THE FUTURE OF THE NATION STATE: NATIONALISM AND INDIGENOUS PEOPLES REVIVAL IN THE AMERICAS

We do not believe, we fear.
We fear the weather spirit of earth,
that we must fight against
to wrest our food from land and sea.

We fear dearth and hunger
in cold snow huts (…)
We fear the sickness that we meet
with the daily all around us;
not death but suffering.

We fear the evil spirits of life,
those of the air, of the sea and the earth,
that can help wicked shamans to harm
their fellow men.

We fear the souls of dead human beings
and of the animals we have killed (…)

Elder Aria
Posted at the Inuit Art Exhibition
Art Gallery of Ontario (AGO)
Toronto, July 2000.

FTAA and the Babel Tower

Does the old yearning of the American union appear not to be very far? If the FTAA is made a reality beyond the year 2005, America will become a market of about 800 million people; 170 million speak Lusitanian, 320 million speak the language of Shakespeare, 15 million speak the language of Rousseau and 300 million that of Cervantes.

In this way, a confederation of economic interests will have been created; one that will pick up the Bolivarian dream, the yearning of Morazán and the postulates of the Monroe doctrine (Almendrades)[1]. Is this integration initiative affected by the risks of building a big Babel Tower in the Americas at the beginning of the 21st century? Facing this potential reality it is but disturbing to wonder about the future of the unknown and even the well-known ethnic groups of the region. Will these people be integrated under the new outline, or will they be excluded once more?

With so many questions arising, why should we have enough candor to believe and have trust in the FTAA initiative? Aren´t there enough reasons and factors that make us feel fearful and untrustworthy about such initiative? Our commitment through this essay is to create more questions and to try some answers and proposals there where it can be possible, considering the

---

[1] (...) Centre for Trade Policy and Law (2000). Almendrades, H. *De la Tierra del Fuego a la Tierra del Hielo.* University of Ottawa; http://www.camaralima.org.pe/alcaperu/art-may00.htm

reflection about conflict, nation state and indigenous people's revival as the "Leitmotiv" for this exploration.

Thinking about "future" in an "a-chronological" world?

It is not easy to refer now to the "future of the nation-state", hardly having begun the new millennium and simultaneously attempting a vision of the nationalism and the resurgence of the indigenous people in the Americas. The notion of "future" has even been notably affected by the "here and now" that characterizes globalization and the technological paraphernalia of our days. Now we evolve in real time by reason of the computer revolution. A new conception of time is coming out to light by means of which everything is drained in a kind of "a-chronological present".

This "virtual" revolution, whose political and social effects are still unknown, turns out to be completely different, compared with the industrial revolution of the XIX century. It has propitiated diverse uncertainties during the last years and after the emergence of quanta physics. But it has also brought us multidirectional and geometrical advances in human knowledge. This is the way in which the synergic virtual world is getting configured. We can feel the opening of a range of dimensions before unimaginable. This relatively recent process is only comparable with the appearance of electricity, phenomena that contributed to erase the separation among people, separation that was introduced many centuries before due to the invention of printing and the consolidation of the classic individualism in the figure of the "typographic man" (McLuhan)[2].

Nation-State, occidental creation?

On the other hand, to seek the analysis of the concept of nation-state comprises a big effort that exceeds our real possibilities. It means to think about one horizon of two thousand years of western history and diverse environments of knowledge. It is not very different the case of the indigenous matter, where we are navigating in an ocean of millennial, ancestral and even visceral experiences, whose roots literally get lost in the night of times.

It is necessary to wonder if the traditional nation-state concept will stay unbeatable. To our understanding, the answer to this question is no. Seemingly the processes of hemispheric and regional integration comprises a broader conception of the world and, in particular, of the nation-state idea, where we cannot avoid to refer to the crisis of "rationalism" and the rise of new tendencies and theories of knowledge. Nor can we avoid taking into account, from this perspective, the impact of the First and Second World Wars in the field of humanities, technology and in the new international juridical order, which with no doubt provides the formal and juridical mechanisms for the integration initiatives around the globe.

Hence, the nation-state concept, so impregnated of "modernity"[3] and occidental values during the last centuries, has been superlatively affected in the Western Hemisphere by the historical events

[2] Nugent, G. (1999) *Alegrías Inconstantes. Sobre Individualismo y globalización.* In: Cultura y Globalización. Red para el Desarrollo de las Ciencias Sociales en el Perú. Lima – Perú; p. 341.
[3] The relation between "modernity", "rationalism" and "rationality" is undeniable, we agree with Giusti: *"...modernity is understood as the conceptual characterization of a time, as long as it would represent a*

of the last fifty years. It is necessary to highlight that the "postmodernism" also arrived and is part of the conceptual structure of the nation-state. We can observe that at the current stage of history, even the basements for the thesis of the "end of history" have been outlined and sustained. And in the political field some authors agree with the thesis of the so-called "third way"[4]; neither to the left, nor to the right; while other choose the "green" position, understanding that in the global world diverse environmental issues and problems are now priority.

Nation-State, Integration and Globalization

The truth is that in this new millennium we observe diverse integration structures and models that arise or consolidate having the current global horizon as background and challenging once again concepts like sovereignty and the fundamental components of the nation-state. Such concepts were characterized by traditional juridical-constitutional elements, while today they are decreased through diverse situations to mere queries many times without proper answers arising from the fields of the political theory.

At the same time the idea that everything is connected and that the world is "on line" grows and gains strength and nobody knows exactly which will be the impact of this "on line" trend in the so-called process of deconstruction of the beforementioned concepts. For sure FTAA is not an exception in this trend of integration and exclusion.

Perhaps before wondering about the future of the nation-state, it would be pertinent to wonder if we are prepared for the global challenge that involves and commits America in the current hour. We reiterate the necessity to get ready to respond to bigger queries that affect us "humanly", although our tools to find answers will probably be located in the field of what we already know: our paradigms, the outlines upon which we learn, maintain convictions within a machinery of multidisciplinary knowledge. In fact, paradigms that are not necessary and useful to manage this permanently changing reality.

The State, "necessary" evil?

Although this is happening in the universe of concepts and ideas, but it seems that in fact we still need the states; not only to provide us order and administration capacity in the domestic sphere, but also to achieve for the humanity the mechanisms for international cooperation and integration.

