

# Capacidad institucional etno-racial en América Latina. Estado de situación en el 2023<sup>1</sup>

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<https://dx.doi.org/10.5209/cgap.91996>

Received: 16/10/2023 • Accepted: 31/03/2024

**ES Resumen.** El objetivo es identificar el nivel de capacidad institucional etno-racial dirigida a la atención de pueblos indígenas y afrodescendientes en América Latina<sup>2</sup> al año 2023. Para ello, se revisa la literatura académica sobre capacidades institucionales y se determinan dimensiones de análisis, como la dimensión jurídico-normativa, organizativa, técnico-operativa y financiera. En términos metodológicos, se recopila información mediante una estrategia de análisis documental y se propone un instrumento de baremación. Finalmente, se determina el nivel de capacidad institucional etno-racial y se comparan los diecinueve Estados analizados, precisando aspectos de especial atención para las administraciones públicas.

**Palabras clave:** capacidad institucional; pueblos indígenas; pueblos afrodescendientes; etno-racial; etnicidad.

## EN Ethno-racial institutional capacity in Latin America. Status of situation in 2023

**EN Abstract.** The objective is to identify the level of ethno-racial institutional capacity directed to the attention of indigenous and Afro-descendant people in Latin America by 2023. For this, academic literature on institutional capacities is reviewed to determine four analytical dimensions: legal-regulatory, organizational, technical-operative, and financial. In methodological terms, information is collected through a documentary analysis strategy and a grading instrument is proposed. Finally, the level of ethno-racial institutional capacity of nineteen states is determined and compared, specifying aspects of special attention for public administrations.

**Keywords:** institutional capacity, indigenous people, afro-descendant people, ethno-racial, ethnicity.

**Summary:** 1. Introduction. 2. Theoretical framework. 3. Methodology. 4. Status of situation. 5. Results analysis. 6. Conclusions. 7. Bibliography.

**How to cite:** Tacuche Moreno, L. (2024). Capacidad institucional etno-racial en América Latina. Estado de situación en el 2023, en Cuadernos de Gobierno y Administración Pública 11(1), e91996. <https://dx.doi.org/10.5209/cgap.91996>

### 1. Introduction

As part of the process of deepening democracy, most of the world's States have adopted the Universal Declaration of Human Rights as a central element in their constitutional and normative development, thus making

<sup>1</sup> The research was carried out thanks to the financial support of a scholarship granted by the Spanish Agency of International Cooperation for Development (AECID), which made it possible to carry out Master's studies in Madrid, Spain, and to conclude this study.

<sup>2</sup> Countries observed include: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

it possible for the institutional structure of States to guarantee the fundamental rights of individuals.

However, despite these advances, there is evidence of the situation of exclusion in which certain sectors of the population find themselves. The Economic Commission for Latin America and the Caribbean (ECLAC) warned that Afro-descendant and indigenous people are in a greater situation of exclusion and vulnerability, given that they face various situations of structural violence that limit the exercise of their rights (ECLAC, 2014: 80-81; 2020: 14).

Considering this, different international organizations worldwide have warned about the public problem of the limited exercise of rights of indigenous and Afro-descendant people. For example, the United Nations (UN), through the International Decade for People of African Descent 2015-2024<sup>3</sup> or the International Decade of the World's Indigenous People 2022-2032<sup>4</sup>, has urged the different States to establish measures within their agencies or formulate interventions aimed at the citizenry, in order to reduce the situation of inequality affecting these groups.

Therefore, it is worth asking whether Latin American States have public policies or specific interventions aimed at mitigating this situation of inequality, in order to correspond to the international treaties or conventions they have signed, subscribed or ratified, together with elements that can provide sustainability to their decisions. Thus, in applied terms, the document seeks to measure the level of institutional capacity of the region's States in a specific field, such as ethno-racial issues. In fact, as Rosas (2019: 90) highlights, "it is not possible to develop, measure or strengthen institutional capacity in the abstract, or in general, detached from the responsibilities that must be assumed and fulfilled", being in this case the governmental responsibility to guarantee the full exercise of rights of specific minority groups.

However, despite this importance, the literature on the institutional capacity of public entities focused on the attention of ethnic minority groups or on issues of ethnicity is limited. For example, when searching for information using keywords in academic search engines such as JSTOR<sup>5</sup>, Scielo<sup>6</sup> or Redalyc<sup>7</sup>, no information on the variables analyzed is identified and only concepts associated with multiculturalism and racism or research on specific variables of specific minority groups are approached. Thus, this article is a contribution to the knowledge of the subject and may guide future lines of research that will enable or serve as resources for public policy decision-making.

## 2. Theoretical framework

Institutional capacity is a category of applied political science that has been used in different academic research, but has been characterized by multiple and diverse meanings, depending on the criteria for conceptualizing or attempting to measure this object of study.

In classical terms, institutional capacity is defined as the "capacity of the State to penetrate civil society and to implement logistical policy decisions throughout the territory" (Mann, 1984: 189). This was categorized by the author as structural power, as opposed to despotic power, understood as the exercise of power among elites or, in any case, the struggle for power. Building on this concept, Soifer (2008: 235-236) emphasizes that infrastructural power can be understood from different approaches: on the one hand, from the national capacity, assumed as the scope of the resources available to the central State; on the other, the weight of the State, that is, how the exercise of State power modifies society; and, lastly, according to the subnational variation, that is, the different effects it may have in different areas of the territory.

Corresponding to this definition, Centeno (2009: 13) proposes a methodology for measuring and analyzing institutional capacities from the perspective of despotic power. In principle, he understands the State as an organization that manages different types of input data (inputs) and transforms them into output products (outputs), to, thereby, define that there are three types of inputs through which the capacity of a State can be identified. Firstly, income, assumed as the economic-financial resources to manage the organization; secondly, personnel, understood as the subjects that allow the entity to function; and thirdly, information, established as the identification of preferences and needs of the population. Summing up, the reflection on despotic power opened a research agenda on state capacities, thus providing the central premise for analyzing the resources with which governments implement their decisions.

As a result, recent political literature has defined institutional capacity from different angles of interpretation or measurement. For example, Rosas (2008: 124) classifies these definitions in four blocks; first, those that

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<sup>3</sup> Approved by the UN General Assembly on February 7, 2014, through resolution 68/237.

<sup>4</sup> Adopted by the UN General Assembly on December 18, 2019, by resolution 74/135.

<sup>5</sup> Available at: <https://www.jstor.org/> (Accessed June 16, 2023).

<sup>6</sup> Available at: <https://scielo.org/es/> (Accessed June 16, 2023).

<sup>7</sup> Available at: <https://www.redalyc.org/> (Accessed June 16, 2023).

consider capacity as the potential to fulfill functions (indicated capacity); second, capacity as government performance (effective capacity); third, capacity as the output or results that government processes can generate (capacity as an output); and, fourth, capacity as the means to strengthen government (capacity as a process).

Firstly, within the reflections on capacity indicated above, it is worth highlighting Sikkink and Wolfson (1993: 544), who suggest that institutional capacity is understood "as the administrative effectiveness of the state apparatus in implementing its official objectives". Moreover, they also stress that it is a relational category, since its magnitude, strictly speaking, depends on each function that a public administration has set out to fulfil. This notion, therefore, makes it possible to qualify the differences that may exist between and within states, according to specific dimensions of analysis.

Therefore, these state contrasts are seen, more than in terms of the exercise of power or the autonomies that each one may have, in their adequacy or inadequacy with respect to the functions they are supposed to fulfil. Thus, this position highlights the formal and stable practices of public institutions, given that they take as their object of study the explicit rules, such as legal frameworks, planning and budget assignment, among other organizational aspects, in order to standardize and enable a comparative analysis between different countries (Martínez and Maldonado, 2019: 25).

Effective capacity is different, since, in Repetto's (2004: 8) terms, it is understood as "the expression in concrete decisions and actions in terms of a general objective: social value", that is, the performance that government decisions may have. This definition is interesting because it places capacity in a context of political interaction where actors, whether individual or group, are defining it at all times, so that it is subject to the wills or agreements that are made in the context of power.

In a similar sense, Bersch et al. (2013: 4), in research on Brazilian states, report that there are major limitations to measuring state autonomy and capacity, but that it should be understood in terms of the capacity of bureaucracies to implement policies without external influences. Institutional capacity will consequently depend on professional bureaucracies (such as the degree to which public officials specialize in specific fields), the potential to implement policies (availability of capital and resources) and the absence of external influences (from private interests or political reasons).

Thirdly, capacity as a result or product refers to the ability to develop interventions or measures with specific quality attributes. That is to say, it meets criteria of efficacy, effectiveness, efficiency and sustainability, oriented towards increasing the productivity of the public sector and translating into services that can be perceived by the population (Ospina, 2002: 6). In this line of analysis, capacity can be understood as the state's ability to penetrate territorially and implement its decisions, with the strength of government entities being a determining factor in the results to be achieved (Soifer, 2008: 248).

Fourth, the literature on capacity as a process differentiates between capacity and performance. Performance would be the results that a government's interventions generate in society, while capacity is understood as the internal processes of government in order to produce public results (Moreno, 2007: 133-134). Given this premise, capacity assumes the internal processes of the state, where there is greater control over public decisions, and excludes the analysis of results, as this is another type of phenomenon. In this regard, Rosas (2015: 22) accurately addresses this approach, highlighting that institutional capacity is the "ability of government bodies to improve the performance of their functions, to solve problems and to specify and achieve objectives, as well as to mobilize and/or adapt their institutions in order to respond to new public problems".

