

Indigenous Worlding: Kichwa Women Pluralizing Sovereignty

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Introduction

State sovereignty seems so passé. Prominent political theorists have reiterated time and again the need to move beyond the nation-state: Arjun Appadurai (1993) asked us to “think ourselves beyond the nation;” Chatterjee (1993) told us to look within it; and Dipesh Chakrabarty (2000) provincialized Europe, with its nation-state system, as an inadequate guide to political possibilities. Scholars tackled the ethics of post-sovereignty (Shapiro 1994) and are now looking for new ways to think about the state (Migdal 2009). Slowly but surely, attempts to break away from the historical straightjacket of the nation-state as the expected form of political organization are seeping into international relations, a discipline that has canonized Westphalian sovereignty as a collective *fait accompli*. Opening up our imaginaries to non-dominant patterns of knowledge production forces us to ask what a world politics emancipated from the state actually looks like. If we are to quiet IR’s obsession with state sovereignty, we must complement conceptualizations with praxis. In addition to post-national grammars, we need to identify concrete possibilities of what beyond—and within—the state can be.

Indigeneity is perhaps as ‘beyond’ the state as it goes. Escaping statist conceptions of boundaries, rooted in non-western ways of *worlding*, and entailing a political legitimacy that precedes the state, indigeneity is a strategic site from which to rethink sovereignty. Indigenous politics offer radically different insights into the international because they engage forms of governance constituted outside- and to a large extent before- the modern state. And since there is no way to divorce theory from a

standpoint in time and space (Cox 1986), indigeneity constitutes a unique positionality to contest hegemonic histories, with political cosmologies that denaturalize the state as the sole locus of the political (Beier 2005). More specifically, indigenous practices of authority-- plural, shared, and unbounded from states--exemplify how to “dispense” with conventional sovereignty, echoing efforts to emancipate world politics from the shackles of Eurocentric political practices (Shilliam 2010).

Conventional understandings of stateness are increasingly under attack. Disciplinary boundaries are contested by voices on the periphery (Tickner and Blaney 2011), on methodological grounds (Jackson 2011) or by engaging storytelling as a form of knowledge production (Inayatullah 2011). The feminist critique contesting IR epistemologies (Tickner 1997) has been complemented with post-colonial perspectives seeking to unfurl silenced histories, while post-racist political projects have intensified contestation of the field’s Eurocentrism (Hobson 2007, Vitalis 2010). Critics depict the international as more heterogeneous than conventional wisdom acknowledges, yet few seem to engage indigenous perspectives to stir political creativity.

Perceived as a local particularism disconnected from the international or too vernacular to be deemed worthy of universal categorizations, indigeneity remains largely overlooked by scholars of international relations. Indigenous peoples seem to be “relics,” more relevant to anthropologists than scholars of global politics. After being written out of history by selective processes of memory-making (O’Brien 2010), indigenous peoples are silenced in political modernity (Beier 2009). Lingering imaginaries of this sort are at odds with the sophistication of indigenous political praxis, indicating the dose of colonialism still embedded in the discipline (Shaw 2008). While they harvest millennia-

old grains and speak pre-Columbian languages, indigenous peoples of the Americas have long articulated their interests in international realms. Indigenous struggles are fundamentally international, even if they are treated as irremediably apolitical and implicitly located at the borders of political rationality.

This chapter argues that indigeneity is a valuable site for critical theory. The political experience of indigenous peoples, and especially indigenous women, is key to rethinking the world of politics. It seeks to make visible the international dynamism of indigenous politics and emphasizes its efforts to counter state-centrism. Following Chatterjee's (1993) suggestion to look within the nation, I combine ethnographic approaches with a feminist standpoint to show how indigenous women shape the international. I support my argument with a case study analysis of indigenous women struggles in Ecuador. Locating their politics at the intersections of collective, indigenous rights and international women rights, Kichwa women articulate indigenous politics, the nation-state, and international norms in ways that dislodge conventional forms of legal authority. Their pursuit of justice is deeply entangled in global politics and results in multi-layered and overlapping practices of sovereignty. Overall, the analysis posits indigeneity as a significant, yet mostly overlooked, category of analysis to think international relations differently.

In what follows, I first propose indigeneity as a strategic way of seeing that moves the international beyond state-centrism. I then look at indigenous women's use of global politics in Ecuador, debunking accepted understandings of what constitutes the international, where it is located, and who its legitimate actors are. Although perceived as peripheral—even external—to international relations, indigenous women are relocating

legal sovereignty beyond the nation-state. Finally, I analyze the significance of indigenous forms of sovereignty for identifying alternative roadmaps in world politics. The triangulation of judicial authority between indigenous, domestic, and international law dislocates legal sovereignty not from above, as in the European Union, but from alternative geographies within the state.

1. Why indigeneity matters for international relations

Ways of seeing the international

Indigeneity offers potential insights for thinking differently about the international, for breaking with disciplinary silences, and for moving beyond state-centrism. It is a valuable category of analysis because it rescues stories deemed irrelevant and left invisible in hegemonic narratives of global politics.

