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**In the Shadow of Recognition**  
**Indigenous Rights and Ethnic Conflict in the Andes**

**Book Manuscript**

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May 2020

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## **Acronyms and Abbreviations**

AA Affirmative action

ACIT Asociación Campesina del Municipio de Inzá Peasant Association of the Inzá Municipality

AIDSESP Asociación Interétnica de Desarrollo de la Selva Peruana, (Association for the Development of the Peruvian Rainforest)

AIOC Autonomía Indígena Originaria Campesina (Indigenous Native Peasant Autonomies)

ANUC Asociación Nacional de Usuarios Campesinos (National Association of Peasant Users)

ANZORC Asociación Nacional de Zonas de Reserva Campesina (National Association of the Peasant Reserve Zones)

APCOB Apoyo Para el Campesino Indígena del Oriente Boliviano (Support for the Indigenous Peasant of the Bolivian East)

APG Asamblea del Pueblo Guaraní (Guaraní People Assembly)

ASCAMCAT Asociación Campesina del Catatumbo (Peasant Association of the Catatumbo)

CART Central Ashaninka De Rio Tambo (Ashaninka Central of the Rio Tambo)

CCP Confederación Campesina del Perú (Peasant Confederation of Peru)

CIDOB Confederación de Pueblos Indígenas de Bolivia (Confederation of Indigenous Peoples of Bolivia)

CIPLA Central Indígena del Pueblo Leco (Indigenous Central of the Leco People)

CIT Confederación Indígena Tayrona (Indigenous Confederation Tayrona)

CNA Confederación Nacional Agraria (National Agrarian Confederation)

CNC Coalición Nacional para el Cambio (National Coalition for Change)

CNTCB Confederación Nacional de Trabajadores Campesinos de Bolivia (National Confederation of Peasant Workers of Bolivia)

CONACAMI Confederación Nacional de Comunidades del Perú Afectadas por la Minería (National Coordinator of Communities Adversely Affected by Mining)

CONAIE Confederación de Nacionalidades Indígenas del Ecuador (Confederation of Indigenous Nationalities of Ecuador)

CONAMAQ National Council of Ayllus and Markas of the Qullasuyu (Consejo Nacional of Ayllus y Markas del Qullasuyu)

CONAPA Comision Nacional de Pueblos Andinos, Amazonicos y Afroperuanos (National Commission on Andean, Amazonian and Afro-Peruvian Peoples)

CONTCEPI Comisión Nacional de Trabajo y Concertación para la Educación de los Pueblos Indígenas (National Working Commission for Indigenous Peoples Education)

COPPIP Coordinadora Permanente de los Pueblos Indígenas del Perú (Coordinator of the Indigenous People of Peru)

CPILAP Central de Pueblos Indígenas de La Paz (Central of Indigenous Peoples of La Paz)

CRIC Consejo Regional Indígena del Cauca (Regional Indigenous Council of the Cauca)

CSUTCB Confederación Unica de Trabajadores Campesinos de Bolivia (Unified Confederation of Peasant Workers of Bolivia)

CUNARC Central Única Nacional de Rondas Campesinas (Unified National Central of Peasant Rounds)

CWHP Congress of World Hmong People

ECUARUNARI Confederación de Kichwa del Ecuador (Confederation of Peoples of Kichwa Nationality)

EIIP Educación Intracultural Intercultural and Plurilingüe (Intracultural Intercultural and Plurilingual Education)

EINAP Ejército de la Nacionalidad Ashaninka del Pichis (Ashaninka Nationality of Pichis)

EJOLT Environmental Justice Organizations Liabilities and Trade

ELN Ejército de Liberación Nacional (National Liberation Army)

ETI Entidad Territorial Indígena (Indigenous Territorial Entity)

FAO Food and Agriculture Organization

FARC Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)

FENMUCARINAP Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú (National Federation of Peasant, Artisan, Indigenous, Native, Salaried Women of Peru)

FENSUAGRO Federación Nacional Sindical Unitaria Agropecuaria (Unitary National Federation of Agricultural Trade Unions)

FPIC Free Prior and Informed Consent/Consultation

FSUTC-FT Federación de Campesinos de la Provincia Franz Tamayo (Peasant Federation of the Franz Tamayo Province)

FUTPOCH Federación Unica de Trabajadores de los Pueblos Originarios de Chuquisaca (Unique Federation of Chuquisaca Native Peoples Workers)

IBE Intercultural bilingual education

ICETAX Instituto Colombiano de Crédito Educativo y Estudios Técnicos en el Exterior (Colombian Institute of Educational Credit and Technical Studies Abroad)

ILO International Labour Organization

INCODER Instituto Colombiano para el Desarrollo Rural (Colombian Institute for Rural Development)

INE Instituto Nacional de Estadística (National Institute of Statistics)

INGEMMET Instituto Geológico Minero y Metalúrgico (Mining and Metallurgic Geologic Institute)

INRA Instituto Nacional de Reforma Agraria (National Institute of Agrarian Reform)

IWGIA International Work Group for Indigenous Affairs

LGBT Lesbian, gay, bisexual, and transgender

MAS Movimiento al Socialismo (Movement toward Socialism)

MIA Mesa de Interlocución y Acuerdos (Table of Interlocution and Agreement)

MNR Movimiento Nacional Revolucionario (National Revolutionary Movement)

NGO Non-governmental organization

ONAMIAP Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (National Organization of Andean and Amazonic Indigenous Women of Peru)

ONDS Oficina Nacional de Diálogo y Sostenibilidad (National Office of Dialogue and Sustainability)

ONIC Organización Nacional Indígena de Colombia (National Indigenous Organization of Colombia)

OPIAC Organización de los Pueblos Indígenas de la Amazonía Colombiana (Organization of Indigenous Peoples of the Colombia Amazon)

PETT Proyecto Especial de Registro y Titulación de Tierra (Special Land Titling and Cadastre Project)

PUJC Pontificia Universidad Javeriana de Cali (Pontifical Xavierian University of Cali)

PUSOC Proceso de Unidad Popular del Suroccidente Colombiano (Popular Unity Process of the Colombian Southwest)

SAIS Sociedades Agrícolas de Interés Social (Agricultural Societies of Social Interest)

TAN Tribunal Nacional Agrario (National Agrarian Tribunal)

TCO Tierra Comunitaria de Origen (Native Communal Land)

THOA Taller de Historia Oral Andiana (Workshop of Oral Andean History)

TIOC Territorio Indígena Originario Campesino (Indigenous Native Peasant Territory)

TIPNIS Territorio Indígena and Parque Nacional Isiboro Sécure (Indigenous Territory and National Park Isiboro Sécure)

UN United Nations

UN-REDD Programme United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

UNESCO United Nations Educational, Scientific and Cultural Organization

VAIPO Vice-Ministerio de Asuntos Indígenas y Pueblos Originarios (Vice-Ministry of Indigenous Issues and native Peoples)

VRAEM Valles de los Rios Apurímac, Ene y Mantaro (Valleys of the Apurímac, Ene and Mantaro Rivers)

ZRC Zona de Researva Campesina (Peasant Reserve Zone)

## Introduction

Shortly after midnight, early on Christmas Day 2010, the Cultural Centre of San Andrés Pisimbalá, a small town nestled in Colombia's western mountain range, was transformed into a battlefield. Celebrations were interrupted by gunshots that left four people seriously injured, and machete attacks that left another dozen with minor wounds. This would be the first of many violent episodes in a conflict between indigenous and peasant residents over territorial control and the implementation of ethnocultural education in schools. For almost a decade now, life in San Andrés has been disrupted by a series of land invasions, house and crop burnings, forced displacement and threats. Ten years after that fateful episode, the local school is still closed to peasant children and the conflict remains unresolved.

In a similarly remote region, this one bordering Bolivia's northern Amazon, in the early morning of 16 May 2007 around 600 peasants marched from the town of Apolo towards Madidi National Park. Armed with chainsaws and rifles stolen from the local police, they threatened to start logging this internationally famous biodiversity hotspot, in protest against the issuing of a land title that granted a large portion of the community territory to a newly constituted indigenous organisation. The park's occupation marked the culmination of a long-lasting dispute between the local peasant union and the Leco indigenous people that completely altered the coexistence of families and communities, who were suddenly split along new ethnic boundaries.

A few years earlier, some 3,000 kilometres north of Apolo along the western edge of the Peruvian Amazon, a conflict between an Awajún indigenous community and peasant settlers ended in one of the deadliest episodes of civil violence in recent Peruvian history. On 17 January 2002, a few dozen peasant families living in a settlement called Flor de la Frontera awoke under siege by a group of armed Awajún. The siege, intended to evict the settlers from illegally occupied indigenous land, left 16 people dead and 17 wounded – most of them women and children.

These three episodes are paradigmatic examples of inter-communal conflicts that have emerged over the last twenty years across the Andean region. These disputes are between peasants and indigenous peoples – groups identified along class and ethnic lines – who occupy remote rural areas characterised by widespread poverty, social marginalisation, environmental fragility and a deep colonial history. Most of these

conflicts tend to become endemic and protracted over time, generally remaining at relatively low intensity levels with occasional escalations and peaks of violence. That they take place in remote settings and have relatively moderate levels of violence may help explain why they fall outside the radar of the national media, public debate and scholarly attention.

Yet, these conflicts deserve attention not only because of the negative impact they have on local communities, but also because they open up new and important questions in contemporary debates on equality and diversity. Why are groups that have peacefully cohabited for decades suddenly engaging in hostile and violent behaviours? What is the link between these conflicts and changes in collective self-identification, claim-making and rent-seeking dynamics? And how, in turn, are these changes driven by broader institutional, legal and policy reforms? To address these questions, this book relies on extensive empirical material that delves into stories of recent inter-communal conflicts in three Andean countries: Colombia, Peru and Bolivia. It maps the actors, motives and timeframes of these conflicts and situates them in the broader context of socio-political transformation that the region has undergone in recent decades. In particular, it shows how the rise in inter-group competition is linked to the implementation of a new generation of legal, institutional and policy reforms that, since the early 1990s, have introduced special rights and protection for ethnic (indigenous) groups.

A new consensus on the need to grant legal guarantees to ethnic groups was forged at the international level in the 1980s and, since then, has trickled down to domestic policies across the world. The approach has become particularly influential in Latin America, where vibrant indigenous movements had successfully pressured governments to respond to their demands for recognition, rights and, in certain cases, self-government. Contentious indigenous politics led to a new model of citizenship and statehood, in stark contrast with the assimilationist paradigm that had prevailed since the mid-twentieth century. Inspired by globally famous theories of recognition (Taylor 1994, Kymlicka 2001), this new model postulates that the formalisation of differentiated rights for ethnic groups is a precondition for social coexistence on peaceful and equal grounds. Over the last thirty years, Latin America, and the Andean countries in particular, have pioneered the implementation of the recognition agenda mainly through constitutional reforms that formally recognised the multicultural or plurinational nature of their societies. These reforms introduced new ethnic-based rights granting indigenous peoples certain degrees of territorial and administrative

autonomy, political representation, direct participation in decision-making processes and access to special social provisions. In this context, I include within the ‘recognition reform’ category a broad set of institutional, legal and policy changes, ranging from more moderate versions inspired by neoliberal multiculturalism to more radical plurinational regimes, while I understand recognition as the process of institutionalisation of special rights to social collectivities determined along ethnic lines.<sup>1</sup>

As has been extensively documented, recognition reforms have had an empowering effect on traditionally marginalised indigenous groups and, in turn, have strengthened democratisation and improved the quality of political communities in countries traditionally beset by persistent discrimination and inequalities. Yet these positive effects have come with unforeseen social costs. In contrast to the mainstream progressive interpretation of the politics of recognition as offering more peaceful and inclusive arrangements for ethnically diverse societies, this book argues that these politics contain seeds of conflict. While they aim to improve social inclusion, under certain conditions they increase social differentiation in cultural and socio-economic terms, expand the gap between communities of rural poor, reduce incentives to cooperate and generate new types of social conflicts, which I call recognition conflicts.