---

model of civilization with universal pretenses. (…) The pattern would be encouraged by the prevalence of the " rationality " –understood as the subjective human rationality - in all the environments of knowledge and of reality: the only acceptable knowledge is scientific, the social order is established by the decision of free and equal individuals, the political order obtains its genuineness from popular sovereignty, the economic order rests on the value of work and the productive profitability, the juridical order only recognizes rationally justifiable laws, art is governed by "subjective" canons (i.e., determined by man's aesthetic perception), and, in all cases, the domain of rationality is exercised by means of the practical application of scientific knowledge, that is to say, by technological development." Giusti, M (1999) *Alas y Raíces Ensayos sobre Ética y Modernidad, 2nd Edition.* Lima, Pontificia Universidad Católica del Perú, Fondo Editorial; p. 273. (free translation)
[4] Cfr. Giddens, Anthony (1999) *La Tercera Vía, La Renovación de la Socialdemocracia.* Ediciones Taurus, Madrid-España

In some way the state is in fact a "necessary evil", which should be valued positively in these times of change.

Concerning this we consider very interesting to recall a contemporary European point of view through the words of Richard Von Weizsäcker, during the German reunification state ceremony on October 3, 1990: *"The nation state is not in decline. To believe, however, that we could master the future with the nation state, would mean to think in terms of the past. Nation states can no longer solve their crucial problems alone. Modern systems do not think and function on a national scale. This applies to the areas of security and ecology, economy and energy, transportation and telecommunications, search and science. In our times sovereignty can only mean participation in the international community of states."* [5]

Let us then recognize without hesitation that the state as well as the concept of nation is changing drastically, especially during the last two centuries; in a process that clearly is perceived as uncertain[6] but characterized by participation and cooperation. From this perspective, globalization means in fact more changes, a permanent effort of creativity and, principally, a human vision of diverse simultaneous realities. Here, being able to satisfy the communication necessities and the need of cultural exchange has become a great challenge, if we consider the simultaneous coexistence of so diverse and parallel worlds.

Nation-State, exclusion and contemporary "dehumanizing" process

But this vision is not free from the "dehumanizing" risk that is also gestating the so-called "on line" virtual world[7], by giving us the impression that we are integrated when in fact we are not. Therefore let's not overstate the real value of Internet and the cibertools. We should also recognize that while the restlessness, debates and conceptual changes are configured in the cosmopolitan and global intellectuality of the orb, on the other hand, the indigenous reality stays and maintains aside from such debates in a large part of the American territories. Moreover and

---

[5] http://www.fb1.uni-siegen.de/ifer/ir/voigt-t.htm

[6] On this matter, Cooper states that the state-nation has survived to self-destruction through international anarchy, asking what comes next? Also stating that it is inevitable that the state-nation face realities and questions: 1) In a world where the international markets are more important than national markets, is it pertinent that the national states play an important role? 2) As the people increase their education and welfare their conscience of their respective national identities is strengthened, weakening the possibility of maintaining themselves in organization structures based on criteria from the XIX century. Therefore, a wide range of secessionist movements are currently appearing, upholding the generation of local autonomies, not only in Europe but also in other continents. 3) Is the communitarian sense in which nations are based sustainable, in secular societies organized with a radical emphasis on individualism? (Cooper, Robert. (1999) *21st Century Trust. The Historical Development of the Nation-State and Some Questions About Its Future.* Senior Fellow's Paper for The Future of the Nation State Klingenthal Castle, 18-26 June 1999).

[7] Adler refers to this problem when analyzing the Chiapas situation from the real and virtual perspective: *"We have seen that in a variety of different ways, Chiapas solidarity activists have come to depend on the internet to keep themselves informed and to guide their political activities. To a great extent, this technology has facilitated the international effort to support courageous and highly vulnerable people who are struggling for their rights. However, rather than linking people in ways that strengthen their capacity to influence events, internet activism sometimes creates an illusion of connectedness and political effectiveness where little exists."* Adler, J. (…) *Real and Virtual Chiapas: Magic Realism and Left.* http://www.yorku.ca/org/socreg/hellman.txt; p. 14.

on the other side, many of the secrets, knowledge and archaic values of the millennial cultures of the region have hardly been studied, while diverse ethnic groups have been secularly excluded of the western "modernization" process.

The popular "overflow", "mega-cities", social tension and exclusion

Therefore we observe a clear divorce between ancient and modern/postmodern cultures, a contemporary drama and a permanent source of conflict with a worrisome increasing tendency. This is perceivable, for example, in the remarkable breach that exists among the urban and rural worlds[8], especially in the countries of Central and South America.

This can also be seen –for example- inside the urban reality and soon after the migration processes of rural populations that took place through decades and started in the beginning of the fifties in Peru[9]. Here we can identify an entire social and economic universe understood under the denomination of "informal economy"[10]. This reality is decisive for a better understanding of the concept of nation-state in Latinamerica and decisive for a better understanding of the economic and social future of the countries that are in similar situation or living the same dynamics in the world.

Those dynamics demonstrate permanent tension and exclusion among the rural thing and the urban thing, the city and the indigenous thing, giving place to new cultural phenomena and tendencies in the social customs. All these happens in an environment where the social conflict is a result, sometimes within a chaotic envelope of ethnic problems and rivalries, identity crisis, social segregation and different types of domination.

The so-called "informal economy" is born due to a series of historical and social reasons[11]. Nevertheless, such a phenomenon is a clear indication that all what identifies the traditional nation-state concept, including his institutional, organizational and juridical capacity, is insufficient and inefficient to the purpose of administering a permanently changing multi-layered human and social reality. Within these facts, the continuous migration of indigenous population to the main cities of the region and the public-private institutional lacks, are only some of the critical outcomes of the process.

---

[8] It should be noted that Perú has a total population of approximately 21 million inhabitants, of which one third lives in the city of Lima (seven million). Nearly 60% of the Peruvian economy is concentrated in the capital.

[9] It is important to highlight the role and effects of the migratory processes in Peru; understanding that they not only comprise internal migration but also the migration of citizens to diverse countries. Cfr. Nugent, J (1992) *El Laberinto de la Choledad*. Fundación Friedrich Ebert.