First and foremost contribution, indigeneity expands ways of seeing. Contemporary hegemonic narratives of the state, like coloniality lenses in the past, seem particularly inapt at seeing anything beyond that which resembles the self. Art Historian Carolyn Dean describes the consternation of Spanish colonizers encountering “ugly” Andean idols (Dean 2010:11). The Spanish were seeking the sacred in familiar, aesthetically pleasing “art” forms according to their standards, rather than in the Andean landscape. The Spaniards were likewise unable to apprehend Inca perspectives on rocks as animate, powerful, and sentient. That inability to access Inca meaning echoes the larger colonial inability to read alternative standpoints. Then as now, the capacity to recognize other ways of knowing is intertwined in formulations of the political self. Vanita Seth (2010) analyzes the European difficulty in seeing (and representing)

difference as stemming from the broader inability to convert the encountered New World into familiar political language

Still today, part of the inability to account for indigenous dynamics in global politics derives from its otherness. Indigeneity continues to epitomize the non-scientific and non-European, marginalized as unreliable and systematically excluded from legitimate processes of knowledge production. Transplanting Seth's notions into contemporary readings of global politics, I suggest that indigeneity is a necessary tool to recognize the diversity of political configurations differing from western state-centrism. Or, as Seth puts it, "it is difficult to speak the language of otherness when the other is virtually absent from the discourse of the self" (Seth 2010:38). More crucially, leaving indigenous stories unseen allows past omissions to become the foundations of 'scientific' narratives (Trouillot 1995). So the invention of the indigenous as savage lingers on today in implicit understandings of indigeneity as outside of "real politics." Thinking from marginal locations, like indigeneity, permits such silences to be broken.

Such dynamics also occur with regards to gender and race. The feminist critique was groundbreaking for introducing the idea of positionality to global politics. It expanded conventional understandings of what constitutes the international, for instance conceptualizing rape as a weapon of war and defining masculinity as a foreign policy issue (Enloe 2005). Showing how gender matters, the feminist gaze changed what the discipline looks at and new research methodologies opened pathways to think differently (Ackerly, Stern, and True 2006). Positionality permitted to shed light on other invisibilities, such as the racist traits of international relations (Tickner 2010). Scholars started examining the impact of racism on foreign affairs and denounced the racist

assumptions that inform present theoretical constructs for most of IR theory (Henderson 2012; Hobson 2007). These approaches explicate for instance how past incapacities to apprehend the Haitian Revolution, even by its contemporaries (Buck-Morss 2009), conspire with contemporary silences to keep slavery invisible—or insignificant—from mainstream narratives of international relations. Just as feminist methodologies produced new forms of knowledge, engaging indigenous forms of inquiry (L.T. Smith 1999) contributes layers of complexity to reframe- and repair- our conception of global politics. Indigenous scholars take the effort of situating the self beyond gender, traversing cultural paradigms through community research and placing ethics as a methodology (Kovach 2010). Validating story telling and remembrance as forms of knowing, for example, enables powerful counter-stories to emerge (Mallon 2011). If the birth of IR is a story about empire where racial boundaries mattered more than territorial ones, as claims Robert Vitalis (2010:910), then it is all the more urgent to engage categories such as indigeneity to revisit foundational concepts through other eyes.

Indeed, indigenous peoples never ‘disappeared,’ as suggested by pernicious, if enduring, discourses of state-formation, nor are they folkloric minorities at the margins (Den Ouden 2005). They have led active struggles against the colonial state (Brown-Perez 2011). Yet few scholars of international relations seem interested in articulating the impact of indigenous struggles on world politics. Karena Shaw (2008) argues this conceptual marginalization is in part due to the coloniality of a discipline that still considers indigenous ontologies to be ‘inappropriate’ subjects of analysis or of politics. For J. Marshall Beier (2009), indigenous politics are not untold stories but unheard ones. Indigenous women stories are even less heard, despite their strategic mobilization of

intersectional politics pursuing individual women's rights and collective indigenous rights (Parisi and Corntassel 2007; Barker 2006). Still, scholars argue that the modern model of sovereignty will not work for indigenous peoples, whose dynamic diplomacies are meaningful to IR because they depart from western, state-centric practices. It is precisely because indigenous forms of governance transcend state-centrism that they are able to abstract sovereignty from its Westphalian limitations. Indigenous philosophies provide non-western forms of inquiry to analyze world politics. Karen Smith (2011), for instance, engages the South African concept of Ubuntu to complement the frame of global human rights. While individual scholars made pioneering contributions to broadening the extent and content of what constitutes the international, the discipline at large still lacks a theoretical engagement of indigeneity as a useful category for the analysis of world politics.

However, scholars from outside of International Relations have drawn on indigenous experiences to rethink state politics in fundamental ways. In the Andes, indigenous peoples self-organize in a day-to-day attempt to adapt to local realities and external forces independently of the state. Rudi Colloredo-Mansfeld (2009:17) refers to these indigenous organizational dynamics as "vernacular statecraft." James C. Scott (2010), in his now famous study, tells how the peoples of Zomia deliberately and reactively remained stateless; he frames self-determination as the art of not being governed. For scholars of Native Studies, in turn, the nation-state is but one political geography among several (Biolsi 2005), and the notion of indigeneity as a 'third space of sovereignty' indicates overlapping, non-binary renderings of political life (Bruyneel 2007). Indigenous approaches to the political permit us to account for variations in

practices of authority, notably modular or shared forms of sovereignty. We can then recognize (and imagine) political re-arrangements beyond the state for a less hegemonic distribution of authority.