I define ‘recognition conflict’ as a pattern of behaviour in which groups consistently engage in contests over goods, services, power, social boundaries and/or leadership as a part or a consequence of the recognition of specific ethnic rights. Parties in competition self-identify as members of distinct and bounded groups, divided along ethnic and/or class lines. Although this is a rather broad definition, it seems pertinent to studying a phenomenon with common roots but outcomes and material implications that vary greatly. Indeed, the recognition conflicts studied in this book range from increased inter-group competition to open violence and involve a broad spectrum of

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<sup>1</sup> This is a rather narrow definition of recognition as it focuses specifically on ethnicity and institutionalised politics. In the literature, recognition has been understood in very different ways. As many as 23 different usages of the notion ‘to recognise’ have been identified, grouped into three main categories, namely recognition as identification, recognising oneself and mutual recognition (Ricoeur 2005). While left-Hegelian political philosophers have tended to emphasise the positive normative dimension of recognition as a precondition for the fulfilment of a ‘vital human need’ (Taylor 1992, 26; see also Honneth 1995, Kymlicka 1995), Marxist and post-structuralist philosophers conceptualised recognition as a potential source of estrangement and as an inhibitor of social transformation (Althusser 1971, Sartre 1943). Sociological literature has tended to focus on recognition claims as the expression of struggles of marginalised social groups for social incorporation (Hobson 2003, Bauman 2001), and more recently on recognition gaps, defined as disparities in worth and cultural membership between groups in a society (Lamont 2018).

actions: from hatred discourses and political competition; to discriminatory acts, threats and blackmail; to violent outbreaks and physical aggression.

This book constitutes the first attempt to provide an empirically grounded analysis and a theoretical framework for understanding these widely overlooked types of conflict, which have emerged over the last twenty years commensurate with the strengthening of ethnic-based rights. It challenges the primary logic of recognition according to which the granting of minority rights should reduce conflicts, revealing that, under certain conditions, recognition can become the main source of conflict itself.

### **Ethnic Conflict in the Age of Recognition**

Throughout history multi-ethnic communities have been the norm rather than the exception. This is true also for the contemporary world. It is estimated that more than 90% of modern territorial states contain two or more ethnic communities of significant size (Connor 1973). Esman (1994) identifies three main sources of ethnic pluralism: conquest and annexation; European colonisation and decolonisation; and cross-border population movements. In modern times, ethnic heterogeneity has often been the source of conflict and political instability. Throughout the 20<sup>th</sup> century, the doctrine of national self-determination has inspired anticolonial struggles and legitimised autonomy claims of ethnic minorities within national borders. Over the past decades, economic globalisation also favoured the movement of people, at times increasing social tensions in receiving societies. These instabilities made it urgent for states to explore new strategies for ethnic diversity governance. Recognition has been one of them. Despite the fact that moral principles, a sense of justice and just struggles hugely vary within and across human societies (Eckstein & Wickham-Crowley 2003), the paradigm of recognition has had a reach across different and diverse countries. This is likely because it addresses some of the most urgent anxieties of modern democracies concerning how to guarantee a peaceful and fair coexistence of ethno-cultural groups within state liberal architectures. Recognition of ethnic groups through institutional and legal reforms has been the object of important national debates from Canada to Argentina, from Kenya to Norway, from Nepal to the Philippines.

But the most audacious steps to institutionalise recognition of ethnic groups have taken place in Latin America. The region, which hosts approximately 50 million indigenous peoples (UNDP 2013), has the highest rate of ratification of the 169



Convention on the Rights of Indigenous and Tribal People (15 out of 22 countries)<sup>2</sup>, the only binding international norm on ethnic-based rights. This enthusiasm can at least partially be explained by the need to overcome the dark past of dictatorial regimes in the 1970s and 1980s, which provided an incentive for the ratification of conventions in general, as part of Latin American countries' international rehabilitation (Panizza 1995; Lutz & Sikkink 2001). The impact of international law on domestic legislations, however, was more than symbolic. Since the early 1990s, constitutional reforms took place across the region to formally recognise the multicultural or plurinational nature of Latin American societies, while introducing ethnic-based rights which granted a certain degree of territorial and administrative autonomy, political representation and access to special social provisions (e.g. in education and health) to indigenous peoples (including, in certain cases, Afro-descendants; see Paschel 2015; Hooker 2005). Where constitutions were not amended, indigenous rights were often included in legal frameworks and nationwide policies through, for example, systems of quotas for political representation and affirmative action in the education sector (Van Cott 2005b).

These reforms were not only the result of 'norm cascade' mechanisms, whereby the chance of ratification increases once a norm has proven internationally successful (Finnemore and Sikkink 1998), but they also stemmed from bottom-up pressures by a growing number of indigenous movements active at the national and international levels. Since the 1980s, organisations representing indigenous peoples were founded in a number of Latin American countries including Bolivia, Peru, Ecuador, Colombia, Mexico and Nicaragua. The so-called indigenous 'awakening' or 'resurgence' (Albó 1991; Bengoa 2000; Le Bot 2009) occurred in tandem with the rise of the global indigenous movements and thanks to the financial and advisory support of a myriad of non-governmental organizations (NGOs) and activists, mostly foreigners, that formed alliances with local communities to win battles of recognition (Canessa, 2018; Andolina *et al.* 2009; Jackson 1995 and 2019). Throughout the 1990s, indigenous organisations consolidated and, in certain cases, made their first steps into national political arenas, while ethnic identities regained traction as sources of self-identification and markers of social differentiation and group belonging.

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<sup>2</sup> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Venezuela.

The rise of indigenous movements and their politicisation has been linked to the new opportunities enabled by the democratisation processes that followed the collapse of dictatorial regimes across the region, and particularly the efforts to generate more open electoral and party systems (Yashar 1998; Van Cott 2005a). The positive assessment of recognition in the framework of democratisation processes in Latin America has meant that, in practice, the effects of these reforms on social and political ethnicization (and therefore more rigid social boundaries) have been read almost exclusively through the lenses of empowerment of traditionally marginalised and impoverished communities and their enhanced participation and social inclusion. Indeed, as research on indigenous politics has amply shown, these reforms were a key step towards the redressing of a system of exclusion and discrimination rooted in the colonial past (Postero 2007; Lucero 2008; Hale 2002; Brysk 2000; Sieder 2002). They were key factors in strengthening the social and political organisation of indigenous peoples and converting them into political actors in many Latin American countries, from Mexico to Colombia, from Ecuador to Bolivia (Yashar 2005; Van Cott 2005a). Latin America is therefore considered the region in which the recognition agenda has been implemented most successfully and in a relatively unproblematic way. In this context, scholars have been generally reluctant to focus on the effects of the ethnicization of social conflict and collective identities for the overall social cohesion of these societies.

This attitude has contributed to widen the gap between continentally siloed debates on ethnic politics. Indeed, mirroring the position of the vast majority of governments in Asia and Africa, scholars studying ethnic politics in these continents have remained very sceptical about recognition. If in Latin America the focus has been on the emancipatory potential of indigenous rights for social inclusion and to fight old discrimination rooted in the colonial past, in Africa and Asia discussions have revolved around the destabilising potential of ethnic politics and its malleability vis a vis political and economic changes (Posner 2005; Comaroff & Comaroff 2009). Scholars have been especially sensitive to the potential for indigenous politics to exacerbate local inter-ethnic conflicts and reinforce class hierarchies that further marginalise the poorest people (Sylvain 2014; Li 2002; Pelican 2009; Shah 2010). What are the roots of this continental divide on recognition? I argue that politics rather than ethnic demography is the key factor at play here. This difference is rooted in a very pragmatic assessment of the potentials for geopolitical destabilisation linked to ethnic appraisals, which is

related to the relative power of ethnic groups with respect to the central government, as well as to their loyalties, interests and sense of belonging to the nation-state. Even a very rapid assessment of these features leads to the conclusion that both the fragilities in the process of consolidation of national identities and the disruptive potential of irredentist claims are much more serious in most African and Asian countries than in Latin America. Also, in most Latin American countries, no single ethnic group makes up more than 20-30% of the population. Without a clear minority vs ruling majority divide, the very claim for autonomy based on discrimination loses traction (for an in-depth analysis of factors that can explain these divides see Kimlicka 2007).

It is hardly a coincidence, then, that in Africa and Asia minimalist approaches have prevailed, which mean that few groups are treated as 'indigenous' and the term is chiefly reserved for scattered and nomadic minorities. However, in Latin America, maximalist interpretations dominate (with some exceptions such as Peru), which suggests that all the populations that pre-existed before colonisation should be considered 'indigenous'. Countries' different attitudes have also been influenced by the role of international organisations, who have certainly been more proactive in the implementation of indigenous rights in Latin America compared to any other region. In particular, in the African context, international organisations have been framing indigenous rights as a humanitarian matter, focusing on very specific minorities (those living in remote regions, hunters and gatherers and particularly marginalised even among the multiple ethnic minorities) and trying to avoid issues around self-determination of national minorities (such as the Kurds, the Tamil, the Tuareg, etc.).

A minimalist attitude is also mainstream among anthropologists and subaltern studies scholars focusing on Asia and Africa, who have often denounced the essentialist idea of culture and identity embedded in the indigenous concept, although they disagree on whether essentialism could, in certain cases, benefit social struggles (for example through strategic essentialism, Spivak 1993) or foster new inequalities (Kuper *et al.* 2003). The concept of strategic essentialism represents a rare example of cross-continental contamination, as it became very influential in Latin America as well, where it has been used as an alternative explanation to institutionalist approaches to make sense of the new ethnicization of social struggles. This concept is used to describe how subaltern groups decide to ascribe to a shared identity in order to increase their chances of success in public battles for rights (Buchanan 2010). It has the merit of introducing a strategic dimension to recognition struggles that accounts, at the same time, for the

rarely considered performative effects of institutional changes. Yet, it falls short in explaining why certain subaltern groups are not able, or do not choose, to act strategically. In the context of indigenous rights, for example, why do some groups with clear indigenous markers choose not to self-identify as indigenous? As we shall see, this behaviour is not uncommon across the Andean region and can be understood only by looking at the ‘deep history’ of collective identities. In the Apolo conflict that I discuss in Chapter V, for example, more than half of the local peasant union’s leaders and members did not join the indigenous organisation, although they could be considered as indigenous as those that self-identified as such. The resistance to embrace ethnic identities is also common across the Peruvian highlands, albeit slowly changing in recent years. These cases do not have one single and generalisable explanation. Opposition to indigenous identity is not uncommon where indigeneity evokes negative associations linked to a colonial past and a derogatory conception of contemporary indigenous peoples. As an Apoleño Quechua peasant told me:

They want to get us back as we were just getting civilised, as in the Eastern lowlands. There, there are true indigenous that do not even have their legal dressing as we have. We already know how to pray the ‘Lord’s Prayer’, we are Catholics, Christians. (...) How could they convert us if we believe we are syndicalised, organised peasants!? We feel they are trying to convert us! (Interview, Apolo, July 2010)

But resistance to indigenous self-identification is not always driven by emotions. It can also be a deliberate strategy to try to gain a portion of local power in opposition to the rising of competing actors (new indigenous movements). In sum, norm-driven performative effects on identity changes are not always predictable but rather depend on the contingent responses of different social groups to evolving circumstances.

In the effort to highlight the shortcoming of both institutionalist and subaltern approaches to recognition in Latin America, this book finds inspiration in the work of scholars focusing on other world regions that have, in recent years, started to document the unforeseen and troubling effects of recognition reforms. In certain cases, what Shah (2010) calls the ‘dark side of indigeneity’ means that local use of global discourse by well-intentioned urban activists can in fact reinforce a class system that further marginalises the poorest people. In others, the efforts of ‘becoming tribal’ motivated by access to affirmative action and autonomy generated new tensions among local

communities over the determination of what constituted tribal culture and competing claims for authenticity (Middleton 2016). My aim is to contribute to this body of literature by advancing a broader theoretical and conceptual framework to identify and understand the under-researched phenomenon of recognition conflicts.

## **A New Agenda on Post-Recognition**

The book contributes to developing a new perspective on the study of recognition and ethnic politics, by introducing three major shifts: (1) from recognition to post-recognition; (2) from indigenous groups claiming recognition to broader social communities; and (3) from the Global North to the Global South.

