



# Process for the legal registration of indigenous organizations in Mexico.



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# Introduction

# Introduction

In this research work on the legal registration process of indigenous organizations in Mexico, it is somewhat difficult to address the issues of the indigenous population, since Mexico has a great variety of indigenous peoples and cultures, in which the National Rights Commission Humans (CNDH, 2022) “according to INALI, in Mexico there are 68 indigenous peoples”, in which it is also important to mention that according to (INEGI, 2022) “In Mexico there are 23.2 million people aged three years and older who self-identify as indigenous, which is equivalent to 19.4% of the total population of that age range,” also having great cultural diversity, in which each, is found in very different contexts, taking into account that they share the same reality.

That is why, since previous years, with the purpose of stopping all this violence, organizations made up of indigenous people were created, who, currently, face many problems in society, all people belonging to these groups face the same problems. Realities of cruelty and harshness, having inadequate comprehensive, full and effective protection with respect to their human rights. They suffer from eviction from their ancestral territories, denial of opportunities to express their feelings and thoughts, they suffer from racism, they do not have access to health, they do not have access to adequate education, they do not have access to justice systems in their own native language., among many other problems. These people are marginalized, discriminated against and deprived in the legal systems of their countries, in this case Mexico, which means that they are, to a greater extent, very vulnerable to continuing to practice this type of violence, exploitation and abuse on their person and people.

Indigenous organizations seek that their efforts to maintain their values, rights and practices are supported, not only morally, but also with resources to continue maintaining activities and communication sources where this knowledge is shared and can reach different places and people. Having, as well as a point of interest, knowing the registration process carried out by indigenous organizations in Mexico in order to obtain their legal registration, in addition to knowing if they faced problems when carrying out all these requirements for their registration, since, In Mexico, in the legal framework, there is no specificity that indigenous organizations exist, but only civil organizations are mentioned, so different organizations will be interviewed to find out what their experience was when carrying out the entire legal registration process.

## **Objective.**

Investigate in Mexico, to learn about the situation and the registration process of civil organizations in the Quintana Roo area, specifically, the organizations that are categorized as indigenous, as well as the problems they face due to having a difference from the rest. of the standard organizations in Mexico, since they are organizations that aim to make a change for the good life of their indigenous communities, with the indigenous people themselves being members of the organizations and those who propose the best solutions for their contexts.

## **Methodology**

Among the Mayan communities of the Yucatan Peninsula, "tsikbal", having the meaning of "talk" in Spanish, is a common term that represents an informal conversation, thus being the form of compilation or research among elders in the Mayan area. . It is a very common fact that can be perceived on a daily basis, but in addition to being an everyday form of expression, it also helps us in the form of methods for important research and work, since this is one of the tools that contribute to the deepening of a topic that one wants to know about, then through what the indigenous way of sharing knowledge to new generations was formalized, little by little it was formalized as a standardized research method. And in this research, the "tsikbal" (talk) method in the Mayan language will be used, through interviews and field visits, thus having a broad conversation with the indigenous organizations and their leaders, who are our point of interest in this research. , and how they live their experience day by day, striving to obtain the legal registration of their organization, and obtain benefits for those who make it up. Relevant information will be used to precisely formulate the investigation.



**History of the state of indigenous organizations in Mexico**

# History of the state of indigenous organizations in Mexico

## Indigenous organizations in Mexico.

“The emergence of indigenous organizations during the past decades can be considered as the cause and effect of the transformations that have occurred in the public sphere in relation to indigenous peoples” according to (Stavenhagen), that is, as more organizations were created, the impact was greater. As the years went by, they became more and more accepted and therefore their ideology achieved great impacts. At the beginning, speaking more about the legal or acts related to them, the indigenous population was always at a disadvantage compared to the rest of society that belonged to groups of “non-indigenous” people. The people of the indigenous regions were treated as ignorant. But this changed until later years, which came with the wave of indigenous movements that respected their indigenous rights, causing the creation of various indigenous organizations as I mentioned before, these events occurring in the mid-70s and the first half of the 1970s. 80.