Indigeneity as a category of analysis

There are at least three reasons for engaging indigeneity as a category of analysis to think beyond the state. On empirical grounds indigenous struggles successfully challenging sovereign states are too powerful not to impact the international in significant ways. In historical terms, indigeneity is intrinsically relational to state-formation, making it a valuable tool to think post-national re-assemblages. At a theoretical level, indigeneity is a strategic site from which to defy the disciplinary borders of international relations. I will treat each issue in turn.

First, there is an empirical need to integrate indigenous politics into the study of international relations because of its immediate impact on world affairs. From the Arctic to the Amazon, indigenous communities are fighting extractive industries and resisting predatory policies on autonomous territories (Banerjee 2012; Bebbington and Bebbington 2011). In Ecuador, indigenous movements evolved into formal political parties, with the creation of Pachakutik in 1996 (Becker 2011), whereas Inuits have achieved some of the most comprehensive forms of self-government in the world (Shadian 2013). As differences between the political right and left grow blurry, indigenous groups are rising as global sites of contestation against state policy, providing hopes of alternative ethics of governance (Boaventura de Sousa Santos 2012, *El Mundo*). Indigenous systems of justice are recasting judicial authority, making visible collaborative social contracts independent

from the state. Indigenous territoriality challenges not only the authority of individual states within national borders, but the organization of world politics around sovereignty. In fact, indigenous claims seek the redistribution of rights as much as the uprooting of the concentration of power in the state.

Second, the historical imperative to bring indigeneity into IR stems from its role in so many processes of state-formation. The invention of indigenous peoples as savages to be civilized led to colonial land-grabbing policies supported by the doctrine of discovery. Indigeneity was the imagined antithesis of European modernity, a-temporal and apolitical, epitomizing an invented absence of the social contract that ostensibly preceded the (European) state. Indigeneity refers to the uncivilized natives who do not belong to the ‘modern’ project of state-building. The term applies to those who precede the modern state. Thus, indigeneity mirrors modernity in that it refers to the ‘cultural’ other against which the history of the European nation unfolds. It is intrinsically relational to the state, and thus vital to a discipline dedicated to studying relations among states. To dismiss indigenous politics on the grounds of minority status is misleading because indigeneity refers, first and foremost, to the state.

This conceptual inter-linkage is key. The co-constitutive relation of indigeneity and the state explains the worldwide proliferation yet diversity of indigenous claims.¹ The common denominator of indigenous politics worldwide is the colonial legacy of nation-states. Although colonialisms vary from South-East Asia to Latin America,

¹ It is because indigeneity refers to the state as much as to the people outside of it that indigenous counter-narratives to state-formation vary greatly according to context, time and region (Engelbert 2009). “Indigenous” is a contested, heterogeneous, and fluid identity, referring less to a constitutive who/what than to the otherness implied by the term (Canessa 2005). International law only proposes general guidelines to identify indigeneity (precedence, language, ancestral lands), which is attributed largely on the grounds of self-definition.

provincializing European political frameworks is a shared challenge (Chakrabarty 2000). It is precisely because indigenous politics are intrinsic to the emergence of the state and contest its authority that they may contribute critiques distinct from feminist or racial approaches. Whereas gender and race-based demands aim to expand access to the state, indigenous claims, by contrast, demand rights autonomous from the state. Indigeneity demands less state, not more, as feminist standpoints usually do. Standing outside of and prior to the state makes indigenous standpoints valuable sites for post-state *worlding*.

Third, and consequently, indigeneity disrupts some of the core epistemological foundations of international relations. Indigeneity is a strategic location from which to think differently, because its precedence over the modern state entails a political legitimacy beyond it. Indigenous experiences complement official national histories with forgotten or repressed narratives. In the process, they bring other epistemologies in, destabilizing state-centric conceptualizations of the political. The ‘prior,’ which Saskia Sassen (2008) sees as challenging sovereignty, is, I argue, precisely indigeneity. In this way, indigeneity encompasses territorial and historical dimensions that neither gender nor race alone have, to think political authority beyond stateness.

Thus, spatial imaginaries of the state as modern and global, in contrast to indigeneities imagined as non-political and isolated, miss not only the impact of indigenous politics but the very essence of the state. Indigeneity is key to tackle post-colonial questions such as those raised by Dipesh Chakrabarty (2000). The modern state appears as fundamentally inadequate to recognize the breadth of alternative political projects. Indigeneity, as a colonial category central to state-making, provides tools to historicize the state and sovereignty. Further, if decolonized epistemologies are an

indispensable point of departure to move beyond European state-centrism, indigenous experiences complement theory with praxis. Indigenous autonomy over territory and jurisdiction, for instance, postulates a political space beyond state sovereignty. Such experiences free political imaginaries from the hegemonic episteme of the nation-state (Biolsi 2005), making it possible to think of a world that is not state-based. Bringing indigenous studies into international relations determines our ability to engage the variety of political practices that are thriving beneath the surface. Further, it opens epistemological debates that can transform IR's self-understanding. The vibrancy of indigenous struggles not only confirm the inadequacy of the state, it also provides concrete experiences of what the international can actually look like within and beyond it. Indigeneity is a useful, because critical, category of analysis.

