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Author(s): Donna Lee Van Cott

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Andean Indigenous Movements and Constitutional Transformation

Venezuela in Comparative Perspective

by
Donna Lee Van Cott

Political scientists and U.S. policy makers concerned about recent setbacks in the consolidation of democracy in the Andes and their potential to delay or reverse democratic progress throughout the region are paying a lot of attention to the Andean countries. Political party systems are in turmoil or have collapsed, authoritarian political leaders are enjoying significant popular support, and the legitimacy and governability¹ of democratic government are low (Inter-American Dialogue, 2000: 11). Since the early 1990s civil society leaders and a significant portion of the political elite have spoken of a *desfase*, or lack of correspondence, between the political system and society. The cause of this representation crisis is the exercise of a long-standing monopoly on political power by a small but unified and institutionally entrenched political elite. In the 1990s, Colombia in 1991, Bolivia in 1993–1997, Ecuador in 1998, and Venezuela in 1999 undertook radical constitutional reforms as a means to reestablish the legitimacy of democratic government.² The problems described above, which these reforms were meant to resolve, largely persist. The reform process is significant nonetheless because it resulted in the political incorporation and heightened mobilization of previously excluded groups.

Donna Lee Van Cott is an assistant professor of political science at the University of Tennessee, Knoxville. She is the author of *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America*, a study of the role of indigenous peoples in constitutional reform in Bolivia and Colombia, and editor of *Indigenous Peoples and Democracy in Latin America*. She is working on a book about ethnic political parties in the Andes. She thanks René Kuppe, Dieter Heinen, and the other contributors to this volume for comments on earlier drafts of this article. Research in Venezuela and Ecuador in 1999 and 2000 was made possible by a University of Tennessee, Knoxville, Professional Development Award. Research in Bolivia and Colombia in 1997 and 1998 was sponsored by a Fulbright Scholarship Award and the University of Tennessee's Cordell Hull Fund. Interviews cited represent only a small portion of those conducted. Approximately 120 interviews were conducted in Bolivia and Colombia in 1997 and 1998 and approximately 30 in Ecuador and Venezuela in 1999 and 2000.

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As Tarrow observes, citing Tocqueville's insight, states are particularly vulnerable to waves of political contention when they seek to undertake significant self-reform (1998: 74). Dramatic displays of the state's vulnerability and illegitimacy encourage social movements to mobilize and frame long-standing demands as citizenship rights (McAdam, 1996: 29). Constituent assemblies, in particular, present ample spaces for collective action within the assembly itself and through concurrent movement activity in the streets. As constitution makers seek to reconstitute the bonds between state and society, the parameters of all political institutions are contested, providing broad scope for citizenship demands. The dimensions, powers, and identity of the state itself—the typical focus of social movement contestation in Latin America (Foweraker, 1995: 31–35)—are up for grabs.

Indigenous peoples' social movement organizations were among the civil society actors that gained the most from the political opportunity presented by the convergence of severe governability crises with the prospect of sweeping political reforms. I compare the Venezuelan reform experience—the latest in the series—with experiences in neighboring countries. As social movement scholars recently have urged, I provide a comparative assessment of the political impact of social movements (Foweraker and Landman, 1997: 44; McAdam, McCarthy, and Zald, 1996: 20). I identify factors that enabled marginalized, weakly institutionalized political actors to become active participants in and beneficiaries of the process of “constitutional transformation” under way in the Andes. As defined by Pogany (1996: 568), “constitutional transformation” connotes the adoption of new values by a state's political and legal institutions. In Venezuela, Indians successfully infused new values (diversity, inclusion, collective citizenship) into political institutions, secured a permanent space in the state, and thus transformed relations between state and society and between Indians and non-Indians.

Venezuela represents a “least likely” case of marginalized groups obtaining constitutional rights. In this article I examine how Venezuelan Indians obtained rights that are comparable or superior to those obtained in neighboring countries with more consolidated movements. I argue that three changes in the political opportunity structure—the totality of constraints on and incentives for collective action that state institutions and the political system present—enabled Venezuela's indigenous movement to secure these achievements. Scholars in this school typically feature two of these factors, the support of key allies and a dramatic shift in elite alignments and internal cleavages, among a small set of salient political-opportunity-structure variables (Foweraker, 1995: 71–72; Tarrow, 1998: 25, 80).³ A third factor—the role of “international trends and events in shaping domestic institutions and alignments” (McAdam, 1996: 34)—has received less attention from students

of social movements. In Venezuela, the Latin American trend toward codifying indigenous rights in constitutions enabled indigenous constituent assembly delegates to argue credibly that Venezuela—a society with a marked affection for all things modern—had the hemisphere’s least-modern regime of indigenous rights. The impact of this international trend also represents what Tarrow (1998: 186) calls a “cross-border diffusion” effect, in which social movement ideas and forms of organization cross national borders and challenge similar targets. A final factor that explains the success of Venezuela’s indigenous movement is derived from sustained interaction between the social movement and the changing political opportunity structure. I show how the Venezuelan indigenous movement’s struggle for guaranteed representation in the constitutional reform process during the year preceding the constituent assembly, together with institutional support from the Venezuelan state and sympathetic civil society actors, helped the movement to consolidate itself as a coherent protagonist during the reform process.