[10] It is estimated that 60% of the Peruvian economy is not "formal"; i.e. is not registered by the competent agencies of the Peruvian state regarding taxes or public records; among other characteristics, as the fact of "not existing" statistically or institutionally according to the legal framework of the country. This reality expands to different areas of economic activity, commerce, services, industry, etc. Hugo Neira registers it as a symptom of "informality" in Peru of the 80's: *"The expansion of informality, unexpected oxygen tank, replaces the space of the waged economy which is reduced, and those with secure employment, the formals, go from being 35% of the active economic population in 1981 to 10% in 1992"* Neira, H. (1996) *Hacia la Tercera Mitad Perú XVI-XX Ensayos de Relectura Herética*. Lima, Fondo Editorial SIDEA; p. 556.

[11] For further analysis see De Soto, H. (1986) *El otro sendero*. Lima, Ediciones El Barranco.

In fact, the final result means that the traditional models of state and municipal organization are now dramatically overflowed[12] by such realities, as a result of an over 30-year long process. Therefore, the breach between the formal thing and the informal thing also reaches the political and economical systems, impacting them through a sustained crisis of legitimacy, where the respect to law and to the constitution is not important any more. Such scenery explains –for example- the Fujimori phenomena in Peru during the nineties or –with other characteristics- the relatively recent Venezuelan "Chavism".

On the whole, we observe that in developing economies the public sector and the social policies are sustained on a tax basis provided by a few that can afford tributary charges. But this public sector has to serve a massive population, which is not able to pay taxes and to stay in the so-called "formal sector" of the economy. At the end, the state has always a limited capacity of fiscal expense which is characteristic of these deficitary economies.

This majority of the population, in turn, is not in aptitude to contribute economically by means of the corresponding taxation structure. Their contribution is concentrated at the micro community level, generally through participation in collective activities and primary exchange of goods and services. On the other hand, the fact of having access to formality is excessively onerous for this majority, creating a status quo that tends to expand massively to different fields.

This expansion brings the consolidation and development of an entire parallel economy and society, which is organized upon uses and customs before than being based upon laws within the formal legal system. The basic offer and the demand scheme impels this informal economy, but without available standardization systems that could allow homogenizing its operability, fostering the increase of its quality levels and without a sustained projection toward the future. In fact, in a kind of "anarchical laissez faire" that doesn't grant tidy sustainability.

We can affirm that this is the domestic panorama in diverse emergent economies, where many efforts of formalization have been undertaken during the last decade, especially after the Washington Consensus during the nineties. For this purpose, initiatives of diverse non-governmental organizations as well as initiatives of the State had been practiced. In such a way the bases of a new society are being gestated today especially in our mega-cities, in a process where the mark of violence and social exclusion are part of the daily reality.

Nation-State, cyberimperium, what´s next?

Before dealing with the concept of state, it suits to mention –as a foot note- that until recent centuries, the dominant powers of Eurasia were not nation-states but empires. Those where: The Celestial Empire ruled by the Ming dynasty, the Islamic Empire ruled by the Ottoman dynasty and the Catholic Empire ruled by the Hapsburg dynasty. They vied with each other for the possession

---

[12] For further análisis see Matos Mar, J. (1984) *Desborde popular y crisis del Estado.* Perú, Problema 21. Lima, IEP.

of the known world. Of the three, the Catholics were not the first imperialists but the last. (Perlman) [13]

According to this opinion, the nation-state is in any event insignificant as an historical reality through time, but compared to the reality of the empires before mentioned, those had been able to consolidate in big environments of the orb and during broader periods of time than any contemporary nation-state. It is necessary then to wonder if before asking about the future of the nation-state, we should better think about the ancient roots of empires and their possible reappearance in the current global anti-chronological and hyper-technified scenario. Are we attending to the gestation of the era of "cyber imperialism" or "virtual imperialism" in this new millennium?

The State, constituent elements and the International Law for Cooperation

Coming closer to the conceptual environment and returning to the traditional parameters of the western rationalism, the state is defined by Kant as *"the meeting of a multitude of men that live under the rule of law"* [14]. On the other hand, Hegel defined it as *"the performance of the ethical idea"* or *"the ethical substance aware of itself"* [15]. Additionally, it is necessary to mention Duguit who defines it as *"a human grouping fixed on a certain territory, where the strongest impose their will to the weak"* [16]. From the philosophy of law Del Vecchio states that *"we distinguish three constituent elements in the state: the people, the territory and the juridical bond"* [17].

Although the people and territory are understood as material elements in the traditional conception of state, the juridical bond that gives place to the modern state and the hegelian ethical dimension are the relevant elements to explain the future of the nation state, for the purpose of our essay. On the one side, because of its contractual dimension at an internal inter-institutional level and, on the other, because of its connecting and binding quality among the states through ethical proceedings exercised in the international arena.

Thus, after a long evolution, this binding and connecting quality gives place initially to the classic conception of international law for peaceful coexistence. This conception was wrought from the peace treaties, such as Westphalia 1648, Vienna 1815 and Versailles 1919[18], which by the way were insufficient to maintain the so yearned perpetual peace in the orb, since otherwise so many wars would not have taken place.

---

[13] Perlman, F. (1993) *The Continuing Appeal of Nationalism.* Anarchy: A journal of desire armed. No. 37, Summer 1993. Http://www.spunk.org/library/pubs/ajoda/37/sp000787.txt ; p.2.
[14] Del Vecchio, G. y Recasens, L. (1946) *Filosofía del Derecho.* México, Unión Tipográfica Editorial Hispano-Americana; p. 403.
[15] Ibid.
[16] Ibid.
[17] Ibid.
[18] Petersmann, H. (1997) *International Trade Law and the GATT/WTO Dispute Settlement System.* Studies in Transnational Economic Law, Volume 11. Kluwer Law; p. 5.

It is just with the Letter of the United Nations of 1945 and with the creation of the specialized agencies of this international organism that we see the formal birth of the International Law for Cooperation[19]. This law has been evolving drastically since the fall of the Berlin wall and the so-called end of the cold war. It constitutes the par excellence tool to contribute in the efforts to diminish the distances among the diverse worlds that compose the global village in the gamut of the integration agendas. The human security doctrine could be understood as part of the latter evolution of the international law for cooperation in the field of human rights.

