

Indigenous Rights in Latin America: The Gap between Doctrine and Reality By Dan Ruge

Indigenous people are prevalent across Latin America, with numbers reaching upwards of 70 percent of the general population in certain countries. Given their strong ancestral ties to the land and cultural practices, these groups have remained hidden and isolated from mainstream populations and the forces of globalization. For many groups, the limited interactions between indigenous people and the outside world have sadly been harmful to the survival of these communities. The discovery and exploitation of oil and other natural resources have led to the destruction of property, culture, and lives of indigenous groups. The uprooting and extinction in some cases of these groups led to an international outcry for the development of indigenous rights. Numerous countries have enacted laws and the most substantive piece thus far has been the creation of the United Nations Declaration on the Rights of Indigenous People (UN DRIP) in 2007. However, there is currently a gap between the doctrine set out in these legal instruments and the enforcement and reality facing indigenous groups across Latin America.

Established initially in 1948, the UN Declaration on Human Rights sets the minimum standard for human rights to be held by all individuals “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UN Declaration on Human Rights, 1948). However, as time passed it became apparent that the Declaration was insufficient to meet the needs of these groups. In 2007, the United Nations, in acknowledging the historic injustices suffered by indigenous groups, issued the UN Declaration on the Rights of Indigenous People (UN DRIP). The Declaration established the right for self-determination, where in indigenous groups may freely determine their own political status and pursue their own political, social, and cultural development. In addition to extending control over their own educational systems, use of traditional medicines, and the right to receive restitution for unlawful seizure, use or damage of their lands, it also established the right to self-government and autonomy in matters relating to internal and local affairs. In addition to these Declarations, indigenous rights have been furthered by the extension of additional international laws and treaties. Given the prevalence of indigenous communities across Latin America and successes proclaimed in the international media, it is commonplace for advances in one state to spread and develop into other states as well.

Indigenous communities’ interaction with multinational oil companies has received much attention as it has brought the plight of these groups to hold claim to their ancestral land and resources to the forefront of international media. Access to their land is essential to the health, sustainability, and preservation of these communities. Multinational corporations not only strip the land of its natural resources but also uproot communities and in many cases pollute and contaminate surrounding areas inflicting serious health problems for local communities. Additional research has examined not only multinational corporations’ efforts to gain access to these natural resources but in addition to reshape indigenous identities, interests, and rights (Sawyer 2004).

Ecuador has been on the forefront of what could be considered the struggle between multinational corporations and indigenous groups. Indigenous struggle after the discovery of oil reserves is probably best described by Allen Gerlach, who stated:

The Indians battled for economic advancement, but above all they demanded respect for the dignity of their cultures and for their moral and historic rights to their lands and territories. They proudly reaffirmed their diverse coastal, highland, and Oriente origins and insisted upon equality as citizens of a plurinational and multicultural society. (Gerlach 2003: xv-xvi)

Peru as well has a history of defeating multinational mining corporations including a 2007 victory by indigenous farmers over Chinese conglomerate Minera Majaz and prior success by the people of Tambogrande over Canadian company Manhattan Minerals Corporation, despite both corporations having the support of Peru's central government (Blanco 2008). Indigenous groups have been able to mobilize against multinational corporations and block or restrict their access to natural resources and indigenous lands.

Indigenous groups' ability to hold high profile protests, sit-ins, and votes against referendums in recent years not only has boosted the strength of these communities but also generated the support of the international community. In one instance, indigenous groups in Venezuela gained international attention by protesting the removal of American missionaries by publicly listing the names of indigenous men, women, and children who have died as a result from their lack of access to medical services that these missionaries were formerly providing. Further research has shown that the mere act of resistance to outside forces leads to a strengthening of indigenous purpose as it reasserts their goals, rearticulates their position, and keeps them active in a social movement (Fenelon 2008).

The development of new legislation and declarations, especially the UN DRIP, has heralded the progress and advancement of indigenous rights, however there is currently a gap between legal doctrine and the reality of the situation. Given that the current instruments of indigenous rights are solely declarations and not legally binding international laws, critics fault the inability of the United Nations and states to enforce these minimum standards. The United Nations must create a way to enforce or convince states to comply with these standards in order to ensure protection. This is exemplified, for instance, in that indigenous claims over land are now viewed legally in a number of Latin American countries, however "squatters, gold miners, ranchers, guerillas, local police forces, paramilitaries, oil companies, loggers, and other assorted claimants to space and resources currently occupied by indigenous people have not all gotten the message" (Stocks 2005: 86). All too often, guns speak louder than policies and indigenous groups are left defenseless. The situation is further exacerbated by state retreats from such policy as governments assess and account for the amount of land that is traditionally owned by these groups and which they now rightfully own according to the UN DRIP.