2. Indigenous practices of the international

The intersection of feminist standpoints with indigenous ways of knowing provides a strategic positionality to look at world politics. I will explore this intersection in a case-study analysis of indigenous women's struggles in Ecuador. The legal maneuvering of Kichwa women in the highlands of Chimborazo is not only anchored in the international, but also constitutes a denationalized legal space defying expected imaginaries of sovereignty. This section first posits the international dimension of indigenous claims to then analyze the mechanisms by which Kichwa women create new legal rights.

Indigenous internationalism

There is nothing new about the international dimension of indigenous politics. IR may not have gotten there yet, but historians trace the link between indigenous peoples

and international law back to the relation between imposed and indigenous law in the expansion of settlers' sovereignty (Benton 2009; Ford 2010). Scholars of indigenous studies provided extensive evidence of how native populations articulated their collective rights in the terms of colonial law. Indigenous women in colonial Quito skillfully navigated across legal systems (Gauderman 2003), while in New England the Eastern Pequots established their reservation through a legal agreement in 1683 (Den Ouden 2012). In the early nineteenth-century, Chief Justice John Marshall stressed Native sovereignty in two *Cherokee Nation v. Georgia* Court Cases. He defined "the character of the Cherokees as a state, as a distinct political community... governing itself," establishing that the laws of Georgia were non-enforceable within the Cherokee Nation (Biolsi 2005:242), though it remains a contentious point in US law that the US government recognized Native Americans as independent states while strategically denying them the right to practice international affairs (Deloria Jr. and Lytle 1998). Vine Deloria Jr. (2006) rightly denounces court battles between Native groups and the state that were nothing more than a "conquest masquerading as law," and Amy Den Ouden (2012) details the legal violence of the colonial state. Reservations are nonetheless a sovereign land from which to practice legal contestation. The international has been a preferred, perhaps inevitable, site for indigenous contestation because indigenous politics have always been situated outside the state. Indigenous legal resistance should not be seen, then as a new or novel phenomenon (Belmessous 2011). Rather, contemporary struggles are rooted in five hundred years of elaborated international strategies. The European dispossession of native land for state-formation depended on invalidating existing systems of authority. Indigenous groups then (and now) were kept outside the state, and

their contestation produced sophisticated legalities to defy the self-assigned sovereign authority of the state. Indigenous legal activism from the sixteenth century on was so dynamic that scholars have argued that European legal justifications should be understood in part as counter-claims rather than the original discourses. Far from being passive observers, native peoples were active in making, changing, and interpreting colonial law--and, by extension, in shaping the international order (Benton 2001). Indigenous claims are, thus, prior to the full establishment of modern states.

Indigenous politics have become more visible in mainstream politics over the last three decades since gaining space in the international human rights system (Anaya 2004). At the United Nations, the participation of indigenous organizations at the Working Group on Indigenous Peoples (WGIP) soared from 48 to 500 between 1983 and 2005 (Corntassel 2007:153; Escárcega 2010).² The Permanent Forum of Indigenous Issues (UNPFII), which has gathered indigenous peoples annually in New York since 2002, advises the UN Economic and Social Council (ECOSOC). The proliferation of UN organs expanded significantly during the two UN Decades for Indigenous Rights, creating expert and monitoring mechanisms as well as consolidating norms. Intrinsic to global human rights, indigenous claims have been gaining momentum as the international human rights system consolidated (Niezen 2003).

Since 1989, indigenous peoples made vigorous use of the Convention 169 of the International Labor Organization (ILO) to defend their rights in international courts.³ In

² Corntassel (2007) points that the UN organs created for indigenous issues were designed with an open attendance policy, allowing any representative to participate in the annual conferences and therefore expanding significantly the participation of indigenous peoples in such forums.

³ Adopted in 1989 by the International Labor Organization, Convention 169 recognizes indigenous peoples rights to self-determination within nation-states, including self-management of justice and prior consultation to projects impacting their territories and communities.

2007, the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP), the most important treaty for indigenous rights in the works since 1985, confirmed the global legitimacy of claims to self-determination.⁴ UNDRIP was the longest-debated human rights instrument in UN history, requiring two consecutive UN Decades. The recognition of collective rights to prior consultation generated discomfort, but what truly blocked the process was a stern resistance from states to cede autonomy over Indigenous territories. The declaration sealed the universal recognition of the principle of self-determination (Article 3) and formalized rights to lands, territories, and resources (Articles 25 to 30). This required recognizing complex, alternative systems of authority over territories contained by the sovereign state.⁵ The solution to the contentious negotiations over territory was a final article specifying that no part of the declaration can be understood as undermining in any way the sovereignty and territorial integrity of member states (Article 47). In classic international human rights fashion, the declaration remained ambiguous, yet indigenous self-determination nevertheless gained global recognition. The emergence of international norms protecting indigenous rights was not granted by well-intentioned member-states at the UN. Rather, it is the fruit of a powerful global indigenous movement (Morgan 2011).⁶

⁴ Negotiations lasted over 11 annual sessions to reach consensus, and the only four countries to oppose it were Australia, Canada, New Zealand, and the U.S. Adopted by 144 countries, the Declaration was the first legal document dedicated to indigenous rights in the UN system.

