

**Yoeme Cross-Border Cooperation: For the Defense
of Their Human Rights to Territory and Water****Cooperación transfronteriza yoeme: por la defensa
de sus derechos humanos de territorio y agua**Elia Anell Castro Peralta¹ & Aracely Rivera Cohen²

ABSTRACT

This article analyzes the strategies of cross-border cooperation that the Yoeme community (also called “Yaquis”) in Sonora, Mexico, carries out with the support of the Pascua Yaqui Tribe in Tucson, Arizona, United States, for the strengthening of their autonomous rights. This paper employs an interdisciplinary methodology, using observation, interviews, and documentary analysis techniques. The results reveal a cross-border collaboration of the Yoeme group in the form of legal, cultural, and economic alliances that have allowed them to create new international spaces to demand justice and strengthen their collective ties. It is concluded that such collaboration must be based on their traditional and cultural normative framework supported by international human rights instruments to strengthen their autonomous rights of territory and water. The main limitation was the restricted access to Yaqui groups due to the COVID-19 pandemic.

Keywords: 1. cross-border cooperation, 2. international human rights, 3. Yoeme, 4. Yaqui, 5. Sonora-Arizona.

RESUMEN

En este artículo se analizan las estrategias de cooperación transfronteriza que la comunidad yoeme (también llamada yaqui) en Sonora, México, realiza con apoyo de la tribu de la Pascua Yaqui en Tucson, Arizona, Estados Unidos, para el fortalecimiento de sus derechos autónomos. Se utiliza una metodología interdisciplinaria, empleando técnicas de observación, entrevistas y análisis documental. Los resultados revelan una colaboración transfronteriza del grupo yoeme en forma de alianzas legales, culturales y económicas que les han permitido la creación de nuevos espacios internacionales para reclamar justicia y fortalecer sus lazos colectivos. Se concluye que dicha colaboración debe partir de su marco normativo tradicional y cultural apoyado por instrumentos de derechos humanos internacionales para el fortalecimiento de sus derechos autónomos de territorio y agua. La principal limitación fue el restringido acceso a los grupos yaquis debido a las medidas preventivas ante el COVID-19.

Palabras clave: 1. cooperación transfronteriza, 2. derechos humanos internacionales, 3. yoeme, 4. yaqui, 5. Sonora-Arizona.

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INTRODUCTION

The Yaqui people are located in northern Mexico and are considered a binational community due to their counterparts in the United States of America. Among the resources available to them are vast stretches of land, as well as originally abundant waters from the Yaqui River. However, it is important to highlight that the territory and water would soon become a wave of destabilization led by Mexican President Porfirio Díaz from 1877 until the end of his term, a phase characterized by the seizure of land, water, and the labor exploitation of the Yaqui people.

This caused a significant rebellion among the Yaqui community, who participated in multiple armed clashes with the security forces of the Mexican state, often emerging victorious. Despite this, in 1896, by orders of the government of Porfirio Díaz, the Yaqui people were forcibly displaced from their ancestral settlements and taken as slaves to other regions of Mexico, resulting in the extermination of hundreds of their members and the loss of their territory.

This historical conditioning generated the need for the Yaqui community to create mobilization strategies in order to protect the inhabitants who managed to survive the genocide that occurred during the 20th century. As a result, the displacement over the years ended up placing a portion of the population in the United States, while another part managed to remain in the state of Sonora in Mexico, which currently implies special particularities.

In this way, Grageda and Molina (2013) point out that the Yoeme people are also called Yaqui³ in Sonora, Mexico, and are currently considered “a transnational community due to their historical mobility and cross-border dynamics” with their counterparts in Tucson, Arizona, United States (p. 230). Despite being separated by a border and different governments, they continue collaborating and maintaining common interests.

At this moment, the Yoeme people face serious challenges to their autonomous rights, primarily related, as described by Rivera Cohen (2017), to “imposed national and transnational development that has been detrimental to their territories and natural resources such as water” (p. 13). Most of these economic projects have been endorsed by contradictory national laws that, on the one hand, guarantee their development and progress but on the other hand, conceal the true interests of expropriation, repeating the history experienced by this community during the last century (Castellanos Guerrero, 2001).

Among the developmental megaprojects that have affected the Yoeme people, we can mention the Independence aqueduct. This project was initiated by the government of the state of Sonora in 2010, despite an *Amparo* (legal appeal for protection) filed by the Yoeme authorities. As a result of the legal appeal, the Nation’s Supreme Court of Justice (Suprema Corte de Justicia de la Nación, Sentence 631/2012 of 2013) ruled in favor of the cancellation of the project. According to the

³ The term “yoeme” is how these people self-identify, and it comes from their native language called *yoem noki* or *jiak noki*. The singular term is “yoeme”, and the plural is “yoemem”. “Yaqui” is the Spanish version of the term. It is worth noting that “yoeme” and “yaqui” are sometimes used interchangeably depending on the context, bibliographic quote or to avoid repetition.

Mexican Center for Environmental Law (Centro Mexicano de Derecho Ambiental [CEMDA], 2015), this negligence “resulted in the extraction of water from the Novillo dam to the city of Hermosillo through a 150-kilometer conduit” without prior and informed consultation (para. 3), which derived in the depletion of the Yaqui river. Therefore, it is a crucial issue to address, beyond national or international borders, the autonomous rights of the Yoeme community, particularly those related to territory and water.

