By Don Clarke*
- The Challenges of the 'Politics Recognition' in Mexico. *By Saloie Moreno Jaimes*

## **Year 2 (2006 – 2007): Governance and Extractive Industries on Indigenous Territories**

### **Synthesis**

In the last twenty years, open-market economies have incremented the activity of extractive industries within Indigenous territories in all the Americas. The cultural, social and environmental impacts of these extractive activities have failed in many cases to recognize Aboriginal rights established in Constitutional Charters. This situation generates conflicts not only between States and Indigenous Peoples but between Indigenous Peoples and private corporations since Indigenous populations are not often consulted for the decision-making processes.

The World Bank Group has carried out a review of extractive industries in order to implement a policy that would alleviate poverty as well as protect the environment. This initiative has included the participation of governments, civil society, and the industrial sector. Regionally, the WB and the Latin American Energy Organization (OLADE) have carried out the Energy, Environment and Population Program to support the Sub-Andean countries in identifying the common criteria for a better environmental and social management of the oil and gas operations on indigenous territories.

### **Purpose and Expected Development Results-Outcomes**

- Better informed decision makers and opinion leaders on policy options tied to LAC development priorities outlined in regional and international agendas
- LAC civil society and the other groups have access to and better information tied to LAC development priorities outlined in regional and international agendas to allow them to contribute usefully to LAC policy development processes

### **Expected Development Results – Output**

- Targeted groups and organizations, including CIDA have increased knowledge and understanding of role of indigenous governance in respect to extractive activities on indigenous territories

### **Project outputs and dissemination**

#### **Events attended:**

- Conference: “Two Realities One Community: Aboriginal Community Development with the Resource Sector”. Canadian Aboriginal Minerals Association (CAMA), Ottawa November 2006
- World Bank Conference: “Indigenous Peoples and Economic Opportunities in Latin America”. Georgetown University, Washington, February 2007
- Roundtable on the Involvement of Indigenous peoples from Canada in Conflict Prevention and Peace building Efforts Abroad, hosted by The Aboriginal and Circumpolar Affairs Division of the Department of Foreign Affairs and International Trade (DFAIT); Ottawa, March 2007

#### **Conferences:**

- Talk about the FOCAL Seminar in Peru: brown bag meeting in World Bank; Washington, US. February 2007

#### **FOCAL Seminar:**

- “Governance & Extractive Industries on Indigenous Territories”; held in Lima (Peru) February 1-2, 2007

#### **Publications:**

Extractive Industries and Sovereignty over Natural Resources in Peru : The case of the mining sector. *By José De Echave*. FOCAL POINT, Vol. 5, No. 9 November 2006

Chile Bicentenario: De las Comunidades Inventadas a la Comunidad Diversa. *Por Fernando Kilaleo*. 2007

Development in the Indigenous World. *By Amy Suthren*. 2007

Governance and Extractive Industries in Ecuador, Peru and Guatemala: the Mining Case. *By José De Echave*. (English and Spanish version). 2007

Managing Expectations & Improving Practices: Governance and the Extractive Industries on Indigenous Territories. *By Jean Pierre Chabot* (FOCAL POINT, March 2007)

Peru – United States Free Trade Agreement and applicability of ILO’s Convention 169 for the protection of the Peruvian Indigenous People’s Rights. *By Marlene Castillo Fernández*. (English and Spanish version)

El Convenio 169 OIT y las actividades extractivas de las empresas. *Por Wuille M. Ruiz Figueroa*. 2007

Governance and the Decentralization Process in Peru. *By Jean Pierre Chabot*. 2007

Governance and the role of civil society: The case of oil and gas extraction in the Andean Amazon. *By Guillaume Fontaine*, Facultad Latino Americana de Ciencias Sociales (FLACSO), Sede Ecuador. 2007

A New Era for Human Rights. *By Omaira Mindiola*. FOCAL POINT, Vol. 5, No. 10 December/January 2007

The Indigenous Peoples' Difficult Road to the Millennium Goals. *By Omaira Mindiola*. FOCAL POINT, Vol. 6, No. 1 January/February 2007

Governance and the Extractive Industries on Indigenous Territories. Report of the Seminar that was held in Lima, February 2007. *By Omaira Mindiola and Jean Pierre Chabot*. 2007

Peru: Inequality of Education for Indigenous Groups, the Neglected Class. *By Marisol D'Andrea*

### **Impacts**

It is difficult to gauge the development impact that the project may have had in the short-term, however it is a well known fact that Jesus Piñacue one of the Indigenous member of the Parliament in Colombia has used some publications about Indigenous Governance as well as about Previous Consultation to Indigenous Peoples, in order to back his presentation in the Parliament on the Free Trade Agreement between the US and Colombia and its affects on Indigenous Peoples' Territories.

In accordance with the survey carried out in the seminars, 100% of the respondents said they increased their knowledge and they would use the information in their work.

To date there have been 13,903 publication downloads from the Focal website, besides which 210 hard copies in Spanish were distributed to Aboriginal Organizations in Latin America.

### **Overall assessment**

My IDRC grant as visiting researcher in FOCAL was very useful. First because I improved my research and writing report capabilities. My leadership in installing the Indigenous Governance project within FOCAL's work agenda has contributed to balancing research perspectives and forwarding organizational objectives.