In addition to the theoretical approaches to institutional capacity, the literature points out that there are two aspects to consider in its analysis. Regarding this, ECLAC (2016: 90) suggests that the context can be understood from a normative or formal dimension and from a real approach. Thus, the first aspect involves the normative field that structures the competences of public entities and the scope they may have in their spheres of action, together with the resources and capacity for action of the institutional actors involved; while the real approach consists of the quality of the measures adopted and identified through the capacity of the entities to address problems and respond to social demands or expectations.

In fact, this notion from the normative sense is mainly linked to the theoretical approach to capacity indicated, as it analyses formal and evident aspects within entities, as well as process capacity; given that these normative resources provide outlines of the problem-solving abilities of states, while the real sense situates the analysis of capacity from the perspective of performance; that is, from the theoretical approach of effective capacity or as results or products.

Having said that, it is pertinent to specify that, in order to understand the design, formulation or implementation of public policies or interventions from any capacity approach, it is necessary to have a reading of the institutional context in which they emerge and are managed. In other words, "when formulating public policies, throughout their broad process, the way in which interests and ideas are configured in an institutional context that shapes and determines them must be taken into account" (Huenchuan, 2016: 22), as this will condition any analysis criteria.

Hence, it is precisely the actors in institutional contexts who condition interests, so that for the multiple views on institutional capacity, the actors assume a virtually leading role in the establishment of public interventions.

However, the analysis of actors is beyond the scope proposed in this paper, since, as Dente and Subirats (2014: 75) point out, without downplaying the importance of the decision-making impact that actors have on public decision-making, it is of great analytical interest to identify the decision-making rules that exist in the states evaluated, in order to standardize the mechanisms by which decisions are made, since they potentially have an impact on the results generated by public entities.

From an applied perspective, institutional capacity has been operationalized in different ways. However, as Sikkink and Wolfson (1993, 544) rightly point out, 'state capacity cannot therefore be measured in absolute terms, but according to the adequacy or inadequacy of that capacity in relation to the functions it is meant to fulfil'; thus, it is a relational concept that changes or adjusts according to the state function being analyzed. Having said that, while studies of institutional capacity are abundant from different spheres of state intervention, evidence on functions in racial-ethnic issues is limited.

For example, within the state function aimed at reducing forms of gender-based violence<sup>8</sup>, the United Nations Development Program (UNDP) and the Development Bank of Latin America -CAF (2020: 26), with the objective of identifying the development of state capacities aimed at prevention, attention and reparation of violence against women and girls in Argentina, Ecuador and Peru, analyzed five (5) components of state capacity. First, the institutional environment in which policies are implemented; second, the content or main characteristics of the measures; third, the associated indicators; fourth, the articulation with other actors, including civil society; and, fifth, the development of human resource training. In the same sense, Fuentes (2018: 65), in order to determine the institutional capacities for the implementation of gender-focused policies in a municipality, considered three components of institutional capacity: the legal system, understood as laws, decrees or other norms at the municipal level; public policies aimed at promoting gender equality; and institutional mechanisms, assumed as the organizational dimension of how the problem is addressed.

In other fields, Moreno (2007: 143-144) analyzed different municipal governments in Mexico in order to determine the factors that make greater performance possible. Thus, he determined three indicators to measure institutional capacity: the first indicator was 'regulatory capacity', i.e. the amount of legislation that regulates the functioning of the municipal government; the second consisted of the professionalization of the civil service, assumed to be the existence of areas in charge of managing human resources, in addition to the functions they would carry out; and the third was the average level of education among the highest-ranking officials. Thus, he concluded that by increasing all three indicators, institutional capacity increases.

Additionally, there is extensive literature on the analysis of institutional capacities with reference to different state functions and territories. However, its application in areas that promote equality or improve the quality of life of indigenous or Afro-descendant people is quite limited, since the literature has focused on describing the different forms of violence faced by these people, or on the exercise of their rights. Moreover, no comparative studies have been identified in the region.

Given the theoretical approaches and quantification efforts, the paper takes as a reference the concept of institutional capacity from a multiple but restricted perspective. Firstly, it is assumed as a potential to carry out tasks in an effective and sustainable manner, so that it may nominally exist (according to normative bodies), but does not strictly imply that states have achieved what they have set out to do, taking as a theoretical reference the capacity indicated. Secondly, it is assumed that institutional capacity refers to the ability to absorb capacities in order to operate more efficiently, through intra- and inter-organizational dialogue; that is to say, capacity criteria will be taken from processes. Thirdly, and by way of consequence, capacity will also be understood as a normatively evident factor through which the resources available to states to address ethno-racial issues can be analyzed and quantified.

This research does not address institutional capacity in real terms; that is to say, it does not attempt to analyze or evaluate institutional capacity in terms of outputs, outcomes or the effectiveness of measures. In other words, it will not analyze the performance of states in addressing ethno-racial issues, as this implies establishing causal relationships and/or policy evaluation. For this purpose, the notions of capacity as indicated and as process will be used predominantly, since they take as their object of study the internal elements of states and associative linkages can be established.

Summing up, taking into account the theoretical approaches and reference perspectives, we will adopt the notion of institutional capacity established by Acuña and Repetto (2009, in ECLAC, 2016: 90), who refer to institutionality or institutional capacity as, "the set of formal and informal rules of the game (including organizational routines and customs) that are put in place to process and prioritize social problems, while framing the content and administrative and political dynamics of social policies."

### 3. Methodology

<sup>8</sup> The name of the government function will vary by country. However, labels will be used to group the activities carried out in this field in order to provide conceptual or methodological scopes.

Under the described approach, the article aims to answer the following question: what is the level of ethno-racial institutional capacity aimed at the care of indigenous people and Afro-descendants in Latin America in the year 2023? Through a non-experimental research of a descriptive and quantitative type, basing the statements on documentary analysis during the year 2023, which allowed for the tabulation and classification of the information obtained.

The main sources of information consisted of the official resources available on the portals or platforms of the States; That is to say, the primary and only source of information was the regulations or institutional reports freely accessible by each government entity, as well as that available on the information portals of international bodies or civil society organizations. With this information, documentary analysis techniques were applied, taking into account the four dimensions that make up the institutional capacity indicated, in reference to Martínez and Maldonado (2019: 34-38):

Table 1: Dimensions of ethno-racial institutional capacity.

Dimension	Concept	Factors
Juridical-normative	It provides a reference on the commitments assumed by the country in this area, both at the level of the international community and its own citizens.	<ul style="list-style-type: none"> <li>• Binding international regulations.</li> <li>• National regulations</li> </ul>
Organizational	Describes the entities exercising authority, as well as the number and scope of coordination and governance functions in the area.	<ul style="list-style-type: none"> <li>• governmental area of national attention.</li> </ul>
Technical-operative	Refers to the procedures, mechanisms, resources and technical capabilities that enable the implementation of policies or interventions.	<ul style="list-style-type: none"> <li>• Policy instruments.</li> <li>• Information, monitoring, and/or evaluation systems.</li> </ul>
Financial	Identifies the magnitude of financial resources and, therefore, makes it possible to estimate the priority given to the subject under analysis.	<ul style="list-style-type: none"> <li>• Assigned resources.</li> </ul>

Source: self-developed, based on data from Martínez and Maldonado (2019: 34-48).

Regarding the methodological criteria for inclusion, the normative legal dimension (international) considered the ratification of international instruments, such as two (2) Conventions<sup>9</sup>, two (2) UN International Covenants<sup>10</sup> and two (2) OAS Conventions<sup>11</sup>, since the latter is the political space for decision making in the Americas; in addition to the provisions of the International Labor Organization<sup>12</sup> (ILO), since Convention No. 169 established measures aimed at ensuring that indigenous and tribal people participate in decisions that affect their livelihoods.

At national level, an analysis was made of the Constitution of each country and the laws or decrees that apply throughout the national territory, in the understanding that their purpose is to address the individual or collective rights of indigenous people or Afro-descendant people; or, if it is a general norm, it incorporates specifications for addressing these groups<sup>13</sup>.

Regarding the organizational dimension, the only criteria adopted was the existence of governmental spaces at the national level whose functions and competencies include specific attention to indigenous people and Afro-descendant people. Regarding the technical-operative dimension, the existence of specific policy instruments for these people (public policies, national programs, among others) was analyzed; or, in the case of a general policy, the existence of specific attention scopes. In addition, this dimension also considers the existence of information, monitoring or evaluation systems for the policy instruments identified. Lastly, the financial dimension had as its sole criterion the resources assigned to the year 2023, according to the budget schedules based on (a) the governmental area of national attention and/or (b) the policy instruments and/or the information, monitoring or evaluation systems.

The information obtained was tabulated according to specific criteria for the study. In fact, since academic production in the ethno-racial field is still limited and, therefore, there is little background for the establishment of evaluation scales, it was proposed to assign scores according to the expected optimal situation as referred to in the academic literature. Thus, each criterion had maximum and minimum possible scores, according to the following scale:

<sup>9</sup> International Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Elimination of All Forms of Discrimination against Women.

<sup>10</sup> International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

<sup>11</sup> American Convention on Human Rights and Inter-American Convention against Racism, Racial Discrimination and Other Forms of Intolerance.

<sup>12</sup> The ILO is the "only 'tripartite' UN agency, the ILO brings together governments, employers and workers from 187 member states to set labor standards, formulate policies and develop programs promoting decent work for all, women and men" (ILO, 2023).

<sup>13</sup> Access to official Cuban and Venezuelan information sources was restricted.