⁵ Most member-states reacted to Article 46, the most contentious, specifying that the declaration could not be interpreted in any way that could impair the territorial sovereignty of states. Australia, New Zealand, Canada, and the US voted against the treaty in 2007 and some have since then revised their stands. In 2011, for instance, the Obama administration recognized UNDRIP.

⁶ Indigenous global activism is dynamic beyond the formal corridors of intergovernmental organizations, as shown by the globalization of Indigenous media, such as the World Indigenous Television Broadcasters Network, and the proliferation of hemispheric meetings. Both the Continental Summits of Indigenous Peoples and Nationalities of Abya Yala (Becker 2008) and the Continental Summit of Indigenous

Just as in colonial times of land dispossession, today's purpose of developing international legal strategies is to contest the nation-state in local realms and the proliferation of international mechanisms legitimizing indigenous autonomy percolates within states to frame domestic jurisdiction. Every state in Latin America now recognizes some degree of indigenous autonomy, from independent systems of justice to territorial autonomy. The Sarayaku community in the Ecuadorian Amazon has built a forceful network of internal allies to resist extractive industries on their ancestral territories. In the case of the Belo Monte dam in Brazil, indigenous pressure to respect laws on prior consultation resulted in intricate court cases involving local and federal courts, the Organization of American States, and global norms. In Peru, international law was invoked so forcefully that the government adopted legislation integrating prior consultation mechanisms into the Constitution in 2011. Contemporary struggles for indigenous self-determination impact the contours of the state, more frequently and to larger depths than usually acknowledged.

It is in part because they are so embedded in the international arena that international relations should take indigenous politics into greater account. It is also because, as they unfold, indigenous dynamics impact the content of global politics. In particular, they shape what sovereignty entails and where it is located. The ways in which indigenous women use global politics to defend their rights in local communities reveals how the international is articulated in vernacular, cultural contexts. The international strategies of a small group of Kichwa women in Ecuador are exemplary. Their positionality at the intersection of gender and ethnicity seeks a re-assemblage of authority

Communication in the Americas are testimony to indigenous influence in the formulation of public policies across borders.

autonomous from the state, combining indigenous collective rights and global human rights norms.

Kichwa women assembling legal rights

In Ecuador, a group of Kichwa women, most of them illiterate, took international law as the main tool to advance their rights within ancestral systems of justice. The *Red de Mujeres Kichwas de Chimborazo* (Chimborazo Network of Kichwa Women) located in the central highlands of Ecuador, consists of about one hundred women, most of them peasants, bilingual in Kichwa and Spanish but largely illiterate. Indigenous claims often invoked ILO Convention 169 whereas feminist demands reiterated principles of the Convention on the Elimination of All Forms of Violence against Women (CEDAW) principles to defend lives free of violence. But Kichwa women were actively hoping to see global women rights get incorporated in collective rights. Feeling stuck between the racism of state institutions and customary practices detrimental to women, they used international human rights norms to lobby for their intersectional rights as indigenous women.

The opportunity came in 2008, when President Rafael Correa called for a constitutional reform. The *Red de Mujeres Kichwas de Chimborazo* had then been grappling with women's lack of access to justice after a case of domestic violence stirred up controversy across the province two years prior. After beating the mother of his children, Pachakutik Congressman⁷ Estuardo Remache had demanded that his accusation be transferred from the ordinary justice system to indigenous community justice, thereby evading accountability (Picq 2012). When President Correa invited the Ecuadorian

⁷ Pachakutik, founded in 1996, is the electoral party of Ecuador's indigenous movement (see Becker 2010).

citizenry to contribute agendas to be debated by a democratic constitutional process in Montecristi, Kichwa women had already been working on an agenda to pursue legal rights of their own.

Just as Ecuador's indigenous movement has strategically invoked international human rights to advocate subnational interests, Kichwa women trespassed national jurisdiction as they searched for legal language supporting their cause. Cristina Cucuri, the only member of the group with higher education, surfed the web for days looking for international treaties or foreign constitutions that explicitly defined indigenous women rights. Screening international treaties and national constitutions from the region on google, they found precise legislation for indigenous peoples and extensive rights for women, but little at that intersection.⁸ The 2007 UN Declaration fails to go any further than calling for particular attention to be paid to the rights of women (Art.22). In Bolivia, the new Constitution passed under indigenous President Evo Morales represented a solid improvement for native populations, yet indigenous rights expanded without much consideration given to gender.

Kichwa women combined international norms and national law to build their case. The 1998 Constitution formally recognized collective rights, notably indigenous justice. Now the challenge was to make collective rights respect gender norms such as those set forth in the CEDAW. Their goal was to secure women's participation and decision-making within community affairs. To get there, the strategy was to push Ecuadorian law to require indigenous systems of justice to abide by international norms of gender parity. Seizing the opportunity of a Constitutional Reform, Kichwa women tried to bridge

⁸ The Kichwa women were mostly inspired by the 1994 Zapatista Law on Women, in Chiapas, Mexico, which established ten specific rights of women from political leadership to the punishment of sexual violence. Its customary dimension, however, had little weight in international law.

international law on women rights with domestic legislation on collective rights. They disregarded the expert advice of a lawyer who declared the idea inoperable under the pretext that gender was part of universal rights and therefore irreconcilable with exceptional rights to culture. Instead, they navigated three scales of legal authority to invent rights of their own and turn them into law. Indigenous women are both protecting cultural rights *and* changing their culture, demonstrating this is much less of a contradiction than it might seem at first glance.