Mexico has multiple organizations with high social impact, with the 10 most important being so-called civil organizations, according to (CONACIM, 2019) as they are:

- Mayama AC
- Tuk Foundation
- youth colony
- IAC Full Life Foundation
- AC action center
- Food for all AC
- paidi foundation (Mexico mission)
- AC seed fund
- Eyes that feel AC
- tisa AC foundations

These are organizations made up of people who have the same interest in the development and well-being of a non-profit society. And just as there are also these civil organizations, there are also so-called indigenous organizations, with members belonging to different towns in the Mayan area, also seeking the well-being of their communities and respect for their human rights and their territories, among others. Having then the greatest impact in the country, called indigenous organizations according to the (UNAM) to the following:

- Alliance of Mazahuas-Otomí Indigenous Peoples
- National Indigenous Plural Assembly for Autonomy (ANIPA)
- Yaxkin Indigenous Rights Center
- Student Peasant Worker Coalition of the Isthmus (COCEI)
- Collective of Bilingual Nahuas-Popolucas Teachers of Puebla
- Indigenous Committee of Uxpanapa of Villa de Juárez, Veracruz
- Organized Community Members of Milpa Alta
- National Indigenous Congress (CNI)
- Coordination of Peasant and Indigenous Organizations of the Huasteca Potosina (COCIHP)
- Coordinator of National Indigenous Women
- Organization of Zapotec Indigenous Peoples (OPIZ)

### **1.1 What differentiates an indigenous organization from a civil organization?**

Now, considering all this, we can define: What are civil organizations? And how do they differ from indigenous organizations? respectively, the civil organization, according to the (UN) "It is any non-profit group of voluntary citizens that is organized at the local, national or international level." And the indigenous organization according to (UNAM) "relations of alliance, opposition and negotiation are established, and relations of imposition and subordination are specified. For this reason, processes aimed at maintaining the independence of the organizations and modifying the relations of domination of their peoples can take place." Given this, you can understand the difference between a civil organization and the indigenous organization, the indigenous organization is dedicated to managing more to defend the rights and opportunities of its people and the civil organization for society in general, although both are non-profit, also an important part to mention, is that mostly civil organizations are made up of people from the urbanized area and indigenous people, by people from the rural area precisely called indigenous, where decision-making is collective, which seeks the development of its people and that their rights and territory are valued and respected even if there is a difference between indigenous and non-indigenous, for the government the registration must be the same as a civil organization.



Now, knowing all the above, over the years, although it is true that indigenous organizations were more accepted, the problems and the fight to resolve them did not end, unlike a civil organization, where it is easier provide them with resources, whether economic or material, and they can easily get rid of this. On the other hand, in the indigenous organization the issue of releasing funds is more complicated, because on the part of people from the urban area, the fact of dealing with people from the rural area , it is a waste of their time, because with the meager thoughts they have, they believe that people in rural areas do not have the same capacity as them to carry out certain activities. The truth is that the only thing they want is for their territories and rights to be respected, for them to receive support to continue caring for and prevailing over their thoughts, ideologies and customs.

### **1.2 Laws of the Mexican constitution that defend the rights of the indigenous population.**

For this reason, it is important to mention that in the Mexican constitution there are laws that protect the rights of the indigenous population, as mentioned in the following articles of the Universal Declaration of Rights of Indigenous Peoples according to the(UNAM, Universal Declaration of Rights of Indigenous Peoples.), in which the following is stated:

- Article 3: indigenous peoples have the right to self-determination. By virtue of this right, they freely determine their political status and freely pursue their economic, social and cultural development.
- Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters related to their internal and local affairs, as well as to have the means to finance their autonomous functions.
- Article 5: Indigenous peoples have the right to strengthen and preserve their own political, legal, economic, social and cultural institutions, while maintaining their right to participate fully, if they wish, in the political, economic, social and cultural life of the state.
- Article 10: Indigenous peoples will not be forcibly removed from their lands or territories. No transfer will take place without the free, prior and informed consent of the indigenous peoples concerned, nor without prior agreement on fair and equitable compensation and, whenever possible, the option of return.
- Article 18: Indigenous peoples have the right to participate in decision-making on matters affecting their rights, through representatives chosen by them in accordance with their own procedures, as well as to maintain and develop their own decision-making institutions. decisions.
- Article 19: States will consult and cooperate in good faith with the indigenous peoples concerned through their representative institutions before adopting and applying legislative and administrative measures that affect them, to obtain their free, prior and informed consent.