Table 2: Ranking of institutional capacity criteria according to analytical dimensions applied to each State.

Dimension	Criteria/Item	Assign scores to each State
D1. Juridical-normative	C1. Ratification of international instruments (UN, OAS, ILO).	7 = 07 ratified instruments. 6 = 06 ratified instruments. 5 = 05 ratified instruments. 4 = 04 ratified instruments. 3 = 03 ratified instruments. 2 = 02 ratified instruments. 1 = 01 ratified instrument. 0 = None.
	C2. Constitutional Recognition, Laws, and Supreme Decrees at the national level.	4 = Constitution recognizes both groups and there are norms for each of them (02 instruments for Indigenous people and 02 for afro-descendants). 3 = Recognition in 03 instruments. 2 = Recognition in 02 instruments. 1 = Recognition in 01 instrument. 0 = No norms exist.
D2. Organizational	C1. governmental area of national attention.	2 = One area of governmental attention is identified at the national level for each group. 1 = One area of governmental attention is identified at the national level for the attention of only one of the groups. 0 = No areas of government attention are identified at the national level.
D3. Technical-operational	C1. Policy instruments.	4 = Specific policy instruments are identified for each group. 3 = Specific policy instruments are identified for only one group. 2 = General instruments explicitly mention both groups. 1 = General instruments only expressly mention one group 0 = No general or specific policy instruments are identified.
	C2. Information, monitoring, and/or evaluation systems.	4 = Indicators and targets are identified for at least one specific policy instrument for each group, in addition to information, monitoring and/or evaluation systems for each instrument. 3 = Indicators and targets are identified for at least one specific policy instrument for each group, as well as information, monitoring and/or evaluation systems for any group (or indigenous or afro-descendant). 2 = Indicators and targets of at least one policy instrument are identified for a single group (or indigenous or afro-descendant), in addition to their respective information, monitoring and/or evaluation system. 1 = Indicators and targets are identified for at least one general policy instrument, or information, monitoring and/or evaluation systems for a single group. 0 = No indicators or targets are identified.
D4. Financial	C1. Assigned resources in 2023 for the assistance of indigenous or afro-descendant people.	2 = Resources assigned in 2023 are identified for the assistance of each group. 1 = Resources assigned in 2023 are identified for the assistance of only one group. 0 = No resources assigned in 2023 are identified.

Source: self-developed, based on the information from the analyzed States.

Subsequently, a homogeneous value was assigned to each dimension, so that each one was weighted with 25% of the total variable, while the criteria that comprise it had equivalent weights under that percentage range. In addition, three qualitative levels were established based on the weighting achieved by each country, according to the following measurement detail:

Table 3: Levels and ranges of measurement with homogeneous dimension weighting.

Levels and ranges in %	Low	Middle	High
D1. Juridical-normative	(0-8)	(9-17)	(18-25)
D2. Organizational	(0-8)	(9-17)	(18-25)
D3. Technical- operational	(0-8)	(9-17)	(18-25)
D4. Financial	(0-8)	(9-17)	(18-25)
Institutional Capacity	(0-33)	(34-67)	(68-100)

Source: self-developed, based on the identified theoretical framework.

Summing up, this methodological sequence made it possible to draw up an initial x-ray of the ethno-racial institutional capacity in the countries of the region according to the dimensions indicated, making it possible to compare each case and make certain recommendations for governmental action.

Finally, two selection criteria were applied to the countries involved in the study. On the one hand, that they had both indigenous and Afro-descendant populations; and, on the other, that their official and predominant

language was Spanish or Castilian<sup>14</sup>, to ensure greater detail in the analysis of the information. In addition, Brazil was added to this list since more than 50% of its population self-identifies as Afro-descendant or Indigenous. Therefore, the research takes as the unit of analysis nineteen (19) countries<sup>15</sup> in the region that, according to ECLAC data (2020a:86; 2020b:153), have a demographic concentration of Indigenous or Afro-descendant people<sup>16</sup>.

In general terms, more than 500 million people identify themselves as part of these ethnic groups in the region, constituting one third of the total population of Latin America (29.25%). Thus, the state's capacity for assistance to these populations is a focus of significant importance for academic production related to the subject.

Table 4. Presence of Indigenous people and Afro-descendants in Latin America, according to national population totals.

Country	% Indigenous	% Afro-descendant	% Indigenous and Afro-descendant
Argentina	2.38	0.37	2.75
Bolivia	41.52	0.23	41.75
Brazil	0.47	50.94	51.41
Chile	12.38	0.06	12.44
Colombia	4.40	6.89	11.29
Costa Rica	2.42	7.77	10.19
Cuba			
Ecuador	7.03	7.19	14.22
El Salvador	0.23	0.13	0.36
Guatemala	43.56	0.32	43.88
Honduras	7.78	1.39	9.18
Mexico	21.50	1.16	22.65
Nicaragua	6.26	0.46	6.72
Panama	12.26	8.83	21.09
Paraguay	1.82	0.06	1.88
Peru	25.96	3.57	29.54
Dominican Rep.			
Uruguay	2.35	4.60	6.95
Venezuela	2.66	3.44	6.10
Latin America	9.81	19.44	29.25

Note: self-developed, based on ECLAC data (2020a: 86; 2020b: 153).

\*To Date, the last Census does not include a question on ethnic self-identification.

## 4. Status of situation

### 4.1. Juridical-normative dimension

The vast majority of the States analyzed have ratified the UN and OAS International Conventions considered in the criterion (94.74%), with the exception of Cuba, which did not ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, at the universal level; nor the American Convention on Human Rights, at the level of the American States.

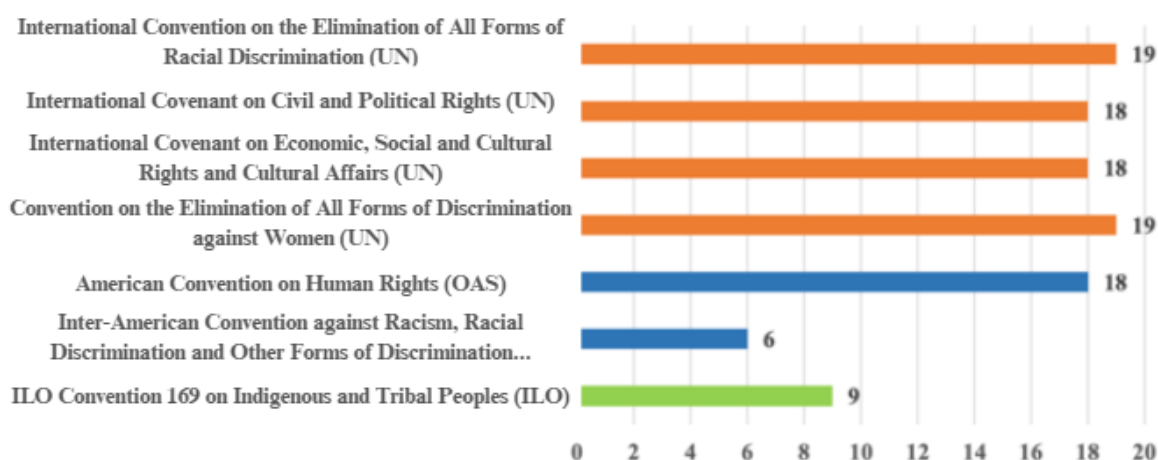
However, this situation differs in the case of the ratification of the OAS' Inter-American Convention against Racism, Racial Discrimination and Other Forms of Intolerance, since only six (6) of the nineteen (19) States analyzed have ratified this instrument (31.58%). Therefore, it can be preliminarily evidenced that ethno-racial issues are not part of the public or governmental agenda of most of the States in the region.

<sup>14</sup> Countries with another predominant language (with the exception of Portuguese) were excluded from the selection, due to the limitations that this variable could present in the search for results.

<sup>15</sup> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

<sup>16</sup> Except for Cuba and the Dominican Republic, since ECLAC (2020a, 2020b) does not collect information on these two cases due to the absence of ethnic self-identification questions, but they report that there are people of these ethnicities in both countries.

Figure 1: Ratification of international instruments in Latin America

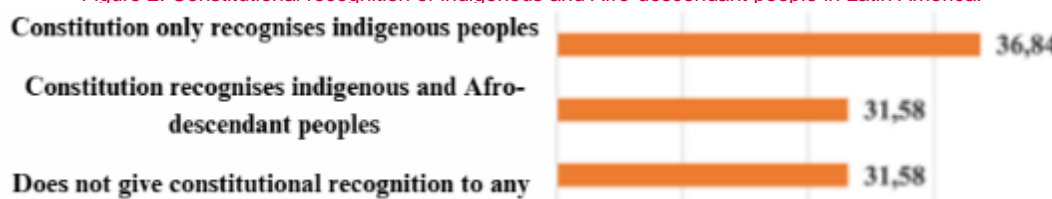


Source: self-developed, based on information from the UN, OAS and ILO information websites.

Similarly, five (5) States have not ratified ILO Convention 169, one of the most important instruments for Indigenous and tribal people to exercise their right to self-determination. These States are mainly concentrated in Central America, such as Cuba, El Salvador, Panama and the Dominican Republic, in addition to Uruguay.

With regard to national legislation, more than half of the States analyzed (13 out of 19) recognize both indigenous people and Afro-descendants in their Constitutions; of these, seven (7) States recognize only indigenous people, but none only Afro-descendants. In fact, it can be seen that the greatest constitutional progress has been made, firstly, with regard to indigenous people, and secondly, with regard to Afro-descendant people.

Figure 2: Constitutional recognition of indigenous and Afro-descendant people in Latin America.