Research into the Ecuadorian legal system further highlights the fact that even though indigenous groups have gained more rights, these rights have been largely worthless in manifestation. In particular, the Quichua of Ecuador "have been struggling to preserve their linguistic and cultural patrimony, including the right to administer justice within their communities" (Berk 2008: 11). The situation is complicated for these individuals within the national court system because they lack access to a formal interpreter. Likewise in Colombia, researchers have found that in the face of armed conflict the desire for natural resources, the aerial fumigation of coca, and large scale development projects have all inhibited protective legislation, forcing indigenous people to continue to suffer and in some cases disappear (Zuluaga 2006). In some instances individual countries have been able to implement their own effective legislation for indigenous groups. Brazil, for example,

instituted a disclosure of origin requirement into its national laws which includes proposals on how to share with aboriginal people the benefits gained by multinational corporations seeking access to traditional natural resources and medicines (Armour and Harrison 2007). However, this origin requirement is only found in Brazil and lacks acceptance and enforcement across the rest of Latin America. Brazil's law highlights the lack of uniformity and sufficient clarity in international legal doctrine in dealing with indigenous land and natural resource issues.

The advances in national and international law have made great strides in acknowledging the rights of indigenous groups, however more needs to be done by individual countries and international institutions to ensure compliance with these new standards. The lack of international uniformity and individual state compliance and enforcement further ensures that indigenous rights will remain an idea instead of a reality. Much like in the creation of these doctrines, compliance will result through work by the entire international community. It is necessary for states and international institutions to enforce these doctrines and for the international community to bring non-compliant states into compliance. Indigenous rights will finally be secure when reality meets doctrine.

Annotations

“Indian Influence.” 2004. *Economist* 373 (8401):42-44.

Annotation: The author argues that the indigenous party is still an important political force in Latin America. The article briefly discusses the success in Ecuador of the Pachakutik people however the article lacks depth and substance to really examine the strength of indigenous political parties across Latin America. The article is helpful in only giving a commentary and snapshot of a quite complex situation with many different actors and indigenous groups at hand.

Abu-Saad, Ismael, and Duane Champagne, eds. 2006. Indigenous Education and Empowerment: International Perspectives. Oxford: AltaMira Press.

Annotation: This collection of pieces results from a conference entitled “Education, Social Development and Empowerment among Indigenous Peoples and Minorities: An International Perspective,” held at Ben-Gurion University of the Negev, Beer-Sheva, Israel in 2004. The book discusses what the editors call the delivery of education by nation states to indigenous people and the inherent problems encountered resulting from the contrasting views held by national communities and indigenous groups. Education for indigenous people is “interrelated with family, religion, moral order, and political relations, and is often a collective responsibility within the group or community.” The motivation for the authors is to create a common ground between indigenous communities and mainstream cultures that sustains and enhances the “educational opportunities and access to knowledge” for both groups.

Anaya, S. James. 2004. Indigenous Peoples in International Law. Oxford: Oxford University Press.

Annotation: This book, written by S. James Anaya, the James J. Lenoir Professor of Human Rights Law and Policy at the University of Arizona and James E. Rogers College of Law, explores in depth the history of indigenous rights and the subsequent development of international law. Furthermore, the author explores the development of contemporary international norms and the implementation of these norms. The author shows that while historical trends in international law have helped colonize indigenous peoples and their lands, human rights programs have been “modestly responsive to indigenous peoples’ aspirations to survive as distinct communities in control of their own destinies.” This piece is important as it explores each piece of law that has passed and furthermore current norms.

Armour, Kenneth J., and Peter S. Harrison. 2007. “Poisons and Politics- Indigenous Rights and IP Protection.” *World Patent Information* 29: 255-261.

Annotation: The authors, both possessing PhDs in Pharmacology, law degrees, as well as other degrees, discuss the political issues involving the traditional knowledge held by indigenous groups in regard to natural medicine and their interaction with countries and companies that want to build on and use that knowledge in their development and advancement of medicine. Armour and Harrison discuss two types of possible interactions including prior informed consent and benefit sharing, the former urging contractual relationships while the latter stresses disclosure of findings. Using a case study, they highlight how Brazil has implemented a disclosure of origin requirement into its national laws which includes proposals on how to share benefits with aboriginal peoples. This article is informative as it illustrates a current way in which states are protecting the rights of indigenous people yet shows how international law is still lacking uniformity and clarity when dealing with land and natural resource issues.