- Article 23: indigenous peoples have the right to determine and develop priorities and strategies for the exercise of their right to development. Indigenous peoples have the right to actively participate in the development and determination of health programs.
- Article 30.1: military activities will not be carried out on the lands or territories of indigenous peoples; unless justified by a significant threat to the relevant public interest or freely agreed upon or requested by the indigenous peoples concerned.
- Article 33.1: Indigenous peoples have the right to determine their own identity or belonging in accordance with their customs and traditions. This no less undermines the right of indigenous people to obtain citizenship of the states in which they live.
- Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their own customs, spirituality, traditions, procedures, practices and, where they exist, customs or legal systems, in accordance with international human rights standards.
- Article 39: indigenous peoples have the right to financial and technical assistance from states and through international cooperation for the enjoyment of their rights set forth in this declaration.

Thus, having support for their political, economic, social, cultural self-determination, and their free development. Now, returning to the exposed problems faced by indigenous peoples in general in the country of Mexico, focusing specifically more on the state of Quintana Roo, which also has great ancestral wealth and a great heritage of its indigenous people, as well as organizations who are willing to stop the violence against their person and people, in addition to continuing to preserve said wealth, they are also very vulnerable to denigration, discrimination and denial of their rights as a society, because although the laws are in place, this in the majority In most cases, they are not taken into account and are not respected, which is why the indigenous population continues to be in the same precarious situation.

The state of Quintana Roo is practically divided into two, in the northern zone and in the southern zone, thus having the northern zone as the “main” economic entry zone and the indigenous zones that are renegade in the south of the state. state and that, despite having a much larger indigenous population throughout the state, they are always deprived of their rights and lack of jobs, education, among others. It is for this reason that the research was carried out in the Mayan area of Quintana Roo, being more specific, in the municipalities of Felipe Carrillo Puerto and José María Morelos, to delve deeper with the organizations, to know how they have managed to be valued and How have they helped their community in the different areas in which they work, in the same way, know their entire process for registration and if they faced problems during said process, what were those problems? And what measures did they take to solve these? That, with said law mentioned above, there should be no problem in carrying out the process to register your organization, since you are protected by it.

If their rights were not respected, or if they had problems carrying out these organizations in the past, now they are increasingly complicated, with respect to procedures, in addition to speaking financially, because generally all the funds are diverted or used for other activities with profit purposes. Now, these organizations have the vision that these are feasible and sustainable for each of them, in addition to the fact that since there is no adequate respect for their rights, they seek to ensure that through the creation of organizations, the activities they carry out offer society or citizens the opportunity to join the organization and thus work together voluntarily to seek the rescue of their knowledge or territories and promote social and civil values seeking the good life of their regions.



# **Results of the investigation**

# Results of the investigation

## Section 1: Documentation process and requirements for the legal registration of the organization.

Civil organizations in Mexico have had a lot of impact, due to the social actions they carry out. Although, indigenous organizations are not yet postulated as such, as “indigenous organizations” but as civil organizations, so they must also register as such and to do so, they have certain important steps to follow:

The most important thing to start with an organization is to know and define why you want to do it? What are the motives, ideals, dreams of that organization; Identify what problems they want to address? (poverty, inequality, pollution); define which people they want to help? (women, elderly people, among others) Likewise, in what area will they work? If so (educational, cultural, community organization, human rights, among others). Then you must define the name of your organization and to continue with this entire process, it must be important to choose the right people for the positions of president, treasurer and secretary for the good structuring and guidance of your organization. organization. So to have the possibility of access to federal public funds in the future, it is recommended that they include at least one of the 2 activities of Civil Society and are conditioned to register in the federal registry of civil society organizations of which they are:

- Cooperation for community development in urban or rural environments.
- The promotion and development of actions that promote the strengthening of the social fabric and citizen security.

So, it is understood that they must look after the common good of a group or community. Then on the other hand, civil associations also have three internal bodies:

- The board or board of directors
- The members’ assembly
- The supervisory board or audit commission

Where these help, the correct organization and decision making for your organization, then the powers will be what allows a natural person to function as a legal person. With these powers, the legal representative will then be able to open a bank account and sign contracts under the name of the organization. The powers

will be specified for the legal representatives in the articles of incorporation of the organization. With the draft statute already ready, the Promoting Commission must carry out the constitutive assembly, which is the act of founding birth of the entity, where it will be important that the attendees or members of the organization present copies of:

- INE personal identification
- Residence address
- Birth certificate

Next, write an equally very important document, where the constitutive act must be prepared respecting all the sections that are required, presenting everything from your name to why you are interested in carrying out your organization in addition to what your vision is. Concluding with the drafting of the articles of incorporation, now and then to register the name of the organization in the same way, certain steps are taken, which are:

- Make a request on the page of the Secretary of Economy, where the applicant must have an electronic signature.
- 3 names must be submitted for the organization, in order of preference.
- The resolution will only be presented to the person who requested it and/or to any person authorized by them.
- This procedure is valid for ninety business days as a margin to protocolize and register the constitutive act of the organization in the public property registry.