Source: self-developed, based on information from the analyzed States.

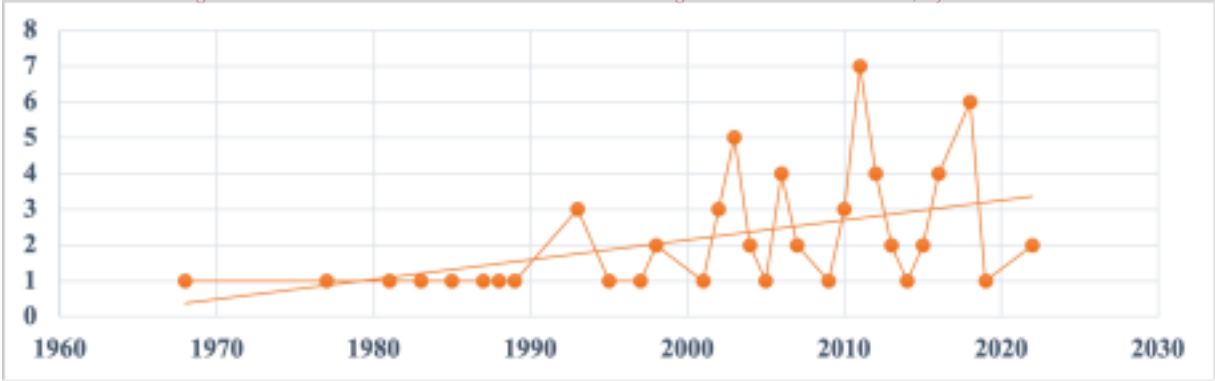
Additionally, different elements of the states' regulations guaranteeing equality and other basic human rights can be highlighted. Firstly, all countries (100%) have regulations against discrimination based on racial or ethnic grounds. In some cases, such as Ecuador, the related legislation is part of the Constitution, while in the vast majority of cases it corresponds to specific instruments such as national laws or decrees. Thus, two groups of treatment can be highlighted. First, those with regulations of a more punitive nature, since their application is based on the imposition of sanctions and/or penalties from their penal codes. Such is the case of Argentina, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Peru and the Dominican Republic. In addition, as a second group, there are states with preventive norms accompanied by punitive elements, such as Bolivia, Brazil, Chile, Mexico, Panama, Paraguay, Uruguay and Venezuela.

Secondly, it was found that a considerable number of countries (12) have specific provisions regarding the protection and promotion of indigenous or native languages, especially associated with the provision of education services from an intercultural approach. Bolivia, Brazil and Colombia, for example, have such provisions. However, little normative information has been identified in some countries to guarantee the use of these languages, which may be linked to the low demographic concentration of indigenous people in Cuba, El Salvador, the Dominican Republic and Uruguay.

Thirdly, the production of national anti-discrimination legislation has grown gradually in Latin America. Since the 1990s and the 2000s, there has been a trend towards an increase in the volume of legislation on the subject, which may be due to the deepening of democracies in the region or to the increase in instruments promoted by international organizations. These variations by decade can be seen in the following figure.



Figure 3: Production of national anti-discrimination legislation in Latin America, by decades.



Source: self-developed, based on information from the analyzed States.

A breakdown of the growing trend in the production of anti-discrimination legislation in Latin America shows that, with the exception of Cuba, El Salvador and the Dominican Republic, the other states in the region have some kind of law or decree of national scope with an express link to indigenous people, ranging from the promotion and use of their languages to regulations that guarantee the protection of their territories. However, the same cases do not include provisions for Afro-descendant people. For example, Costa Rica, Guatemala, Panama and Venezuela only refer to indigenous people in these types of instruments.

Figure 4: Number of States according to the existence of national indigenous or Afro-descendant legislation.



Source: self-developed, based on information from the analyzed States.

To sum up, 78.9% of the analyzed States have a high ethno-racial institutional capacity in the legal-normative sphere. In other words, the vast majority have ratified international instruments and have certain regulations for the specific assistance or protection of indigenous or Afro-descendant people. The situation by country, based on compliance, is shown in the following table:

Table 5: Results obtained from the Juridical-normative dimension by country.

Country	C1. Ratification of international instruments (UN, OAS, ILO).	C2. Laws and Supreme Decrees at national level	Sum of criteria	Weight at 25%	Level
Argentina	7	2	9	20.45	High
Bolivia	6	4	10	22.73	High
Brazil	7	4	11	25.00	High
Chile	6	2	8	18.18	High
Colombia	6	4	10	22.73	High
Costa Rica	7	1	8	18.18	High
Cuba	2	0	2	4.55	Low
Ecuador	7	4	11	25.00	High

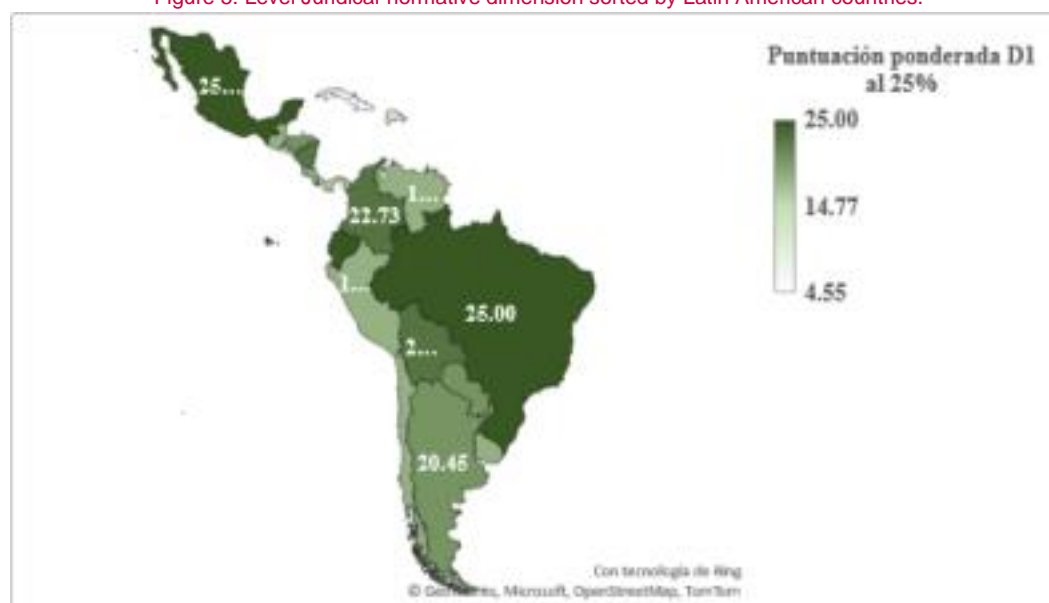
El Salvador	5	1	6	13.64	Medium
Guatemala	6	2	8	18.18	High
Honduras	6	3	9	20.45	High
Mexico	7	4	11	25.00	High
Nicaragua	6	4	10	22.73	High

Country	C1. Ratification of international instruments (UN, OAS, ILO).	C2. Laws and Supreme Decrees at national level	Sum of criteria	Weight at 25%	Level
Panama	5	2	7	15.91	Medium
Paraguay	6	3	9	20.45	High
Peru	6	2	8	18.18	High
Dominican Republic	5	0	5	11.36	Medium
Uruguay	6	2	8	18.18	High
Venezuela	6	2	8	18.18	High
REGION	<b>5.89</b>	<b>2.42</b>	<b>8.32</b>	<b>18.90</b>	High

Source: self-developed, based on information from the analyzed States.

Therefore, it can be assumed that, from a legal-normative perspective, states could potentially establish and guarantee protection measures for indigenous and Afro-descendant people. Graphically, the level of this dimension would be distributed in the region as follows:

Figure 5: Level Juridical-normative dimension sorted by Latin American countries.



Source: self-developed, based on information from the analyzed States.

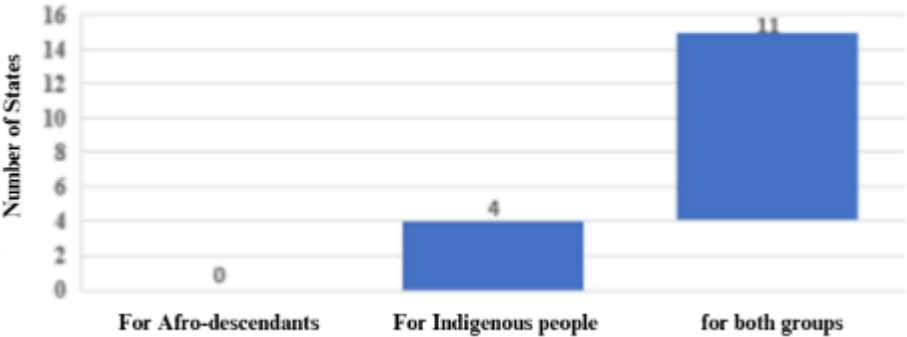
#### 4.2. Organizational dimension

Most countries in the region have defined public institutions for the care of indigenous people and Afro-

descendants. A total of 78.9% of the states analyzed (15) have a national office for one or both ethnic groups, while four (4) countries in the region (Cuba, Nicaragua, Dominican Republic and Uruguay) do not have any institutional arrangement in this area.

However, when the information is disaggregated, it can be seen that eleven (11) States have governmental areas for the attention of both groups, as is the case of Bolivia, Brazil or Chile; while four (4) States have created areas of attention only for indigenous people, namely Argentina, El Salvador, Paraguay and Venezuela: Argentina, El Salvador, Paraguay and Venezuela. In other words, while the percentage of States that incorporate the existence of departments of attention for indigenous people is around 80%, 47.4% (equivalent to 9 States and practically half of the entities analyzed) do not have an area of attention for Afro-descendants.