Berk-Seligson, Susan. 2008. “Judicial Systems in contact: Access to justice and the right to interpreting/translating services among the Quichua of Ecuador.” *Interpreting: International Journal of Research & Practice in Interpreting* 42 (2): 9-33.

Annotation: This article examines the Ecuadorian legal system in regards to the rights held by the Quichua and other indigenous peoples and their rights to use their own language within these systems. The author discusses the Quichua’s struggle to preserve their culture and language as well as their own judicial system within their communities. The article also discusses the political mobilization of these groups to modify the Ecuadorian Constitution and create new rights for indigenous people. This piece is helpful as the author, through her research and interviews with those within the Ecuadorian legal system, shows that even though the Quichua have gained more rights, they have been largely worthless in manifestation.

Blanco, Hugo. 2008. “Indigenous Peoples and our Environment.” *Canadian Dimension* 42 (2): 30-32.

Annotation: The article is written by the central leader of an uprising of Peruvian indigenous peasants during the 1960s and examines the mobilization of new indigenous groups in regards to environmentally destructive projects in Peru that would have drastic negative effects on indigenous populations. This article is helpful as it highlights case studies where indigenous groups were able to mobilize and combat giant oil and mining companies however the article is more of a speech to motivate indigenous groups and less of a strong academic examination of indigenous groups and their struggles and successes in combating international companies.

Cockcroft, James D. 2006. "Imperialism, State and Social Movements in Latin America." *Critical Sociology* 32 (1): 67-81.

Annotation: The author focuses on the growth of the United States and examines in particular the threat that indigenous groups pose to US imperialism. The article discusses indigenous people's knowledge of the potential effects of US expansion and the impact it will cause on their communities and illustrates their strength in mobilizing and making their causes known internationally. This article is important as it shows the strength that indigenous communities have and how they can mobilize against giant foes like the United States.

Coghlan, Andy. 2004. "Gene Deal Boosts Indigenous Rights." *New Scientist*. (October 9): 8.

Annotation: The article discusses Samoa's success at being the first state to claim sovereignty over an undiscovered gene and its implications of splitting profit with their local indigenous community. Coghlan discusses ethnobiologists' discovery of Prostratin through the help of traditional Samoan healers. Prostratin is believed to have significant effects on HIV by flushing the virus from immune cells so that it may be killed with anti-viral drugs. This case study illustrates the legal concept of "prior art" and that indigenous knowledge prevents others from patenting their gene and furthermore illustrates the development and success of "prior art." This article is insightful as it provides a framework for cooperation between state officials, indigenous communities, and outside actors in a situation where all are set to benefit from the interaction.

Cott, Donna Lee Van. 2003. "Andean Indigenous Movements and Constitutional Transformation: Venezuela in Comparative Perspective." *Latin American Perspectives* 30 (1): 49-69.

Annotation: The author examines the social reforms occurring in Venezuela and the prior constitutional transformations that have occurred as a result in part from the actions of the Andean indigenous populations. The article is insightful as it highlights the control held by elite members of society and how reform can be difficult even despite the presence of human rights movements and the presence of other outside supporting actors including the Catholic Church.

_____. 2004. "Broadening Democracy: Latin America's Indigenous People's Movements." *Current History* 103 (670): 80-85.

Annotation: The author focuses on the shift in indigenous movements in Latin America away from influential outside forces to effective and domestic political parties and actors with a strong and lasting presence in local and national politics. The article is important as it highlights the strength of the movements in Ecuador and Bolivia that forced their respective presidents out of office and replaced them with indigenous individuals. This piece is helpful as it highlights the history and strength of indigenous parties and how they have transformed and developed on their own despite outside assistance and being simply a passing cause.

_____. 2007. "Latin America's Indigenous Peoples." *Journal of Democracy* 18 (4): 127-141.

Annotation: The author, an associate professor at the University of Connecticut, explores the strengthening of indigenous political parties while within political systems trying to exclude them. The author explores the history and prevalence of indigenous communities as well as their growth through a multicultural regional model of constitutionalism and their adherence to this model. This article is helpful as it explores the history of indigenous people as a whole in Latin America as well as providing direct insight into the future and hopes for indigenous people and democracy.