This article analyzes the strategies of cross-border cooperation carried out by the Yoeme community in Mexico (known as the Yaqui group, people, or community) with the support of the Pascua Yaqui tribe in the United States, for expanding their autonomous rights. According to Lerma Rodríguez (2015), the autonomy of the Yaqui group is understood as “the capacity of the Yoeme people to self-govern according to their traditional system within a territory recognized as their own, both within and outside the community, and over which they have total influence for its administration” (p. 287). To achieve this, a normative framework is proposed in accordance with the Yoeme perspective, in line with national and international laws, which are binding in these cooperation processes. International human rights are based on universal values such as dignity and human integrity. Finally, the main challenges faced by this ethnic community in the process of cross-border collaboration involving two countries with different governments—Mexico and the United States—are highlighted.

YOEMEM OF THE YAQUI RIVER

The Yoeme community in Mexico is governed by internal oral norms and accepts the intervention of national and international laws. Hashemi-Dilmaghani and Carlón (2019) point out that “the Yaqui territory consists of eight traditional towns, which are: Bâcum (Baskoam), Belém (Bene), Loma de Guamúchil or Cócorit town (Ko’koi), Huirivis (Wibis), Pótam (Pota), Tórim (Tori), Vícam (Bika), and Ráhum (Raju)” (Hashemi-Dilmaghani & Carlón, 2019, p. 157). Each town has its own authorities, including a governor, a traditional council with advisory functions, and a military authority responsible for social order and defense of the Yaqui territory.⁴

Finally, their representatives include a secretary who, although not considered a traditional authority, has administrative functions related to negotiating agreements with external entities, both at the national and international levels. While each town has its traditional government, they all form a single autonomous group.

The Pascua Yaqui tribe is located in southern Arizona in the United States, while the Yoeme people of the Yaqui River are settled in their ancestral territory in southern Sonora, Mexico. It is worth noting that both Sonora and Arizona are part of a cross-border territory between the two

⁴ The division of the eight Yoemem towns originated with the arrival of Jesuit missionaries to the Yaqui territory and is understood as a point of religious syncretism where Catholicism was adopted while indigenous rituals, festivities, and ceremonies were preserved. It is also considered as a strategy for territorial defense, where despite being divided and having their own organization and traditional authorities, they all together form a single autonomous Yoeme group.

countries. This section includes an outline of the Pascua Yaqui tribe in southern Arizona, which helps understand the basis for the legal and economic support they have extended to the Yoeme people of the Yaqui River.

According to Leza (2015), the Pascua Yaqui tribe (as they self-identify) “is under the trusteeship of the U.S. federal government and also follows its internal laws” (para. 2). Their indigenous political organization is composed of districts, which are governed by a governor, a secretary, and a council, located in the reservation in Tucson, Arizona. It is worth noting that this tribe has a binational agreement with the Yaqui nation in the basin and river of the same name, which stipulates the protection of their rights as cross-border indigenous people (Resolution COI-13-1 of 2013).

In both Yoeme communities, the governor and his representatives provide input and participate in the legal agreements of this town, mainly related to “territorial space and natural resources”, according to Velasco (2015). The two Yoemem towns maintain and reinforce the same cultural-religious system related to *yo’ o luturia*, also known as *the truth of their ancestors*, which includes their ethnic way of life and traditional norms associated with the protection of territory and natural resources.

Therefore, Velasco (2015) emphasizes that “the Yoeme cultural system is inseparable from the defense of its territory” (p. 36) due to the sacred character attributed to the geographical space in which they are settled, interpreting this through symbolism, festivities, and ancestral beliefs that must be traditionally protected and preserved, as they are part of their most valuable heritage or possession.

Spicer (1980) offers a cultural-religious interpretation of the Yoeme territory in which religion, land, and nature intersect with their ethnic identity and are illustrated as follows:

A higher power gave us our land. This same power founded our villages. This land is our Mother, the Mother of our churches that are on it, and we are children of the church. It is not within our power or the power of the Mexican government to change this. It must remain as it has been (p. 280).

For this reason, the Yaqui community has focused its struggles on defending what they consider a sacred legacy. The relationship between their cultural identity and their territory is based on historical perseverance of struggle, memories of resistance, and territorial belonging, conceptualized by Spicer (1980) as “Yaqui persistence identity” (p. 280).

Their narratives and historical memories are shared with the Yaqui group settled in the United States, which has allowed them to have a common struggle. Garduño (2004) refers to this as the “rehabilitation of indigenous identity towards the formation of transnational communities” (p. 41). They now self-identify as a *warrior group* in constant struggle and change due to their lived experiences.

The transnational Yoeme association benefited from the recent reforms to the Mexican Constitution, when Article 1, second paragraph, was modified to adopt several norms from international treaties under the premise of legal harmonization for the protection of indigenous peoples’ rights (Decree of 2011; Constitución Política de los Estados Unidos Mexicanos, 2021). For the purposes of this study, international treaties ratified by Mexico, such as ILO Convention no.

169 concerning Indigenous and Tribal Peoples (Organización Internacional del Trabajo [OIT], 2014) and the United Nations Declaration on the Rights of Indigenous Peoples (Naciones Unidas [NU], 2007), will be considered, as they have binding legal force at the national level in case of any indigenous disputes.