### *From the 'Epic' to the 'Tragedy' of Recognition*

The scholarship on recognition and ethnic mobilisation in Latin America can be divided in three main generations. The first generation of research, that I analyse in detail in chapter II, considered ethnicity a relatively marginal category for social action and subsumed the study of ethnic groups within a broader approach to the rural question through class lenses. This reflected in part the prominence of peasant movements across Latin America between the 1950s and early 1970s. But following the crisis of these movements and the initial rise of new social actors with strong ethnic connotations throughout the 1980s, the attention of scholars (especially anthropologists) became more explicitly focused on the ethnic question, in many cases with sympathetic if not engaged attitudes in support of cultural and identity-based claims and forms of organisation. Identities suddenly became central concerns for activists, scholars and practitioners alike, while ethnic differences could no longer be ignored nor reduced to class differences: although they may greatly overlap in practice, they began to be perceived as 'qualitatively different' (Orlove & Custred 1980: 167). This differentiation had two interpretative implications on the understanding of the rural poor as political actors: on the one hand, rural poor went from being perceived as reactionary to being the progressive vanguards of social change; on the other hand, the material differences that were used as traditional markers of social boundaries were assimilated into cultural and identity cleavages, blurring the distinctions between poverty, class and ethnicity. With the period of recognition reforms that started in the early 1990s, political scientists in particular became very interested in questions around when and under what conditions indigenous movements mobilise, and how their claims relate to broader

democratic arrangements, potentially constituting a 'postliberal turn'. The debate opened by influential works such as Yashar's book 'Contesting Citizenship in Latin America' (2005) was followed by a vast scholarly production trying to understand the new political role of ethnic movements in Latin America and their impressive successes in moving from recognition claims to recognition reforms (see for example Van Cott 2001 on multicultural constitutionalism).

The focus on recognition as either a normative principle to guide institutional reforms or a framework for claim-making means that most academic works have so far concentrated on the time period preceding recognition, while scholarly interest has generally waned once recognition is granted. It is understandable why the *epics* of recognition struggles have been of great inspiration to scholars. Historic indigenous mobilisations and social uprisings such as the Zapatista rebellion in Mexico in 1994 and the first March for Dignity and Territory in Bolivia in 1990, were paradigmatic turning points in the entire Latin American political scenario. Yet, recognition is not the end of the story, but rather the beginning of a different, perhaps less epic, one.

By shifting the focus to the post-recognition phase in order to capture the practical consequences of the implementation of indigenous rights, this book is setting the agenda for a fourth generation of research on recognition, one that focuses on post-recognition. In this endeavour, I draw inspiration from recent works across the social sciences that have embarked on the task of dismantling well-established assumptions around the relationship between ethnicity and political and economic processes. In particular, constructivist approaches have highlighted how ethnic identities and boundaries are often the product of political and economic changes, rather than key variables that explain those changes (Chandra 2012; Singh and Vom Hau 2016; Wimmer 2013). More specifically, scholars have explored the impact of state's institutionalisation (i.e., formal recognition through, for example, census forms or systems of national ethnic certification) of ethnic categories on inter-group relationships and violence. The argument in brief is that institutionalisation increases ethnic differentiation, creating a competitive dynamic that, in turn, increases the likelihood of spiralling aggression (Lieberman and Singh 2012, 2017). In line with the constructivist turn in ethnic studies (Wimmer 2013), the empirical cases presented in this book illustrate how recognition reforms have major performative effects on identity and social boundaries, which in turn can increase inter-group competition and, sometimes, violent outbreaks.

Performative effects that emerge if we shift the focus to the post-recognition can be of different kinds. I identify three here, all represented by the case studies in this book: (1) *genesis effect*, whereby new identities are created or become salient in response to contextual changes. This effect describes, for example, the ethnogenesis of new indigenous identities, as in the case of Apolo (chapter V), or the process of revitalisation of ethnic markers, as for the Quechua settlers in Peru (chapter VII); (2) *crystallization effect*, which creates an interruption in the flow of cultural and identity innovation. An equilibrium among multiple identities is reached and remains stable for a given period of time, as far as enabling conditions are maintained, while the tensions between fluidity and resilience of identities is at least temporary resolved. As I will illustrate in chapter III, in Latin America, crystallisation effects have been shaping the alternation of peasant and indigenous identities as main referents for social mobilisation and self-identification over the past fifty years; (3) *hierarchical effect*, which triggers situations where, not only identities crystallise in a new equilibrium, but this equilibrium is sustained by the primacy of one identity over the other. In the history of indigenous and peasant identities, there have been different moments characterised by hierarchal relationships (class over ethnicity and vice versa). These effects are not exclusive of recognition reforms (assimilationist models had the same effects but on different identities), yet they have not been fully acknowledged in the case of recognition.

Although the chain of actions and reactions triggered by recognition are not linear, changes in the way groups self-identify most likely lead to the redefinition of social boundaries and inter-group relationships. As I demonstrate throughout this book, recognition reforms tend to create stronger and exclusive inter-group boundaries, particularly in contexts characterised by high social heterogeneity and economic fragilities. Markers of difference become more relevant than markers of similarity in a process of mutual construction of exclusions. ‘Indigenous’ is therefore defined in opposition to ‘peasant’, and vice versa; ‘autochthonous’ is defined in opposition to ‘migrant’, and vice versa; ‘highlander’ is defined in opposition to ‘lowlander’, and vice versa. As I will illustrate in the two historical chapters (II and III), these dichotomies have not always existed and have not always had the same relevance they do today. Historical trajectories of articulation and disarticulation between these collective identities highlight how recognition conflicts are likely the product of the contemporary reshaping of norms of inclusion and exclusion, recognition and redistribution.

### *From Actors to Social Communities*

The second shift introduced by the book is from a focus on those groups either ‘recognised’ or ‘claiming recognition’, to a focus on a broader social aggregate, which I call social community. This is the ensemble of different ethnic and class groups that share the same physical space but may or may not have access to recognition. Expanding the glance to social communities allow to better capture the boundary-making processes through the operationalisation of recognition, or how in practice recognition is redefining social relationships and collective identities.

As I mentioned earlier, I define recognition as the act of granting special rights to culturally distinct social groups. In the logic of recognition, group differentiation is indeed instrumental to achieving social justice. Hence, one of the key steps in the operationalisation of recognition consists in defining what characteristics a group should have to deserve differential treatment. The challenge here is that recognition is a discrete mechanism, while most ethnic markers are continuous variables (i.e. skin colour, adherence to distinct cultural features, language proficiency). In practice, although abstract criteria can be more or less strict and rely on more or less undisputed markers, a cut-off point needs to be set. Depending on where the threshold falls, different social groups will be considered more or less suitable to be granted recognition. Both the relative arbitrariness of the criteria for recognition and the ‘in or out’ type of outcome mean that the very implementation of recognition is likely to be a contentious and highly politicised endeavour, with the state, social actors and other stakeholders trying to shift the cut-off point towards what they consider a more favourable outcome. This also means that groups of rural poor are not entering the recognition battleground on an equal footing and therefore, there are likely to be winners and losers in the post-recognition phase (both aspects generally neglected by scholars of recognition). Indeed, even when the criteria of inclusion are rather lax, social differentiation will make it easier for certain groups to gain recognition compared with others. For example, those groups that have more credible and visible ethnic markers or that have managed to preserve an identity perceived as distinct within the national contexts and acceptable for local communities will be better equipped to adapt (i.e. or have *fitness*, to borrow the fortunate Darwinian concept) to the new political environment than others. In this context, fitness not only implies entitlement to new rights but also easier access to the globalised world of recognition, made of networks,



international organisations and activists that can provide different types of material and non-material support.

The second problem with the operationalisation of recognition, at least in the Latin American context, is that while target groups are defined in terms of collective identity and ethnic markers, policies that stem from recognition reforms entail in general a heavy redistributive component, that ranges from land titling to monetary transfers, to control over strategic commodities (e.g. hydrocarbon, forest, water). Quantitative evidence generally supports the assumption that indigenous communities are the poorest and most marginalised within Latin American societies (Freire 2015), which would in turn justify the overlapping of recognition and redistributive measures. Yet, in practice, micro-sociological realities are much more complex than what appears in World Bank figures. Not only is there an increasing number of indigenous urban dwellers that are making a decent living, if not heading towards the top of the economic pyramid, by controlling crucial import/export sectors of Andean economies (Tassi 2010), but the number of rural poor in these countries definitively exceeds the number of recognised indigenous peoples. These discrepancies make it harder to justify the redistributive component of recognition if we take equality as a moral horizon, as I will elaborate in the conclusions. These dilemmas become clearer in those contexts where different groups of rural poor (whether indigenous, peasant or Afro-descendent) do not live in isolation from each other. Often as a result of more or less recent processes of migration and displacement, these groups share the same geographical space and relatively similar conditions of marginalisation and economic precarity. In such socially heterogeneous contexts, recognition introduces demarcation lines across communities and sometimes families, that not only crystallise symbolic boundaries but also set up differentiated mechanisms to access key resources. It is not surprising, therefore, that many of these communities have been experiencing increased inter-group competition in the post-recognition phase.

Finally, given the complexity of social communities, we might wonder whether identity fitness constitutes at all a good metric for social justice. Indeed, all the conflicts described in this book entail moral dilemmas around the subject and the scope of recognition. If identities are fluid and endogenous to the institutional process of recognition, then identity does not seem a good enough criterion in itself to justify access to special protection and resources. Additional elements may need to be added to the equation and particularly an intersectional analysis that consider other variables

such as class and gender. The argument here is not against recognition *tout court* but for an empirically grounded assessment of recognition that can highlight its successes as well as its limitations within social communities in a given historical and geographic context. This brings us to the third shift of perspective, which invites to rethink recognition beyond Western boundaries.

### *From the Global North to the Global South*

It is now clear that indigenous movements across Latin America have fully embraced the struggle for recognition and the human rights discourse associated with it. Without bottom-up pressure, those constitutional changes that have reshaped the very nature of Latin American states and societies would simply have not been possible. Yet, it is equally evident that the roots of recognition of ethnic diversity, as implemented through these reforms, are mainly grounded at the international level in the codification of indigenous rights as human rights and in the globalised network of actors that have been instrumental in ‘translating’ the recognition discourse into the language of social struggle. As Kymlicka notices in a rare attempt to look at the ‘internationalisation’ of recognition, its global diffusion through both political discourses and legal norms has been ‘fundamentally reshaping the traditional conceptions of state sovereignty, nationhood and citizenship that have underpinned the international system of nation-states’ (2007: 4). But surprisingly, despite this global dimension, the academic discussion on recognition has scarcely been influenced by experiences beyond Western borders. Yet how recognition is claimed, granted and contested outside the West, constitutes an important part of the journey of recognition as a philosophical, legal and political category. Indeed, while the liberal perspective of most advocates of recognition and their biographical origins meant that the geographical focus and the empirical observations that inspired their theories was driven mainly from Western post-industrial democracies (particularly Canada, the United States, Australia and Europe), the most audacious steps to institutionalise recognition of ethnic minorities have in fact taken place in the Global South and particularly in Latin America.

By shifting the empirical focus to economically fragile and relatively young democracies, this book consciously tries to overcome a divide in the literature and academic thinking on recognition between the Global North and the Global South. While the underlying principles of recognition may have a universal value (for instance, in their ambition for inclusion and non-discrimination), when applied to specific socio-

historical contexts, their rather homogeneous and *a priori* evaluation of the causes and remedies for oppression and misrecognition fails to account for important variations. Institutional and state capacity, the availability of public resources, levels of economic development, and ethnic demographic and categorisation variables (density and volatility of ethnic population and politicisation of ethnic identities) are all relevant conditions that affect the outcome of recognition reforms (Telles & PERLA 2014; Storper 2005; Guibernau I Berdún & Rex 2010). In this sense, introducing recognition measures in Western democracies with relatively stable and efficient institutions, high levels of economic development and low poverty rates, is a very different endeavour than implementing similar policies in developing countries and young democracies. Yet, as Wimmer observes (2013), advocates of recognition tend to support the propagation of this model across the globe, regardless of whether the conditions under which it originally emerged (in Western developed democracies) are met or not.

I argue that indigenous rights (as implemented in the Latin American context) should be more fully integrated in the theoretical and normative discussion on recognition politics for at least three reasons: they are one of the fields in which recognition politics have achieved a greater degree of formalisation and practical implementation; they have gathered significant support and consensus in their potential to advance the social justice agenda, without seriously scrutinising their practical outcomes; and they can be studied in a variety of national contexts across the developed/developing divide. Critically, an empirical focus is instrumental for raising issues of contextual and historical variation. In other words, recognition principles and politics might not lead to the same outcomes in terms of social justice everywhere. While recognition theories and policy recipes have often raced along the path towards universalisation, local, domestic and regional variations have scarcely been considered. By focusing on countries in the South, this book argues for the need of a more nuanced assessment of recognition politics, which accounts for historical and contextual variations, and a more cautious generalisation of their normative prescriptions.