Then you must register it with the Public Property Registry where you must present:

- Original articles of incorporation and certified copy.
- Hand-filled application.
- INE official identification
- Payment of duties in the bank.

Next, you must complete your RFC procedure<sup>1</sup> of the organization, where the deadline to process it will be 30 days after the signing of the articles of incorporation, where the notary must deliver a article of incorporation with the original seal of the notary including the legend "for tax procedures." Subsequently, the SAT procedures<sup>2</sup> and the electronic signature that will allow, when sharing information by the issuer, to be identified with this signature, and in this way obtain its legal registration of its civil organization, made up of people who self-identify as indigenous to the organization itself.

## **Section 2: Reasons why it takes longer for indigenous organizations to obtain legal registration.**

Now, knowing all the steps they must take to register, some of the problems that most emerge for indigenous organizations in the Quintana Roo area are:

1. Lack of financial support to carry out the process.
2. Lack of people trained for the job of position administration.
3. The people who make up the group do not have the time necessary to attend to organizational matters.
4. They are low-income people.
5. They are people from the indigenous area.

So, we can realize that the lack of resources they have is one of the main problems and it is precisely for the same reason that they choose to stop their entire process and that very few manage to establish themselves. A case that we could talk about is mainly the K-luumil coordinator Alikea Santiago, commented that it has been somewhat complicated for them to form as an organization, precisely due to the fact that the women who make it up do not have the knowledge to manage any of the positions involved, which has taken them a long time. because these are still in process, but they need to be trained to be able to lead the organization better, although in the same way, a very important point to mention is that they do not have enough financial resources to continue moving the group forward, so they still They are in the strategic plan to later begin the legal registration process of your organization.

Another case is the Ajal Yaakun collective, who are about to conclude the steps and establish themselves, although it is true that their journey was also complicated at first, precisely due to the lack of resources; In which the coordinator Cristina Montejo Briceño, told us that they have a presence in the center and north of the state of Quintana Roo, working in this way, the municipalities of José María Morelos, Felipe Carrillo Puerto and Lázaro Cárdenas. This collective is waiting for the registration process before the notary, they have years of experience, in which the coordinator comments that they have been trying to be an organization for 3 years, however, with the new changes in federal administration issues, equally In a way, it led them to think about whether it was appropriate to continue trying to be an organization, for heritage reasons. At first, even with the fear of everything mentioned, they decided to keep trying and applied to the state government to obtain a 90% discount on the registration of which they managed to access that support, this economic source, it was of help to them. a lot of support to continue with his work in addition to having received support from other bodies to achieve its consolidation.

Unlike the collective CAMIA (Casa de la Mujer Indígena y Afroamericana) where the coordinator Grecia Mariel Gutiérrez commented that they have been in busi-

ness for approximately 7 years, but that for economic reasons they have decided not to continue with their registration, something very regrettable, because Due to the fact that they do not receive funds or economic resources, it is not possible for them to continue, since the cost in Mexico to register is between \$20,000.00 to \$30,000.00 Mexican pesos. Something in common that these groups and some other interviewees such as Agronomists of Quintana Roo and Eleonora Mendoza have is that, since these groups are made up of people who do not have tax, notarial, legal or administrative knowledge, it was what complicated them the most. This process, because they needed to hire more personnel who could carry out these jobs, and that was one more economic figure to consider, then they chose to stop the registration or it was what encouraged them, because they needed to look for where to obtain more income to solve registration and personnel hiring expenses.

Therefore, who would be the one who led the founding of the RITA organization (Red Indígena de Turismo de México), Mr. José Antonio Medina Ovidio, mentioned a very important phrase which is "proposal, protest, incidence", since it is a struggle or constant protest to defend their rights as indigenous people or people, a constant proposal for the problems that affect the moment of starting their registration, trying to provide solutions for its proper management. Likewise, indigenous organizations should begin to make welfare programs visible, who only use the image of these indigenous organizations for their own benefit, thus having a relationship of neocolonialism, because they continue with colonial practices, where only crumbs are given. to the indigenous peoples, taking advantage of them in this way, without solving their problem. In this way, all organizations made up of indigenous people have the same problems for their consolidation.