THE INDIGENOUS MOVEMENT AND INDIGENOUS RIGHTS IN VENEZUELA

According to the 1992 census, Venezuela’s indigenous population numbers 315,815 persons—approximately 1.5 percent of the total population—belonging to 38 distinct groups. Indians are settled mainly in ten states, principally in frontier zones (CONIVE, 1999: 82). Prior to the 1999 reform the sole mention of indigenous rights in the 1961 Constitution was the following (my translation): “Article 77. The State will promote the improved living conditions of the peasant population. The law will establish a regime of exception that requires the protection of the indigenous communities and their progressive incorporation in the life of the Nation.” A proposed Law of Indigenous Communities, Peoples, and Cultures—an attempt to implement Article 77’s “regime of exception”—had languished in the congress for more than ten years prior to the 1999 reform. The 1961 charter is not only regressive relative to neighboring constitutions; it omits indigenous cultural and property rights codified in Venezuela’s 1947 constitution. Venezuela also lacks a unified set of laws to protect indigenous rights. Instead, a handful of sectoral laws relating to the environment, education, tourism, and agrarian reform briefly mention indigenous rights (Bello, 1999). In the 1990s, as other Latin American countries enshrined a common set of indigenous collective rights in national constitutions, Venezuela became the most backward country in the region with respect to indigenous rights.⁴

As Perreault explains in this volume, the spatial organization of contestatory indigenous movements largely follows the spatial structure of the state. Within Venezuela's federal system, indigenous politics are most active at the state level, particularly in the southeastern lowland states of Bolívar and Amazonas, both of which are located in the Orinoco River basin along Venezuela's Brazilian border. Venezuela's oldest and most institutionalized regional indigenous federation is the Federación de Indígenas del Estado de Bolívar (Bolívar Indigenous Federation—FIB), founded in 1973. FIB was principally responsible for the creation in 1989 of a national indigenous organization, the Consejo Nacional Indio de Venezuela (National Indian Council of Venezuela—CONIVE). Until the creation of CONIVE, Venezuelan Indians were unable to “jump scales” (see Perreault in this volume) and present themselves as a concrete and valid interlocutor in national politics, a prerequisite for unified action during the constitutional reform process that unfolded a decade later. CONIVE superseded earlier attempts by the political party Acción Democrática (Democratic Action—AD) to co-opt the indigenous population through the creation of regional and national organizations such as the Confederación Indígena de Venezuela (Venezuelan Indigenous Confederation), which were subsumed under an AD-based campesino federation (Bonfil Batalla, 1981: 344–347; Venezuelan Federation of Indians, 1980).⁵

Formerly a federal territory, in 1992 Amazonas became an independent state with a 43 percent indigenous population—the largest proportion of any state. The drafting of the Amazonas state constitution and a law establishing its politico-territorial division provoked a defensive movement to oppose proposed language that threatened indigenous territorial rights (Ayala Corao, 1995: 409–411).⁶ In 1993 this movement became the Organización Regional de Pueblos Indígenas de Amazonas (Regional Organization of Indigenous Peoples of Amazonas—ORPIA), with strong institutional support from the human rights office of the Puerto Ayacucho Catholic Church. ORPIA and its civil society allies successfully inserted unprecedented recognition and rights, including recognition of the state as multiethnic and pluricultural, in the 1993 Amazonas constitution. They then won a series of Supreme Court decisions (December 5, 1996; March 4, 1997; December 10, 1997) striking down the governor's scheme of internal territorial division and requiring indigenous participation in the formulation of a new scheme (*La Iglesia en Amazonas*, March 1998, 22).⁷ Indians representing Amazonas in 1999's National Constituent Assembly (ANC) drew on the knowledge of Latin American constitutional law, mobilizational skills, and increased political awareness and interest among the indigenous population developed during

the struggle over the state constitution. In addition, the Court's rulings provided legal precedent for arguments made during the constituent assembly.

The northwestern state of Zulia is home to the country's largest indigenous group, the Wayúu, whose traditional territory traverses the Colombian border. The Zulian indigenous movement is divided, mainly because of the intervention of political parties. Many Indians, particularly the urbanized Wayúu living in Maracaibo, are affiliated with traditional political parties. Others support nonpartisan indigenous organizations such as the CONIVE affiliate Organización Regional de los Pueblos Indígenas de Zulia (Regional Organization of the Indigenous Peoples of Zulia—ORPIZ) (interview, Dieter Heinen, Miranda, May 17, 2000).

Compared with those of neighboring countries, regional and national organizations have had less institutional continuity. With the exception of the FIB in Bolívar, most are relatively new. Indigenous movements in neighboring countries, in contrast, formed important regional and national organizations in the 1970s and 1980s that persist to this day.⁸ Venezuelan organizations also have demonstrated relatively greater timidity with respect to alliances with nonindigenous actors. This is attributable to fears of co-optation or exploitation as well as a belief that non-Indians are incapable of understanding indigenous aspirations and cultures. Although they often form short-term alliances to achieve immediate goals—such as the successful mobilization in Amazonas around the state constitution—indigenous organizations seldom invest in long-term strategic alliances (*Sendas*, April–September 1998, 27, 29). Venezuelan indigenous organizations also suffer from internal divisions. Factionalism derived from ethnic identity and political party affiliation impeded the consolidation of a national movement until 1999. Indigenous groups that lack strong, hierarchical political structures, sedentary horticultural traditions, or a presence in state capitals tend to be underrepresented in indigenous organizations, and this intensifies interethnic tensions. Political parties, which have monopolized channels to political power and resources for half a century, permeate indigenous politics. Like other Venezuelan civil society organizations, indigenous organizations have difficulty resisting the tendency to behave like the political parties they seek to replace and persisting as a durable alternative to parties.