## **Explaining Recognition Conflicts**

This book examines how progressive and globally acclaimed recognition reforms can trigger protracted social conflicts affecting poor and marginalised communities. One key reason to study cases where recognition is contested 'stems from the general rule

that researchers who want to learn about a given institution should focus on its margins and instances where things don't work' (Jackson 2019: 225). Indeed, the defining feature that distinguishes recognition conflicts from other types of ethnic conflict is their close link with the implementation of specific legal or policy measures related to broader recognition reforms. The object of these measures varies significantly, ranging from land titling to education policies and affirmative action, administrative autonomy and participatory governance. Whether at the national, regional or local level, these measures are all part of the project of incorporating ethnic groups into the framework of multicultural or plurinational models of citizenship and statehoods. In order to do so, they adopt different measures and systems that I broadly divide between what I call 'means of recognition' and 'means of redistribution'. The former includes those provisions that clearly allow to differentiate one group from the rest of society based on ethnic criteria, and from there, to allocate to this collective subject differentiated rights. The latter refers to the mechanisms through which recognition norms institutionalise the allocation of material resources on an ethnic basis. The institutionalisation of ethnic categories through recognition reforms have downstream effects of hardening potentially fluid categories. At the same time, the redistributive effects of recognition, through for example land tenure, increase the stakes for the rural poor. Indeed, many recognition reforms offers access to very concrete resources, including land, and, in certain cases, direct monetary transfers from the central government, which can make a big difference in conditions of widespread poverty or indigence. In these scenarios, inter-group relationships are often completely altered, mechanisms and incentives for cooperation are greatly debilitated, and access to new rights (and resources) becomes a zero-sum game, whereby it is important not only to be granted recognition, but equally to exclude other groups from enjoying the same rights. In certain cases, even relatively homogeneous communities have become battlegrounds as a result of the new salience suddenly attributed to ethnicity and the emergence of brand-new identities.

The link between rising competition and conflict and the introduction of recognition legal and policy reforms is not always easy to assess. In the cases of the conflicts I discuss in this book, I treat this as an empirical question and I identify two facts that substantiate this relationship: firstly, all the conflicts I analyse did not exist prior to the implementation of recognition reforms; secondly, the link is clearly and openly acknowledged by the vast majority of informants. Indeed, this is one of the few

points of agreement between the parties in conflict. Another important finding that corroborates the link is the strikingly similar features of the conflicts analysed across three countries – Bolivia, Colombia and Peru – which, despite being part of the same geographical sub-region (the Andes), are in fact quite different from one another in terms of economic development, political orientation and stability, history of civil violence and ethnic demography. These countries have however followed relatively similar path towards the implementation of recognition reforms. The comparison represents a compelling framework to link the new wave of inter-communal conflicts with the implementation of recognition reforms. I will discuss the comparative dimension of the book in details in chapter I.

Although the link between conflict and recognition reforms appears strong in the cases analysed, I am far from suggesting that those reforms always lead to conflictive outcomes. In fact, I identify other concurring conditions that can increase the likelihood of recognition conflicts. In other words, normative changes are necessary but not sufficient conditions for recognition conflicts to happen. The first condition is the presence of heterogeneous social communities (i.e. different social groups sharing the same localized spaces) or, in some cases, the existence of different ethno-cultural roots that can be mobilised to strengthen social differentiation. Demographic changes, and in particular migration inflows, are one of the factors that can contribute to increase social heterogeneity and hence trigger recognition conflicts. The second important condition that can fuel recognition conflicts is the endemic lack of resources linked to widespread poverty, precarious livelihoods and/or environmental fragilities that characterise many rural communities. These in turn exacerbate the competition for resources, particularly land, and the sensitivity around the distributive outcomes of recognition reforms.

In chapter I, I elaborate more on the mechanisms that underpin recognition conflicts and I offer a typology of recognition conflicts that results from the interaction between the two key mechanisms embedded in recognition norms (means of recognition and means of redistribution) and the two key characteristics of social communities (social heterogeneity and resource scarcity). The four types of recognition conflicts that emerge are discussed in detail and with examples in the four empirical chapters (IV to VII).

After this brief summary of the main argument of the book, two clarificatory notes are in order. Firstly, social conflict and competition are not considered here as

negative in and of themselves; conflict can indeed be understood as symptomatic and somehow inevitable in any process of social and political reform. Yet, I argue that it is equally important to acknowledge the unintended effects of ethnic recognition regimes, with the aim of moderating their potentially disruptive impact on communities that are among the most marginalised and poorest in Latin America.

Secondly, this book does not argue against the politics of recognition *tout court*, nor is it my intention to provide ‘ammunition to enemies’ (Jackson and Warren 2005: 566) of recognition, particularly those states still reluctant to engage in the fight against exclusion and discrimination of ethnic minorities. I do, however, challenge the dominant narrative about the effects of recognition in terms of inclusion and conflict-management. By exploring the links between global, national and, particularly, local politics, a more nuanced picture of recognition outcomes emerges. These nuances, and in particular the trade-offs between strengthening cultural and ethnic rights and increasing inter-group competition and socio-economic differentiation, should be fully acknowledged and incorporated both in a theory of recognition as well as within international and domestic policy-making. It is indeed ‘in the shadow’ of recognition that a more balanced understanding of the complex relationship between diversity and equality emerges.

## **Organization of the Book**

The book contains one theoretical chapter, two historical chapters, four empirical chapters and a conclusion. The first part provides the theoretical framework and historical background. It offers a brief introduction to Latin American and Andean rural politics for those that are not familiar with the subject, while developing an original analytical framework to situate key historical processes.

In the first chapter, I propose a framework to analyse recognition conflicts by establishing a typology that results from the interactions between key characteristics of both recognition norms and social communities. The chapter also provides details on the country case studies offering an overview of recognition reforms and other relevant national features such as ethnic demography, economic performance and institutional and political context across the three countries. Finally, it presents the methodology and some useful conceptual and terminological clarifications.

The second chapter provides an overview of the different strategies adopted by Latin American states to deal with the incorporation of the rural poor into nation-building processes. It proposes a chronology of implementation of four different models of citizenship and development from the early 20<sup>th</sup> century to present times: (1) indigenism and *mestizaje* (1920-1950); (2) national corporatism (1950-1970); (3) neoindigenism and multiculturalism (1980-1990); and (4) plurinationalism (2000-2010). The historical accounts that illustrate these models focus particularly on Bolivia, Peru and Colombia with the aim of providing important background information for the case studies that are the focus of this book. Yet, with some variations, these models have been implemented across Latin America more widely over the past century.

The changes in state-building regimes have been key determinants in reshaping the modes of interaction and even the identities of rural communities. Chapter II analyses how collective identities and inter-group relationships have changed since the 1950s, commensurate with the shifts in citizenship regimes. It focuses in particular on the alternation between class and ethnicity as the two main referents for social organisation in rural Latin America. Four main phases in the evolution of the class-ethnic relationship are identified: (1) hierarchical articulation (class over ethnicity); (2) hierarchical articulation (ethnicity over class); (3) organisational disarticulation; and (4) pragmatic articulation. These phases are illustrated through concrete examples mainly from the Andean region. The chapter provides an historical narrative and analytical lenses to understand the complex and thus far only partially told story of the relationship between peasant and indigenous movements in Latin America.

The second part of the book focuses on recognition conflicts. The empirical material and case studies are organised in four chapters according to the types of recognition conflicts identified in chapter I: participation conflicts, social reproduction conflicts, demographic conflicts and access conflicts. All the chapters have an introductory section offering more specific background information about contextual and normative changes. Each chapter discusses at least two empirical cases of conflicts from different countries and provides a brief conclusion.

Chapter IV deals with recognition conflicts around participatory governance. As an example of participation conflict, I provide an in-depth analysis of the debates that led to the introduction of Free Prior and Informed Consent/Consultation (FPIC) in national legislations and policies in Bolivia, Colombia and Peru. Rooted in international human rights law, the FPIC mechanism is designed to regulate and operationalise the

participation of indigenous peoples in environmental decision-making and political processes on questions where their interests are directly affected. The implementation of FPIC illustrates the tensions around key aspects of the recognition agenda, particularly on how to define the ‘legitimate’ subjects of recognition.

Land is perhaps the most obvious and widespread among the motives behind recognition conflicts, as territorial control and land access have been central claims for both indigenous and peasant movements. Chapter V discusses the links between land reforms and identity changes as examples of social reproduction conflicts. It describes paradigmatic cases from Colombia and Bolivia where identities have increasingly become salient tools in social conflicts, eventually impacting on the way people self-identify and the very nature of land struggles.

Chapter VI illustrates how both exogenous and endogenous changes in rural demographics, namely sustained internal migration flows and indigenous groups’ growing population rates, fuel social tensions around new settlements, as well as in contexts where communities have peacefully coexisted for decades. Relying on empirical cases from Peru and Colombia, I explore the changes in local demographics as roots of new recognition conflicts.

Chapter VII focuses on access conflicts linked to recognition reforms in the education sector. Policy initiatives that seek to account for ethno-cultural diversity in education and schooling, including affirmative action measures and bilingual education models, have become increasingly popular over the past few decades. I draw on empirical case studies from Colombia and Peru to show how identity policies of education can increase social tensions and lead to violent outbreaks.

In the conclusions, I first highlight the contributions of the book to a broader cross-continental perspective on recognition that could help to bridge longstanding gaps in the literature on ethnic politics. I argue that some key findings about the Latin American case have particular value to this discussion, showing how the subcontinent shares more similarities with other contexts than scholars have generally assumed. I then discuss how empirical evidence should encourage new thinking around the way in which recognition is theorised as a justice principle. Finally, I offer some recommendations on how to incorporate the book’s findings into a policy agenda, or how to tackle these empirical and moral puzzles through concrete actions and policy measures.



# CHAPTER I

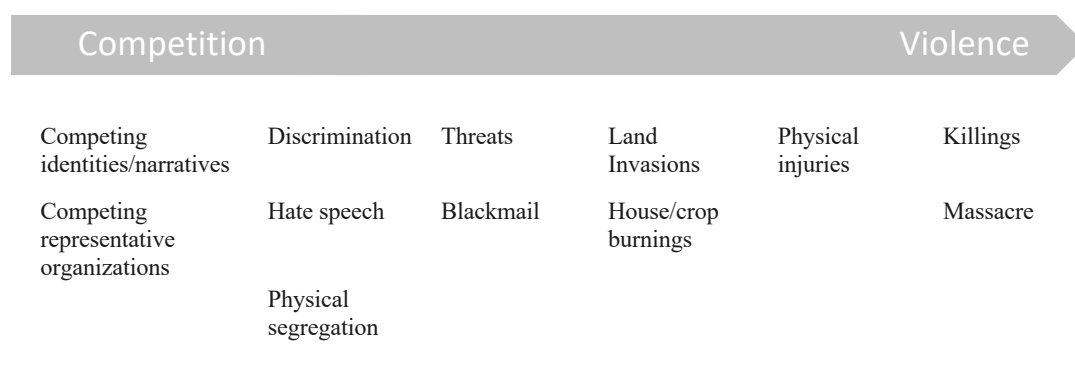
## Recognition Conflicts

In this chapter, I offer an original framework of analysis for what I call recognition conflicts. I propose a definition and a typology that can help identify these conflicts beyond the specific geographical and temporal boundaries of my empirical cases. The second part of the chapter is intended as a methodological and conceptual framework to orient the reader throughout the remaining of the book. I provide a rationale for the country case selection, a description of methods used and methodological approaches, and a brief discussion on key concepts and terminology.

### A Framework of Analysis

The conflictive outcomes of recognition are relatively recent phenomena, at least in Latin America, and have generally received minimal scholarly attention. I therefore begin by offering a definition of recognition conflicts. A recognition conflict is a pattern of behaviour in which groups consistently engage in contests over goods, services, power, social boundaries and/or leadership as a part or a consequence of the recognition of specific ethnic or cultural rights. Parties in competition self-identify as members of distinct and bounded groups divided along ethnic/race and class lines. This is a relatively broad definition that allows the inclusion of a wide range of conflicts at different stages of intensity – from inter-group competition to open violence – and a broad set of actions – from the presence of competing organisations to hate speech, land invasions and killings. Fig. 1 offers an overview of the broad spectrum of actions and levels of violence across which recognition conflicts discussed in this book fall. The main feature that distinguishes recognition conflicts from other kinds of ethnic conflicts is the fact that they happen in response to or as a consequence of recognition reforms. As I mentioned in the introduction, the main goal of this book is to illustrate how and under what conditions recognition conflicts emerge.