METHODOLOGY

This research was conducted in the village of Pótam, which is one of the eight traditional Yoemem (Yaqui) communities in the state of Sonora, Mexico, and has a larger indigenous population and greater participation in international human rights agreements. At the beginning of the study, the traditional authorities were consulted, and their oral and written consent was requested in accordance with their own internal protocols.

The relevance of this study lies in the thematic innovation it addresses, which is the forms of collaboration between two indigenous communities divided by the border between the United States and Mexico, but who work together from their local to international spheres, seeking to strengthen their indigenous autonomy.

A qualitative interdisciplinary methodology is used in this study. The necessary tools for data collection include interviews, observation, bibliographic analysis, and a previous doctoral study on the researched community. The bibliography includes legal instruments such as the Mexican Constitution, the United Nations Declaration on the Rights of Indigenous Peoples (NU, 2007), ILO Convention no. 169 (OIT, 2014), as well as binational agreements of the Yoeme people. Interviews were conducted using a question guide until data saturation was achieved. At the end of each interview, it was transcribed and assigned, and a pseudonym was assigned to each participant, ensuring that their name could not be linked to their responses. This research was further enriched by the participation in Yoeme community events and a binational seminar where members of the technical and legal team of this population were involved to obtain information about their cross-border strategies, their norms, and the obstacles they face in transnational cooperation processes.

The epistemological perspective in this article is grounded in indigenous knowledge and experiences that enable an explanation of their forms of cooperation and an understanding of the complexity of the relationships of the subjects under study (Chilisa, 2019) to identify their most intricate relationships. This process is referred to by Bautista (2014) as the indigenous recovery of denied humanity and what the Yoeme people know as *yo' o luturia*, or the truth of their existence.

The article is divided into several sections following the introductory section and the methodology. The subsequent section addresses considerations of cross-border cooperation, explaining the forms and perspectives of cooperation. Next, the legal framework is presented, compiling the most significant rights related to cross-border cooperation and the Yoeme community. The following section presents the results regarding the cooperation strategies shared between the Yoeme tribe and the Pascua Yaqui tribe in the United States. Finally, the conclusions are presented, highlighting the cross-border collaboration between the Yaquis in Mexico and residents in the United States.

Overview of Cross-Border Cooperation

In light of the contextualization of international human rights treaties, Ríos (2016) points out that “they promote cooperation between countries and indigenous peoples, using legal mechanisms that seek the implementation of their rights beyond national borders” (p. 8). In this way, the challenges faced by an indigenous community in a territory can be approached from an integrative perspective with legal responsibility for the states, which allows for cooperation to take place.

In this sense, Bendelac Gordon and Ramírez (2019) portray cross-border cooperation as “a strategy of good democratic governance to promote social cohesion,” which is the essential element for State integration and indigenous relevance (p. 71). Good governance is understood as one that respects the demands of social organizations and grants them autonomy to participate according to their conceptions, norms, and interests. Cross-border cooperation, therefore, seeks to improve integration and cooperation between regions through four fundamental stages: 1) adequate research and relevant data through which institutions from both territories complement each other bilaterally; 2) reciprocal consultation elaborated before the implementation of any project, program, or public policy that may affect the territory described on the other side of the border; 3) harmonization of a legal platform that includes norms, practices, and regulations from each of the territories; and 4) integration of the addressed territories as a single space that enables social cohesion (p. 71). The territory, as a spatial variant, is not only the object of economic development but also an instrument for generating connections that allow for a multicountry platform to be achieved.

Countries seek to promote cross-border cooperation and social cohesion to benefit territory integration and international relations, as exemplified by the Agenda 2030 (Bendelac Gordon & Ramírez, 2019). According to Robinson (2015), the cross-border production generated by these groups “has resulted in favorable resistance against extractive capitalism and has become a new global capitalism formed by transnational groups operating on equal opportunities” (p. 16). Therefore, social cohesion allows for the creation and maintenance of common jobs between nations based on appropriate consultation, norms linking, and the integration of their territories.

One of the first international treaties signed by Mexico and the United States regarding international cooperation and the pursuit of peace was the Treaty of Guadalupe Hidalgo (Tratado Guadalupe Hidalgo, 1848). In Article XIII, the boundaries of the conquered Mexican territories included the state of Arizona, which “subsequently, those territorial rights were made invisible and granted to their original owners under mere concessions” (Perea et al., 2007, p. 296). Despite the original stipulations of the treaty, the U.S. government appropriated almost half of the Mexican territory; since then, the Treaty of Guadalupe Hidalgo serves as a reminder of the challenges of maintaining legal and ethical responsibility the State has towards people in contiguous territories.

In Mexico, cross-border cooperation of indigenous peoples is promoted by national laws, especially after the reform of Article 1 of the Constitution, which changed the term *individual*

guarantees to human rights (Decree of 2011). As a result, some international treaties are considered part of the same Mexican legal framework, which implies that the rights of indigenous groups must be interpreted by national and international norms, always favoring the individual and principles of universality, among others.

The case of the Purépecha community in Cherán, Mexico, exemplifies the interrelation between the Constitution and international treaties: the rights of consultation and autonomy stated in Article 2 of the Mexican Constitution and Article 6 of ILO Convention no. 169 were interrelated in a favorable decision by the Supreme Court of Justice of the Nation, granting them the rights to establish their governing authorities and access to their economic resources as a municipality (Aragón Andrade, 2015; OIT, 2014).