State, Sovereignty, Subsidiarity and the Command of Law

We arrive this way to the necessity of maintaining a constant revision of the concept of sovereignty[20], that should also be understood as an historical concept that is characterized as being mutant throughout time. This trend gives way at the present time to the natural advance of subsidiarity (Jayasuriya)[21] as a principle for the interaction among the states in the extra-domestic environment. The concept of subsidiarity continues to express -and to raise- fundamental questions about the appropriate locus of political and legal authority within a complex and multiple-layered polity, which is situated within an increasingly interconnected international order (De Búrca)[22]. The concept of subsidiarity is actually included in the legal system of the European Union through the Amsterdam Treaty.

The state is then a main character of first order in the global scenario and in the local or domestic contexts; its evolution is characterized by the contrast between the national and international thing. We can verify that the diverse state definitions provide us a broad theoretic framework. On the other hand, if we analyze the relationship between sovereignty and globalization, we can affirm that there is no doubt that the process of globalization is transforming the traditional concept of sovereignty. That means that the conventional image of sovereignty associated with exclusive territorial jurisdiction is no longer theoretically or empirically serviceable in the face of the internationalization of economic and social activity[23].

History also contributes when it provides us the necessary background to understand the state assisted with the philosophical-political Greek, Roman and medieval tradition, including the

---

[19] Ibid.; p. 7.

[20] We share the statement made by Anand: "*Sovereign equality of States refers to two fundamental principles or norms of international law, namely, sovereignity and equality, which are really two sides of the same coin. In the absence of any supra-national body, all States claim to be sovereign subjecto to no one's authority both in their internal and external affairs. In fact, a State in order to be entitled to recognition as a State and a normal subject of international law, must be sovereign not only externally but internally as well. It must not only be independent of any other State but must also possess a sovereign government claiming and enjoying habitual obedience on the part of the bulk of the population.*" Anand, R.P. (1986) *Sovereign Equality of States in International Law.* Academie de Droit International. Recueil des Cours, collected courses of The Hague Academy of International Law, Tome 197 of the collection. Martinus Nijhoff Publishers; p. 22.

[21] Cfr. Jayasuriya, Kanishka (1999) *Globalization, Law and the Transformation of Sovreignty: The Emergence of Global Regulatory Goverance.* Indiana Journal of Global Legal Studies.

[22] De Búrca, Gráinne (…) *Reappraising Subsidiarity's Significance after Amsterdam.* European University Institute, Florence. deburca@datacomm.iue.it

[23] Jayasuriya, K. Ibid.

thinkers of the Enlightenment. They found basis on the Aristotelian conviction of value and *command of laws*, preferring them as a tool contributing to the satisfaction of the natural evolutionary aspirations in social life, rather than the platonic preference for *man's command*, as primordial volitional vehicle to warrant order and development (Petersmann)[24].

From this point of view, throughout centuries the theories that sustain the supremacy of the law above rulers and governed have been forged inside an outline characterized by an interesting dynamic. The more skepticism produced by man's selfish nature and its reduced probabilities of being able to establish benevolent governments, the more emphasis in the necessity of establishing mixed political classifications. This political classifications where builded with monochratic, oligochratic and/or democratic elements, such as the checks and balances mechanism developed with the King, the Upper House of Lords and the Lower House of Commons, in England, and as a consequence of the Bill of Rights of 1689[25].

The revival of Gianotti, importance of the juridical bond in the international arena

Donato Gianotti, who was preceded by Niccolò Machiavelli in the position of Secretary of the Council of Ten of the Florentine Republic, wrote the book *Republica Fiorentina* in 1530. It was perhaps the first western publication that emphasized the necessity to separate the powers of the State. It can be understood as the first effort to achieve a comprehensive constitutional reformation of a specific political order in the beginnings of "modernity", including the first political theoretical approach to international relations between states.

Plato had attempted it before with his unconcluded work *Nomoi*, of the year 347 before Christ and, also, Tomas Moro with his work *Utopia* of 1516. Gianotti based his thesis on four state functions: elections, foreign policy and security, legislation and jurisdiction. In the same way, he analyzed three stages for the political decision making process: 1) development of proposals, 2) deliberation and decision, 3) performance. By this way he generated the vision of the mixed state[26].

The postulates of Gianotti contrast with those of John Milton, when the latter analyzes and refers only to two functions of the state: the legislative and the executive. In turn, John Locke distinguishes three functions: legislative, executive and handling of foreign policy. Finally, as it is known, the classic theory prevailed shared by Montesquieu, Madison and Kant, on the separation of the powers of the state in legislative, executive and the judiciary. These theoretical constructions not necessary meant a clear orientation towards a comprehensive understanding of the importance of the international relations and their impact in the concept of State. Even more, international relations was not an important issue in the state concept developed by those thinkers, because the sovereignty idea was conceived and oriented to the internal or domestic control of territory and population.

---

[24] Petersmann, H. (1995) *The Transformation of the World Trading System through the 1994 Agreement Establishing the World Trade Organization.* European Journal of International Law, Volume 6. European University Institute; p. 162.
[25] Ibid.; p. 163.
[26] Ibid.

We have to underline that the classification of Gianotti was richer, realistic and better differentiated. However, it is hardly known[27] until our days. Perhaps the evolution of the modern state, its projection in the international environment and the concept of sovereignty would have been different if Gianotti's postulates had been taken into account as the leading theoretical base for the Modern State. Anyway, Gianotti recovers importance nowadays.

The innovation of Machiavelli, *raison d´etat* nowadays

From another perspective and considering that the evolution of the state harnessed the development of the idea of the State and the political practice; it is important to stand out that Machiavelli carried out a great innovation when introducing the concept of *raison d'etat* as a policy tool. The idea that the effective morals for the individual and its family environment is not necessarily applied to the states; justifying that behaviors like the use of lies, swindling and violence become necessary and normal for the states. These negative values began to already be part of the western political culture in the XVI century (Cooper)[28], especially after "The Prince".

Humanity allowed in this way many atrocities using the *raison d'etat*. Also, among others, the overpowering nationalism of the European and Slav-European mega-dictatorships of the 20th century and their rejectable genocide policies programmed and executed with industrial approaches for the sake of doubtful nationalist and political values or inspired by the presumed racial superiority of some over others.