Something very important to mention in the same way is about the CLUNI (Unique Registration Code) that will be very helpful to you, and that you will only be able to count on it if you are formed as a civil organization, because with this registration, you will be able to receive support, These must have it only if they wish to be donees, and to do so they must have the following

- Constitutive documentation.
- Proof of your organization's tax situation.
- Proof of address of the organization.
- Official identification of the legal representatives.

So, in this way, being already a formed and legalized organization, they will be able to manage support and incentives from the Government of the Republic to facilitate the activities of each of them. Taking into account all of the above, with respect to the processes of each of the groups interviewed, we can identify that it is much more complicated for them to carry out the entire process when they do not have people who have knowledge regarding the different positions that come with having an organization and Therefore, it is more complicated to manage the use of funds provided to them or rather, to request them. For this reason, it is im-



portant to be fully trained for the positions and, on the contrary, have to learn, in order to be able to carry out a less complicated process and be able to carry out its legal formation more quickly.

## Background of the collective K-Luumil X'ko'olelo'ob

This collective, which is coordinated by Alika Santiago, as previously described, is a group of women who seek the common good, where they can have with this project, a livelihood for their families, because it consists of indigenous women, workers, who want to take advantage of that potential and thus in the same way support each other. Although something important that should be highlighted, is that as in most cases, although it is true that they have had seven years of experience, the resources to cover expenses and investments that are needed for this, such as: having to hire people who have the knowledge and ability to manage all the issues that are required to carry out this project, such as making documents, go to lawyers, accountants, administrators, among other positions that are needed for the proper management and feasible development to achieve their legal registration as an organization already constituted. This organization is in the west of the municipality of Bacalar in the state of Quintana Roo. This organization is highlighted because it has had a long trajectory since it was founded in 2016, approximately 8 years ago, and to date has not been able to establish itself due to the lack of support they receive as well as lack of knowledge that can help them to better perform their administrative work in the organization.

## Location and borders of Bacalar

Bacalar is in the municipality of Othon P. Blanco in the state of Quintana Roo at the geographic coordinates latitude 18.676944 and longitude -88.395278 at an average altitude of 10 meters above sea level (masl). Located 39 kilometers from Chetumal, the capital of the state of Quintana Roo.



<sup>1</sup> The Federal Taxpayer Registry is a composite alphanumeric code that the government uses to identify individuals and corporations that practice any economic activity in Mexico.

<sup>2</sup> The Tax Administration Service is a Mexican government institution in charge of administering and supervising taxes in the country. Guaranteeing compliance with tax and customs obligations of individuals and legal entities.



# Challenges

# Challenges

By engaging in conversations with the coordinators of the different organizations that were interviewed during the investigation, I was able to realize that they face many challenges every day, because they face problems as people, since their rights are not respected, they are not given the ease of resources due to belonging to rural or indigenous places, so the lack of it does not allow them to advance and be able to develop their organization as they would like, making their day-to-day processes more complicated, because the work they do to be looking for support



# Recommendations

to be able to carry out their process is much more exhausting and tiring, so they always choose to suspend their process and stop all the work they have already done, more than anything, this is the challenge that as belonging to a indigenous organization and by self-identifying as such, has affected them throughout their career in the organizations.

## Recommendations

It has been seen throughout this investigation that civil organizations began years ago, to fight for a common objective, for the collective well-being of people or communities, unlike indigenous organizations, we well know. that these began with the objective of fighting for the rights that correspond to them as people, fighting for the well-being of their territory and also of their community, which in contrast to the so-called civil organizations, indigenous organizations, their trajectory has been much more difficult, because by the simple fact of defining themselves as indigenous, those who comprise it have not been considered as important, much less capable. The way in which these are represented is very degrading, including the treatment that the authorities give to these organizations, gives a lot to talk about, because in this way, the indifferent treatment given to them is very noticeable, without respecting their rights, rights that, by the simple fact of being people, they deserve, just like anyone else. These are forms of power that “white” people exercise over indigenous people, believing themselves to be superior, and giving them mere crumbs of what actually belongs to them.