Armed with two sets of international norms, the women blended gender language from CEDAW with indigenous rights stated in UNDRIP to draft a proposal. On the opening day of the Constitutional Assembly, they made their way to the President of the Constitutional Assembly, Alberto Acosta, and handed him a document explaining the violence embedded in gender inequality in their communities and demanding that collective rights respect women's voices. For months, they took turns travelling to the coastal town of Montecristi, where the Assembly process was taking place, to pursue their advocacy efforts. They left their children and their fields, some for the first time, and took a ten-hour bus-ride to lobby the highest ranked politicians in the country. Their discourse to ministers and assembly members stressed the responsibility of the Ecuadorian state to honor the human rights norms it had ratified in international realms. In particular, they insisted on the adoption of explicit language "guaranteeing the participation and decision-making of women" for law regarding collective rights, culture, and indigenous justice.

The group's focus was to reform their own autonomous systems of justice. They were not trying to fix gender discrepancies in the judiciary apparatus of the state. Rather,

they wanted to explicitly integrate international women rights into subnational indigenous systems, without regard to whether the national state adopted such laws itself. The reasoning of the women was straightforward. If international human rights norms are truly universal, then they are valid at subnational levels, including the most ancestral cultural practices in the Andes. According to the Constitution, international treaties ratified by Ecuador have legal validity. Thus, while indigenous justice is entirely autonomous, it is required—like the state—to abide by international human rights treaties. The demand to respect the human rights of indigenous women was perfectly arguable through legal deduction, even if it was unprecedented in the national legal system. The key innovation was that the legal sovereignty of the state was bypassed in making subnational, indigenous systems of justice explicitly accountable to international women rights. As a result, Kichwa women fused universal discourses on gender equality with norms on cultural autonomy, balancing and integrating international law with indigenous justice. In practice, they strengthened cultural exceptionalism through an agile use of the international women rights normative framework. At a conceptual level, their political strategy reconciled long-standing debates that oppose multiculturalism and gender equality (Okin 1999; Benhabib 2002; Song 2007), almost seamlessly weaving gender into culture.

Invoking international law was enough to successfully pressure the state. The women's group presented formal letters requesting the Constitutional Assembly to integrate international language on gender parity and equality into six Articles on collective rights (Art. 1, 9, 10, 16, 17, 22). Inspired by CEDAW, their phrasing required indigenous culture to “eliminate all forms of discrimination and violence against girls,

teens, and adult women” (Art.26). They insisted on explicit wording referring to gender equality to be integrated throughout the new constitution. Three Articles now included gender-specific language to secure women’s equal participation. The new text on the recognition of judicial autonomy over ancestral territories (Art 171) requires the “guarantee of women’s participation and decision-making.” Gender parity was also added in Articles on collective rights and culture. After much insistence from Kichwa women, the long Article 57 on the collective rights of indigenous peoples was complemented with one final line: “The State will guarantee the application of those collective rights without any discrimination, in conditions of equality and equity between women and men.”

The significance of Kichwa women political activism around human rights is manifold, notably showing the complementarity, rather than incompatibility, between universal women’s rights and collective rights to culture. At least two considerations are worth stressing in the intent to emphasize the internationalism of indigenous politics. First, indigenous peoples make regular and extensive use of international norms and organizations in their daily politics. As local and traditional as they may be, indigenous experiences reveal a sophisticated use of international law. Kichwa women successfully engaged international law to make indigenous justice accountable to women’s rights. This use of international law is rather relevant in a country where half the population is of indigenous descent. It shows the local relevance of international treaties and the savvy internationalism of so-called traditional societies.

Second, indigenous politics are not only adapting international norms instrumentally but shaping international practice as well. The women of Chimborazo may

have been pursuing local justice, but as they instrumentalized national and international politics, they redefined the ladder of legal accountability from global to local. They made local, indigenous forms of justice accountable to international human rights law. State jurisdiction was used only to formalize the new legal arrangement between indigenous and global law. It is as if the state was engaged as a third party to bear witness of indigenous international responsibilities. Their policy proposal emerged within vernacular indigenous contexts, yet resulted in politically and intellectually far-reaching legal reform. It is not only that the Ecuadorian Constitution became the first across the Americas to explicitly require women's full participation and decision-making in collective and cultural rights, but also that the state became a mediator recording legal accountability between subnational, autonomous jurisdictions and the global system of human rights. In so doing, the national state recognized even further the legal sovereignty of indigenous systems of justice, validating their legal accountability in the international arena as well. In that sense, framing collective rights in relation to international norms of gender parity reformed much more than the rights of indigenous women. It expanded the legal sovereignty of indigenous groups beyond the nation's borders to make them directly accountable –and subjects— to international law.

The experience of indigenous women in Ecuador demonstrates how local interests use the international to undermine the legal authority of the state. This case study illustrates what the international looks like “within” and “beyond” the state when we redirect our gaze. It also unveils the far-reaching impact of indigenous women politics beyond Ecuador. Their political strategies situate global politics within indigenous

geographies, providing a practical roadmap to develop legal sovereignties beyond a state-centered politics.