THE CRISIS OF LEGITIMACY AND ELITE UNITY

The 1958 Pact of Punto Fijo enabled Venezuelan political elites to establish a stable political order that excluded the revolutionary left and controlled

popular participation for almost 30 years. When petroleum revenues declined in the mid-1980s, the basis of the pact's political support—economic well-being maintained through generous state spending—crumbled, particularly among the middle class, which had benefited most from the state-centered economic model. In addition, political institutions failed to incorporate newly mobilized interests. Facing a fiscal crisis and international pressure, in 1989 President Carlos Andrés Pérez imposed a harsh structural adjustment program. The program provoked massive protests that the government answered with unprecedented repression, further draining legitimacy from the state. Two failed coup attempts in 1992 and the corruption trial and impeachment of the president in 1993 shook the foundations of the political establishment (Crisp and Levine, 1998: 31; Crisp, Levine, and Rey, 1994: 141, 150; McCoy, 2000).

Sectors within the political elite had begun to agitate for constitutional reform in the early 1980s, unleashing an “orgy” of proposed political and socioeconomic reforms.⁹ Little progress was made, however, because political parties and business and labor organizations embedded in the state were unwilling to sacrifice their own interests. Those electoral and other decentralizing reforms that were enacted resulted from the intensive mobilization of urban neighborhood movements since the 1970s rather than the leadership of political elites (Crisp and Levine, 1998: 41–45). The reform impasse dissolved on February 2, 1999, when Hugo Chávez, leader of the February 1992 failed coup attempt, became president. Chávez won 56 percent of the vote, the largest victory margin in 40 years of democracy, on a platform promising the convocation of a constituent assembly to construct a more participatory, honest democracy (García-Guadilla and Hurtado, 2000: 15). Chávez's electoral mandate even exceeded the generous victory margins that Colombian President César Gaviria and Bolivian President Gonzalo Sánchez de Lozada enjoyed; Gaviria and Sánchez de Lozada also had campaigned on the promise of a radical constitutional reform that would expand democratic participation.

PREPARATIONS FOR THE CONSTITUENT ASSEMBLY AND THE CONSOLIDATION OF THE INDIGENOUS MOVEMENT

On the day of his inauguration, Chávez issued a decree calling for a referendum on the convocation of a constituent assembly. On April 25, 1999, 92.17 percent of participants approved convoking a constituent assembly to “create a New Juridical Order that permits the effective functioning of a

Social and Participatory Democracy” (my translation). Thus, in Venezuela, as in Ecuador and Colombia, there was strong popular support for radical, participatory constitutional reform.¹⁰ Indigenous organizations and their supporters immediately began to mobilize. On February 6–7 they held workshops on constitutional reform in Maracaibo. In Amazonas, in February and March the human rights office of the Catholic Church organized several workshops on the topic of human rights and the constituent assembly. According to the Church’s newsletter, *Sendas* (January–March, 1999, 12–13), attendance and participation in these workshops was massive. Amazonas Indians created the Comité Piaroa ProConstituyente (Piaroa Pro-Constituent Committee—COPROPPI) for the purpose of aggregating consensus on a joint indigenous proposal. They held meetings throughout the state to elect indigenous delegates to regional and national indigenous congresses held in March.

CONIVE’s weak institutional presence in Caracas was fortified in March 1999, when the state Dirección de Asuntos Indígenas (Office of Indigenous Affairs—DAI) provided office space and technical support—the first time CONIVE had received state support. Throughout the first half of 1999 CONIVE’s general coordinator, José Poyo, struggled to raise awareness of the constituent assembly and its importance to indigenous peoples, to unite the diverse member organizations around common candidates and a reform agenda, and to promote their participation in the reform process. CONIVE encouraged local and regional organizations to generate and discuss diverse proposals in order to produce a consensus proposal from the bottom up. It also worked with other social sectors—human rights organizations, environmentalists, educators, and professionals—most of which were allied with President Chávez’s Polo Patriótico (Patriotic Pole) coalition. This process enabled CONIVE, which previously had developed few links to nonindigenous civil society organizations and governmental agencies, to become better known to them (interview, José Poyo, Caracas, May 22, 2000).

On March 10, Chávez fulfilled a campaign promise by designating 3 seats for indigenous delegates in the 131-seat constituent assembly.¹¹ The granting of special status to Indians was unprecedented in Venezuelan history and established the precedent for the special treatment that Indians would receive in the new constitution (interviews, Janet Kelly, Caracas, May 15, 2000; José Poyo, Caracas, May 22, 2000). On March 21–25 CONIVE, with institutional support from the DAI, sponsored a National Indigenous Congress in Ciudad Bolívar that brought together representatives chosen in local and statewide congresses throughout the country. It was the largest assembly ever convoked in Venezuela on indigenous peoples’ own initiative (interview, José Poyo, Caracas, May 22, 2000). Participants elected delegates to represent three

geographic regions in the constituent assembly: Noelí Pocatererra, a Wayúu, represented the west; José Luis González, a Pemón affiliated with the FIB, represented the east; and Guillermo Guevara, a Jivi and coordinator of ORPIA, represented the south.