**Figure 1** Recognition conflicts spectrum



I identify two sets of mechanisms that underpin different types of recognition conflicts that have to do with, (1) the features of the norm; and (2) the features of social communities. I discuss the two sets of mechanisms below and subsequently the resulting typology (Fig. 2). Each type of recognition conflict will then be discussed in the empirical chapters (IV to VII).

### *Recognition Reforms*

The first set of mechanisms focuses on the link between recognition reforms and conflict. Following well-known concepts in contentious politics studies, I argue that recognition reforms open new ‘windows of political opportunities’ that people may use to trigger social action (McAdam *et al.* 2006). Although this concept is often applied to explain social movements’ engagement with the state apparatus, it is also useful to point out the importance of external conditions for conflict to occur. Indeed, the implementation of recognition reforms can be seen as a window of opportunity in both a situational and structural sense (Tarrow 1998). The rise of recognition politics generally coincides with a period of democratic consolidation and political opening, which implies less repressive and more favourable conditions for protests and social conflict. Likewise, it introduces structural changes in the way certain social groups can access rights and resources. Both these situational and structural conditions make an increase in intra-group conflictivity, as well as its visibility, more likely. However, I am far from considering the step from recognition to conflict an automatic one. As I have already mentioned, not all recognition reforms lead to conflict and, even when they do, this process is not immediate. It is often sometime after the ratification of new

multicultural constitutions, agrarian reforms and other recognition policies that conflicts emerge. This is because for people to be willing or capable to respond to external changes (legal reforms, policy implementation, political shifts), those changes ought to be relevant and identifiable, i.e. they ought to be having an impact on people's lives. As a result, the most contentious phase of recognition often coincides with the implementation of new laws and policies (i.e. the post-recognition) rather than with the national debates and approval of recognition reforms.

I now introduce a distinction between two different elements that coexist in most recognition reforms in order to untangle the different mechanisms embedded in these reforms that can increase social tensions. I argue that recognition norms work as triggers of recognition conflicts in two ways through what I call: (1) means of recognition and (2) means of redistribution<sup>3</sup>. These are provisions of recognition norms that set up different actions or systems through which recognition can be achieved.

The 'means of recognition' concept describes all those tools that, by mobilising symbolic resources (e.g., conceptual distinctions, classification and interpretation strategies, cultural traditions), create and institutionalise social differences on ethnic/cultural basis<sup>4</sup>. Taylor's famous argument rests on the assumption that 'our identity is partly shaped by recognition or its absence' and recognition becomes therefore a 'vital human need' (1994: 25-26). Citizens' equal treatment within a given society cannot thus be achieved but through differentiated sets of rights, which account for people's identity specificities. Means of recognition are therefore all those provisions that clearly allow to differentiate one group from the rest of society based on ethnic/cultural criteria, and from there, to allocate to this subject different rights. One of the most important ways in which the means of recognition function is through the definition of the 'subject' of recognition, or the collectivity that can be entitled to a differentiated set of rights. Examples are the inclusion of census questions on ethnic belonging, or the definition of criteria and institutional mechanisms to identify and classify ethnic groups within laws and constitutions. I include under the 'means of recognition' category also those provisions which are critical moulders of social relationships with a relatively weak redistributive component. Examples of these

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<sup>3</sup> In formulating this distinction, I draw inspiration from Nancy Fraser's differentiation between 'redistributive remedies' and 'recognition remedies' (1995: 73).

<sup>4</sup> I rely here on the influential definition of 'symbolic resources' and 'symbolic boundaries' offered by Lamont and Molnár 2002: 168.

provisions are cultural and linguistic rights, such as intercultural (bilingual) education, and affirmative action measures. As constructivists taught us, in practice, norm-making influences the process of social boundary-making in which social actors are constantly occupied (Barth 1969, Lamont and Molnar 2002, Wimmer 2013), with possible effects on political competition and social conflict (Lieberman and Singh 2017).

The other major way through which norms of recognition impact the politicisation of ethnic identities and inter-group competition is by defining how key resources are allocated. I call ‘means of redistribution’ the provisions through which recognition norms institutionalise the allocation of certain resources on an ethnic basis. A redistributive dimension has been to various degrees embedded within political recipes for recognition. Scholars went as far as identifying redistribution as the most important goal of recognition. In Kymlicka’s words, ‘much of the talk of the “politics of recognition” has exaggerated the degree to which recognition is desired for its own sake and neglected the extent to which “recognition” really involves underlying issues of the redistribution of power and resources’ (2001: 51n3). The redistributive component has acquired particular importance within indigenous rights frameworks, where land is understood as the *sine qua non* of such rights. Land has become an integral part of how indigenous cultural identity is understood, expressed through indigenous advocacy networks and reflected in international law (where land and territorial rights are a core part of Convention 169) (Engle 2010). In many countries of Latin America, the influential debate around indigenous rights has shaped agrarian reforms and national land policies since the 1990s. New forms of collective land titles were introduced in agrarian laws and constitutions, while the acceleration of the titling process was possible thanks to the availability of targeted international cooperation funds. Mirroring the impact of the ‘means of recognition’ on identity boundary-making, the process of mapping and formalising territorial boundaries, which had remained fluid for centuries (Reyes-García *et al.* 2012), can have unsettling consequences for rural communities. While land is probably the most conflictive issue within recognition reforms, other resource-related issues are permeating many recognition conflicts. Indeed, the recognition agenda often include other provisions with strong redistributive implications, as for example, special taxation regimes or direct transfers of state resources to ethnic groups.

‘Means of recognition’ and ‘means of redistribution’ are not discrete mechanisms; their entwinements in conceptual and normative terms are complex and

at times very hard to discern. Furthermore, redistribution has generally been neglected or theoretically and empirically merged in the recognition realm. As McNay notes, there is a ‘tendency to allocate recognition struggles to the realm of culture whereby disconnecting it from the arena of redistribution, the economy or systems’ (McNay 2008: 9). This is perhaps because the focus has been mainly on pre-recognition struggles that have generally not explicitly included distributive claims. Even land, an asset with high redistributive value, has been claimed by indigenous peoples mostly as a function of power and autonomy (self-determination), rather than as a function of economic redistribution. An argument has been made about the impossibility to separate recognition from redistribution in practice. These processes would be so bounded together that any search for origin is irrelevant; the drive to categorise zones or to discern their origin is a drive to create such distinction (Amstrong 2006). Yet, following Fraser (1995, 2000, 2009), I argue here that, for analytical purposes, the best strategy is to keep these mechanisms separate and identify the primacy of one of these components within the recognition reforms under scrutiny. This is because the two mechanisms of redistribution and recognition can contribute to identifying and explaining different kinds of recognition conflicts. Furthermore, while interests and identities might be inextricably linked in practice (Dick 2011), in normative terms, the implications of attributing to recognition the ‘burden’ of redistribution has important and often unexpected consequences. The conflicts described in this book make these implications tangible. As I elaborate in the conclusions, the mismatch and lack of clarity in the relationship between recognition and redistribution that characterises indigenous rights frameworks is one of the root causes of these conflicts.

### *Social Communities*

I now turn towards the second set of mechanisms that underpin recognition conflicts and that are related to some key characteristics of social communities impacted by recognition reforms. As I mentioned in the introduction, one of the key innovations of this book within the recognition scholarship is the fact that it adopts a broader sociological approach to recognition by considering not only the groups that are either claimant or recipient of recognition but the social communities in which they are embedded. These social communities often share similar features even across country

borders. I identify two of such characteristics that, I argue, increase the likelihood for conflictive outcomes of recognition reforms: social heterogeneity and resource scarcity.

Social heterogeneity characterises social communities where people that identify with different collective identities, values and beliefs and that, in certain cases, follow different systems of local governance, live side by side and share the same physical environment in a highly interactive mode of social organisation. Social heterogeneity is rooted in both historical and contemporary processes. In the Andean region, the colonial and even pre-colonial past of these countries (and indeed of many countries of the Global South) have left deep marks on contemporary human landscapes. Until very recently, indigenous peoples have been generally living at the margins of republican societies, occupying rural and often remote spaces. Here, in different historical periods (that I will describe in chapter II and III), two alternative modes of social and political organisation have tended to prevail: indigenous and peasant. These modes (and their cultural attributes) have in certain cases coexisted for decades within the same geographical areas, with outcomes that range from an overlapping and osmotic relationship to a conflictive and mutually exclusive interaction among social groups. Boundaries between identities can be very flexible and lead to articulation and alliance; or can become very rigid and trigger social tensions and competition. Oscillations between conflict and alliance have been taking place since the early colonial times. Traditional forms of indigenous organisation and administration (e.g. *curacas* and *cabildos*) were maintained throughout the colonial period. With the creation of independent republics, those institutions were only partially dismantled. But it was from the mid-20<sup>th</sup> century, with the creation of peasant unions as ways of organising the rural poor and providing access to representation and citizenship, that indigenous forms of governance were generally dismantled. In certain cases, peasant unions were created on top of indigenous structures resulting in hybrids; while in other cases they managed to replace pre-existing modes of local governance (Rivera Cusicanqui 1993). With the creation of new indigenous organisations since the 1970s and 1980s, in certain areas the indigenous ‘counter-reform’ managed to push out peasant unions, while in other cases both institutions – unions and indigenous organisations – ended up coexisting (Fontana 2014a). This is particularly true in those ‘transition areas’ (often coinciding with the inter-Andean valleys) around ‘demographic fault lines’, where a variety of ethnic and peasant communities coexist, mainly as a result of old migratory processes.

More recent population dynamics have also had a great impact on socio-cultural heterogeneity. Ongoing migratory processes are constantly reshaping human landscapes. In the Andean region, migration flows of highland dwellers towards lowland regions in search of more fertile land have put increasing pressure on already fragile environments (particularly in the Amazon or along the tropical valleys), sometimes generating new tensions with local indigenous inhabitants. Another source of tensions comes from endogenous population changes such as the growth of indigenous communities. Changing demographic equilibria are placing new pressures on the land in terms of livelihood and community subsistence, as well as on the environment and the conservation of fragile ecosystems. Likewise, they have fuelled growing social tensions not only around new settlements, but also in contexts where different communities have peacefully coexisted for decades.

There is no doubt that the destiny of rural communities has been greatly influenced by external events. But it is also the agency of communities and their capacity and possibility to embody broader political processes that have important consequences for the constitution of more or less heterogeneous social landscapes. Conflicts are often rooted in the coexistence of opposite attitudes of social groups vis a vis normative changes. When people either resist or adjust to change in a homogeneous fashion, conflict between them is rather rare. It is when certain groups respond to external changes, while other co-existing groups may be unable or unwilling to adjust, that increased social heterogeneity and potential competition emerge. Indeed, something that recognition scholars tend to ignore is that, in the battle for recognition, different groups can start from very different starting blocks. For new identities to be successful there is not only the need of a vision and a political strategy, but new identities still require a coherent match between new narratives and pre-existent socio-cultural features. In other words, to be successful, it is paramount for the new identities to be embedded in socially accepted cultural repertoires, such as symbols, stories and stereotypes often pre-existent within the local culture. In this sense, the success of certain ethnic identities cannot be understood without considering the broader history of countries and regions, and the fact that cultural elements belonging to an ethnic tradition were already shared among the population and part of the local culture. In sum, if culture is not the trigger of mobilisation, it is certainly a precondition for its success. This also contributes to explain why the revitalisation of ethnic claims has occurred more smoothly in certain contexts than in others, where indigenous cultural

features have been lost or never existed. How different groups are able and willing to mobilise existing cultural markers while other groups cannot access similar repertoires can explain why social heterogeneity is not always a pre-condition for recognition conflicts, but boundary-making can be activated by the very process of recognition, that in turn, can fuel new conflicts, in a sort of feedback loop mechanism.

The second characteristic of social communities that, I argue, cannot be disregarded when studying recognition conflicts is the endemic lack of resources. Resource scarcity is understood here as a property of social communities, rather than of the environment. Indeed, many of the rural poor that are the protagonists of recognition conflicts live in areas with great economic potential. Across the Andes, indigenous peoples inhabit areas that are often environmentally protected and extraordinarily rich in terms of biodiversity and both renewable and non-renewable resources. However, rural communities are very rarely benefitting from the wealth that exists in their territories and most of them live in extreme poverty, relying on subsistence agriculture and, occasionally, small enterprises and tourism projects. Material and economic conditions of social groups are shaping both their motives and possibilities for mobilisation. The more pressing the economic needs, the more likely it is that a group will engage in conflict to improve their conditions. Poverty and economic deprivation, endemic conditions of the vast majority of rural communities in Global South countries, are considered classic triggers of conflict. Also, if communities had alternative means of accessing resources, the redistributive implications of recognition reforms would have relatively mild effects on inter-group competition as people would be enjoying comparably similar levels of wellbeing and livelihood opportunities.