In the case of Mexico, ILO Convention no. 169 (OIT, 2014) and the United Nations Declaration on the Rights of Indigenous Peoples (NU, 2007) are international instruments ratified by the government and linked to the Yoeme case. Despite concerns about adapting communities in the transnational sphere, authors like Ríos (2016, p. 8) highlight “the complexity of these types of relationships regarding their autonomy, collaborations, and activities associated with their territories,” which go beyond the conception of the nation-state.

By ratifying ILO Convention no. 169, Mexico commits to adapting its national legislation, which was fulfilled in 1992 and 2001 by amending its constitutional Article 2 and considering the country as multicultural and establishing collective rights of indigenous communities (Decree of 1992; Decree of 2001). For example, the aforementioned convention recognizes the particularities, customs, and traditions of indigenous groups based on two fundamental principles by maintaining and strengthening their cultures (which are the basis of cultural identity) and deciding on their economic, social, and cultural development (OIT, 2014, p. 8).

From ILO Convention no. 169, the following articles can be highlighted in relation to cross-border cooperation and their corresponding rights: non-discrimination (Articles 3, 4, and 20) in order to fully relate or cooperate with other indigenous groups and communities by adopting measures to protect their cultures and ways of life; the right to decide on their own economic, social, and cultural development (Article 7); the right to be consulted in a free, prior, and informed manner in development processes (Article 6); the right to land and territory (Articles 13 and 14); the right to natural resources on their lands (Article 15); and the consideration of their customary law, as long as it is compatible with the rights granted by the national legal system (Article 8), among others (OIT, 2014).

In regards to land rights, Article 13, paragraph 1 of the convention stipulates that:

Governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both, as applicable, which they occupy or otherwise use, and in particular the collective aspects of that relationship (OIT, 2014, pp. 34-35).

Simultaneously, Article 13, paragraph 2, states that “The use of the term *lands* in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas

which the peoples concerned occupy or otherwise use.” (OIT, 2014, p. 35). In other words, the convention recognizes the special relationship that indigenous peoples have with the lands and territories they use or occupy and that these rights should be guaranteed to indigenous peoples in national constitutions.

On the other hand, Article 2 of the Mexican Constitution recognizes the collective rights of indigenous peoples, emphasizing the conservation of the integrity of their lands (Section v), as well as the preferential use and enjoyment of natural resources in the areas they inhabit (Section vi). Additionally, Article 27 of the Constitution recognizes the integrity of the lands of indigenous peoples and highlights the utilization of waters to strengthen the livelihood of their members. However, there are legal challenges between the provisions of Convention no. 169 (OIT, 2014) and the Mexican Constitution. Unlike the convention, Article 27 of the Constitution recognizes lands and waters within the limits of the national territory as property of the nation, which has the right to grant their ownership to individuals through concessions when it deems it in the public interest (Constitución Política de los Estados Unidos Mexicanos, 1934).

In the case of the Yoeme people, the Yaqui territory is conceived from a special relationship they maintain with nature and the cosmos as a whole, and it considers traditional parameters that include natural landmarks. Particularly, water involves a holistic conception that includes cultural and religious aspects, and therefore these parameters must be implemented to avoid legal loopholes and political manipulations driven by particular interests and purely monetary ambitions.

Taking into account the constitutional framework provided by Article 2, the Mexican nation is considered “unique and indivisible,” founded on its indigenous peoples, who are those settled in the territory since the beginning of colonization and who maintain to a greater extent their collective organizations and institutions (Constitución Política de los Estados Unidos Mexicanos, 2021). The defense of the Yaqui territory and natural resources is attributed to their traditional representatives, governed by their beliefs and practices in political, economic, religious, cultural, and social matters. In this sense, Lerma Rodríguez (2015) points out that the governor of each town, apart from holding a political position, is believed to be born to serve their community through a divine mandate. Therefore, the political organization of this community is closely tied to its governors, their religious beliefs, and indigenous roles, where their traditional authorities serve as the mechanism for their executive power and provide specific functions for their community.

Therefore, it is contradictory that, although indigenous rights are fully recognized by recent laws, there is still debate about legal gaps concerning the possession and delimitation of their lands, as well as the adequate access and control of natural resources. To address these gaps, the federal government has promoted the Justice Plan for the Yaqui People, which seeks to restore their violated rights regarding lands, territory, and water (INPI, 2021).

Indeed, recognizing the concept of Yoeme territory at the constitutional level and in accordance with their traditional parameters and forms, considering their legitimate ethnic authorities, is required to advance in these legal processes.

Similarly, the United Nations Declaration on the Rights of Indigenous Peoples (NU, 2007) contains the most important claims of these peoples in the last 20 years and offers a universal language appropriate for referring to these peoples as individuals. However, the declaration is not a treaty in itself but imposes moral obligations on the countries that have accepted it, such as Mexico. For example, the Inter-American Court of Human Rights (IACHR) has used the document in several international resolutions with binding effects on other treaties of this kind, giving it the character of mandatory regulations. In virtue of this, the UN Declaration is an international tool that reflects a moral character for the protection of the rights of indigenous peoples, such as cooperation, and guaranteeing the control of their territories and their natural resources.