A dispute immediately erupted over the selection process. The indigenous congress had followed guidelines set forth in Chávez's March 10 decree, but the National Electoral Council had subsequently modified the conditions under which the Indians were to choose their representatives. In addition to the Council's objections, indigenous organizations not allied with CONIVE—principally Wayúu affiliated with AD—challenged the three delegates' representativeness (interviews, Dieter Heinen, Miranda, May 17, 2000; Beatriz Bermudez, Caracas, May 18, 2000). Throughout 1999 CONIVE battled the attempts of unaffiliated organizations linked to traditional political parties to challenge its representatives, including AD's attempt to create a national organization to displace CONIVE (*El Universal*, June 15, 1999). In mid-June the National Electoral Council called for new elections, while recognizing CONIVE as "the national indigenous organization with greatest representativeness and legitimacy to conduct the reelection process of three indigenous representatives in the [National Constituent Assembly]" (*Sendas*, April–June, 1999, 11, my translation). On July 17–18 in Caracas more than 600 delegates from all the indigenous groups in the country, including several organizations that had not participated in the earlier meeting, reelected the three original delegates at a National Indigenous Assembly cosponsored by CONIVE and the National Electoral Council. The Council's guidelines prohibited organizations formed after March 1, 1999, from participating, a rule that excluded organizations that Indians allied with traditional political parties had created to challenge the legitimacy of CONIVE. The Council ratified the three delegates on July 30, ending the conflict over indigenous representation. According to Poyo, the activities that CONIVE organized in 1999 to promote indigenous participation in the National Constituent Assembly—including the experience of fighting political parties' efforts to dominate the indigenous movement and impose their own delegates—strengthened CONIVE considerably and thus enabled it to achieve the constitutional recognition of indigenous rights (interview, May 22, 2000).

In the July 25 National Constituent Assembly elections, two additional indigenous activists won seats representing Zulia and Amazonas: Atala Uria Pocatererra, a Wayúu, formerly environment minister in the Chávez government and Venezuela's first indigenous cabinet member, and Liborio Guarulla, a Baniba and ORPIA activist, who had been Amazonas' coordinator for the leftist party Causa R. Elsewhere in the Andes¹² indigenous movements enjoyed no

special advantage in achieving constituent assembly representation. In Colombia, Indians running on separate lists won 2 of 70 elected seats; another, nonvoting indigenous delegate was among 4 delegates appointed to represent the demobilized guerrilla movements. In Ecuador, 3 Indians were among 7 delegates elected from the indigenous-movement-based Movimiento Unido Pachakutik Plurinacional (Plurinational Pachakutik Unity Movement—MUPP) in the 70-seat 1998 National Constituent Assembly. Thus, with its combined designated and elected delegates, Venezuela's indigenous movement scored the largest number of voting delegates in a constituent assembly.

The Indians joined an assembly dominated by Chávez. Under the electoral formula used, the president's supporters converted 62.5 percent of the votes into 121 of 128 seats.¹³ The two parties that had dominated Venezuelan politics for nearly half a century earned only one seat between them. Thus, most disputes in the constituent assembly arose within Chávez's coalition, leaving outsiders little influence (Kelly, 2000: 16). The bipartisan elite monopoly on political power had been shattered, allowing new interests to share representation in the political system at a moment of radical state self-reform.

On August 6, the first day of discussions, the indigenous delegate Noelí Pocatererra convinced the Assembly to dedicate one of 21 working commissions to the topic of indigenous rights, elevating in status what most participants had considered a marginal issue. All of the members of the Indigenous Peoples' Rights Commission were indigenous delegates or their allies. Another indigenous delegate, the former environment minister, Atala Uriana Pocatererra, presided over the Environment Commission, which addressed many issues of importance to indigenous communities (Colmenares, 2000: 16 n. 58). The Indigenous Rights Commission hired the government anthropologist Beatriz Bermúdez to coordinate its work and convened indigenous leaders and sympathetic experts to design a strategy. In addition to its budget, the Indigenous Commission drew upon technical support from the DAI (interview, Beatriz Bermúdez, Caracas, May 18, 2000). It began with proposals generated during the March 21–25 National Indigenous Congress and subsequent meetings. In August, it circulated its proposal for comment among regional indigenous organizations; 28 ethnic groups participating in a DAI-sponsored Convivencia Nacional Indígena on August 12–16 also discussed the proposal. In addition, the constituent assembly's vice president, Aristóbulo Isturiz, and Indigenous Commission members visited remote indigenous communities to deliver proposals for their consideration (*El Nacional*, September 27, 1999). On September 5–6 the commission and CONIVE cosponsored a conference in Caracas in which 300 indigenous representatives voted on a single, unified indigenous proposal. They presented

the proposal on September 7 to the constituent assembly's president in a formal ceremony that the national media amply covered. The Commission adopted the CONIVE-generated proposal with minor changes suggested by its advisers and legal experts. Although CONIVE secured a significant degree of unity among Venezuela's indigenous organizations during the assembly, internal divisions persisted, particularly among the Wayúu, a sector of whom presented a rival proposal (interviews, Luis Jesús Bello, Puerto Ayacucho, May 23, 2000; José Poyo, Caracas, May 22, 2000).

The Venezuelan indigenous movement's strategy of extensive consultation with local and regional organizations prior to and during the constituent assembly is comparable to efforts in Colombia and Ecuador to secure support for a consensus indigenous rights proposal. In all three cases indigenous delegates entered the assembly with concrete proposals that had been vetted and approved by their constituents in a series of public assemblies. This early preparation and strong constituent support allowed delegates to focus on building alliances. In Colombia, indigenous organizations participated in a variety of their own and state-sponsored fora to formulate proposals for reform and vet them with their constituents. Forty indigenous *cabildos* (community governments) submitted formal proposals during the government-sponsored preparatory phase between September 30 and November 15, 1990. Indigenous organizations also participated in the Subcommittee on Equality and Multiethnic Character of the government's preparatory Commission on Human Rights. Indigenous delegates' participation in these preparatory fora enabled them to "decant" the indigenous movements' proposals and arrive at the assembly with detailed proposals that enjoyed the support of their constituents (Van Cott, 2000b: 60, 75; interview, Myriam Jimeno, Bogotá, February 6, 1997). In Ecuador, CONAIE sponsored private regional assemblies and a national assembly during September 1997 and participated in weekly public fora sponsored by the Universidad Andina during this period. Most of the consensus formation, however, occurred during a "People's National Constituent Assembly" sponsored and dominated by CONAIE and funded by the Petroleum Workers' Union. Two hundred twenty representatives participated in the People's Assembly, which opened on October 13, 71 of whom represented the indigenous movement. By the time it closed, CONAIE had a more or less coherent reform proposal with support from sympathetic social movements and a set of experienced candidates for the November 30 constituent assembly elections. More important, it had retaken the initiative on political reform, had mobilized its constituency and allied social movements, and had publicized its platform and placed its issues on the agenda of the official constituent assembly, which opened on December 20 (interviews, Jorge León, Quito, July 17, 1999; Luis Verdesoto, Quito,