Dunbar-Ortiz, Roxanne. 2007. "Indigenous Peoples and the Left in Latin America." *Monthly Review: An Independent Socialist Magazine*: July-August: 85-94.

Annotation: The author, a professor and activist, explores the significance of the indigenous movement over the last three decades in the growth of the Left in Latin America. The author highlights the election of Bolivia's president and the fact that its roots are found in decades of grassroots organizations at the indigenous level. The article is helpful in its observation of the election of an indigenous party president, however the focus is mainly on political formalization and organization and less on the rights of indigenous peoples.

Fenelon, James V., and Salvador J. Murguía. 2008. "Indigenous Peoples: Globalization, Resistance, and Revitalization." *American Behavioral Scientist* 51 (12): 1656-1671.

Annotation: The authors, professors at California State University, explore the importance of indigenous perspectives through three forms of analysis; globalization, resistance, and revitalization. The authors explore social structures within indigenous groups as constituting one of four types: consensus-driven leadership and decision making, redistributive socially based economics, collective land tenure patterns, and inclusive communities with strong local focus. The research is informative as one of the key findings of the article highlights that indigenous resistance to globalization leads to a strengthening of indigenous purpose in that it reasserts their goals, rearticulates their position, and keeps them active in a social movement.

Fromherz, Christopher J. 2008. "Indigenous Peoples' Courts: Egalitarian Juridical Pluralism, Self-Determination, and the United Nations Declaration on the Rights of Indigenous Peoples." *University Of Pennsylvania Law Review*. 1341-1381.

Annotation: The author, a JD candidate from the University of Pennsylvania, highlights the international legal doctrine on indigenous rights thus far and in particular the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP) in 2007. The author discusses the UN DRIP's extension to cover the right to "self-determination," "autonomy or self government," and the creation and supervision of "juridical systems or customs" in that they are in accordance with human rights standards. The author discusses US opposition to the UN DRIP as well as the implications this will provide to international law as well as reiterating the necessity of the acceptance and implementation of UN member states to these standards to ensure compliance.

Genugten, Willem Van, and Camillo Perez-Bustillo. 2004. "The Emerging International Architecture of Indigenous Rights: The Interaction between Global, Regional, and National Dimensions." *International Journal on Minority and Group Rights* 11: 379-409.

Annotation: This article discusses the status of human rights and poverty through an examination of indigenous people's struggles. The authors discuss two broad frameworks that emerge which show the correlation between indigenous status and poverty, in addition to the finding that the extent that indigenous rights are recognized is dependent upon the interaction of legal processes at the international, regional, and national levels. Using a case study in Nicaragua, the article illustrates how the court's finding that the government infringed upon the rights of indigenous groups within Nicaragua but also helped develop and promote a new regional standard into the application of indigenous rights.

Gerlach, Allen. 2003. Indians, Oil, and Politics: A Recent History of Ecuador. Wilmington: Scholarly Resources Inc.

Annotation: The author, holding both a doctorate in history and a law degree in addition to having extensive in-country experience in Peru and Ecuador, discusses the history of Ecuador from the period of 16th century conquest to the present while also discussing the economic decline and political instability experienced during the last decade. Furthermore, the author discusses the transformation of Ecuador following the discovery of petroleum reserves and the irrevocable damage caused to the environment and the indigenous people of the Amazon. The piece is vital to the study of indigenous rights as it not only shows indigenous peoples' ability to battle for economic advancement but also their "demanded respect for the dignity of their cultures and for their moral and historic rights to their lands and territories."

Gilbert, Jeremie. 2007. "Indigenous Rights in the Making: The United Nations Declaration on the Rights of Indigenous Peoples." *International Journal on Minority and Group Rights* 14: 207-230.

Annotation: This article examines the emergence and development of the UN's focus and policy on indigenous rights. Discussing the period from 1994-2004, the author highlights the first decade's work towards improving and strengthening international cooperation for indigenous rights in regards to human rights, environment, education, and health. Gilbert focuses on the adoption of the UN's Declaration and its implications for international legal standards as well as the emergence of indigenous rights as a separate branch of international law. Despite the fact that the Declaration is not a legally-binding instrument, Gilbert argues for its significance in promoting the development of future international laws and treaties especially in light of the growth of human rights law following its initial emergence as only a declaration.