3. Dislocating legal sovereignty, native style

The practices of indigenous women in Ecuador contribute to rethinking sovereignty beyond state-centrism. The triangulation of legal authority between subnational, national, and international legalities indicates scales of sovereignty at once competing, complementary, and overlapping. This triad needs not undermine the state fully, but it does blur borders between international and vernacular forms of governance, while also pointing to alternative spheres of sovereignty within the nation-state.

The articulation of legal authority between domestic law, international norms, and indigenous justice reveals a multi-layered, complex practice of sovereignties beyond the state. In the process, indigenous politics dislodge legal sovereignty away from the state, relocating it among indigenous, autonomous actors. Given this, indigenous dynamics of sovereignty may be compared to European supranationalism, as each bring equally important, if distinct, changes to practices of statehood and global governance.

Indigenous women's politics exposes the concomitance of three scales of legal authority- indigenous, national, and international- each encompassing a jurisdiction of its own. Kichwa women triangulated legal strategies as a bank shot on a billiard table. They used international law to aim at the state in order to expand the legal autonomy—and sovereignty—of indigenous justice. They triangulated through international and national authorities to hit their target at the subnational level. Their strategies conceive state sovereignty not as an end, but as a means to strengthen the international accountability of

indigenous spaces. The global normative system provides a source for claims of universally legitimate rights, whereas the state is the vehicle to codify indigenous women's rights as aspects of autonomous indigenous jurisdiction.

Two points are key here. First, this articulation of multiple scales of legal authority makes the homogenous form of state sovereignty obsolete. Second, indigenous women's political agility in maneuvering three systems of justice reveals their potential complementarity. International norms, state constitutions, and autonomous systems of justice co-exist as complementary sources of rights, inspiring possibilities of sovereignty in the plural. Women triangulate accountabilities to compensate for gaps in judicial jurisdiction at any level. Jurisdictions represent different political realms, priorities, and enforcement capabilities. They are nonetheless concomitant and inter-related. The ensuing connection of legal authorities shows that placing these three sets of sovereignties into dialogue is one way to expand rights. If this legal triad indicates multiple holders of legal sovereignty, it inevitably destabilizes ideas that conceive all states as having equal sovereignty over their territories (in relation to one another) as well as all state territories to be exclusive jurisdictions with "territorial integrity." For example, it challenges Carl Schmitt's (2006) notion of juridical exception as the core ingredient of sovereignty. Schmitt famously identifies the autonomy of the political through the concept of sovereign exception- sovereignty lies not merely in the making of rules, but in the making of the exception. By contrast with Schmitt, here international norms are being used to strengthen alternative states of exception. These are not merely subnational sovereignties but indigenous ones, which are intrinsically foreign to the state-system. In that sense, the emergence of indigenous legalities accountable to global norms

calls for conceptual reconfigurations of sovereignty, which ceases to be a legal monopoly of states. Such processes symbolize the possibility of partially autonomous, competing authorities within the state itself. They reframe sovereignty as plural, with inside and outside poles containing unequal, varying sets of competences, and a multiplicity of geographies unbounded by state borders. When Kichwa women enshrine global rights into indigenous contexts, they are validating alternative sovereignties independent from the Ecuadorian state. This redistribution of sovereignty within state borders points at innovative forms of stateness at large.

My analysis indicates that processes taking place deep inside indigenous geographies are also part of global re-assemblages- even if they tend to be constructed as unrelated to world politics- because they reflect and reshape international systems and meanings. Saskia Sassen's (2008) work exposes how global transformations are dislodging national capabilities. She warns that these reconfigurations cannot be fully understood if studied solely on a global scale, without peering within them to examine dynamics at play in the local. The morphology of states- and the relations among them- has been complicated by political re-assemblages that take place from the international to subnational levels. Kichwa women in Ecuador are provoking re-assemblages of authority in geographically complex ways beyond the nation-state. Indigenous self-determination encompasses a process of judicial denationalization that challenges the association between sovereign authority and territory. Indigenous justice is international because it is validated by global systems of meaning but also because it consists in a deterritorialized practice of justice. This is one of the reasons why the coordination of fluid indigenous systems and the rigid, territorially-bound ordinary state justice remains a core challenge

of plurinational states. This chapter suggests that indigenous politics of self-determination are one of the place-makings where sovereignty is obliged to reinvent itself. Indigenous autonomy does not represent the end of the state, which, as Dipesh Chakrabarty (2000) posits, is indispensable. It does, however, imply a reconfiguration of its authority, calling, by consequent, for further conceptualization of shared forms of sovereignty. As legal authority migrates to non-state actors at subnational levels, it dethrones a core assumption of sovereignty: the state's exclusive jurisdiction over its territory. In the juridical exception it acknowledges, indigenous justice gains growing relevance for theories of sovereignty. The conceptual complexity stems from the fact that indigenous systems of justice carve out a state of exception authorized by the sovereign state itself. If indigenous justice is granted the right of juridical exception, it is no longer fully contained by or subordinate to the state. Sheryl Lightfoot (2010) sees indigenous rights implying critical changes to the Westphalian system, opening up a plurinational practice where sovereignty is shared between states and indigenous peoples. It might not be possible to claim full sovereignty, yet indigenous justice systems as they now stand in Latin America enable *de facto* states of exception in Schmitt's most fundamental sense. When Ecuador's 1998 Constitution recognized indigenous justice, it implicitly recognized the authority of the 13 indigenous peoples and nationalities comprised within its borders. This is no flat multiculturalism that allows for various identities. Rather, the constitution permits the co-existence of various autonomous systems of justice that reveal layers of authority within a state plural in more than one way. Contemporary approaches to world politics are therefore saddled with understandings of sovereignty that do not correspond to life-worlds at play in shaping state formation on the political periphery of