As most of the social communities affected by recognition reforms are rural, land is often the key resource at stake. Indeed, as Albertus notices “land is the chief productive asset for the world’s rural poor” (2015: 2). Land tenure insecurity and lack of clarity are very common in developing countries. In many cases, states never possessed the capacity to conduct extensive cadastral studies and huge parts of their territory are occupied but not legally owned. As a result, security in land tenure and territorial controls have been central historical claims not only for indigenous peoples but for other rural dwellers as well, particularly peasants. It has to be noted though that, in extreme situations of marginalisation and poverty, people’s struggle for survival prevents the creation of the minimal conditions and resources for mobilisation. In other



words, communities that are extremely poor and isolated are often unlikely to mobilise without any external support. In sum, conflicts often take place in poor and marginalised areas where, however, people have enough resources and connections to invest in collective struggle.

### *Variety of Recognition Conflicts*

I propose here a typology of recognition conflicts based on the interactions between the two mechanisms embedded in recognition reforms, which I have called ‘means of recognition’ and ‘means of redistribution’, and two key characteristics of social communities: social heterogeneity and resource scarcity. These interactions represent, I argue, an effective way of describing different kinds of recognition conflicts, while offering a theory on the conditions that underpin them. The four types of conflicts are represented in Fig. 2. To be sure, this typology does not imply rigid boundaries between the mechanisms that operate in each one of the four scenarios. These boundaries are indeed quite fluid and most conflicts include a combination of different norm and social communities’ mechanisms. Indeed, most recognition norms include both means of recognition and means of redistribution and most social communities where recognition conflicts occur present certain degrees of heterogeneity and economic deprivation. However, to draw these distinctions, I focus on the primacy of a specific pair of mechanisms in a given scenario. Below I provide a brief overview of each conflict type and I will discuss each one of them in detail and with examples in the empirical chapters (IV to VII).

**Figure 2** Variety of recognition conflicts

Recognition Norm \ Social Community	Resource Scarcity	Social Heterogeneity
Means of Recognition	<i>Participation conflicts</i>	<i>Access conflicts</i>
Means of Redistribution	<i>Social reproduction conflicts</i>	<i>Demographic conflicts</i>

Participation conflicts are conflicts over definitions of inclusion/exclusion in resource scarce contexts. These conflicts are about who is entitled to recognition in the

framework of broader debates on participation of social groups that have been traditionally marginalised and experience widespread poverty and precarious livelihoods. The definition of new ethnic subjects become very important beyond the social taxonomy dimension, as a way of being included or excluded in key decision-making processes that are pursued as strategies to revert social marginalisation and gain access to power and resources. In chapter IV, I compare the national debates on the definition of the collective subject that would be entitled to a new participatory mechanism called Free Prior and Informed Consultation (FPIC) as examples of participation conflicts. Grounded in Convention 169, FPIC is designed to provide a mechanism to regulate and operationalise the participation of indigenous peoples in any political processes where their interests are directly affected (Ward 2011). Yet the strategic importance of the commodity industry has meant that FPIC has often been understood as a way of settling disputes between communities, transnational companies and the state in the framework of hydrocarbon and mineral exploitation projects. Looking at how the national debates on FPIC have been framed and how they reshaped the relationships among social actors is illustrative of the tensions embedded in the process of ethnic boundary-making through redefinition of collective subjects (means of recognition).

Social reproduction conflicts are redistributive conflicts *par excellence*. They result from the interaction between norms with high redistributive potential and the endemic lack of resources experienced by social communities. As I have already observed, land is a key asset for communities of rural poor and its potential for redistribution is well known (Albertus 2015). Land has also been one of the key demands of indigenous movements, whose claims emphasise in particular its symbolic and cultural value essential for their social and cultural reproduction. Without undermining these aspects, I focus here on the redistributive value of land. In contexts of resource scarcity, land becomes the most important good on which communities rely for their subsistence and livelihoods. The redefinition of territorial boundaries and the very process of land titling in highly informal systems of land tenure represent, for some groups, key opportunities to secure and expand land control, and for others, a threat to an already precarious status quo. Land, however, is not the only trigger of social reproduction conflicts. In urban settings, for example, housing policies can have a very significant redistributive effect, similar to the one of agrarian reforms in rural areas. As the focus of the book is on rural communities, in chapter V, I analyse different cases in

which multicultural agrarian reforms are redefining the physical boundaries of ethnic communities triggering recognition conflicts.

Demographic conflicts are conflicts over redistributive assets (land) in contexts where increased social heterogeneity as a result of demographic changes is putting new pressure on social communities. These conflicts have a lot in common with social reproduction conflicts, but they are related to clear changes in local demographics. In chapter VI, I consider examples of conflict that are driven by both exogenous demographic changes (incoming migration flows) and endogenous demographic changes (population growth). Other factors could also fuel this kind of conflicts, as for example migration outflows that can change the balance between different co-existing groups, or other policies with high redistributive impact such as taxation systems or subsidies. This might be the case especially in urban contexts, where land is not a key asset, or in more developed economies with higher levels of labour formalisation.

Finally, access conflicts are conflicts over recognition policies focused on language and cultural rights (i.e. with weak redistributive impact) and affirmative action measures in socially heterogeneous communities. In chapter VII, I present examples of conflicts resulting from the implementation of education policies, namely affirmative action in higher education and intercultural bilingual education. However, access conflicts can also emerge from the implementation of other policies such as different kinds of affirmative action to ensure representation of ethnic groups in the public administration or in the workforce. Likewise, they can be triggered by other social provisions with weak redistributive effects such as health policies. I use empirical examples to illustrate how these disputes are not only to claim inclusion within a certain measure or policy but also to claim exclusion from those very provisions.

In the remaining of chapter I, I will discuss the comparative framework of the study and provide some additional information on methods and terminology.

## **Why Peru, Colombia and Bolivia?**

The main reason why the Andean region constitutes a particularly interesting terrain to study recognition is that, over the last 30 years, it has been pioneering attempts to implement recognition reforms. Not only have Andean countries incorporated the ILO 169 Convention within their constitutional frameworks, but they have also steadily implemented institutional and policy reforms that give concrete relevance to the

international norm. Also, Andean societies have engaged in broader public debates on ethnic diversity, social inclusion and cultural rights, which have shaped innovative proposals for new models of citizenship and development – as I described in chapter II. All in all, relatively similar politics have been adopted in Andean countries for the recognition of indigenous rights, including land distribution, political and community participation, and education reforms. Table 1 summarises the main laws and regulations concerning ethnic recognition in Peru, Colombia and Bolivia. Another aspect that these countries have in common is the presence of peasant and indigenous movements active at the local and national level, maintaining complex and changing relationships among them. In sum, both policy and social features make up an interesting context to explore the effects of the implementation of recognition politics on the social fabric. In the following paragraphs, I will briefly illustrate the main steps in the process of implementation of recognition reforms in Colombia, Bolivia and Peru.

Colombia has been one of the first countries to ratify the ILO 169 Convention (in August 1991, after Norway and Mexico) and to undergo a constitutional reform (1991) that recognised for the first time the country's multiethnic and multicultural nature. This new attitude vis a vis the indigenous issue opened up the concrete possibility for ethnic groups to strengthen their political participation (through a system of quotas), secure control over their lands (in the form of *resguardos*), and access a significant degree of autonomy in the management of resources and service provisions relatively early on compared to the rest of the region. However, the new rights framework for indigenous peoples contributed to widening the gap between ethnic and non-ethnic rural sectors. Indeed, in Colombia indigenous and peasant movements have traditionally developed and organised as political actors following different trajectories, and their goals and interests have rarely found points of convergence. While indigenous communities have often been the sources of recruitment for rural guerrilla fighters, indigenous movements have generally maintained a certain detachment from agrarian and redistributive claims, which in turn constitute the main demands of peasant-based guerrilla movements like the FARC. Both the significant

**Table 1** Recognition reforms in Bolivia, Colombia and Peru

	<b>Peru</b>	<b>Colombia</b>	<b>Bolivia</b>
<b>ILO 169 Convention</b>	1994	1991	1991
<b>Constitutional Reforms</b>	Constitutional Reform (1993) recognized Peru as a multicultural, multi-ethnic and multilingual nation	Constitutional Reform (1991) recognized the multi-ethnic and multicultural nature of Colombia	Constitutional Reform (1994) recognized the pluricultural and multi-ethnic nature of Bolivia Constitutional Reform (2009) declared Bolivia a plurinational state
<b>Land and territorial/administrative autonomy</b>	Native Communities Law (1978) ruled land tenure of lowland indigenous groups Constitution (1993) established the imprescriptibility and free disposition of communal land, but not their inalienability and indefeasibility recognized by previous constitutions	Constitution (1991) granted some degree of autonomy to indigenous territories Agrarian Law (1994) established the creation and reconstitution of indigenous and Afro-Colombian <i>resguardos</i> Decree (1995) set the administrative procedures for the creation of <i>resguardos</i>	Law of Agrarian Reform (1996) introduced indigenous collective land titles (TCOs) Constitution (2009) established autonomous indigenous/peasant territories (AIOC) 11 municipalities opted to become AIOC following a referendum (2009)
<b>Education</b>	Intercultural Bilingual Education Law (2002) Decree (2016) approved a sectorial IBE policy	Ethno-education Programme (1985) General Law on Education (1994) included a chapter on ethnic education Decree (2010) regulated the administration of local schooling by 'certified territorial entities'	Education Law (1994) ruled the implementation of intercultural bilingual education for indigenous communities and intercultural education for Spanish-speaking communities
<b>Political Participation</b>	Municipal Election Law (1997) introduced the so-called 'Cuota nativa' (15% indigenous candidates for regional and municipal councils)	Constitution (1991) granted two seats in parliament to indigenous peoples	Law of Political Parties, Citizens Associations and Indigenous Peoples (2004) open the possibility for indigenous peoples to participate in national and local elections as legitimate subjects Electoral Law (2010) established seven indigenous special circumscriptions
<b>Free Prior and Informed Consent/Consultation (FPIC)</b>	FPIC Law (2011) Decree (2012) ruled the implementation of FPIC	Decree 1320 (1996) regulated consultations on the exploitation of natural resources in indigenous territories Decree 2957 (2010) regulated consultations with a general scope Decree (1998) rules FPIC for indigenous and Afro-Colombian communities Law Project on FPIC (2016)	Hydrocarbon Law (2005) introduced the right to consultation and participation for indigenous communities Decree (2007) regulates FPIC in the hydrocarbon sector Law Project on FPIC (2013) Decree (2298/2015) regulates FPIC in the hydrocarbon sector

ideological differences, at least among the movements' leaders, as well as the gaps in the systems of legal protection and in their actual implementation, have increased tensions between rural groups and prevented the formation of alliances until very recently.

As Colombia, Bolivia also ratified the ILO Convention very early on (in December 1991) and implemented a Constitutional Reform in 1994, which recognised the pluricultural and multi-ethnic nature of the country. Art. 171 introduced new economic, social and cultural rights for indigenous peoples and, in particular, a new form of collective land tenure (Tierras Comunitarias de Origen, TCO). Initially, the TCO was designed with the claims of lowland indigenous groups in mind. Here, indeed, is where most of the cadastral and titling efforts were concentrated during the first 10 years since the approval of the Law of Agrarian Reform in 1996. Yet land claims grew among native and peasant communities in the highlands as well. In the effort of being as inclusive as possible, the 2009 Constitution changed the name from TCO to Indigenous Native Peasant Territory (Territorio Indígena Originario Campesino, TIOC) and introduced a new form of Indigenous Native Peasant Autonomy (Autonomía Indígena Originaria Campesina, AIOC). As I described in chapter II, these changes go beyond semantics and are linked to the attempt of consolidating an inter-rural alliance across different social sectors, ultimately with the political goal of strengthening the popular coalition that supported Evo Morales's election. This coalition, formed in the mid-2000s to back the new political project, managed to partially overcome the tensions and growing competition between indigenous and peasant organizations triggered by the implementation of multicultural politics in the 1990s. After the constitutional referendum in 2009, however, this alliance suffered a new crisis, with the peasant unions maintaining a very compact stand in support of Morales and the indigenous and native organisations expressing signs of growing unease with his administration (Fontana 2013b).