Figure 6: Number of States with public institutions for ethno-racial assistance, disaggregated by ethnic group served.



Source: self-developed, based on information from the analyzed States.

This situation is evidence of the greater assistance given to indigenous people than to Afro-descendant people in the region. Preliminarily, it can be noted that the greater assistance to indigenous people or groups, as in the case of Argentina, El Salvador and Paraguay, may be associated with the greater demographic concentration of this group (see Table 4). However, the case of Venezuela is noteworthy, since the concentration of Afro-descendants is greater than that of indigenous people, and yet no governmental area of specific assistance for this population has been identified.

Table 6: Demographic concentration by ethnic group and government focus area profile.

Country	% indigenous	% Afro-descendant	% indigenous and Afro-descendant	Population supported by the area's competent government
Argentina	2.38	0.37	2.75	Indigenous only
Bolivia	41.52	0.23	41.75	Both groups
Brazil	0.47	50.94	51.41	Both groups
Chile	12.38	0.06	12.44	Both groups
Colombia	4.40	6.89	11.29	Both groups
Costa Rica	2.42	7.77	10.19	Both groups
Cuba	N.I.	N.I.	N.I.	Does not count
Ecuador	7.03	7.19	14.22	Both groups
El Salvador	0.23	0.13	0.36	Indigenous only
Guatemala	43.56	0.32	43.88	Both groups
Honduras	7.78	1.39	9.18	Both groups

Mexico	21.50	1.16	22.65	Both groups
Nicaragua	6.26	0.46	6.72	Does not count
Panama	12.26	8.83	21.09	Both groups
Paraguay	1.82	0.06	1.88	Indigenous only
Peru	25.96	3.57	29.54	Both groups
Republic	N.I.	N.I.	N.I.	Does not count
Dominican Republic	2.35	4.60	6.95	Does not count
Uruguay	2.66	3.44	6.10	Indigenous only

Source: self-developed, based on data from ECLAC (2020a: 86; 2020b: 153) and the official information from the states analyzed. Note: N.I.: No Information.

Also, coinciding with the normative growth shown in Figure 3, it was identified that the creation of government departments or areas that deal with indigenous people and Afro-descendants in the region shows a trend of growth for decades. This situation may be due, as in the previous case, to the deepening of democracy since the 1990s and the ratification of international conventions or instruments by States, so that public administrations adapted to new demands, commitments or obligations.

Figure 7: Creation of governmental areas of care by decade in the region.



Source: self-developed, based on information from the analyzed States.

Additionally, the region's institutional arrangements can be grouped into two aspects. On the one hand, those that base their institutional action on the assistance or articulation of policies and interventions towards indigenous or Afro-descendant people; and, on the other, those that aim to reduce or mitigate forms of racial discrimination and/or racism in their national spheres.

Table 7: Type of institutional arrangement and level of dependency according to Latin American countries.

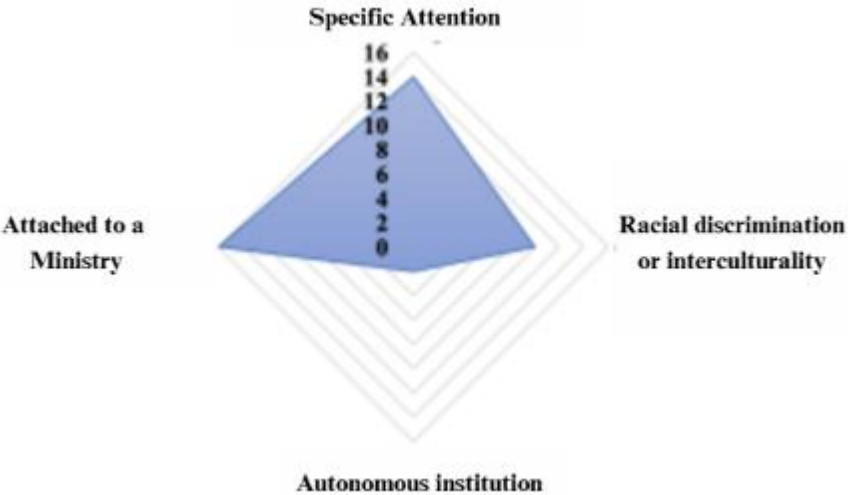
Country/ arrangement / level	Type of institutional arrangement		Level of dependence	
	Attention	Racial discrimination or interculturality	Autonomous institution	Attached to a Ministry
Argentina	Yes	Yes	-	Yes
Bolivia	Yes	Yes	-	Yes
Brazil	Yes	Yes	-	Yes
Chile	Yes	-	-	Yes

Colombia	Yes	-	-	Yes
Costa Rica	Yes	Yes	-	Yes
Cuba	-	-	-	-
Ecuador	-	Yes	-	Yes
El Salvador	Yes	Yes	-	Yes
Guatemala	-	Yes	Yes	Yes
Honduras	Yes	-	-	Yes
Mexico	Yes	Yes	Yes	Yes
Nicaragua	Yes	-	-	Yes
Panama	Yes	-	-	Yes
Paraguay	Yes	-	-	Yes
Peru	Yes	Yes	-	Yes
Republic	Yes	-	-	-
Dominican Republic	-	-	-	-
Uruguay	-	Yes	-	Yes

Source: self-developed, based on information from the analyzed States.

On the other hand, with respect to the level of dependence of the assistance offices, two main groups can be highlighted. On the one hand, a minority of States are characterized by having governmental areas under the structure of an autonomous body, in financial, administrative and political terms; while another majority of States stand out for having entities attached to Ministries or Secretariats. At the regional level, the assistance strategy can be graphed as follows:

Figure 8: Type of institutional arrangement and level of dependency in Latin Americas.



Source: self-developed, based on information from the analyzed States.

Consequently, it can be said that just over half of the states analyzed (57.9%) have a high ethno-racial



institutional capacity at the organizational level (11 out of 19); in other words, they have governmental areas of national attention for indigenous or Afro-descendant people. However, a medium capacity can be seen in four states (4 out of 19), since they only have areas for indigenous attention, while the remaining four (4) state structures do not have areas of attention (21.05%). The situation by country in terms of compliance with this dimension is summarized in the following table:

Table 8: Results of technical-operative dimension by country.

Country	C1. Ratification of international instruments (UN, OAS, ILO).	Sum of criteria	Weight at 25%	Level
Argentina	1	1	12.50	Medium
Bolivia	2	2	25.00	High
Brazil	2	2	25.00	High
Chile	2	2	25.00	High
Colombia	2	2	25.00	High
Costa Rica	2	2	25.00	High
Cuba	0	0	0.00	Low
Ecuador	2	2	25.00	High
El Salvador	1	1	12.50	Medium
Guatemala	2	2	25.00	High
Honduras	2	2	25.00	High
Mexico	2	2	25.00	High
Nicaragua	0	0	0.00	Low
Panama	2	2	25.00	High
Paraguay	1	1	12.50	Medium
Peru	2	2	25.00	High
Republic	0	0	0.00	Low
Dominican Republic	0	0	0.00	Low
Uruguay	1	1	12.50	Medium
Venezuela	1.37	1.37	17.11	Medium

Source: self-developed, based on information from the analyzed States.

Consequently, it can be noted that, from the organizational dimension described above, slightly more than half of the States are potentially addressing the particularities of indigenous or Afro-descendant people in the region, or that they have areas that coordinate policies or interventions aimed at these groups at the national level. Graphically, the level of this dimension would be distributed as follows in the region:

Figure 9: Level of capacity in the organizational dimension by country in Latin America.



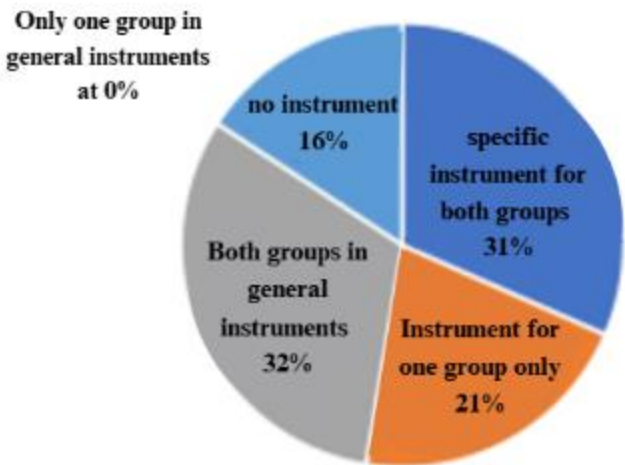
Source: self-developed, based on information from the analyzed States.

4.3. Technical-operative dimension

The number of States in the region that have a specific policy instrument for indigenous people and Afro-descendants represents one third of the countries analyzed (6 out of 19, representing 31.57%), such as Brazil, Chile, Costa Rica, Honduras, Mexico and Venezuela. Meanwhile, another group of States, made up of Colombia, El Salvador, Panama and Peru (4 out of 19, representing 21.0%), only have a specific instrument for one of the groups.

However, when identifying the approach from general instruments, i.e., whether there is any direct mention of attention to indigenous people or Afro-descendants in the policies or programs that reach all citizens, the percentage reaches a third of the countries analyzed (31.57%), such as Bolivia, Ecuador, Guatemala, Nicaragua, Paraguay and Uruguay. Furthermore, there are countries that do not have specific or general instruments for the attention of these groups.