the world-system. Indeed, indigenous politics in Latin America support notions that sovereignty is not inherently territorial or invariantly state-based. It is precisely because of the threat it represents to sovereignty that self-determination is intensely resisted by states in global negotiations. In fact, the UN Decade for Indigenous Peoples was unable to reach consensus to produce an international treaty precisely for this reason, and the Declaration became the longest debated treaty in UN history. Indigenous justice does entail a sphere of authority autonomous from the states, but it does not necessarily undermine conventional sovereignty. It does, however, complicate it. States may remain the repositories of sovereign authority, but their once exclusive claim on legal exception can be captured and used by others.

Telling the story of Kichwa women shows what configurations of sovereignty by global re-assemblages may actually look like in practice. The blossoming of systems of indigenous justice and their accountability to international regimes implies significant reconfigurations of legal sovereignty beyond Latin America. Europeanists have approached the reconfiguration of state sovereignty from above, through a relocation of state authority to the supranational of the European Union (EU). Jürgen Habermas (2001) saw this “disempowerment” of the nation-state through supranational institutions as a path to move toward a post-national constellation beyond sovereignty (2001:81). Others have championed the role of sub-state regions in such a supranational framework. Proponents of global governance defended the role of international treaties in the design and implementation of an international domestic policy (Archibugui and Held 1995). These epistemic communities suggest a dynamic picture of political interactions *among* political processes that persist at national, international, and global levels. Just like

Europe has contributed a practice of what a world politics after the nation-state may look like, Latin America is contributing alternative perspectives of its own—from below.

Taking ethno-politics into account when considering a post-national constellation permits to discern the possibility of equivalent dynamics within the state. Whereas the EU has provoked re-assemblages of legal sovereignty toward supranational institutions, indigenous justice in Latin America is generating re-assemblages of legal sovereignty to political spheres contained by the state but significantly independent from it. In the case of the EU, state sovereignty was relocated from above, whereas in Ecuador legal sovereignty is being relocated from below. Indigenous self-determination is critical to apprehend international relations because such processes unveil alternative paths for rethinking the essence and silhouette of the state, the quintessential subject of analysis of the field of IR.

Both views claim that fragments of sovereignty are migrating away from the state. The dynamics of European supranationalism are in a sense very similar, if opposite, to those triggered by indigenous politics in Latin America. The EU orchestrated a progressive dismantlement of state sovereignty from above, gaining authority over financial policy, currency, and legal codes. In Latin America, the proliferation of legal pluralism forces a similar relocation of state authority, except that it is directed inwardly along local and ethnic lines rather than taking a supranational format. This enables pockets or zones of sovereignty to materialize within the state, exposing a redistribution of legal sovereignty to non-state actors that stand at once within and beyond. Yet most approaches in international relations look outside and above the state and fail to consider ethnographic approaches that entail complex renegotiations of state authority. Rare are

the scholars who identify indigeneity as an intrinsically international site of contestation. But here we see how an indigenous gaze from below/within/beyond, observes how the spatiality of power is altered not only by supranational dynamics but also by indigenous positionalities within its borders but beyond its authority.

My purpose in paying particular attention to the migration of sovereignty is to underscore the conceptual importance of indigeneity for the study of IR. Indigenous politics should not be misconceived as a merely “cultural” antidote. While cultural considerations exist, ethnicity has evolved into a political resource (Comaroffs 2009) that shapes international organizations (Morgan 2011) as well as the state (Sierra 2005). Indigenous legal autonomy, a milestone in the recognition of self-determination, is related to redesigning the content and silhouette of state authority. It is in that sense a crucial element in global politics that scholars cannot afford to ignore if they are trying to explain the world we live in.

Conclusion

Attention to indigeneity is valuable to international relations because it empowers new forms of critical inquiry. The contributions of indigenous ways of worlding are at least twofold. First, engaging ethnographic perspectives makes visible ways of doing international relations beyond Westphalia that tend to be left unseen. Second, indigenous experiences destabilize assumptions about what constitutes the international. Indigeneity is a key category of analysis to disrupt state-centrism. In particular, it is a strategic site from which to develop counter-narratives that trespass disciplinary boundaries. The story of ‘postnational neighborhoods’ (Chatterjee 2010:167) in the Andean highlands of

Ecuador shows what sovereignty may actually look like when detached from the state. If indigenous justice is to be understood as a form of vernacular authority autonomous from the state, perhaps sovereignty is to be reimagined as multiple and plural. Such insights into re-arrangements of legal authority taking place in regions of Latin America provide useful examples that redefine the locus of sovereignty at large. Contemporary indigenous movements dispute the overlap of law and power -*potestas legibus solute*. Their struggles echo the words of Hannah Arendt: “no revolution ever succeeded ... so long as the authority of the body politic was truly intact” (Arendt 1963:141).

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