Gray, Clark L., Richard E. Bilsborrow, Jason L. Bremner, and Flora Lu. 2007. "Indigenous Land Use in the Ecuadorian Amazon: A Cross-cultural and Multilevel Analysis." *Human Ecology: An Interdisciplinary Journal* 36 (1): 97-109.

Annotation: The authors, researchers and professors from the University of North Carolina-Chapel Hill, gathered data from five ethnic groups in the Northern Ecuadorian Amazon to examine their agricultural land use and their dependence on the resources provided. The article provides insight into different practices and circumstances affecting each of the five groups in the area and the effects of their use of natural resources. Their research further supports restrictions on oil company's activities in the area in order for the preservation of the indigenous communities and their environment and indigenous dependence on uncontaminated natural resources.

Greene, Shane. 2006. "Getting Over the Andes: The Geo-Eco-Politics of Indigenous Movements in Peru's Twenty-First Century Inca Empire." *Journal of Latin American Studies* 38 (2): 327-354.

Annotation: The author explores how Alejandro Toledo's, Peru's president, self-professed indigenous identity establishes and furthers indigenous rights. The author argues that the emergence of indigenous issues in the media and the longevity of international debates help empower and promote indigeneity for other indigenous groups in Peru and across Latin America. This article is helpful as it highlights indigenous movements previously left out in the historical analysis of Peruvian development.

Haar, Gemma van der. 2004. "The Zapatista Uprising and the Struggle for Indigenous Autonomy." *European Review of Latin American & Caribbean Studies* 76: 98-108.

Annotation: The author focuses on the struggle by indigenous groups in Mexico for full citizenship and autonomy. The article focuses on two different ways indigenous people have struggled for rights, through legal reform and through establishing autonomous municipalities. The article is important for examination into the ways in which indigenous groups are fighting for their rights and equal citizenship while also discussing the downfalls and problems that have arisen from each method.

Holder, Cindy. 2008. "Culture as an Activity and Human Right: An Important Advance for Indigenous Peoples and International Law." *Alternatives* 33: 7-28.

Annotation: The author explores the recent extension of international law's interpretation of cultural rights for indigenous rights. The article explores the indigenous right to culture as a right to activity including the rituals, relationships, and institutions that reflect and allow the expression of the group which live and produce. The article is insightful as it shows how the pursuit of protecting indigenous groups has had an effect on the cultural rights of not just indigenous groups but the entire international community.

Jackson, Jean. 2005. "Indigenous Peoples and Indigenous Movements in Latin America and the World." *Reviews in Anthropology* 34: 157-176.

Annotation: The author provides a critical assessment of three current books on the state of indigenous people and rights in Latin America. The piece is not as helpful as it focuses mainly on the issue of ethnicity within these communities. However, the review is insightful in that it highlights the fact that the indigenous communities are not homogenous groups but rather made up of many divisions and it is important to remember that when studying and making observations of these communities.

Lightfoot, Sheryl R. 2008. "Indigenous Rights in International Politics: The Case of 'Overcompliant' Liberal States." *Alternatives* 33: 83-104.

Annotation: The author, a political science professor at the University of Minnesota, examines why some nation-states overcomply and go beyond indigenous rights spelled out in international human rights treaties. She argues that this overcompliance "contributes not only to a reconfiguration of the Westphalian state system and a reconstitution of how states define themselves, but also pushes the boundaries of human-rights discourse to better accept indigenous rights." Overcompliance occurs when there is a strong international human rights movement present, when the state places a high value on developing an international reputation for being a good citizen, and through changes as states move out of post colonial eras in the face of globalization. Lightfoot examines this phenomenon through three case studies in Australia, New Zealand, and Canada and the observance of these states' overcompliance. Finally, she critiques that although the UN Declaration on the Rights of Indigenous Peoples is important, indigenous rights are still not human rights within the international legal structure.

Miller, Michael J. 2006. "Biodiversity Policy Making in Costa Rica Pursuing Indigenous and Peasant Rights." *Journal of Environment & Development* 15 (4): 359-381.

Annotation: The article examines the effect of Costa Rica's biodiversity law of 1998 and its progressive policy which provides indigenous communities with numerous rights they previously lacked. The author's examination of the law is insightful as it highlights the

protection afforded by the law and the subsequent extension into indigenous communities and their daily interaction with their use of natural resources in the environment. The article focuses mainly on the law-making process although it highlights the efforts of multiple indigenous groups to work together in conjunction with outside actors to voice their causes and discuss their views.