Within the most outstanding articles of the United Nations Declaration on the Rights of Indigenous Peoples (NU, 2007) for the issue of Yoeme cross-border cooperation, articles 36 and 3, respectively stand out: the right to preserve and establish contacts, relationships, and cooperation—including collective activities—with their members, as well as with other peoples, across borders; and the right to self-determination that has emerged as a tool of decolonization and affirmation of their rights to territory, traditional normativity, and indigenous practices (Anaya, 2009).

For the Yoeme case, according to Erickson (2008), cooperation is understood as collective work for the common good. The cooperation of the Yoeme people includes respect for the values of solidarity and service to others, which have allowed them to expand their cross-border ties mainly with the Yaqui tribe in the United States. Within the traditional Yoeme system, people who know and share their knowledge are the elders, bearers of traditional truth or *yo' o luturia*. According to the meaning of “*yo' o luturia*: *yo' o* means ‘ancient’ or ‘the eldest’, ‘the wise’, and *luturia* means ‘the truth’, so *yo' o luturia* is ‘the truth of our elders’” (Hashemi-Dilmaghani & Carlon, 2019, p. 18). Elders also pass on this knowledge to future generations and their Yaqui brothers across the border, which is the symbolic backbone that provides material support for cultural and social resources for the common good. Likewise, Yoeme traditional knowledge is considered sacred and provides a source of identity for members of this ethnic community.

Cross-Border Cooperation for the Yoeme Context

The Yaqui community is considered a transnational group since there is a sister nation in different national states, framed within a large border limit between Mexico and the United States. Also, this population on both sides of that border has the same interest in the struggle to vindicate their right to self-determination, their government and culture, and natural resources (Vega, 2018).

It is worth noting that the Yoeme population of the Yaqui River faces serious challenges to their autonomous rights related to development projects imposed on their territories, leading to a lack of recognition of their traditional system. To address these challenges, the Yoeme have had to create new strategies with the Yaquis in the United States. The methods aimed at cross-border cooperation of the Yoeme group in Mexico have been undertaken in the form of cultural, economic projects, and legal collaborations, which promote their autonomous rights, foster their family ties, and their sense of belonging to the territory with the Yaquis in the United States. The collaboration of both Yoemem groups shows the creation of new legal agreements that have led to the formation of transnational spaces to negotiate their rights. Anaya (2009) points out that United Nations General Assembly Resolution 2625 links the ability of indigenous peoples to maintain cooperative relations between States and indigenous peoples (Anaya, 2009). It is worth noting that Resolution 2625 (XXV) of 1970 includes the declaration of principles of international law regarding cooperation between States contained within the United Nations Charter.

In 2013, both indigenous communities signed a binational agreement where “the two Yaqui nations pledged to work together for the advancement of territorial and development rights” (Binational Agreement of the Yaqui Nations, 2013, p. 1). Although there is the perspective of two nation-states and two ethnic nations, the Yaqui territory precedes the formation of nation-states.

It is important to mention that for the Yoeme people, the term “nation” is not imposed on the term of the Mexican nation, as it refers more to an interpretation of indigenous sovereignty and autonomy based on the interpretation of international human rights. In this sense, the right to self-determination through indigenous autonomy is a norm protected by international law and customary law that emerges as a tool for decolonization (Anaya, 2009). Yoeme’s internal norms are oral and can be protected by international regulations. The same happens with their ways of relating to the Yaquis in the United States; these are understood from a collective perspective, which reinforces their cultural-religious system and simultaneously advances their indigenous rights.

When national legal resources are exhausted, the only recourse available for Indigenous peoples to seek justice is international law. Therefore, the Yoeme have used international treaties such as the Convention no. 169 (OIT, 2014) and the United Nations Declaration on the Rights of Indigenous Peoples (NU, 2007) to address legal obstacles in their home country. Specifically, during the legal process of the Independencia aqueduct, the Yoemem exhausted all national instances, leaving only the option of international arbitrators such as the IACHR.

In 2011, the Yoeme transnational collaboration was strengthened with the filing of a petition before the Inter-American Commission on Human Rights (IACHR) by Yoemem authorities in Mexico. This legal process was initiated, guided, and supported by US institutions such as the University of Arizona and the government of the Pascua Yaqui in Tucson, Arizona. In Petition 79/06, their arguments claimed justice for the violations of rights suffered through various economic development projects in their territories authorized by the Mexican government

without their consultation. Among these projects, the construction of the La Angostura (Lázaro Cárdenas) dam in 1943, the Oviachic (Álvaro Obregón) dam in 1953, and the El Novillo (Plutarco Elías Calles) dam in 1964 (CIDH, 2015, p. 5). According to the Yoeme government, the results of these projects triggered serious environmental, economic, political, cultural, and social problems in their communities, mainly a shortage of water from the Yaqui River.

During the presidency of Lázaro Cárdenas, Yoemem economic activities—such as the exportation of cattle and marine products to the United States—increased considerably, which fostered the strengthening of their main productive areas, for example, the formation of the Guácimas and Bahía de Lobos (fishing) cooperative and the *Rancho Agua Caliente* livestock cooperative. Despite the strategic advance with the cooperatives, they were created only considering national legal parameters, without considering certain Yoeme practices and norms. For example, the governor of this community was also the formal representative of the cooperative, who changed every year; however, once his traditional term ended, he continued to be the cooperative's representative indefinitely. As a result, the allocation of economic resources by the government was affected due to the lack of clarity regarding traditional representatives.