Figure 10: Distribution of countries according to the existence of specific or general instruments for indigenous and/or Afro-descendant people.



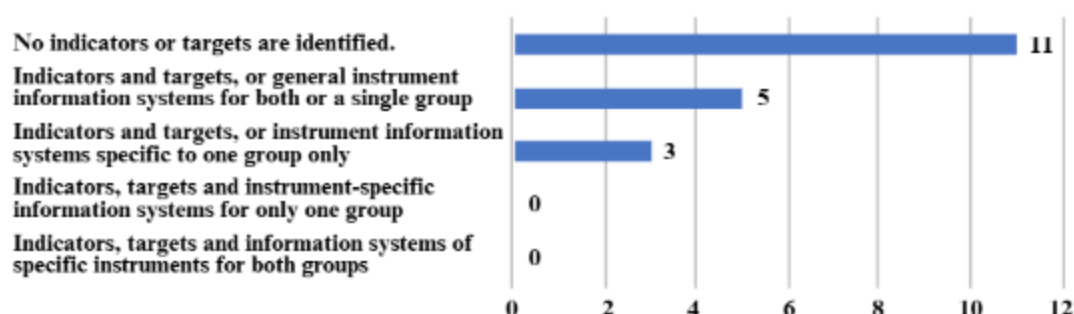
Source: self-developed, based on information from the analyzed States.

However, despite the existence of specific or general instruments with specifications, only a small number of such policies or interventions have information, monitoring and evaluation systems, or at least the use of indicators and targets. Indeed, no indicators, targets or information, monitoring and evaluation systems for at least one specific policy instrument for either or both ethno-cultural groups have been identified in all the cases analyzed.

Most alarmingly, the majority of states (57.9%) do not have indicators or targets to evaluate their interventions.

In turn, only three (3) States have indicators and targets for their specific instruments, as is the case of Mexico, Panama and Peru. However, no information systems with updated reports on their interventions have been identified. The rest of the countries have indicators or targets within general instruments for citizen attention.

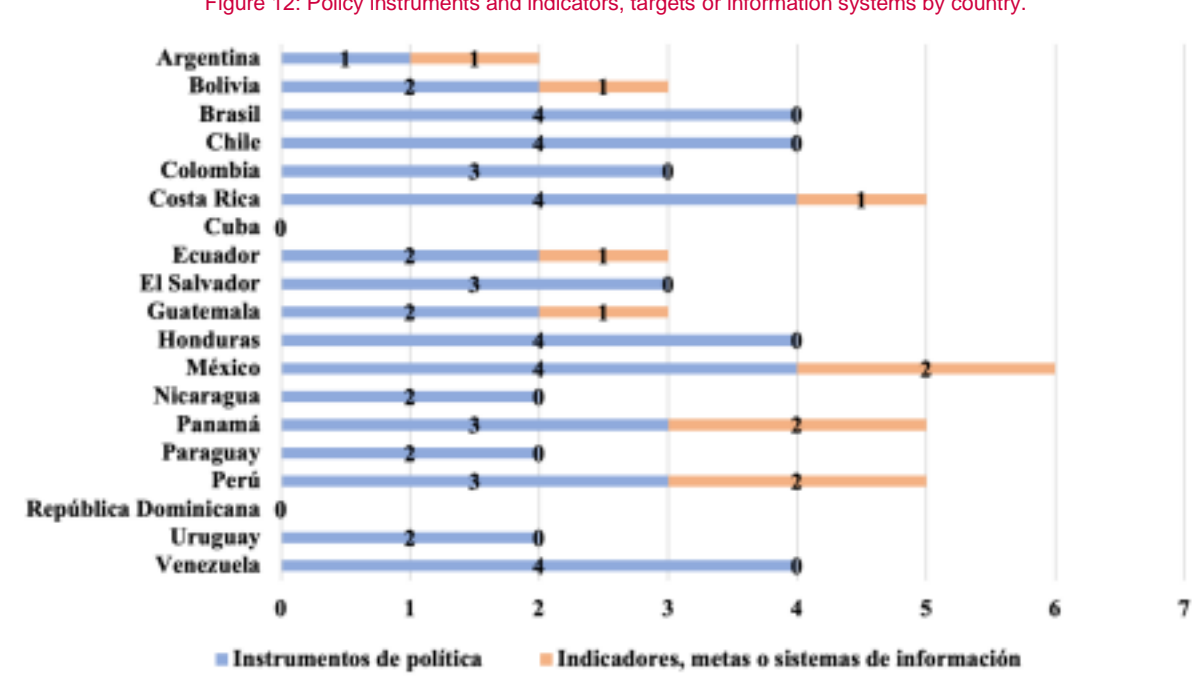
Figure 11: Number of Latin American countries with indicators, targets or information systems on instruments for the care of indigenous or Afro-descendant people.



Source: self-developed, based on information from the analyzed States.

From this description, it is clear that the existence of a policy instrument does not strictly imply the definition or use of measurement strategies. In fact, this situation is evidence of a reduced culture of evaluation in terms of policies - in this case, ethno-racial policies - in the region, generating potential limitations for the traceability of information or reporting on management achievements and/or improvement in the quality of life of the population served. The dissonance between the existence of instruments and measurement efforts is illustrated in the following figure, where the highest possible score to be obtained is 8 (see Table 2):

Figure 12: Policy instruments and indicators, targets or information systems by country.



Source: self-developed, based on information from the analyzed States.

In general terms, it is noteworthy that most of the states analyzed address different issues in their public policy instruments. For example, in categorical terms - but not in terms of content analysis - the vast majority of instruments that are specific to indigenous people and Afro-descendants incorporate activities or interventions in the areas of education, culture, and the land and territory of their communities, while general instruments specify human rights.

Regarding this third dimension, it can be concluded that twelve (12) of the nineteen (19) States analyzed (63.2%) have a high ethno-racial institutional capacity in the technical-operative sphere. In other words, one third of the cases analyzed have policy instruments or information and monitoring systems for specific instruments of attention

to each ethno-racial group, while a second third have general instruments (general approach for citizens) with specifications for indigenous people and Afro-descendants.

Moreover, within the established levels, it is striking that some States do not have any instruments, as has been the case in Cuba and the Dominican Republic. However, it is alarming that, although some countries have a high level in the legal-normative dimension, this is not necessarily associated with the existence of governmental instruments for the care of these groups. For example, Nicaragua, Paraguay and Uruguay have a high capacity in the legal-normative dimension, but a low level in the technical-operative dimension. Similarly, other countries with a large indigenous or Afro-descendant population, such as Bolivia, Brazil and Guatemala - with more than 40% - have a high level of capacity in the legal-normative and organizational dimension, but a medium level in technical-operative terms.

Table 9: Results obtained for the technical-operative dimension by country.

Country	C1. Policy instruments. sys	C2. Information, monitoring, and/or evaluation systems	Sum of criteria	Weight at 25%	Level
Argentina	1	1	2	6.25	Low
Bolivia	2	1	3	9.38	Medium
Brazil	4	0	4	12.50	Medium
Chile	4	0	4	12.50	Medium
Colombia	3	0	3	9.38	Medium
Costa Rica	4	1	5	15.63	Medium
Cuba	0	0	0	0	Low
Ecuador	2	1	3	9.38	Medium
El Salvador	3	0	3	9.38	Medium
Guatemala	2	1	3	9.38	Medium
Honduras	4	0	4	12.50	Medium
Mexico	4	2	6	18.75	High
Nicaragua	2	0	2	6.25	Low
Panama	3	2	5	15.63	Medium
Paraguay	2	0	2	6.25	Low
Peru	3	2	5	15.63	Medium
Republic	0	0	0	0	Low
Dominican Republic	2	0	2	6.25	Low
Uruguay	4	0	4	12.50	Medium
Venezuela	2.58	0.58	3.16	9.87	Medium

Source: self-developed, based on information from the analyzed States.

Consequently, it can be noted that, from a technical-operative scope and based on the instruments indicated, only a third of the States analyzed are - potentially - implementing management instruments and/or compiling information on the results in terms of care for indigenous people or Afro-descendants in the region, either through specific instruments for these groups or through general tools with specific attention to these groups. Graphically, the level of this dimension would be distributed in the region as follows:

Figure 13. Level of technical-operative dimension by Latin American countries.



Source: self-developed, based on information from the analyzed States.

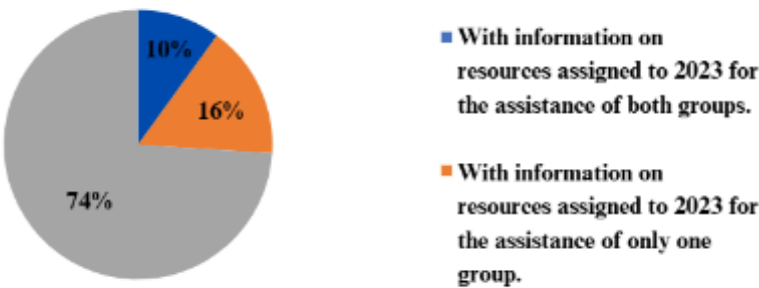
4.4. Financial Dimension

This dimension shows different alerts in the countries analyzed, since, according to the information obtained, it was identified that only two (2) States out of the nineteen (19) analyzed have budgetary resources allocated to 2023 for the care of both groups, as is the case of Colombia and Peru.