Morgan, Rhiannon. 2004. "Advancing Indigenous Rights at the United Nations: Strategic Framing and its Impact on the Normative Development of International Law." *Social Legal Studies* 13: 481-500.

Annotation: The author researched the ways in which indigenous groups have used what the author calls strategic "frames" to encourage support in their fight for rights within the international legal system. Morgan examines the successful use of three main frames by indigenous groups including discrimination, peace and security, and environment and further argues that their use has played a central role in the development of international law. By discovering the values, fears, and concerns of elites and other authority figures, Morgan argues that indigenous movements may use this knowledge to pressure these influential actors to further their cause and purpose.

Parrish, Austen L. 2006. "Symposium: Lands, Liberties, and Legacies: Indigenous Peoples and International Law: Theoretical Approaches to International Indigenous Rights: Changing Territoriality, Fading Sovereignty, and the Development of Indigenous Rights." *American Indian Law Review* 31: 291-314.

Annotation: The author investigates the role and actions of nation states in international law and how they have been historically contrary to the rights of indigenous groups and furthermore how the growth of non-state actors is changing the way these states interact. The article discusses the growth of indigenous rights as a result of the indigenous populations' ability to mobilize and gain international attention and support. This piece is instrumental as it highlights gains made in international law in regards to indigenous rights that are now strengthening and protecting these communities.

Postero, Nancy Grey, and Leon Zamosc (eds.). 2004. The Struggle for Indigenous Rights in Latin America. Brighton: Sussex Academic Press.

Annotation: This volume results from two seminars and conferences aimed at discussing the variety of indigenous struggles in Latin America. The editors find that when "indigenous movements are able to gain social and political capital through their responses to neo-liberalism, they may be better able to bring their agendas to the national political table." The authors discuss indigenous struggles from the definition of the "Indian Question," which refers to the types of rights indigenous groups should receive as citizens of their states. Of importance here, the authors argue, is the right of indigenous people to have a voice in the "political, economic, and cultural processes that determine their lives as citizens," and this piece is insightful as the authors investigate demographics of more successful groups.

Rice, Roberta, and Donna Lee Van Cott. 2006. "The Emergence and Performance of Indigenous People's Parties in South America." *Comparative Political Studies* 39 (6): 709-732.

Annotation: The authors use sub-national data from six South American countries to examine factors responsible for the emergence of indigenous political parties. They found that a large indigenous population and a more permissive electoral process were found to encourage the development of these parties. This study is important as it illuminates the factors that bolster and encourage the power held within these political parties in response to actors outside their indigenous communities.

Romero, Simon. 2008. "Rain Forest Tribe's Charge of Neglect Is Shrouded by Religion and Politics." *New York Times* (October 7).

Annotation: This piece examines the current situation for indigenous groups in Venezuela following the expulsion of American missionaries by President Hugo Chavez who were providing medical services to these tribes. Since the expulsion in 2005, indigenous groups claim that more than fifty people have died as a result of the inability to access medical treatment facilities where before these services or transportation were provided by missionaries. The article additionally cites the indifferent response of government officials to a mysterious disease outbreak that killed over 38 Warao Indians. Although this piece is just a small article, it highlights indigenous groups' ability to mobilize as activists through creative measures by making public lists of those lives lost since the expulsion and by keeping their voices heard internationally.

Sarfaty, Galit A. 2005. "The World Bank and the Internalization of Indigenous Rights Norms." *The Yale Law Journal* 114: 1792-1818.

Annotation: By examining the practices and policies of the World Bank in regards to indigenous peoples, the author illustrates how the World Bank has emerged as an important force in how international law is interpreted and practiced. In addition, the author further shows how the World Bank's policies have been extended and adopted by numerous other significant financial institutions. The author argues that the Bank's effectiveness depends on internal as well as external factors, the former concerning power relations within the organization while the latter encompasses domestic legal and political barriers as well as the level of societal support. Using a case study of Morocco, the article discusses the Bank's definition of an indigenous group and frames how the Bank's policies have furthered indigenous rights in Morocco.

Sawyer, Suzana. 2004. "Crude Chronicles," in G. M. Joseph and E. S. Rosenberg (eds.), American Encounters/Global Interactions. Durham, NC: Duke University Press.