August 3, 1999; Andolina, 1998: 17–27, and Nielsen and Zetterberg, 1999: 39–41).

In late September the Indigenous Peoples' Rights Commission presented its proposal to the Constitutional Commission, the body charged with refining and preparing proposals in proper constitutional language. Noelí Pocaterra accompanied the formal presentation with an impassioned and influential speech. An older woman, Pocaterra had earned admiration within the constituent assembly and in the press through her dignified and savvy leadership of the Indigenous Commission and her participation in a variety of public fora. Thus, in Venezuela, as in Colombia and Ecuador, articulate, charismatic, and experienced indigenous leaders directly represented the indigenous movement in the constituent assembly. The Colombian constituent assembly delegates Lorenzo Muelas and Francisco Rojas Birry and the Ecuadorian delegate Nina Pacari were among the most respected members of their assemblies and received extensive media coverage. Each had more than a decade of experience in indigenous politics, and all three went on to serve in the national legislature.

During the constituent assembly deliberations Venezuelan indigenous organizations undertook an active strategy of public education and external pressure. Part of this strategy was the use of spatial tactics such as the appropriation of modern, urban public spaces (see Perreault in this volume). Indians, singing and dancing in traditional costumes, maintained a constant presence in the courtyard outside the assembly throughout the deliberations (interview, Janet Kelly, Caracas, May 15, 2000). As in Colombia, the novelty of the Indians' appearance within and outside the assembly attracted photographers and television cameras and facilitated disproportionate media coverage of their rights claims. Media coverage and public visibility were less important in Ecuador, where Indians had garnered considerable public attention during the previous decade and their appearance—in a country that is at least one-third indigenous—was less of a novelty. In Ecuador, what media coverage existed actually tended to inflame fears with respect to the indigenous movement's demands.

STRATEGIC ALLIES AND SUPPORTIVE INTERNATIONAL TRENDS

CONIVE had important allies in the Chávez government, beginning with the president, who incorporated the inclusion of marginalized groups into his constitutional reform discourse, as had Colombian President César Gaviria during the 1991 constituent assembly. Foreign Minister José Vicente Rangel

also was a key ally. On November 9, 1999, national newspapers published Rangel's opinion that recognizing Indians as "peoples" would not threaten the sovereignty or territorial integrity of the republic as conservative military delegates alleged (Ministerio de Relaciones Exteriores, 1999: 8D; *El Universal*, November 2, 1999). Most delegates were politically progressive and agreed with Chávez's rhetoric that paying the nation's historic debt to indigenous peoples was part of the great process of change occurring in the country (interview, Luis Jesús Bello, May 23, 2000). The indigenous movement's proposal complemented the human-rights-centered, inclusionary, participatory vision of the president's proposal, to which most assembly members were committed (García-Guadilla and Hurtado, 2000: 22). Delegates ambivalent toward indigenous issues demonstrated personal loyalty to Chávez, whose public approval rating was above 80 percent during the summer of 1999 (*El Comercio* [Quito], July 25, 1999).

The human rights movement, which included indigenous, women's, and environmental organizations in its activities, was another important strategic ally. The movement, formed after the 1989 government massacres, was an important base for the president's political movement. Human rights activists used their close ties to Chávez, which dated to alliances forged during his 1998 presidential campaign, to penetrate the assembly, particularly the Human Rights Commission. Before and during the constituent assembly, human rights organizations were the most prepared and best organized representatives of civil society, owing to a decade of experience on legislative and judicial reforms protecting human rights. Their participation was mainly informal, since the movement, fragmented into hundreds of candidacies, failed to secure seats in the assembly apart from the few elected on Chávez's list. Most of their proposals were adopted (interviews, María Pilar García-Guadilla, Caracas, May 16, 2000; Luis Gomez Calcaño, May 15, 2000; Janet Kelly, May 15, 2000).

The Catholic Church, particularly its human rights office in Amazonas, was another important ally. The office provided logistical and financial support for workshops and assemblies on constitutional reform throughout 1999, published detailed coverage of and documents from the reform process in its quarterly newsletter on indigenous rights issues, *Sendas*, and magazine, *La Iglesia en Amazonas*, and maintained a permanent team of technical advisers in Caracas during the constituent assembly. After the assembly it sponsored a series of workshops to disseminate information on the rights achieved and to formulate strategies for their implementation. The Church was among those groups, including the German aid agency GTZ and the British Embassy, that donated financial resources to support the permanent

presence of a team of indigenous representatives and advisers in Caracas during the assembly (interview, Luis Jesús Bello, Puerto Ayacucho, May 23, 2000).