The certain thing is that in this new millennium, the network of international agreements to which almost all states subscribe, has radically limited the freedom of action of the state and the wrong exercise of the *raison d´etat*. A good example that shows us the development of international law is the Rome Tribunal (International Penal Tribunal) and his foundational treaty, signed until now by 139 states, which means a vanguardist conception inspiring the application of international law[29]. Admittedly it would be possible for a state to tear up all treaties and unilaterally refuse to operate according with international agreements; but no state could gain by this within the international community and sooner or later it will receive the corresponding sanctions.

On the other hand, we can observe that in a world of apparently growing individualism there is growing sympathy for other individuals, which by the way shows the importance of the development of international relations in a moral environment. International news media can make events in distant lands dramatic and immediate. Against this background the morality of Machiavelli is no longer sustainable (Cooper) [30]. Any "neo-machiavellian" formula can't be exercised in the political arena without understanding the impact of morals in the international relations. This means that this formula is contradictory with the traditional Machiavellism, especially if we consider the contemporary necessity of considering the value of the moral thing in global politics.

---

[27] Ibid.
[28] Cfr.; Cooper, Op.cit.
[29] Cfr.; Comisión Andina de Juristas (2001) *La Corte Penal Internacional.* Lima-Perú.
[30] Cooper, Ibid.

Therefore the states around the world are not free from a net of international norms, as well as from self-regulatory mechanisms that allow us to recognize the presence of a global public opinion that is fed with information during 24 hours a day by the media. This contributes to the global process of communication and to build a transboundary public opinion. In practice, it also contributes to limit but not to eliminate the probabilities that abuses take place applying the *raison d'etat*.

Nobody can actually deny the impact of the media in the global community during operation Desert Storm or during the attacks of NATO on Yugoslavia, just to mention only two examples that clearly graphic the importance of the media. It is necessary to wonder if the participation of the media in these scenarios contributes or not to prevent the direct or indirect escalate of conflicts that is generated in these and other cases. Do the big news networks in the world really do efforts to promote a culture of peace for the benefit of an emergent global civilization?

As we can see, such high principles and values do not necessary motivate the media, as long as what is sold are daily news and the possibility of transmitting them in real time. Many times we can observe that the main objective consists on selling by means of satisfying the human atavistic curiosity; in this case: the appetite of the spectator or global consumer appertaining to a new version of the ancient Roman Circus. Within this outline, the psychosocial communication strategy of the media does not necessarily include the pacifying values needed at the present by the humanity, because those values have not always the desirable "selling power". Moreover, the corresponding unfolding and technological development is guided mainly by means of market indicators as a priority before the urgent humanitarian needs of the contemporary human community.

Sanguine bond, Juridical bond and nationality

Returning to the aspects that characterize the state definition, we explained the importance of the juridical bond, as an abstract internal factor of cohesion and element of international connection. The juridical bond is nothing but the abstract and rational result of the historic evolution of structures such as lineage and the forms of ancestry and descendant models in the basic human groups where the sanguine bond initially prevailed as a form of identification of the social group. This bond originally characterized –for example- the latin *gens* or the scottish *clan*, which –as we know- were early expressions of nationality.

Paradoxically, in the world and, henceforth, also in our region, there are fewer states than ethnic groups. Some authors distinguish between state-nation and native-nations, identifying less than 200 state-nations in the world, while there are registered over 3,000 native-nations. (Nietschmann) [31] For sure this implies another form of exclusion that should be globally analyzed.

---

[31] Becker, M. (1992) *Nationalism and Pluri-Nationalism in a Multi-Ethnic State: Indigenous Organizations in Ecuador.* University of Kansas, Lawrence. Presented to the Mid-America Conference on History, 17 - 19 September 1992, http://www.ukans.edu; p. 2.

Other authors inform that toward October of 1991 there were 162 state-nations duly acknowledged by United Nations, in which diverse ethnic minorities felt that they were not represented by those that exercised power over their own territory. To this feeling of exclusion we have to add that in the whole world, depending on the approaches that are used for diverse researches, there can be identified 10,000 'distinctive cultural groups'. (Hylland)[32]

The Scientific American journal offers other interesting figures on the same topic. Indeed, it details that many of the problems of the world are due to the fact that we count with nearly 5,000 ethnic groups, while only 190 countries existed. This demonstrates that very few states are ethnically homogeneous, while many, like in the case of the countries of the African continent, do not have an ethnic group that is majority[33].

The same magazine informs -September issue of 1998- that nearly 15 million people have been murdered in derived conflicts of ethnic violence since 1945. We can't assert that such a fact has generated a catalyzing effect in what refers to ethnic violence in the world. Which means that the ethnic violence already untied does not guarantee that later a decrease in the levels of this kind of violence will be produced. Among the recent worst cases of ethnic violence is the civil war in Rwanda that in 1994 caused about a million deaths and three million refugees, as well as the communal fights in India in 1947, that caused hundred of thousands of dead and twelve million refugees[34].

Nationalism, the types

Then there are diverse classifications to explain the types of nationalism and no homogeneous information about the real number and types of ethnic groups in the world. Other authors explain the difference among the political or civic nationalism as opposed to cultural nationalism. The political or civic nationalism refers mainly to the individual's rights and is based on a cosmopolitan and rationalist conception of the nation in which the properly educated individuals are united by common laws, among other factors. (Dikötter)[35]

On the other hand, cultural nationalism starts from the supposition that a nation comprises a distinctive civilization based on a sole history, culture and territory. In accordance with the cultural nationalists, nations are not only political units but also organic entities that have been endowed with unique individuality to be preserved and stored by its members. This is how in cultural nationalism, nature and history are passions that unite the individual with their nation, beyond the mere common consent or the law, as in the case of the political or civic nationalism[36].

---

[30] Hylland, T. (1991) *Languages at the margins of modernity. Linguistic minorities and the nation-state,* International Peace Research Institute, Oslo (PRIO), PRIO Reports # 5; p. 3.
[33] Scientific American (1998) *Ethnic Groups in the World.* September 1998,
http://www.sciam.com/1998/0998issue ; p. 2.
[34] Ibid.
[35] Dikötter, F. (…) *Culture, Race and Nation: The Formation of National Identity in Twentieth Century China.* Journal of International Affairs, Contemporary China.
http://www.columbia.edu/cu/sipa/PUBS/JOURNAL/Dikotter.html
[36] Ibid.