Annotation: Suzana Sawyer, an assistant professor in the Department of Anthropology at the University of California-Davis, discusses indigenous opposition to economic

globalization, encompassing the “ever increasing and uneven production and consumption of capital, commodities, technologies, and imaginaries around the globe.” The author further argues that transnational companies have done more than simply employ indigenous people as cheap labor and bystanders, but also intentionally aimed to reshape indigenous identities, interests, and rights. In particular, the author examines the initial discovery of oil by Texaco in 1967 in the Ecuadorian Amazon and the subsequent interactions with additional American and European oil companies. As apparent in the title, the author is politically intent on dealing with the conflict connected with the “imperial desires for subterranean riches and dripping with blood.”

Selin, Henrik, and Noelle Eckley Selin. 2008. “Indigenous Peoples in International Environmental Cooperation: Arctic Management of Hazardous Substances.” *Reciel* 17 (1): 72-83.

Annotation: The authors examine the case of Arctic Indigenous groups and their ability to mobilize and advocate against environmental issues, in particular the use of Persistent Organic Pollutants (POPs). The article establishes how indigenous communities can become active against environmental toxins that would negatively affect their people and animals. The authors’ examination of these indigenous groups and their increased activity in political process not only altered their situation but international environmental lawmaking and other indigenous communities. Although not occurring in Latin America, this case study points to the ability of individual groups to advocate and change policy for indigenous groups internationally.

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

Annotation: The book is a compilation of numerous different pieces describing democracy in Latin America within the context of indigenous rights and diversity issues. Prior to the adoption of the UN Declaration on the Rights of Indigenous People (UN DRIP), this piece highlights ILO Convention 169 which directly impacted constitutional reform across a number of states recognizing the multi-ethnic and pluricultural nature of those states. The authors discuss the growing acceptance in the international community of collective (indigenous) rights as human rights. In addition, the authors point out the prevalence of indigenous people in different states: Bolivia and Guatemala each with indigenous populations over 50 percent, Ecuador and Peru at 30 percent and 40 percent respectively, and Mexico between 10 percent and 15 percent. The authors provide great insight into the state of indigenous rights in Latin America however the book was released before the adoption of the UN DRIP is therefore outdated in regards to the current doctrine for indigenous groups.

Smith, Keri E. Iyall. 2008. “Comparing State and International Protections of Indigenous People’s Human Rights.” *American Behavioral Scientist* 51 (12): 1817-8139.

Annotation: The author, an Assistant Professor at Suffolk University, explores the protections offered to indigenous groups by state and international doctrines. The author explores three types of relationships that form between outside actors and indigenous groups: indigenous to newcomers, internal colonies to the settler state, and indigenous to information. The author examines case studies involving Hawaiian Indians and the Zapatistas and finds that indigenous rights are better protected by international doctrine. This article is insightful as it provides an extensive look at the history of both domestic and international indigenous rights law.

_____. 2006. *The State and Indigenous Movements*. New York: Routledge.

Annotation: The author, as a Native American Indian, examines the issue of indigenous rights in the United States with a focus on the indigenous people of Hawaii. Specifically, she discusses “the rights to self-determination, self-government, the maintenance and development of culture, and the right hold land collectively.” The focus of this book is primarily on the United States but is insightful in her examination of the historical eras of human rights and the development of indigenous rights as human rights.

Sorkin, Michael. 2007. “Can an Indigenous Culture Survive in a Jungle Petropolis?” *Architectural Record* 195 (6): 41.

Annotation: The author examines a section of Ecuador known as Block 16 of Lago Agno (Bitter Lake) which is home to some of the most bio-diverse areas on the planet, huge oil resources, and also the land of the indigenous Haorani people. The extraction of oil by Texaco (now Exxon) has not only disrupted the lives of the Haorani people but has subsequently resulted in the disappearance of square miles of rainforest. Examining the practices of Texaco, the author highlights not only oil spills but also the dumping of billions of toxic waste water in addition to the health problems it has caused for the Haorani people. This article is helpful as it highlights lawsuits raised by indigenous groups against multinational oil companies yet the focus of the author is concentrated more on the effects on the environment and the development of a Petropolis surrounding these oil reserves.

Stocks, Anthony. 2005. “Too Much for Too Few: Problems of Indigenous Land Rights in Latin America.” *Annual Review of Anthropology* 34.