Among its challenges, the Yaqui government faces the usurpation of traditional authorities in each town, commonly known as *dual authorities*, formed by people who call themselves Yaqui authorities without going through the proper Yoeme traditional protocol. Due to this usurpation, the technical actors of this community have had to change their strategies several times and abruptly end their projects. Legitimate technical bodies have also had to modify their name and organization until they could establish a Yaqui General Staff. Currently, the traditional government is in charge of developing the Justice Plan for the Yaqui People (INPI, 2021), promoted by the federal Executive, as well as the binational transition teams and negotiation working groups with state and national governments for the protection of their territorial rights and natural resources.

According to Juan Lopez (2021), in an interview in the town of Pótam, Yaqui River, an instrument of international cooperation was the Mexico Project, which sought the economic revitalization of the Yoeme group through the increase of their agricultural production and export to the United States. One of the obstacles to this initiative was positive law, as the Yoeme community was not considered a public, mercantile, or civil subject. Therefore, the Pascua Yaqui community in the United States had to serve as a legal subject and representative of the Yoemem group in Mexico regarding the control and disposition of economic resources.

To face the previous challenges, the Yoeme people embarked on a fiscal evolution where, according to Law 352 of 2018, “the recognition of the eight Yoeme towns is claimed before the Tax Administration System (Sistema de Administración Tributaria [SAT]), with their own Federal Taxpayers Registry (Registro Federal de Causantes [RFC])” (pp. 104-105). This process of fiscal formalization would signify the beginning of recognition of the Yoeme people as a public subject of law in a more equitable economic interaction platform regarding international investments.

The transactional economic collaboration has included the artisan work of Yoeme women. For example, the cooperatives *Bordado en Ropa Tradicional: Mujeres Indígenas y Manos Indígenas*⁵ in the town of Pótam make artisanal products that they sell to people from the Pascua Yaqui tribe. The interviewed Yoemem women identify the problems their community faces, not in a legal context but in their collective life narratives and sense of belonging to the territory, with phrases such as “it’s a pride to be Yoeme”. Therefore, the cooperation of these women implicitly involves the relationship between their territory, ethnic identity, and traditional practices (Erickson, 2008, p. 15). Thus, although the work of women has occurred on a small scale, it has served to strengthen their family and cultural ties.

This cooperative system of Yoeme women can be expanded by considering their common interests and aspirations, respecting their traditional governance systems, and considering Mexican and international norms. However, the traditional Yoeme government in Mexico is composed only of men. Only Yoemem women who hold high religious positions (*kiyojteim*), such as singers (*kapariam*) or carriers of religious images (*tenanchim*), can participate in political affairs due to the services they provide to the community.

It is important to mention that according to Hashemi-Dilmaghani and Carlón (2019), “before the conquest, Yoemem women participated in politics and negotiated peace with outsiders” (p. 99). This dynamic changed when the Yoemem had their first encounters with Europeans, and they asked to negotiate only with the men of the tribe. As a result, the colonial logic based on a patriarchal regime impacted the participation of women in political life until today, establishing an adaptation of women only to social, religious, and cultural spheres.

Within the historical context, the Yaqui scholar Anabel Galindo (2021) presents a mapping of the mobility of her people between 1770 and 1940. In this research, she highlights the communal, identity, and labor components that motivated them to move to different geographical points. Galindo argues that the Yaqui people must be understood within a historical framework and expands the concepts of land and identity to understand the role of this ethnic group in the complex network of historical processes and social interactions. The author focuses her analysis on Yaqui mobility as a vehicle to elucidate the moments of flexibility, resistance, and adaptation that allowed the Yaqui people to maintain their cultural continuity, preserving and expressing their indigenous identity, culture, and community. Within the field of temporal and spatial mobility, as well as the daily lives of Yaqui families, it is possible to establish where people moved and how they responded to Spanish, American, and Mexican colonial rule. For example, members of the tribe who traveled through Sonora, Nueva Vizcaya, and Alta California during the 18th century reported how the Yaquis dealt with the regime while maintaining their identity, culture, and community. During the transformative years of the 19th century in Baja California and into the revolutionary Mexico of the 20th century, the Yaqui people strategically learned to adapt and negotiate their presence in unexpected places while reinforcing their identity (Galindo,

⁵ Embroidery on Traditional Clothing: Indigenous Women and Indigenous Hands.

2021). Although the researcher does not specifically address the issue of cross-border cooperation as the focus of her analysis, she underscores the importance of historical, social, and geopolitical contextualization for the Yaqui case.

Another study reveals cooperation regarding the defense of the collective rights of the Yaqui people living on both sides of the US-Mexico border. Despite the material and symbolic difficulties they face in different countries, ethnic groups share strategies to access their sacred resources such as land, water, and culture (Rivera Cohen & Castro Peralta, 2021).

Similarly, other scholars, such as Meeks (2007), Schulze (2018), and Vega (2018), have written about the case of the communities of the Yaqui River, Arizona and California, mainly highlighting transnational ethnic ties and claims for justice. Specifically, regarding the Yaquis in California, U.S., Rivera Cohen and Grageda Bustamante (2017) analyze transnational ethnic mobility from the Yaqui River to the southwest of that state. It is worth noting that the aforementioned research by Meeks (2007), Schulze (2018), Vega (2018), Rivera Cohen and Grageda Bustamante (2017) does not discourse under the conceptual framework of cross-border cooperation, but directly contributes to its construction from a historical and cultural standpoint since they respond to the historical processes that enable cross-border cooperation nowadays. Likewise, these studies present the cultural landscape that ensures cooperation.