A third category is racial nationalism[37], that represents the nation as a unique entity endowed with a cosmology, a common history and a particular culture that is characterized, above all, by a "pseudo biological" identity united by bonds of blood. Under the racial nationalism, the cultural aspect would pass to a second level, granting relevance to a supposed common biological essence based on the line of paternal or maternal descendants. This type of nationalism could help us to explain the "Indian" or "indigenous nationalism" that we can find in the Americas. This of course doesn´t mean that this type of nationalism doesn´t have elements of the other types. However, the characteristic feature of nationalism is that, in fact, the different types before described are overlapped and interlaced in a complex network, which is globally extended.

While in continental China and during the post Tiananmen era[38] racial nationalism is developed, we can see that cultural nationalism demonstrates to have had special characteristic in the history of Latin America. Rather than being a force to maintain racist political regimes, nationalism propitiated in Latin America diverse political and social changes.

This was the case of General Augusto Sandino in Nicaragua 1920, as well as of the followers of the Sandinista revolution of 1980. In this case nationalism was not only presented as an uniting ideology against the 'imperialist aggression', but also contributed to the necessary social cohesion to construct a new national identity (Becker)[39]. The hemispheric integration agenda should consider the positive side of cultural nationalism, understanding this means to prevent conflict and foster a better understanding of the diverse national identities included in the process.

The "threat" of nationalism

Other situations can also be mentioned, as the sequel of the disintegration of the former Union of Soviet Socialist Republics and the resurgence of the corresponding nationalism in diverse regions. Once the soviet socialism collapsed, the radical, paneslavic, authoritarian and expansionary nationalism acquired an impressive force that competes with the former communists[40]. Something similar happened in the former Yugoslavia and the successive conflicts that finally ended in the unusual intervention of NATO, generating an also unusual precedent in international law matters.

In the era after the fall of the Berlin Wall, the political conception of the bipolar world has also fallen. For some authors like Noam Chomsky and Samuel Huntington, nationalists and their ideas have become the new threat for those that were supposedly leading the international chessboard in the west[41]. Of course, indigenous nationalism shouldn´t be considered in this category. Even more, indigenous nationalism is threatened now by western culture and economy.

---

[37] Ibid.
[38] Ibid.
[39] Becker, Ob. Cit; p.3.
[40] Arias Quincot, C. (2000) *Clinton y Putin: diferencias profundas.* In: Diario El Peruano, 7/6/2000, Lima-Perú; p. 11.
[41] Chomsky, N. (1990 - 1992) *Deterring Democracy.Chapter Five: The Post-Cold War Era, Z Magazine, March - November 1990.* South End Press. Http://www.zmag.org/chomsky/dd/dd-c05-s01.html

Let us observe that the fall of the wall was carried out peacefully, marking what we hope will be the big revolutions of our time. However, we all are aware of the multiplicity of factors involved in such an important historical event. It makes of the fall of the wall a symbol of early globalization.

It is undeniable that the process lived in the world after the fall of the Wall has given place to the resurgence of nationalism in many different places. This phenomenon is presented also in a violent way and there are very few cases in which this is not the case. The sub-Saharan Africa is the region with the most uncompromising ethnic rivalries; it has 1,300 linguistic groups distributed in only 42 countries whose frontiers were imposed by the colonialist powers without taking these ethnic groups into account[42].

Another interesting example is found in the Peruvian amazon region. Here we can find more than a hundred ethnic groups geographically distributed. The first scientific studies about this reality go back to the end of the decade of 1960 and beginnings of 1970. From these studies arises the thesis that such ethnic groups were not part of the precolonial Inca hegemony and had their own traditions and identity. Additionally, it is necessary to remember that at the Andean level and in the southern part of the country, the Quechua and Aymara ethnic groups, among others, coexist; being the former identified inside high-Peruvian frontiers, while the latter in high-Bolivian frontiers.

On the other hand, in what refers to the northern region of Peru, the Incas had brought a level of social, political and economic organization to Ecuador that preserved individual cultural identities and facilitated inter-ethnic communication and social cohesion, which foreshadowed the twentieth-century pan-Indian movements. Therefore there is an even deeper and stronger tradition of resistance against outside encroachment in the Amazonian region shared by Ecuador and Peru[43] than in other regions of the Andean countries.

It is probably due to the fact that the Inca administration system granted greater importance to the Andes mountainrange as a strategically vertebral structure that allowed the connection among the diverse geologic floors of the region. As a testimony of this there are the famous and centenary old Inca ways that have been rediscovered recently and that follow the mountainous chain, connecting diverse regions and ecological floors of the continent.

Indigenous, is there a proper definition available?

About the questions concerning the indigenous theme, Harold Orbach attempts a definition of indigenous: "*As to the meaning of "indigenous", I believe this is a "political" term with no clear scientific meaning today. It appears to signify "original" inhabitants when western colonial powers arrive to colonize/conquer/rule some other area. It also appears to apply largely to technically primitive peoples -preliterate, often pre-mental culture and of small population size.*"[44]

---

[42] Scientific American, Ibid.; p.1.
[43] Becker. Ibid.
[44] Riggs, F. (1998) *Who's Indigenous?*. http://www2.hawaii.edu/~fredr/indig.htm. p. 4.

Likewise, we have the famous Jose Martinez Cobo definition: *"Indigenous Populations are composed of the existing descendants of the peoples who inhabited the present territory of a country (autochthonous) wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial situation (…)"* [45]

It´s especially difficult to stick to any definition of what is the meaning of indigenous. It fits to keep in mind that inside the outline of international law for cooperation some important advances have taken place already on the matter, which implies a conceptual elaboration that has allowed these developments since the 1980s. Such is the case of the Convention 169 of the ILO (International Labour Organization), which refers in detail to the rights of the natives within international labour standarts.

Additionally, as it is known, the OAS (Organization of American States) is working in the development of the Proposed American Declaration on the Rights of Indigenous Populations, adopted in plenary session of June 7, 1999. Consequently, the topic is known in the environment of the new international law and it will have an important development during the next years.