Equally as important as these strategic allies was the added weight of a clear, decade-long Latin American trend toward the codification of a coherent set of indigenous constitutional rights and the ratification of the International Labor Organization's Convention 169 (1989) on the Rights of Indigenous and Tribal Populations, which all neighboring Andean countries ratified in the 1990s.¹⁴ In their formal proposals, speeches, and informal lobbying, indigenous delegates repeatedly argued that Venezuela's was the most backward constitution in the hemisphere with respect to indigenous rights and that the claims Venezuela's Indians were making were identical to ones ratified by neighboring states and protected by international law (see, e.g., Asamblea Nacional Constituyente, 1999: 1–4; interview, Beatriz Bermúdez, Caracas, May 18, 2000; interview, Luis Jesús Bello, Puerto Ayacucho, May 23, 2000). Foreign Minister Rangel also used the examples of indigenous rights in Bolivia, Ecuador, and Peru to calm fears of secessionism (*El Universal*, November 2, 1999).

The diffusion of indigenous rights claims and the sharing of movement experiences became a common feature of the inter-American indigenous rights movement in the 1980s and 1990s (see Brysk, 2000, and García in this volume). As Tarrow observes, transnational advocacy networks perform the crucial role of providing “a mechanism for the diffusion of collective action frames to resource-poor domestic actors that can help them construct their own social movements” (1998: 189). Throughout 1999 Venezuelan indigenous leaders studied the experiences and constitutional achievements of Bolivia, Brazil, Colombia, Ecuador, and Paraguay. That process of comparative study had begun in Amazonas in 1993 during the battle over the state constitution; it continued in 1998, prior to the convocation of the Constituent Assembly (*La Iglesia en Amazonas*, August 1993, 6; January–June 1999, 57; September 1999, 20). Indigenous organizations also organized several fora that included indigenous participants in the Ecuadorian and Colombian reforms and experts from Ecuador, Guatemala, Mexico, and Nicaragua, enabling them to learn from experiences in other countries and to fortify their arguments with regional comparisons.¹⁵ The fora were similar to those held in Quito in 1998 to share the experiences of participants in the Bolivian and Colombian reforms.¹⁶

Notwithstanding the existence of powerful allies and influential precedents, indigenous rights was among the most conflictual issues within the assembly, together with the elimination of the Senate and abortion rights. The

main opponent was the Commission on Security and Defense, which was composed of former military officers. Following the presentation of the indigenous rights proposal, Commission members commenced a campaign in the media and within the assembly to instill a fear of territorial dismemberment, claiming that nongovernmental organizations, the Church, and transnational actors were manipulating the indigenous organizations (interviews, Luis Jesús Bello, Puerto Ayacucho, May 23, 2000; Janet Kelly, Caracas, May 15, 2000). The military's allegations were strikingly similar to those that Ecuadorian officers had made during Ecuador's constituent assembly and in the preceding two decades. Economic elites with contradictory interests in the exploitation of natural resources also opposed indigenous rights. Others simply argued that "this is a mestizo country" (*El Universal*, November 4, 1999, my translation). The majority of editorials in national newspapers ran against codifying indigenous rights (e.g., *El Universal*, November 1, 1999; *Economía Hoy*, November 3, 1999).

Open conflict erupted on October 31, the day the indigenous rights proposal was first discussed in plenary session. With Indians dressed in paint and traditional costumes filling the upper gallery of the Senate, the two camps exchanged angry words. The assembly's vice president shifted the debate to an ad hoc commission composed of the members of the commissions on Security and Defense and Indigenous Rights. During four days of intensive negotiations the ad hoc commission hammered out a compromise approving the term "indigenous peoples" with qualifications explicitly denying the association between the word "peoples" and the right to self-determination as that term is used in international law. In addition, the terms "habitat" and "lands" replaced the term "territory." Most of the proposal passed on November 3 with 128 votes in favor and 3 abstentions. That day, Indians in the courtyard pounded on drums until the moment the approval was secured, after which Indians inside and outside sang the Venezuelan national hymn (*El Nacional*, November 4, 1999; *El Universal*, November 4, 1999; *Sendas*, July–December 1999, 5–6).

Bolivian, Colombian, and Ecuadorian Indians fought similar terminological battles. Colombian indigenous constituent assembly delegates refused to sign the charter unless the assembly recognized their territorial demands and those of Afro-Colombians. This ultimatum generated a crisis, since their refusal would have weakened the legitimacy of the charter. The controversial articles were approved after the relevant language was made sufficiently vague and ambiguous to please all sides (Van Cott, 2000b: 77). In Ecuador, indigenous delegates had to soften a long-standing demand that the constitution recognize the "plurinational" nature of the Ecuadorian state. Rather than

identifying Indians as “nationalities” as CONAIE had wanted, the constitution recognizes that Indians “define themselves as nationalities” (*Hoy*, April 25, 1998; *El Comercio*, April 25, 1998). In Bolivia, despite a fierce lobbying effort in the Congress, the lowland organization CIDOB and its allies in the state Subsecretariat of Ethnic Affairs failed to insert the word “territory” in the 1994 revised constitution, which refers instead to “original community lands.” “Territory” was inserted in the 1996 agrarian reform law after CIDOB undertook a protracted march and demonstration (see Van Cott, 2000b: 162, 198–199). These terminological compromises have the hallmarks of an “apocryphal compromise”: a procedural decision to postpone a substantive decision on an issue on which consensus does not exist while “finding an ambiguous formula which satisfies all the contradictory demands” (Kornblith, 1991: 80, citing Carl Schmitt, *Teoría de la Constitución*). Indigenous delegates conceded on terminology in exchange for substantive and symbolic rights with which they could continue their struggle.¹⁷

The Venezuelan constitution was finished on November 19, 1999. On December 15, 71 percent of voters approved the new charter, with 40 percent of registered voters abstaining, in part because of torrential rains. Polls indicate that fewer than 2 percent of voters had read the constitution (*Weekly News Update on the Americas*, December 19, 1999).