In Peru, ethnic recognition came at a slower pace than in Colombia and Bolivia. The 169 Convention was ratified in 1994, one year after the constitutional amendment and a few months before the second election of Alberto Fujimori as president. The 1993 Constitution recognised Peru as a multicultural, multi-ethnic and multilingual nation and confirmed the legal existence of native and peasant communities as distinct entities.

In practice no significant advances, but rather some retrocessions,<sup>5</sup> were made with respect to pre-existing legislations. In 1974, Peruvian law grounded social groups' differentiation into rigid geographical boundaries, acknowledging an ethnic status only in relation to the inhabitants of the lowlands, while the rural population in the highlands was automatically ascribed to the peasantry. The two groups were also assigned different systems of land use and management: the former being still partially dependent on hunting and gathering while the latter relying entirely on agriculture. Only very recent discussions on the implementation of a new Law on Free Prior and Informed Consultation (approved in 2011) have made advances in bridging the gap between indigenous and peasant sectors. After a first attempt from certain groups within the government and the business sector to exclude the peasants on grounds that they would not meet the ethnic criteria required by the ILO Convention, a more compromising view prevailed, which argued for a case by case evaluation of the ethnic qualities of peasant communities. As a response, agrarian organisations have been reframing their discourses and public presence to improve their ethnic credentials. The claims and mobilisations for the right to FPIC also provided an incentive for the consolidation of a trans-rural alliance, formalised in a Unity Pact, with the aim to improve social movements' coordinated action to influence policy-making. The results of this effort have been reflected in a more significant, although still marginal, presence of indigenous and agrarian issues in the public agenda, especially during Ollanta Humala's mandate (2011-2016).

As I have briefly illustrated, Bolivia, Peru and Colombia have offered fertile ground for the implementation of recognition politics in the form of indigenous rights, and these reforms have contributed to reshaping the relationships between rural movements in relatively similar ways. In other words, these are cases where, because of similar recognition reforms, I expect to see similar mechanisms at play and I trace them across different contexts making sure that they are not linked to a particular legal framework. Yet these countries diverge significantly if we consider other contextual and historical features, and in particular their economies, demographics, political traditions and experiences of protracted political violence (summarised in Table 2). As with the similarities, these differences are equally important as they allow to situate the

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<sup>5</sup> Art. 89 extended communal autonomy to 'use and free disposal of [the] land', thus rejecting the inalienability and immunity from seizure of communal lands recognized in previous legislation.

implementation of recognition reforms within the framework of different political and economic contexts. These contextual variations, in turn, contribute to strengthening the argument regarding a link between recognition reforms and the emergence of similar pattern of social conflict and inter-group competition across the three countries.

**Table 2** Other contextual features in Bolivia, Colombia and Peru

	<b>Economic performance / main export sector</b>	<b>Political orientation</b>	<b>Political stability</b>	<b>Political violence</b>	<b>Ethnic demography (% indigenous population)</b>
<b>Bolivia</b>	Lower-middle income \$5,364 (PPP, 2013)  Gas	Progressive (with variations)	Relatively instable	Mild guerrilla conflict (1980s-1990s)	41% (2012)
<b>Colombia</b>	Upper-middle income \$13,430 (PPP 2014)  Oil	Conservative	Relatively stable	Political violence/guerrilla conflict (1940s-Present)	3.4% (2005)
<b>Peru</b>	Upper middle income \$ 13,735 (PPP, 2014)  Minerals	Conservative (with variations)	Relatively instable	Guerrilla conflict (1980s-2000s)	24% (2007)

From an economic perspective, the three countries share a unique richness in natural resources, considered both their blessing and curse since colonial times (Galeano 1971). Yet the bases and performances of their economies are placing them within different economic brackets. Thanks to a steady growth over the last few years that has moved the country up to the group of upper-middle income countries, Colombia is the biggest and most powerful economy among the three. While oil remains its main export (about 50%), the manufacturing sector is growing, as are the information technology industry and tourism. Peru is chasing Colombia in reducing the gap with the larger regional economies. Although the volume of its' economy is smaller, its GDP per capita is very similar to the one of Colombia and, overall, Peru has fewer people below the poverty line. Metals and minerals exports (especially copper and silver) still account for almost 60% of the country's total exports. Trade and industry are centralised in Lima, but important flows of agricultural production and exports have improved regional economies as well. Bolivia is the poorest among the three countries and among the poorer in Latin America. Yet its economic performances have been improving steadily in recent years, thanks to high commodity prices



(especially gas, which remain the main driver of exports) and cautious management of state budget reserves. The consistent patterns of growth and poverty reduction notwithstanding, the World Bank still places Bolivia among the lower-middle-income countries.

In terms of politics, these countries can be ascribed to different party and political traditions. While Colombia has been firmly anchored to a conservative democratic tradition since the 1940s, over the last half-century, Bolivia and Peru have oscillated between dictatorial regimes and democratic restoration. They have experienced alternation in power of more or less progressive leaders, including populist dictators (such as Barrientos and Velasco) and neoconservative presidents (such as Sánchez de Lozada and Fujimori). A shift in the countries' trajectories occurred in the 2000s, however. In Bolivia, the election of Evo Morales abruptly turned the political rudder towards the left and managed to marginalise and replace for over a decade traditional political elites. In Peru, changes in political orientation have been more patchy and unstable, with the mandates of progressive leaders, such as Alejandro Toledo and Ollanta Humala, interrupted by the return to power of conservative governments.

Over the last decades, the three countries have also experienced different levels of political and civil violence. The more than five decades of civil conflict in Colombia puts it among the most protracted contemporary wars worldwide. Rooted in the lack of agrarian reform and structural social inequalities, the conflict took the form of a guerrilla war between leftist armed movements (the most well-known of which is the FARC), the state and paramilitary groups. Since 2012, the FARC and the government had been holding peace talks in Cuba, which culminated in the signature of an historic agreement on 23 June 2016. It is estimated that more than 220,000 people have been killed during the conflict, the majority of them civilians (177,300 according to a study conducted by the Colombia's National Centre of Historic Memory). The very nature of this conflict, mainly fought in rural areas, has caused peasant, indigenous and Afro-descendent groups to suffer the most from the war, with their communities often caught in the frontline, forced to displace or to resist the pressure of violent groups without any state protection.

Peru also experienced a phase of intense political violence between the 1980s and 1990s, when the Maoist guerrilla Sendero Luminoso launched an internal conflict with the aim of establishing a 'dictatorship of the proletariat' and a 'pure communist

state'. Estimates report nearly 70,000 casualties in less than two decades. Although guerrilla groups are still active in few remote areas of central Peru, the conflict is considered to have wound down by 2000, when a Truth and Reconciliation Commission was established. According to the Commission's final report, 75% of the people who were either killed or disappeared spoke Quechua as their native language (Comisión de la Verdad y Reconciliación 2003), which indicates the high price payed by rural communities, especially in the central highlands and valleys.

In Bolivia, by contrast, the presence of guerrilla movements was marginal compared with Peru and Colombia, and the country has not experienced a period of protracted political violence in recent times. After the failed attempt to organise a guerrilla *foco* by Ernesto 'Che' Guevara in the late 1960s, sporadic actions were conducted by other leftist groups during the 1980s and early 1990s, one of which – the Túpac Katari Guerrilla Army (Ejército Guerrillero Túpac Katari) – was of clear indigenous inspiration. All these groups, however, were quickly neutralised following the incarceration of their leaders.

A fourth relevant difference between the three countries lies in their demography and, particularly, in the relative proportion of their ethnic population. With over 46 million people, Colombia is the most populous among the three countries; yet indigenous peoples represent only the 3.4% of the overall population (corresponding to 1,378,884 people, according to the 2005 census). The Peruvian population is estimated at 31.2 million people, six and a half of whom are of indigenous origin (according to the 2007 census), which corresponds to the 24% of the country's population. Although comparable in size to Colombia and Peru, Bolivia is significantly less populated with just over 10 million inhabitants; while Bolivian citizens self-identifying as indigenous make up almost half of the total population (41% according to the 2011 census).

Demography, political contexts and economic performances are all factors that may affect ethnic relations, level of social conflict and the impact of recognition reforms at the domestic level. Yet, this book reveals that across these different national contexts, remarkably similar types of inter-communal conflicts have been emerging over the last two decades. What these conflicts have in common is their link with relatively similar recognition reforms. The implementation of these reforms has been followed by similar processes of adaptation and resistance of different social sectors, which have led to the intensification of social tensions, particularly in rural areas characterised by high social heterogeneity and endemic resource scarcity.

## **Methods**

This book explores what happens after indigenous rights have been recognised, and yet issues of social justice remain unresolved and manifest through outbreaks of conflict. In order to capture the links between policy reforms and social change, the book moves across different scales, from the international arena of global governance where indigenous rights were first codified; to national arenas of policy-making where legal and policy reforms are debated and approved; and finally to the local spaces where the implementation of those reforms and rights are ‘translated’ in the discourse and action of social organisations, becoming ‘real’ and ‘tangible’ in people’s lives. This multi-scale approach, and particularly the focus on the micro-political level, has the advantage of providing an encompassing and empirically grounded understanding of recognition, a concept that has mostly been discussed in a rather normative and abstract sense.

This study takes the individual conflict as unit of analysis. It inductively builds on cross-national empirical cases to explore under what conditions rural communities have engaged in new competitive and violent behaviours. Cases were selected based on snowball sampling following interviews with key informants at the national level. The first field research phase in each country led to the identification of national sub-regions where recognition conflicts may be clustered. This approach allowed me to overcome the difficulties of studying low intensity protracted conflicts that rarely make headlines in regional newspapers and almost never reach the national level. The multi-country perspective provides a compelling framework to explore the relationship between recognition reforms and inter-group conflicts, beyond the specificities of a single case study or country.

Figure 3 Map of research sites



Empirical qualitative data constitute the backbone of the entire book. This material was collected during multiple field trips across the Andean region between 2009 and 2016 (twenty-four months in total) (Fig. 3). Field research produced 250 semi-structured

interviews,<sup>6</sup> focus-groups meetings, and participant observation at national and local events. In each country, a first round of interviews was conducted at the national levels (generally in the capital cities or other major cities) with government representatives, social organisations' leaders and advisors, members of local and international NGOs, officers of international organisations (e.g. UN) and cooperation agencies (e.g. Danida), academics and journalists. This initial information was instrumental in the identification of sub-national regional cases in each country. Trips to these regions were arranged, first to the local capitals and then to the communities in conflict. I visited local towns and communities and spoke with key informants, generally within indigenous and peasant organisations and local administrations (e.g. ombudsman offices, agrarian tribunals, town halls). I also spoke with community members and ordinary people directly affected by these conflicts. Interviews mainly focused on individual and collective accounts of on-going or recent inter-communal conflicts, on how these conflicts changed inter-group relationship; on changes in self-identification and social closure; and on the impact of the conflict on people's daily life. In few occasions, interviews followed a general script. Most of the times, I tailored the questions based on the interviewee's role and experience. I also tended to privilege the conversation flow over a more rigid structure, as I found this method was bringing up interesting and unexpected elements and was an easier way of interacting with people, especially when they were narrating traumatic experiences.

In Bolivia, I conducted four half-day workshops with community leaders and members (involving between 10 and 15 people each), using participatory techniques such as timelines, maps of actors and brainstorming methods.<sup>7</sup> Workshops were video-recorded, while most interviews were tape-recorded with the agreement of the interviewees. I also conducted participatory research at community and organisations' meetings and national events (round tables, negotiation spaces, strategic meetings, press conferences, etc.) relevant to the aims of this research. I conducted all the fieldwork in Spanish – relying in few occasions on local Quechua interpreters – and personally collected all material on which this book relies. Seeing and experiencing

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<sup>6</sup> All quotes from interviews and material in other languages are my own translation.

<sup>7</sup> Time-lines are particularly helpful when trying to reconstruct the historical narrative of a given conflict and identify key episodes; participants were also asked to draw maps of actors, indicating the most important actors in the conflict and using a range of simple symbols to visualize the kind of relationships among different actors; while brainstorming was used to identify key association of ideas and key issues at stake for different participants in relation to the conflict.

places and coming into direct contact with people and their environments proved an invaluable source of information and inspiration for my research. First-hand empirical data was complemented with extensive review of secondary sources, including international and national reports and legal documents, social organisations' memos and minutes and newspapers' archives. In particular, I relied on hard and online press sources to reconstruct some of the conflict's timelines and corroborate interviewees' recounts. In 2015, I visited the ILO headquarters in Geneva, where I conducted interviews with experts on the indigenous rights' agenda and 169 Convention in order to grasp a better understanding of the origins and implementation of the norm as well as the ILO strategy in Latin America.