Annotation: The author discusses the growth and development of indigenous rights and laws from the United Nations to the efforts of the World Bank to ensure indigenous lands remain with their rightful owners. The article is important though as it discusses the current gap between what policy has stated and the reality of the situation illuminated by the presence of squatters, miners, local police, oil companies, and others who feel they have a claim to the land. The article is insightful as it examines the application of these policies in specific Latin American countries including Brazil, Columbia, Bolivia, and Peru.

Tzay, Jose Francisco Cali. 2007. "Discrimination against Indigenous Peoples- The Latin American Context." *UN Chronicle* 3: 1-4.

Annotation: The author has been a member of the Committee on the Elimination of Racial Discrimination and highlights the advancements and history of indigenous rights. The author states that the current challenges for advancement revolve around the United Nations creating a way to enforce its member states to comply with their provisions against discrimination as well as for indigenous people to make proposals that strengthen and support their rights.

Universal Declaration of Human Rights, 1948. <http://www.un.org/Overview/rights.html>

Annotation: The Declaration states the minimum level of human rights to be held and maintained for people of every nation "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This piece is critical as it not only sets out the international standard held to in international courts as well as domestic courts but as it shows which countries have placed their support behind the declaration and those who have not.

United Nations Declaration on the Rights of Indigenous Peoples, 2007.
<http://www.un.org/esa/socdev/unpfi/en/drip.html>

Annotation: The Declaration spells out the minimum standard of rights for indigenous peoples by acknowledging historic injustices placed on indigenous groups and the need for the United Nations and all states to promote and respect indigenous rights. Included within the rights are indigenous groups' right to self determination where in they may freely determine their own political status and pursue their own economic, social, and cultural development. In addition, the right to self-government and to remain autonomous in matters relating to their internal and local affairs. Among many other basic human rights, this declaration also ensures control over indigenous educational systems, access to traditional medicines, ownership of lands these groups have traditionally owned, and the right to restitution for unauthorized use, seizure, or damage to these lands.

Valdivia, Gabriela. 2008. "Governing Relations between People and Things: Citizenship, Territory, and the Political Economy of Petroleum in Ecuador." *Political Geography* 27 (4): 456-477.

Annotation: The author discusses petroleum rich Ecuador and the political mobilizations that have arisen from this booming industry. This article focuses mainly on the actions of Amazonian agricultural settlers and petroleum workers but also highlights the mobilizations of indigenous peoples. The article is also insightful as it discusses in general the effects of petroleum and its effects on all factors of Ecuadorian life.

Webber, Jeffery R. 2007. "Indigenous Struggle in Latin America: The Perilous Invisibility of Capital and Class." *Latin American Politics & Society* 49 (3): 191-205.

Annotation: The author reviews five current books on indigenous populations in Latin America. This piece is helpful as it critiques and highlights these works and calls for studying indigenous issues on a larger scale while also examining why the well-being of many indigenous groups is falling. The author's review of each book highlights factors that are positively and negatively affecting indigenous communities.

Yashar, Deborah J. 1998. "Contesting Citizenship: Indigenous Movements and Democracy in Latin America." *Comparative Politics* 31 (1): 23-42.

Annotation: The author uses a historically grounded comparative analysis to argue that indigenous movements have emerged in Latin America in opposition to the State and to the disadvantageous terms of indigenous citizenship. The article examines the emergence of indigenous political organizations and their success in Bolivia, Ecuador, Guatemala, and Mexico, yet not in Peru. The author explores the presence of peasant rights groups in Peru that have been successful in place of these indigenous political groups. The article is insightful as it highlights the reasons for the formation and the successes or failures of indigenous groups in each of these countries.

Zuluaga, Felipe, and Lindsey Michelle Jones. 2006. "Protecting Indigenous Rights in Colombia." *Peace Review: A Journal of Social Justice*, 18: 55-61.

Annotation: Since the emergence of Columbia's Decree 1396 in which the government of Columbia aimed to protect and promote the rights of their indigenous peoples the authors find a gap between the anticipated results and actual situation eight years later. Given the location of Columbia's indigenous population in biologically diverse areas, they have become susceptible to many outside actors including multinational corporations, landowners, as well as drug traffickers. Indigenous rights movements made great strides in the early 1990s to secure protection for indigenous peoples, but in the face of armed conflict, the desire for natural resources, the aerial fumigation of coca, and large scale development projects indigenous people continue to suffer and in some cases disappear. The authors stress the continued importance of efforts not just in Latin America but globally to promote indigenous rights that will help pressure Columbia to uphold and protect the rights of their own indigenous communities.