So, with the presence of indigenous organizations in the Quintana Roo area and knowing that their process to establish themselves as such has been very complicated, precisely due to the lack of support provided to them, economically speaking, since, without these resources, legal actions cannot be taken to form these groups. But thanks to President Andrés Manuel López Obrador, during his government, he has made changes that have benefited indigenous peoples, because through the Secretary of Native Peoples and Neighborhoods and Resident Indigenous Communities (SEPI) they have benefited with strengthening and support for indigenous communities, which ranges from support of between \$50,000.00 to \$200,000.00 to indigenous communities and community groups precisely for the reconstruction of their territorial fabrics, thus benefiting indigenous organizations, allowing them to continue working for the common good that they have. , thus respecting their human and territorial rights.

Although it remains a reality that, for indigenous organizations, it will continue to be a constant struggle to carry out their process for legalization, because they will have to continue working and looking for other organizations that can support

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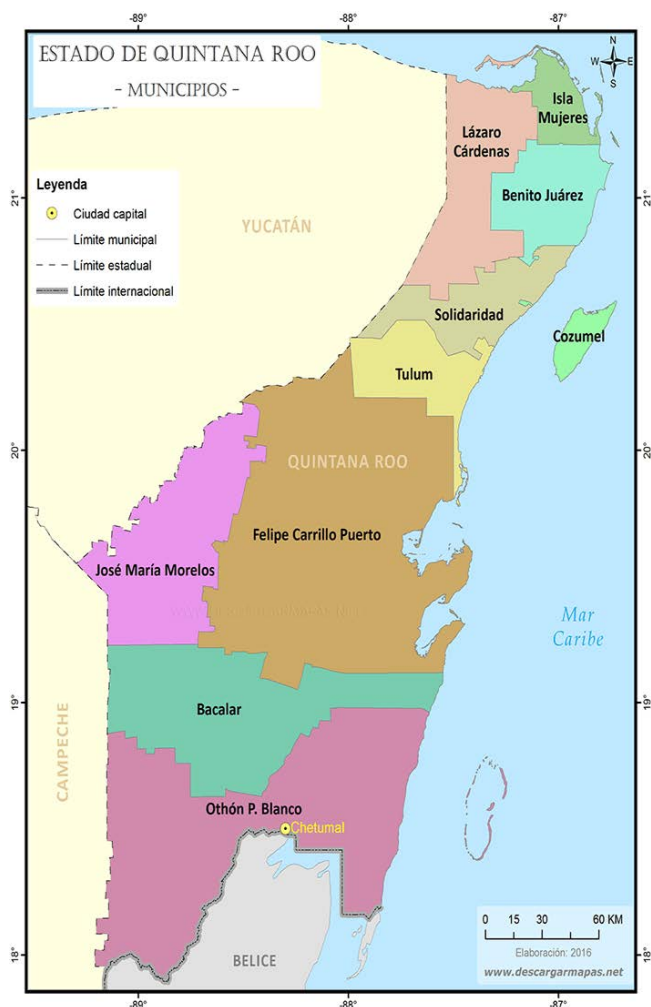
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# Annexes

List of groups, collectives and organizations interviewed.

1. K-luumil X'ko'olelo'ob Collective (by Arika Santiago).
2. CAMIA Collective (House of Indigenous and Afro-American Women) (by Grecia Mariel Gutiérrez).
3. Ajal Yaakun Organization (by Cristina Montejo Briceño).
4. Quintana Roo Agronomists Organization (by Ferreolo Cach)..
5. Eleonora Mendoza Organization (by Miriam Salgado)
6. RITA Organization (Mexico Indigenous Tourism Network) (by José Antonio Medina Ovildo).

## Map (Municipalities visited in the state of Quintana Roo Mexico: José María Morelos, Felipe Carrillo Puerto and Bacalar)



### Research roadmap.

From the community of the municipality of José María Morelos, in the same state of Quintana Roo, where the organizations Ajal Yaakun (by Cristina Montejo Briceño), the Eleonora Mendoza organization (by Miriam Salgado) were interviewed and after these interviews, the last ones were carried out online due to Given the long distance in which they were located, these organizations were: the Agronomists of Quintana Roo organization (by Ferreolo Cach), the RITA Organization (Red Indígena de Turismo de México) (by José Antonio Medina Ovildo) and finally, the interview with the K-luumil collective X'ko'olelo'ob (by Alika Santiago), was also carried out online due to the distance and availability of the coordinator.





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