CONCLUSION: CONSTITUTIONAL TRANSFORMATION?

The collapse of the political elite’s long-standing monopoly on representation, the emergence of key allies within the Chávez government, civil society, and the inter-American indigenous rights movement, the influence of a decisive regional trend toward constitutionally codifying indigenous rights, and the capacity of the indigenous organization CONIVE to take advantage of these important changes in the political opportunity structure to consolidate itself as an organization enabled Venezuelan Indians to obtain a constitution containing the region’s most progressive indigenous rights regime. Venezuelan constitution makers incorporated most of the symbolic and programmatic rights that neighboring constitutions recognize (see Table 1) while making several interesting innovations—such as guaranteeing political representation at all levels of government (Art. 125) and prohibiting the registration of patents related to indigenous genetic resources or intellectual property associated with indigenous knowledge (Art. 124) (Kuppe, 1999–2000: 4). Symbolic achievements—rhetorical recognition of Venezuela as a

TABLE 1
Indigenous Constitutional Rights in the Andes

	<i>Bolivia</i> 1994 ^a	<i>Colombia</i> 1991	<i>Ecuador</i> 1998	<i>Peru</i> 1993	<i>Venezuela</i> 1999
Percentage of population indigenous ^b	71	2.7	43	47	1.5
Customary law protected?	yes	yes	yes	yes	yes
Collective land rights?	yes	yes	yes	yes	yes
Indigenous languages official?	no	in indigenous zones	in indigenous zones	in indigenous zones	yes
Bilingual education?	yes	yes	yes	yes	yes
Reserved political representation?	no	2 senators	no	no	3 senators, seats in state and local assemblies with indigenous populations

a. Unlike the other four countries, Bolivia had no constituent assembly. The constitution was revised by the president and approved by the congress in 1994.

b. Figures for Bolivia, Ecuador, and Peru are from the Web site of the International Labor Organization, www.oit.or.cr/mdtsanjo/indig/cuadro.htm. Population data for Colombia are from the 1993 national census. Population data for Venezuela are from CONIVE (1999: 82).

“multiethnic and pluricultural state” and recognition of their special status by dint of including a separate chapter on “Rights of the Indigenous Peoples”—may be enjoyed immediately. As in the other Andean cases, however, most programmatic rights require future legislation.

Aware of delays in other countries in securing implementation of constitutional rights that require legislative action, Venezuelan Indians achieved the insertion of transitory dispositions that facilitate the early implementation of some indigenous rights. For example, in order to avoid the delays in titling indigenous land that occurred in Bolivia and Colombia, Transitory Disposition 12 requires that demarcation of indigenous habitats be completed within two years of the charter’s entry into force (Kuppe, 1999–2000: 4). Transitory Disposition 7 regulates the indigenous electoral regime. Following the example of Colombia, which set aside two indigenous seats in its Senate, three indigenous seats are reserved in Venezuela’s unicameral National Assembly. The Venezuelan constitution also reserves indigenous seats in state assemblies and municipal councils in districts with indigenous populations—the only Latin American constitution to do so. On February 3, 2000, the still active constituent assembly passed an electoral statute creating the special indigenous districts and regulating their elections. Only indigenous organizations and communities—not political parties—may run candidates for seats in the special districts.¹⁸ To maximize their potential political representation, however, indigenous organizations that had not done so prior to the constituent assembly formed indigenous political parties in Amazonas, Bolívar, Delta Amacuro, and Zulia in order to compete for additional seats in nonindigenous districts. Some are affiliated with nonindigenous parties.

On July 30, 2000, 34 indigenous candidates competed for 3 National Assembly seats, all of which CONIVE’s constituent assembly delegates—González, Guevara, and Pocaterra—easily won. Nationwide, indigenous candidates won 8 seats in state legislatures and four mayorships (*Amazon Update*, August 15, 2000). Not surprisingly, indigenous parties realized their best showing in Amazonas, which is 43 percent indigenous. The Pueblo Unido Multiétnico de Amazonas (United Multiethnic Peoples of Amazonas—PUAMA), which ORPIA formed in November 1997 during the battle over territorial division of the state, gained a deputy in the Amazonas Legislative Assembly, as well as one in the National Assembly. In alliance with the Patria Para Todos (PPT), it became the third-strongest political party in the state and the strongest party in the municipality of Manapiare (Pérez, 1999: 8–9; *Sendas*, January–March 2000, 6–7). Following a manual recount, Liborio Guarulla, the Baniba Indian who had represented Amazonas in the constituent assembly, won the governorship at the head of the PPT-PUAMA ticket.¹⁹

The continued instability of Venezuelan politics, a situation that Indians in the other Andean countries share, makes it difficult for Venezuela's indigenous movement to enjoy all of the benefits of its stunning success in securing unprecedented constitutional recognition and rights against formidable obstacles. Despite the implementation challenges ahead, however, Venezuelan Indians have altered the terrain of contestation by establishing a permanent space for indigenous peoples within the state and infusing it with indigenous values and meanings.

NOTES

1. I adopt Crisp, Levine, and Rey's (1994: 139) definition of "legitimacy": a set of behaviors performed by citizens—following the decisions of institutions, obeying election results, respecting laws and rules—that convey their acceptance of the authority of political leaders. Legitimacy gives authority to the exercise of power and eliminates the need for coercion. I define "governability" as the capacity of a government to make and implement decisions.