It is convenient to analyze to what degree the indigenous reality is being taken into account in all its magnitude inside the new international economic order, especially through figures that should mean respect and consideration of foreigners or intruders to diverse ethnic groups about their identity and vital spaces. Historical facts of the last centuries demonstrate that unfortunately the lack of respect and consideration has been a constant in the beforementioned field of relations.

This analysis should take place especially because –for some authors- the negotiations for the hemispheric integration are carried out exclusively on the base of economic power and on the base of the political power (Almendrades)[46].

The power of indigenous groups

Should the FTAA agenda include the ethnic minorities and indigenous groups, considering them as a third force or power to take into account, in addition to the political and economic power? We are convinced that the answer to this question is yes, but an "enpowering" process is desirable to foster and give symmetry between powers within the integration process before 2005. The realities in our countries allow us to explain this need.

Such situations as –for example- the Chiapas crisis in Mexico, the Mishkito movement in Nicaragua, the Yanomami claims in Brasil and the recent political participation of indigenous movements in Ecuador, among other not less important situations, are powerful examples that allow us to say yes, there is a third power.

---

[45] Ibid.
[46] (...) Centre for Trade and Policy Law. Ibid.

In addition, we should consider the threatening reality meant by some extremely violent revolutionary initiatives that arised during the 1980s in Peru. Such is the case of Sendero Luminoso, which included a "postmaoist-postpolpotian" fundamentalist ideology mixed with ritual and "ethnorevolutionary" contents, which went far beyond the "foquismo" and the "guevarismo" of the sixties.

The Senderism concentrated in fact the identity of the revolutionary movement in the person of the paternal image of comrade 'Gonzalo", warname of Abimael Guzmán. He was the leader of Sendero Luminoso, supreme "Cosmokrator" of the revolution and abstract receiver of all the sacrifices offered and practiced by his revolutionary warriors through combat.

Paradoxically one of the stages of the Sendero war during the 1980s and the beginning of the 1990s was called "Del Campo a la Ciudad" (which means: mobilizing from the rural to the urban world). Nobody can deny that there is a parallel between this concept and the mobilization of informal economic forces in the "informal economy".

But let´s recognize that the different expressions of diverse revolutionary or 'pararevolutionary" forces in the region, –with or without indigenous contents-, have always to do with the deep human, social and economic problems, no matter how we explain them through ideology or theory.

This Latin American reality is characterized by the secular exclusion and domination practiced by some human groups with political and economic power, over others that don´t have such power. This entire situation is fostered by the profoundly increased breach between different social classes, many times explained as a dramatic heritage of colonial times, expressed nowadays through drastic contrasts. The fact is that a big percentage of the population in Latin America lives in poverty.

Because of ethical reasons, the integration agenda and the participation of civil society in the process have to include such issues within the formal framework of the international law for cooperation. Beyond whether the term indigenous is or not a political term, the certain thing is that the indigenous matter has to be politically expressed. This should happen not only in the domestic environment but also in the contemporary international context, because it´s more than a simple "exotic" issue, it´s a social issue.

Otherwise such types of exclusion will deter any initiative that could help to prevent the generation of ethnic conflicts in the Americas. Hence, in the nearest future, peace will not be easily available there where indigenous communities try to legitimately maintain their identity and vital spaces in the region. How does this process have an impact in the integration agenda?

On the other hand, it is important to recognize and to assume that the natives from all over the world, even the recently discovered ethnic groups in the amazon, are already inserted in the

general dynamics of the world integration (Llorens)[47]. Nobody can deny that because of the globalization trend, the world isn´t now as "big" it was as we perceived it only some years ago.

The Resolution No. 12/85; the *"Coordinadora de las Organizaciones Indigenas de la Cuenca Amazónica"*[48]

The hemispheric integration supposes a tendency to hegemonize the particularities that are represented by diverse ethnic groups. Of course, this it is not a peaceful and easy process, since one of the postulates on which the homogenizing effort is sustained is the belief that only one history exists in the world. This same history has always been considered as a paradigm, especially in the Western Hemisphere, where the histories or supposed individual prehistories corresponding to the diverse human groups had been suppressed.

Regrettably the universal history has been written taking as paradigm the particular history of some leading countries in detriment of others[49]. The respect and consideration for indigenous groups means to recognize the plural nature of each history and identity.

And not only in what refers to writing history, but also in what refers to the use of certain nomenclature. The typical example for this arises when we denominate as "Empire" some cultures or American civilizations like the Maya or Inka. Notwithstanding we know that this denomination has essentially a Roman Germanic origin and has nothing to do with the ancient roots and the ethnic essences that we can find in the American region. This literally means "exclusion through history".

Now we can state that all these genuine and particular elements corresponding to each ethnic group -that could be understood as "identity vehicles"-, are scarcely discovered until now, but are kept still alive by many ethnic groups. However, "exclusion through history" this is the classic way in which the history of diverse human groups has been recorded in the documents, presenting us the "official" history through occidental paradigms, which in fact means the negation of autochthonous collective identities.

We also find some tendencies to maintain the status quo and to transform the indigenous groups into a "live museum". It is what we can identify as another form of sieging the natives, either for scientific reasons or for reasons of cultural and tourism promotion[50]. In the exploitation of the denominated "industry without chimneys", we transform in many cases our tropical forests and its inhabitants into elements of a merchantable and exotic "cultural" scenery.

Another of the serious topics is the sequel that can come about from the development of initiatives that break the ecological balance in the respective natural habitats and resources of diverse ethnic

---

[47] Lloréns, J. *El sitio de los indígenas en el S.XXI.* In: Cultura y Globalización. Red para el Desarrollo de las Ciencias Sociales en el Perú. Lima-Perú; p. 141.
[48] Which can be translated as "Coordinator (group) of the Indigenous Organizations of the Amazonic Basin"
[49] Ibid.
[50] Ibid.

groups of the region. In such sense, there is in our countries a conception of development that still stays inside equivalent parameters to those of the industrial revolution of the XIX century.

That is to say, dominating nature, to depreciate it, to raze and, therefore, to drastically affect the future of the human groups that live in these spaces. All this without considering a broader vision of future where dignity and respect for the human being should be included.