The cross-border cooperation between the two Yoemem tribes includes cultural exchanges. For instance, there is a traditional ritual in the form of a bi-national race that takes place every five years between the two communities in Mexico and the United States, seeking to remember their ancestors and the historical challenges they faced mainly during the Porfiriato period. This cross-border cooperation ritual lasts for five days; it starts in Vícam, Sonora, and ends in Pascua Yaqui in Tucson, Arizona. A similar example is the Tohono O'odham community and their Salt Pilgrimage ritual, in which they travel about 400 kilometers from southern Arizona to the Altar Desert in Mexico, remembering that there are no borders. It should be noted that the Tohono O'odham territory was divided in 1853 when the border division between the United States and Mexico was established, separating their indigenous territories on both sides of the border (Hoover, 2018). The outstanding linkage between the two Yoemem tribes has been aimed at maintaining their cultural system and religious practices.

Cunningham (2013) mentions that indigenous culture such as that of the Yoeme group holds a special relationship with their territories and nature that is closely associated with their rights. This approach goes beyond an individualistic and Western vision and represents more of a collective indigenous conception of defending the territory. This and the Yoemem's natural resources are sacred elements in their lives. In this context, the land belongs to all Yoemem and is regulated or protected by their traditional authorities. Similarly, it is their traditional authorities who regulate the use of resources within the Yaqui territory with a strict system of internal law (usages and customs).

Therefore, the findings highlight that the cross-border collaboration strategies of the Yoeme community in Mexico with the Pascua Yaqui tribe in the United States have taken the form of

economic, cultural, and legal projects, which have been favorable for the vindication of their collective and autonomous rights. The Yoeme cooperation strategies are based on their way of life or great truth, known as the Yaqui *yo'oluturia*, which includes their cultural system and internal law and fits in with international human rights treaties that identify the control of the physical space that belongs to them and indigenous natural resources as primary rights.

The Water of the Yaqui River

The Yoeme people have suffered a constant struggle for their most precious vital resource: the water from the Yaqui River. Upon the arrival of the Spaniards, the community lived in settlements on the banks of the river, which contained the most abundant waters in the northwest of Mexico (Spicer, 1994). Pérez de Ribas (1944) compares it to the flow of the waters of the Guadalquivir in Andalusia, for having fertile lands and abundant waters, ideal for agriculture (p. 84).

The Yoeme community's water problem began between the 18th and 19th centuries and worsened with the arrival of Porfirio Díaz to the presidency and his capitalist model, which aimed at the development and progress of the country, and ended in territorial and hydraulic dispossession and genocide for this community (Padilla, 2015). In many parts of the world, several indigenous peoples have been affected by this type of aggression towards development, in which their lands and natural resources have been the target of national and international projects that only pursue economic profits and private benefits (Doyle & Gilbert, 2018).

Later on, the favorable conditions of the Yaqui Valley for large-scale agriculture attracted U.S. interest and led to the emergence of the green revolution in the region (Cerutti, 2019). The chronicler Claudio Dabdoub (1964, cited in Aboites Aguilar, 2015, p. 38) named the Yaqui Valley as "the new granary of the Nation," referring to its voluminous irrigation systems. In recent years, the overexploitation of the water from the Yaqui River has left it practically dry compared to its abundant flow in previous times. The decline of agriculture as the predominant economic activity also contributed to this, replaced by other industrial and service activities.

The access rights to water for the Yoeme community have been denied. For example, even though President Lázaro Cárdenas recognized their right to use 50% of the water from the La Angostura dam in 1940, they never received the agreed volumes. Ironically, subsequent governments continued to develop more projects to expropriate this vital liquid, such as constructing La Angostura, El Novillo, and El Oviachic dams (Moreno Vásquez, 2014).

Currently, the President of Mexico, Andrés Manuel López Obrador, has promoted the Plan of Justice for the Yaqui People (INPI, 2021) through a justice commission to repair the historical damages inflicted on the Yoeme people, mainly in terms of land rights, territory, water, and development. According to the report from the director of the Northwestern Basin Agency of the National Water Commission (Organismo de Cuenca de Noroeste de la Comisión Nacional del Agua [CONAGUA]) (Miranda, 2020), with the rise of this plan, the Yaqui people would be the first indigenous community in the country to receive the administration of an irrigation district

as holders of the resource. In addition, according to this document, the federal government offered the Yoeme people the construction of a water treatment plant and a sewer system that would benefit their eight communities.

Since the reform of Article 2 of the Mexican Constitution, the rights to self-determination and autonomy of indigenous peoples, as well as the right to consultation and to natural resources, have been recognized, considering customary management and national, state, and international legal harmonization (Constitución Política de los Estados Unidos Mexicanos, 2021).

The rights to the natural resources existing in the lands of the interested peoples must be protected, as declared in ILO Convention no. 169 (OIT, 2014), which entails their right to participate in the use, management, and conservation of said resources (Article 15). Thus, governments are expected to respect the special importance that the relationship with the lands or territories holds for the cultures and spiritual values of these communities (Article 13). Additionally, according to Article 7 of Convention no. 169 (OIT, 2014), they are granted the right to “participate in the formulation, implementation, and evaluation of national and regional development plans and programs that may affect them directly” (p. 28).