2. President Alberto Fujimori orchestrated Peru's 1993 constitutional reform to consolidate his power and facilitate his reelection rather than to address crises of legitimacy to which he contributed.

3. The other two political-opportunity-structure variables commonly identified are the relative openness of the institutionalized political system and the state's propensity and capacity for repression. See McAdam (1996: 27) for a comparison of political-opportunity-structure variables used in the literature.

4. The tiny size and dispersion of Venezuela's indigenous population alone cannot explain the historical weakness of indigenous rights in Venezuelan law and jurisprudence. Neighboring Colombia, with a comparably small and dispersed population, had a far more robust set of laws and constitutional provisions protecting indigenous rights even prior to 1991's landmark constitutional reform. Nineteenth- and twentieth-century Colombian law retained many corporate rights based in colonial-era law that recognized collective indigenous rights as prior to the formation of the state. Colombian jurists, moreover, have a long tradition of judicial activism and of protecting indigenous communities (Van Cott, 2000a: 223–234). Colombia's markedly conservative juridical and political cultures contrast with the more modern cultures of Venezuela in ways that protected indigenous rights before the formation of a social movement capable of asserting them effectively.

5. Some indigenous organizations remain affiliated with Acción Democrática (AD) or other political parties. In recent years indigenous organizations independent of the two main clientelist parties (AD and Comité de Organización Política Electoral Independiente—COPEI) have tended to support the leftist parties Causa R, the Movimiento al Socialismo (Movement Toward Socialism—MAS), and Patria Para Todos (Fatherland for All—PPT) (Bello, 1995: 12).

6. The proposed language stated that Indians were occupying their lands without a property right.

7. ORPIA presented its own project for territorial division to state legislators in November 1997.

8. The Organización Nacional Indígena de Colombia (Colombian National Indigenous Organization—ONIC) was founded in 1982; the Confederación de Nacionalidades Indígenas de

Ecuador (Confederation of Indigenous Nationalities of Ecuador—CONAIE) was formed in 1986, from its precursor CONACNIE, founded in 1980; Peru's Asociación Interétnica de la Selva Peruana (Inter-ethnic Association of the Peruvian Amazon—AIDSESP) was formed in 1980; Bolivia's highland campesino union Confederación Sindical Única de Trabajadores Campesinos de Bolivia (Bolivian Sole Syndical Peasant Workers' Confederation—CSUTCB) and the lowland organization Confederación Indígena del Oriente Bolivia (Indigenous Confederation of Eastern Bolivia—CIDOB) were formed in 1979 and 1982, respectively.

9. A presidential commission to study proposed constitutional reforms created in 1984 generated some limited electoral reform, such as the popular election of state governors and mayors, in effect since 1989.

10. In both Colombia and Ecuador, mass demonstrations in favor of convoking a constituent assembly occurred. In Colombia, these were led mainly by students, in Ecuador by the national indigenous organization CONAIE. On Colombia, see Van Cott (2000b: 53–59); on Ecuador, see Andolina (1998) and Miño and Macas (1997).

11. CONIVE had asked for seven seats (interview, José Poyo, Caracas, May 22, 2000).

12. The Paraguayan government allocated four nonvoting seats to Indians in Paraguay's 1991 constituent assembly, in addition to a seat earned by indigenous organizations in the elections (Sánchez, 1996: 174–205).

13. Twenty-four seats were elected on a national list, 104 from the 24 states.

14. The following Latin American states have ratified the convention: Bolivia, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, and Peru. Argentina signed the convention in 1992 but has yet to remit the documents for deposit with the ILO.

15. I must admit complicity in this campaign of negative comparison. After receiving news of the impending Venezuelan reforms and the decision of the Electoral Commission to permit the designation of indigenous delegates, in March 1999 I e-mailed some of my work on Bolivia and Colombia, as well as a chart depicting the constitutional status of indigenous rights in all countries in the hemisphere, to José Luis Gonzalez of the FIB. During fieldwork in May 2000 I found a Spanish translation of the chart in the offices of indigenous activists and their allies in Caracas, Ciudad Bolívar, and Puerto Ayacucho.

16. Bolivians also had studied the Colombian example. Prior to his election, Sánchez de Lozada's advisers took much of their proposal to modernize indigenous rights from the Colombian reform, adjusting the model to Bolivia's distinct demographic reality. Once in office, his Subsecretariat of Indigenous Affairs hired Colombian government anthropologist Raúl Arango to redraft the 1967 Bolivian Constitution's Article 171 on the basis of the 1991 Colombian reform (Van Cott, 2000b: 162).

17. As an indigenous participant in Ecuador's constituent assembly confided to an insider, "We have a new *finca* to live on, but we have no new sign on the door. What is more important, to live in a new *finca* or to have a sign on the door? We have to learn how to live on this new *finca*. We will get the sign in time" (my translation from confidential interview).

18. Candidates must be indigenous, speak an indigenous language, and either have exercised a position of traditional authority in their community, have a known history of participation in the indigenous movement for recognition of cultural identity, have taken part in actions that benefit indigenous communities and peoples, or belong to a legally constituted indigenous organization that is at least three years old. Still, since anyone can vote in these contests, the possibility exists that voters may support indigenous candidates who are affiliated with political parties such as the AD-allied Federación Indígena de Amazonas (Indigenous Federation of Amazonas).

19. Similarly, the Alianza Social Indígena (Indigenous Social Alliance), an indigenous movement-based party in Colombia, in October 1997 won the governorship of heavily indigenous Guainía. It came in second in Vaupés.

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