Notwithstanding, some changes had been produced in the international arena, for example, the Interamerican Commission on Human Rights resolved the Case No. 7615 on march 5, 1985. This case was about the Human Rights of the Yanomami Indians and the Resolution No. 12/85 was based on the American Declaration on the Rights and Duties of Man. It´s interesting to cite an excerpt of the resolutory section:

(...) there is sufficient background information and evidence to conclude that, by reason of the failure of the Government of Brasil to take timely and effective measures in behalf of the Yanomami Indians, a situation has been produced that has resulted in violations, injury to them, to the following rights recognized in the American Declaration on the Rights and Duties of Man: the right to life, liberty, preservation of health and to well-being(...)[51]

This Resolution is a clear recognition of the human rights of an indigenous group within the legal framework of the International Law. On the other hand, the facts of the last 30 years show an increasing evolution in the field of indigenous organizations, which is not well known through the media and has not the same selling power of the FTAA news.

Since the 1970s Indian groups in Latin America have become more and more organized and active. In March 1984 five Indian organizations from the Amazonian countries of Bolivia, Brasil, Colombia, Ecuador and Perú founded an international organization: the *"Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica"*[52].

In July 1990 the representatives of 120 Indian nations met in Quito-Ecuador, to celebrate *"500 years of Indian Resistance"*[53]. All these facts show an interesting trend in the field of indigenous organization and mobilization and even in the field of the defense of their identity and their human rights.

Therefore nobody can now deny that the grassroots efforts of many indigenous groups is now combined with the effects of the Resolution No. 12/85 of the Interamerican Commission on Human Rights, that brought to the international law level the claims of these excluded human groups. The question is: what's next?, more conflict?, or more solidarity and cooperation among the diverse political forces engaged in the process?

Transformation of conflict and potential conflict

---

[51] http://www.wcl.american.edu/pub/humright/digest/inter-american(...)
[52] Varese, Stéfano 1996 "The Ethnopolitics of Indian Resistance in Latin America". *Latin American Perspectives,* 89(2); p.61.
[53] Ibid.

As can be seen, there are different sources for real or potential conflicts in the region. We still do not have integral tools to manage this daily changing reality. We consider that diverse valuable initiatives can be developed starting from the available framework of international law for cooperation, including grassroots work within civil society and promoting strategic decisions of governments. It is necessary then to distinguish four action axles that should be included in the integration agenda and that could help to transform conflict and potential conflict in the region:

The first axle, is the one that refers to the sovereign relationships among the states in the integration outline and with the purpose of developing a fluid and peaceful system for interaction, carrying out tasks for the prevention of possible overflows of political nationalism. Such the case of the agenda among Peru and Ecuador, Colombia and Venezuela, Chile and Argentina, among others.

The second of them, in the dynamics that takes place as a result of the domestic migratory processes and the generation of "mega-cities" in the countries of Latin America. Here the processes of formalization of the economy have to play a preponderant role in the dynamics between the rural thing and the urban thing. At this axle diverse domestic violence processes should be considered.

The third refers to the prevention of conflicts that could result from the recoveries of diverse existing ethnic groups in the region, whose identity should be respected and for which appropriate means of expression and organization should be available. By this way their potential exclusion should be transformed into an integration process as hemispheric civil society members.

The fourth refers to the indigenous matter in itself and regionally considered as a third power. This should be a permanent concern to allow the regional political expression of these groups, also considering that good part of the history in the region is to be written and that the hemispheric integration supposes the realization of activities of exploitation of natural resources and the development of infrastructure. This critically increases the possibilities of drastically affecting the habitat of the local ethnic groups, just as it is already happened with the Yanomami nation and with other ethnic groups of the region.

Conclusions

The traditional nation state shows technically a tendency to disappear. But structurally the nation state can be transformed through an ethical revolution, which can be pragmatically used as a political vehicle oriented to the promotion of development and solidarity, through the encouragement of integration policies. Those policies should take place with other similar operators and non-government agencies, all them organized in harmony with the economic regions of the hemispheric international arena.

Some legal and political limitations could be actually expected when the states are not willing to face the change implied by such actions. Many nation states will not easily avoid the possibility of leaving aside the traditional and rigid conception of sovereignty, which in fact impedes the positive dynamics beyond their own frontiers and beyond the singular *raison d´etat*.

Regardless of that, it is necessary to stand out and reiterate that the public initiative will be not enough, if it is not followed by multi sector efforts. Those efforts should help to promote democracy as the principal civilizing bond between the nations, including there the integration actions that have to be executed to eliminate the historic and systematic exclusion of indigenous groups in the hemispheric region.

Otherwise, the indigenous revival process that started in the 1980s will be characterized by increasing violence; especially if –like until now- the indigenous groups are not considered as a third force or part of the civil society in the integration agenda.

The institutional invigoration of such diverse sectors and of the public structures within the Latin-American countries is fundamental in the region. The future of the nation-state goes this way; at a regional level, we identify the development of subsidiarity as a possible form of interrelation and interaction between the entities and establishments of the diverse states and jurisdictions. This process will force the creation of the Communitary political structures of the Americas.

On the other hand -at the domestic level- we identify the necessary consolidation of democracy as an urgent priority that should grant governability, accountability and transparency in the countries of the region. This will serve as a catalyst factor that could help the political forces to reasonably deal with the profound gap that exists between the urban and the rural worlds. Concerning this conclusion, the Peruvian case is a dramatic example that should be analyzed in the domestic and in the international sphere.

Finally, it's necessary to strengthen the bond among the nations under the *"command of law"*. This should be done also through the pragmatic exercise of contemporary international law for cooperation, which now provides the international policy tools that could help to deter diverse exclusion forms, aiming to foster integration through democracy as a key factor without which any political, social and economic integration is possible.

The system of hemispheric integration should have a permanent unit of multinational/ethnical and political research, willing to work technically and with a clear vision towards the year 2005. This should be done in the four proposed conflict axles. Therefore, we will contribute to build the bases for the integral negotiation aimed to produce the mechanisms for a better understanding and management of conflict at a hemispheric level.

By this way we will assure the humanist administration of conflict in the region, reducing the probabilities of excluding communities and people in this apparently imminent process. Which in other words means: *to find answers to the origin of our fears*.

Ó*Franz Kundmüller*
Lima, January 2000 - Toronto, July 2000 - Lima, January 2001