Another international instrument is the United Nations Declaration on the Rights of Indigenous Peoples (UN, 2007), which grants Indigenous peoples the right to participate in strategies and initiatives for their development (Article 23) and the right for States and indigenous peoples to establish “an equitable process” in which their forms of land tenure are recognized in relation to their territories and resources (Article 27).

CONCLUSIONS

Throughout this article, the cross-border cooperation strategies carried out by the Yoeme group in Sonora, Mexico, with the collaboration of the Pascua Yaqui tribe in Tucson, Arizona, United States, were analyzed. These strategies aim to strengthen their autonomous rights as indigenous peoples located in the border area between both countries.

The results point to a cross-border collaboration between the Yoeme population of Sonora and the Pascua Yaqui counterpart in Arizona. This collaboration is manifested through legal, cultural, and economic alliances. The cross-border nature of the collaboration between both peoples has allowed them to create new international ethnic spaces to claim justice and strengthen their collective ties, both political, economic, cultural, and social, as well as geographical, as mentioned by Rivera Cohen and Castro Peralta (2021), Rivera Cohen and Grageda Bustamante (2017), and Vega (2018).

The cross-border cooperation between the Yoeme community in Mexico and the Pascua Yaqui people in the United States is an instrument that contributes to their autonomous rights through economic, cultural, and legal projects. In particular, their indigenous autonomy is associated with their rights to territory and water in international human rights. International treaties such as the United Nations Declaration on the Rights of Indigenous Peoples (UN, 2007) and ILO Convention no. 169 (OIT, 2014) benefit binational indigenous projects and procuring international spaces for

dialogue and negotiation of their rights. Thus, the declaration and the convention offer the Yoeme people an appropriate contextual framework for participation, cooperation, consultation, and control of their territory and natural resources from their community organization to the international sphere. This collaboration should be based on their traditional and cultural normative framework, supported by international human rights instruments, such as the aforementioned convention and declaration, to strengthen their autonomous rights to territory and water.

In the cross-border ethnic context, the Yoeme population has the Binational Agreement of the Yaqui Nations (2013), orchestrated by the Pascua Yaqui Council with the cooperation of their counterparts in Sonora. This agreement stipulates the protection of their rights as cross-border indigenous people. Although the tribe's agreement was created in the last decade, the relationships between the southern Arizona community and their Yaqui River counterparts have been gestating since the Porfiriato period, at the end of the 19th and early 20th centuries. This period was characterized by articulating transnational capital with the government, which generated resource dispossession, genocide, and transborder mobility. During this period, there were large waves of Yoeme migration to Arizona, mainly. However, these indigenous people also migrated to other points in the United States, such as California, Texas, New Mexico, and Nevada (Spicer, 1980). The main reason for migrating was to avoid genocide or mass deportations by the Mexican government, led by Porfirio Díaz (Fabila, 1940; Figueroa, 1985; Meeks, 2007; Rivera Cohen, 2020; Schulze, 2018).

Among the major obstacles to cross-border cooperation, the Yoeme people lack mechanisms that legitimize them as public subjects of law. At present, the measures taken by the Yoeme people to address these challenges are aimed at changes in fiscal and administrative matters that grant them recognition as subjects of law with legal personality.

Although the Mexican government has incorporated several indigenous rights in the Constitution, the Yoeme community still lacks recognition of their internal systems and the supplanting of traditional authorities in their territories. Simultaneously, this lack has limited the effective implementation of their human rights. In this context, although Mexico has incorporated several constitutional norms in favor of indigenous groups, which have even adopted international standards, they have not been effectively implemented and do not involve, in several cases, the Yoemem aspirations.

Another significant obstacle that this indigenous community has faced has been water insecurity, which has historically, systematically, materially, and culturally impacted them since the 18th century. Later, it was exacerbated by the development of transnational capitalist projects under the tutelage of President Porfirio Díaz at the end of the 19th and early 20th centuries. Díaz's capitalist model culminated in the territorial and water dispossession of various indigenous communities, mainly the Yaqui, with massive deportations to the south of Mexico and a genocide for this community (Padilla, 2015).

The main limitation of this research was the restricted access to the Yaqui groups due to preventive actions against COVID-19. However, interviews and field observations were conducted with the appropriate health measures related to the pandemic.

The authors of this article find that the Yoeme cultural system—including their internal law (customs and traditions), as well as the legitimate representation of their traditional authorities (executive power)—is essential for the advancement of their autonomous rights. It is identified that Yoeme cross-border cooperation is effective when considered within the framework of international human rights, as it advances their collective and individual rights. Therefore, Yoeme cooperation should include their collective conception of cooperation, traditional forms of governance for negotiations, and values that give them a sense of belonging and are the basis for defending their ancestral territory and sacred resources.

The economic and development projects for the Yoeme people require the work of governmental entities at the international, federal, and state levels to implement concrete public policies regarding the indigenous group, with public servants who are knowledgeable about their culture and experts in their traditional norms and practices. For example, in public policies for the Yoeme people, particular actions of international cooperation could be addressed where their indigenous cross-border ties are promoted and considered, and they are recognized as public subjects of law with their own decision-making, executive, and organizational capacities.

Translation: Erika Morales.

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