Strictly speaking, this situation does not imply the non-existence of budgetary resources for this year, but rather that the budget execution monitoring portals either (a) do not provide updated information or (b) do not establish the breakdown of allocated or executed monetary resources according to budget categories linked to the areas that develop policies. For example, through the organizational dimension, it was identified that Colombia has two areas linked to indigenous people and Afro-descendants<sup>17</sup>, both of which have specific budget lines; the same is true for Peru, given that it has specific budget lines for its interventions.

The distribution of States according to the allocation of resources by 2023 for indigenous people and Afro-descendants is as follows:

Figure 14: Budgetary resources allocated by 2023 for indigenous and Afro-descendant people in Latin America by 2023, by grouping of states.



Source: self-developed, based on information from the analyzed States.

As a second aspect, it was identified that three (3) States provide budgetary information on actions related to indigenous people. Argentina, Chile and Paraguay are in this situation, thus linking this finding to the organizational dimension, given that, as they do not have governmental areas for the care of Afro-descendants, it is to be expected that there will be no budget allocations for their care.

<sup>17</sup> Directorate of Indigenous, ROM and Minority Affairs, and the Directorate of Affairs for Black, Afro-Colombian, Raizal and Palenque Communities, both of the Department of the Interior.



However, regardless of whether one or two groups are attended to, one aspect to highlight is the volume of budget allocated with respect to the national total. Among the cases with budgets allocated to 2023, Chile is the state with the highest percentage of resources allocated with respect to the national total, but even so, it is only around 0.6% of national budgets; Colombia follows the same trend, with 0.2% of its national total. Graphically, this situation can be represented in the following way, in order to contemplate the volume of budget allocation:

Table 10. Percentage of budget for areas of attention to indigenous people and Afro-descendants with respect to total national budgets by Latin American countries.

Country	% of the national budget
Peru	0.01%
Paraguay	0.00%
Colombia	0.02%
Chile	0.59%
Argentina	0.01%

Source: self-developed, based on information from the analyzed States.

Thus, 73.7% of the states analyzed (14 out of 19) have a low level of capacity in the financial dimension in the indicated terms, i.e., only identifying whether they have resources allocated to some extent. In addition, three countries are at a medium level (Argentina, Chile and Paraguay), i.e. they have resources allocated for only one ethnic-racial group. Only two countries show a high level in this dimension, i.e. Colombia and Peru.

Table 11: Results obtained from the financial dimension by country.

Country	C1. Assigned resources in 2023 for the assistance of indigenous or afro-descendant people	Sum of criteria	Weight at 25%	Level
Argentina	1	1	12.5	Medium
Bolivia	0	0	0	Low
Brazil	0	0	0	Low
Chile	1	1	12.5	Medium
Colombia	2	2	25	High
Costa Rica	0	0	0	Low
Cuba	0	0	0	Low
Ecuador	0	0	0	Low
El Salvador	0	0	0	Low
Guatemala	0	0	0	Low
Honduras	0	0	0	Low
Mexico	0	0	0	Low
Nicaragua	0	0	0	Low
Panama	0	0	0	Low

Paraguay	1	1	12.5	Medium
Peru	2	2	25	High
Republic	0	0	0	Low
Dominican Republic	0	0	0	Low
Uruguay	0	0	0	Low
Venezuela	0.37	0.37	4.61	Low

Source: self-developed, based on information from the analyzed States.

Indeed, it is clear that the level of capacity in the financial dimension in the region is low, due to the large information gaps in official state channels, which also demonstrate a low level of transparency on the part of these government entities. Graphically, the level of this dimension would be distributed as follows in the region:

Figure 15: Level of capacity in the financial dimension by Latin American countries.



Source: self-developed, based on information from the analyzed States.

#### 4.5. Ethno-racial institutional capacity in Latin America

In general terms, the vast majority of states express a high level of ethno-racial institutional capacity in the legal-normative and organizational dimensions, since the existence of governmental entities is strictly associated with normative compliance. However, this is not associated with the other two dimensions considered, because legal and administrative protection does not imply the creation of policy instruments and/or measurement and monitoring strategies for their interventions, but rather other fields of public policy decision-making.

In the same sense, the dimension with the lowest score in the great majority of cases was the financial dimension, perhaps due to a reduced exercise of permanent information updating or other aspects, but which expresses that not all processes in public entities occur in a synchronous manner.

Table 12: Comparative matrix by Latin American countries on weighted score and level of ethno-racial institutional capacity.

Country	Weighted scores					Levels				
	D1	D2	D3	D4	C.I.	D1.	D2	D3	D4	CI
Argentina	20.45	12.50	3.13	12.50	52.17	High	Medium	Low	Medium	Medium
Bolivia	22.73	25.00	9.38	0.00	65.22	High	High	Medium	Low	Medium

<b>Brazil</b>	25.00	25.00	12.50	0.00	<b>73.91</b>	High	High	Medium	Low	<b>High</b>
<b>Chile</b>	18.18	25.00	12.50	12.50	<b>65.22</b>	High	High	Medium	Medium	<b>Medium</b>
<b>Colombia</b>	22.73	25.00	9.38	25.00	<b>73.91</b>	High	High	Medium	High	<b>High</b>
<b>Costa Rica</b>	18.18	25.00	15.63	0.00	<b>65.22</b>	High	High	Medium	Low	<b>Medium</b>
<b>Cuba</b>	4.55	0.00	0.00	0.00	<b>8.70</b>	Low	Low	Low	Low	<b>Low</b>
<b>Ecuador</b>	25.00	25.00	9.38	0.00	<b>69.57</b>	High	High	Medium	Low	<b>High</b>
<b>El Salvador</b>	13.64	12.50	9.38	0.00	<b>43.48</b>	Medium	Medium	Medium	Low	<b>Medium</b>
<b>Guatemala</b>	18.18	25.00	9.38	0.00	<b>56.52</b>	High	High	Medium	Low	<b>Medium</b>
<b>Honduras</b>	20.45	25.00	12.50	0.00	<b>65.22</b>	High	High	Medium	Low	<b>Medium</b>
<b>México</b>	25.00	25.00	18.75	0.00	<b>82.61</b>	High	High	High	Low	<b>High</b>
<b>Nicaragua</b>	22.73	0.00	6.25	0.00	<b>52.17</b>	High	Low	Low	Low	<b>Medium</b>
<b>Panama</b>	15.91	25.00	15.63	0.00	<b>60.87</b>	Medium	High	Medium	Low	<b>Medium</b>
<b>Paraguay</b>	20.45	12.50	6.25	12.50	<b>56.52</b>	High	Medium	Low	Medium	<b>Medium</b>
<b>Peru</b>	18.18	25.00	15.63	25.00	<b>73.91</b>	High	High	Medium	High	<b>High</b>
<b>República Dominicana</b>	11.36	0.00	0.00	0.00	<b>21.74</b>	Medium	Low	Low	Low	<b>Low</b>
<b>Uruguay</b>	18.18	0.00	6.25	0.00	<b>43.48</b>	High	Low	Low	Low	<b>Medium</b>
<b>Venezuela</b>	18.18	12.50	12.50	0.00	<b>56.52</b>	High	Medium	Medium	Low	<b>Medium</b>
<b>REGION</b>	<b>18.90</b>	<b>17.11</b>	<b>9.70</b>	<b>4.61</b>	<b>57.21</b>	<b>High</b>	<b>Medium</b>	<b>Medium</b>	<b>Low</b>	<b>Medium</b>

Source: self-developed, based on information from the analyzed States. Note: see Table 2 and Table 3 describing the scales and levels for each dimension.

Indeed, under the established levels and ranges (see Table 3), less than a third of the states analyzed (5 out of 19) have reached a high level of ethno-racial institutional capacity in Latin America; in other words, 26.3% of the countries in the region have the capacity to establish measures aimed at indigenous people and Afro-descendants in the region. However, the vast majority stand out for having greater skills in certain areas of institutional capacity, with a constant focus on the development of normative and organizational resources, to the detriment of technical-operational or financial elements.

In sum, at the regional level, ethno-racial institutional capacity in Latin America stands at 57.2%, given the dispersion of levels between countries. Graphically, the countries with the best conditions for the establishment of interventions to assist indigenous and Afro-descendant people are represented in the following figure:

Figure 16: Level of ethno-racial institutional capacity by country in Latin America.



Source: self-developed, based on information from the analyzed States.

## 5. Results Analysis

### 5.1. On the theoretical and applied scopes of the study variable

The concepts of institutional capacity have been used in different applied areas of political science and respond to different perspectives of analysis or measurement. Thus, some contemporary references offer four perspectives on the concept (Rosas 2008: 124). First, indicated capacity, which assumes capacity as a potential for the fulfilment of functions; second, effective capacity, which assumes it as the performance of governments in certain areas; third, capacity as a product or result, understood as the effects that governments generate in other spheres of society; and fourth, capacity as a process, that is, as the means to strengthen governmental and institutional performance.

However, in terms of the application of this concept to the field of interest, there is no evidence of the application of this variable in ethno-racial spheres, from any of its perspectives; that is, as the capacity of governmental attention to indigenous or Afro-descendant people in the region.

Thus, when analyzing and measuring a new applied variable of study, the use of an indicated perspective is inexorable, since, according to Martínez and Maldonado (2019: 25), the analysis should focus on the formal and stable practices of the institutions. Indeed, official and formal state resources have been used as the primary and direct sources to determine and attempt to measure capacity from an indicated conception applied to the ethno-racial field.

### 5.2. On the legal-normative dimension

Firstly, the findings demonstrate a potential commitment on the part of states to ensure and guarantee due protection of the human rights of indigenous and Afro-descendant people. However, the situation of some countries in the application of instruments for the protection of the rights of indigenous and tribal people is alarming, given that in some cases, mainly in Central America (Cuba, El Salvador, Panama, Dominican Republic and Uruguay), they have not signed ILO Convention 169. This lack of ratification would restrict indigenous and Afro-descendant people from participating, under the guarantee of the protection of international law, in processes that are important for their development, such as prior consultation in projects or interventions that affect their lands or their own development, among others.

Secondly, two thirds of the States analyzed have not ratified the OAS Inter-American Convention against Racism, Racial Discrimination and Other Forms of Intolerance; however, all States have ratified the UN International Convention on the Elimination of All Forms of Racial Discrimination and have normative instruments for ethno-racial attention and protection in their jurisdictions..

Thirdly, all the countries considered have some form of national legislation against racial discrimination, either from a mainly punitive approach or from a preventive-punitive approach. In fact, although a greater number of regulations does not strictly guarantee greater institutional performance, it does show -from the perspective of institutional capacity- a greater potential to guarantee the rights of these groups.

### 5.3. On the organizational dimension

As a first aspect, it should be noted that the vast majority of States have an office for indigenous people or Afro-descendants, or, failing that, for some of them, as a result of the jurisprudence addressed in the legal and normative dimension.

Secondly, the countries with a high level of legal-normative and organizational capacity are those with the highest demographic concentration of indigenous and Afro-descendant people in the region. For example, Brazil, which is the country with the highest percentage of Afro-descendants in Latin America (50.9%) has a high level in these two dimensions. Similarly, Guatemala (43.9%), Bolivia (41.8%), Peru (29.5%) and Mexico (22.7%), which have the highest concentration of these groups, show a high level of organization.

In the same sense, countries with a lower concentration of indigenous and Afro-descendant people, but with a slight majority of the former group over the latter, such as Argentina (2.4% and 0.4%) and Paraguay (1.8% and 0.1%), reach a medium organizational level. Given that they only have an area of assistance for indigenous people and no governmental areas of assistance for Afro-descendants have been identified.

Thirdly, the region is characterized by a duality in the type of institutional arrangement for the care of indigenous people and Afro-descendants. 73.7% of countries (14 out of 19) have specific offices for indigenous people and/or Afro-descendants, while 52.6% of countries (7 out of 19) deal with these groups from areas of attention or prevention of cases of racial discrimination or promotion of interculturality. However, when analyzing the level of dependence of the areas, 84.2% are characterized by the fact that their areas of attention are strictly dependent on a Ministry or Secretariat, while only 10.5% exercise political, economic and financial autonomy in their institutions. As can be seen, while there is a duality in the type of institutional arrangement in the region, there is also a consensus on the level of institutional dependence.

#### 5.4. On the technical-operational dimension

Indeed, 36.8% of States (7 out of 19) presented a high legal-normative and organizational level, but these cases only reached a medium level in the technical-operational dimension. This aspect may be evidence of different assumptions: that there is a reduced instrumental capacity to apply or guarantee what is established in the norms; that the management style is based mainly on normative dominance; that the actors exercising governmental power have decided not to include ethno-racial issues in the definition of policies; or that only the attention of a certain group has been included for various reasons.

In any case, it is evident that, despite the fact that 84.2% of States have some kind of policy instrument, no case was identified where indicators, targets and information, monitoring and evaluation systems exist for one or both population groups. Similarly, only three States have indicators or targets, or an information system for a given group, but no case analyzed establishes these two criteria for both ethno-racial groups.

Thus, it can be highlighted that the efforts to guarantee rights from a formal, law-based perspective, the establishment of institutions set up for this purpose, and the policy instruments designed to operationalize their interventions, are dissociated from efforts to measure and evaluate both management and results in terms of people's lives.

#### 5.3. On the financial dimension

Some elements conditioned the collection of information for this dimension. In fact, no financial information was found by category or budget breakdowns to identify the budget allocation of government areas that serve indigenous or Afro-descendant groups, nor on the funding available for the policy instruments that have been designed, despite the existence of transparency portals or budget execution monitoring. In light of this, one mechanism for action could be to disseminate information in accordance with international standards for the publication of public information, such as in open formats, in a documented, updated, timely, complete and detailed manner.

Despite the above point, and based on the limited open access information, it was found that only two States have budgetary resources allocated in 2023 for the care of both groups (Colombia and Peru). It is also relevant to note that this dimension is apparently associated with the previous ones, since, in addition to the two cases mentioned above, Argentina, Chile and Paraguay have budgets allocated solely for indigenous people, while they also have organizational resources (areas of attention) for this group.

Although the country with the largest proportionally allocated budget in 2023 for ethno-racial treatment is Chile, with only 0.59% of the national public budget, this does not imply that the percentage is sufficient for the development of the activities proposed by the governmental area. In this way, it is pertinent that the next research agendas can transcend the existence or not of a budget and focus on inferring whether the budgets are sufficient for the established purposes.

#### 5.4. On ethno-racial institutional capacity in Latin America

Although there are regulations that guarantee the protection and care of indigenous and Afro-descendant people, together with the existence of governmental areas for their care at the national level, this does not imply that the measures are potentially successful or effective. Thus, it was found that the level of ethno-racial institutional capacity in the region is at a medium level.

Strictly speaking, this may be due to the normative production that (still) characterizes certain traditional bureaucracies, since the effectiveness of interventions is conceived from the strengthening of legal and organizational frameworks; but which, during the last decades, are and should be moving towards other management models that assign value to policies, evaluation systems and budget allocation, through the promotion of policy coordination, capacity building and management competencies (OECD, 2020: 38).



## 6. Conclusions

Identifying the scope and limitations of public administrations is fundamental for the deepening of democracies in the region. In fact, the analysis of institutional capacities according to certain state functions allows us to argue for and measure the availability of resources to improve governmental tasks and performance.

However, the application of institutional capacities in ethno-racial contexts by public administrations is still in its infancy in the region. This may be due to the fact that state attention to this field of work is only a little more than two decades old.

Similarly, the state of academic production in political science on the subject is still limited. Indeed, the application of the institutional capacity variable has been identified in different areas of special interest, but the analysis of institutionality or institutional capacities in the ethno-racial field is rather limited. It is worth noting that the special concern of academia is still focused on diagnosing the situation of indigenous and Afro-descendant people, so that there is a large amount of information on their political, social, economic and cultural situation.

In spite of this, and in accordance with the research question, it can be concluded that the ethno-racial institutional capacity to attend to indigenous people and Afro-descendants in Latin America as of 2023 is at a medium level, given that, at the regional level, the cases analyzed meet 57.2% of the criteria considered, with the dimensions previously described being dispersed.

In light of this, it is pertinent to highlight that the role of international organizations is essential to guarantee the exercise of human rights in the countries, albeit only in name only. Strictly speaking, those countries that have ratified these instruments have shown a better performance in the fulfilment of the dimensions, in contrast to the cases that have shown a lower legal-normative level, such as Cuba and the Dominican Republic, which also face various limitations, such as the absence of census information for specific cases, limitations in the transparency of government activities, correspondence or segmentation with the exhortations of international organizations, among others.

In contrast, it should be noted that the ratification of an international instrument does not necessarily imply compliance with the other dimensions associated with the field of management. Although some States have a high level of legal and normative standards, this does not guarantee the existence of specific care departments for indigenous and Afro-descendant people (organizational dimension) or of general or specific policy instruments to improve their quality of life (technical-operational dimension), much less does it guarantee the existence of information systems based on indicators and targets for results or management (technical-operational dimension), or of financial resources.

This situation therefore reflects two situations of particular interest. First, a dissociation between normative jurisprudence and management or public policy activities. In other words, a greater normative volume does not imply the consideration of specific intervention measures for indigenous or Afro-descendant people. This may be due to the form of democracies in Latin America, which are in transition from a predominantly bureaucratic one - where legality prevails - to an alternative based on results, products and attention to the needs of the population.

Secondly, that the research agenda in the ethno-racial field must move beyond indicated perspectives, based on normative analysis and official sources of information, towards perspectives focused on the effectiveness or performance of their interventions, with special attention to the adoption of quality attributes for the care of these groups. In other words, it is important to adopt a research agenda in this area.

Consequently, possible future research that seeks to go beyond the findings of this article should consider the different dimensions of ethno-racial institutional capacity proposed, from both an indicated and a performance perspective, in order to contrast national and international human rights norms and their concrete application to different areas of development of indigenous and Afro-descendant people. These findings would provide information on both management (associated with the capacities of public administrations) and results in improving the quality of life of these population groups.

It is also suggested that research should refer to the use of mixed methodologies. For example, the background to a higher or lower level of institutional capacity lies in the decisions of governmental decision-makers; therefore, it is important to apply qualitative criteria to explore the reasons for making (or not making) decisions on ethno-racial issues. In addition, the use of such methodologies can analyze, compare and improve different governmental strategies to address discrimination. This research has identified two main lines of action, on the one hand, those countries with more punitive norms, while on the other hand, countries with preventive norms accompanied by punitive elements, with the identification of what each line of action entails remaining to be identified.

Finally, it highlights the need to prioritize the production of research on the subject. In itself, as well as responding to a gap in the academic literature, it is a human rights issue. Indigenous and Afro-descendant people represent a third of the population in Latin America and, as stated by various international organizations, they have been and are victims of various forms of structural violence that limit the exercise of their rights (ECLAC, 2014: 80-81; 2020: 14). Therefore, in order to reverse this historic situation, academic and governmental efforts are not only focused on making public management more efficient, but are mainly aimed at improving the quality of life of indigenous and Afro-descendant people.

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