This book relies on qualitative and ethnographic methodologies. The strength of this approach lies in its potential to offer in-depth knowledge of social processes and human agency and, most importantly, to study phenomena that require a localised, micro-perspective and that, as a consequence, tend to escape broader macro-empirical or theoretical analysis. This approach is also the most apt to open pioneer paths of research in terrains that have remained almost completely unexplored and to 'call into question generalisations produced or meanings assigned by other research traditions' (Schatz 2009: 10). This study thus aims to shed light on new forms of ethnic conflicts for which no systematic research has been produced to date,<sup>8</sup> as well as to challenge widespread assumptions on the relationship between diversity and equality embedded in theories of recognition.

## **A Note on Concepts and Terminology**

Given the complexity of some of the semantic fields that I engage throughout the book, a discussion on terminology is in order. One of the key challenges revolves around definitions and operationalisation of collective identities, which are one of the main objects of study. I adopt a broad definition of identity as a shared sense of belonging to a group and I focus more closely on identities that become dominant references for how individuals perceive themselves as collective subjects. These are, of course, a subset of

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<sup>8</sup> Despite the fact that only few cases of inter-communal conflicts linked to recognition reforms have been documented and no overarching analytical and theoretical frameworks have been provided, it is clear that these conflicts exist beyond the Andean region. Sporadic academic research and newspaper reports describe conflicts involving indigenous, peasant and black communities in Mexico, Brazil, Paraguay and Nicaragua (Mollet 2011, León 2016, Boyer 2016, Abc 2015, Robles 2016).

the multiple identities that an individual can have and are those that acquire social and political relevance in a particular historical moment. Following constructivist scholarship from a range of social science disciplines, I consider identities as inherently fluid but also more or less resilient to change depending on contextual factors. In other words, identities can be very volatile but can also show a high degree of endurance. The relational dimension of identity-building in terms of 'limits' and 'boundaries' are crucial to understand the historical trajectories of collective identities, as well as their political and social role in a given period in time (Barth 1969; Lamont & Molnár 2002; Tilly 2005; Wimmer 2013). Indeed, boundary mechanisms, especially those institutionalised through hard norms, are sometimes responsible for reducing the potential for permeability or assimilation between different groups and the basis for enduring social and political competition (Lieberman & Singh 2017). From an operational perspective, this non-essentialised conceptualisation of identities means that the only valid and relevant criterion for mapping ethnic belonging is through self-identification (i.e. the individual act of identifying oneself as belonging to a particular group).

The book mainly focuses on two collective identities that constitute the most important referents in Andean rural societies: indigenous and peasant. These identities have obvious resonance within the broad categorisation of ethnic and class-based identities. Although indigenous and peasant identities have sometimes been conceptualised as dichotomist and incompatible, this book supports the idea that tensions between them are historically grounded and that their mutual boundaries have been shifting from rigid to more fluid status and vice versa in relatively short time frames. Despite this relational dimension, indigenous and peasant identities are evoking different ideological and cultural universes and are both embedded in complex semantic fields.

'Indigenous peoples' is the term that contemporary ethnic groups are referred to within the globalised discussion on cultural rights, and overwhelmingly so in the Latin American context. Ethnicity in this context is generally understood as a group affiliation defined by common descent and cultural traits (less so by language, religion, or physiognomic markers). Contrary to what is commonly thought, 'indigenous' as a self-identification category has a very recent history. Indeed, it was only in the late 1970s that a small group of representatives, mainly from American and Canadian First Nations, chose to ascribe to it. They borrowed the concept from an abstract normative

jargon used since the 1950s by the ILO to identify ethnic minorities, particularly poor workers, in the effort to improve their living conditions. From that moment, the new category began to acquire new meanings not only as a specialised legal term, but as an expression of identity for social actors and bringing to mind images of exotic realms for lay audiences across the world. Along the way, the category also underwent a process of resignification, whereby the link with tradition was no longer understood as the reason behind marginalisation, but as the root of collective worth and differentiation. This semantic innovation may also be read as a more or less deliberate turn away from ‘ethnic’ and ‘ethnonationalist’ discourses. This shift implied a process of depoliticisation and depuration from the old fears evocated by ethnicity for modern liberal thought and democratic projects, only for the new indigenous frame to be repoliticised as a milder, nonviolent, non-irredentist version of ethnic mobilisation (Beteille 1998; Niezen 2003).

Most Latin American ethnic groups have embraced the transnational language of cultural rights and, especially since the 1990s, have begun to self-identify as indigenous (*indígenas*). There are, however, some exceptions. In the Bolivian contexts, Aymara and Quechua groups from the highlands prefer other terms such as ‘*indio*’ (indian) or ‘*originario*’ (native). This choice can be understood as an example of re-appropriation by discriminated groups of the colonialist vocabulary to create a new narrative of emancipation. In the words of the Bolivian miner leader Domitila Quispe: ‘Indian was the name with which they subjugated us; indian will be the name through which we will free ourselves’ (Albó 2002: 121). In the case of Peru, the term ‘indigenous’ has only appeared very recently, while ethnic communities from the Amazon were traditionally referred to as ‘*nativos*’ (native), in contrast with the ‘peasant’ highlander – a dichotomy that still persists in public discourse and in the law.

Throughout this book, I use the term ‘indigenous’ to refer to ethnic-based identities and organisations, in line with most of the scholarship focusing on ethnic issues in Latin America. In contrast with most of this literature, however, I chose not to capitalise the word ‘indigenous’ since its proper use implying a ‘nation-like’ identity will put it at a different level compared to other collective identities (e.g. peasant), which would be in contradiction with the theoretical premises of this book. I also refer to the alternative terms that groups and states adopt to describe ethnic identities (e.g., *indio*, *native*), when relevant for the overall argument.



‘Peasant’ (*campesino* in Spanish) is perhaps a less contested term than ‘indigenous’, at least from the perspective of social and political actors in Latin America. ‘Peasant’ is commonly understood as the most important collective identity of those individuals that live in rural areas and practice small-scale agriculture. It is a highly politicised term, however, due to the long-standing history of unionisation and mobilisation of rural sectors under the peasant banner. As for indigenous, peasant semantics also have experienced a process of ‘depuration’ in recent years. In order to avoid the political connotation embedded in the term ‘peasant’, particularly since the 1990s, academic scholarship has begun employing the more neutral and technocratic concepts of ‘smallholder’ and ‘small-scale farmers’ (World Bank 2016). The depoliticisation of peasant sectors, however, is unlikely to be politically neutral, especially if we consider the overlap with the neoliberal turn to be something more than a coincidence. It is also hard not to relate this semantic turn to the steep decline in academic production focused on the peasantry in the past two decades, at least in Latin America. Moreover, and in contrast to the genealogy of the indigenous universe, peasants across the region have not abandoned this term and continue to proudly and overwhelmingly identify with it. I deliberately chose to use the word ‘peasant’ in line with the semantic choices made by social actors across the Andean region. But I also do so in recognition of the political agency of these sectors, in order to counterbalance both the technocratic efforts to wipe out politics from the rural world, as well as the disappearance of peasants from the academic radar. Indeed, despite the bipartisan predictions that peasants as a social class would become extinct as societies develop, peasant movements have not taken their last breath as yet.

This book focuses on analysing the conflicts between indigenous and peasant groups. It is therefore important to clarify how ‘conflict’ is understood in this context and particularly with respect to recognition. Drawing from Marxist and Sorelian traditions, scholars have argued that, although social conflict can be disruptive, it can also be a force for social transformation. In the case of recognition conflicts, it can be argued that they constitute an inevitable and temporary phase and are the ‘costs’ of the adjustment towards a more equal society. In other words, a progressive move often implies pushbacks from reactionary forces, as well as from actors for whom the status quo is preferable. Moreover, some may argue that instability is the symptom of a vital society, where rules of the game, including recognition, are subject to debate,

negotiation and contestation (Pilapil 2015: 54). It is certainly the case that recognition reforms have been resisted by multiple actors for very different reasons.

Yet, I argue that the conflicts presented in this book cannot be understood exclusively as the result of democratic vitality, conservative pushbacks or temporary adjustment struggles. In fact, they generally become endemic and protracted over time, are not fought against the ‘usual suspects’ (e.g. elites and big landowners) and mainly occur after reforms have been approved. These conflicts are the manifestation of both struggles for inclusion and struggles from exclusion with respect to recognition reforms. They entail problems of operationalisation of recognition, but also moral dilemmas around whom and on what grounds should be entitled to differentiated rights. Contestation in these cases is not the cause, but the effect of dissatisfaction of certain social groups with existing rules. Similarly, a moral argument can be made around the need to make societies less violent and less destructive and this will pass through a deeper understanding of the links between recognition and social justice in practice. From a policy perspective, understanding the causes and dynamics of recognition-related conflicts is a first step towards their solution and towards the establishment of just and peaceful settlements.

Before getting into a more detailed discussion of the different types of recognition conflicts that I have briefly described earlier, the next two chapters offer an overview of the historical trajectories and institutional frameworks that have shaped Andean politics over the past few decades and that can be helpful to situate recognition reforms and recent changes within broader processes at play.

## CHAPTER II

### Citizenship and Development in the Andes

In Latin America, rural communities have historically represented a challenge both for the nation-building process and for countries' development strategies. How should the indigenous population be incorporated into the nation, while moderating the potentially destabilizing tensions rooted in persistent ethno-cultural differences? And how can rural households become active contributors to economic development without triggering subversive forces that would threaten the stability of the national economy and its insertion in regional and global markets? To address these questions, since independence Latin American states have adopted a variety of strategies, underpinned by different, and sometimes opposite, visions of citizenship and development. These strategies have had very concrete effects in redefining ethnic and class boundaries, shaping at the same time the relationship between the state and social groups and among social groups themselves. Since the early 20<sup>th</sup> century, citizenship and development regimes have followed somewhat cyclical patterns, oscillating between the dyadic forces of separation and assimilation, social inclusion and differentiation. This chapter aims to provide an historical background to situate the rise of identity politics and recognition in Latin America. It does so by establishing a chronology of implementation for four different models of citizenship and development from the early 20<sup>th</sup> century to the present: (1) indigenism and *mestizaje* (1920-1950); (2) national corporatism (1950-1970); (3) neoindigenism and multiculturalism (1980-1990); and (4) plurinationalism (2000-2010). The historical account particularly draws from the cases of Bolivia, Peru and Colombia. While these countries' trajectories reflect broader regional trends, their in-depth analysis is meant to help situate the empirical case studies presented in the following sections of the book.

#### **Indigenism and *Mestizaje***

As Lucero notes, 'Latin American states have rarely been clear examples of those Weberian ideal-type human communities characterized by clear territorial boundaries and monopolies on the legitimate means of violence' (2008: 20). From the colonial experience, these countries inherited weak institutions under the control of small

oligarchies and fragile economies highly dependent on export markets and the influence of foreign powers (Cardoso & Faletto 1979). Throughout the republican history, the sharp divide between rural and urban areas continued to grow, despite efforts to improve infrastructural and communication networks. Cyclical agricultural booms, technological innovations and intense natural resources exploitation did not provide sustainable solutions to addressing high levels of rural poverty, while the chronically weak presence of the state across countries' peripheries excluded the vast majority of rural inhabitants from political participation and access to public services. The pre-Columbian origins of part of the rural population also contributed to add ethnic-based discrimination to other forms of geographic, political and social marginalization.

Since independence, one of the key challenges for the republican governments had been to manage the great ethno-cultural diversity located within the new national frontiers. This was mainly done through the crystallisation of boundaries of social and political exclusion, often overlapping with ethnic-based discrimination. From the early republican era to well into the 20<sup>th</sup> century, central governments' sovereignty had very limited geographical breadth, cutting off remote and inaccessible areas (sometimes corresponding to the vast majority of the national territories). When peripheral regions managed to escape the control of neo-colonial oligarchies and the *hacienda* system, they rapidly fell under the influence of private enterprises (e.g. mineral, rubber, quinine extraction) based on labour exploitation and rent accumulation, or within the administrative domain of other non-state actors, namely the Catholic Church, local scribes and lawyers. Certain areas, especially in the Andean highlands and Amazonian jungle, managed to escape this localised and semi-privatised system of 'repressive ventriloquist representation' (Guerrero, cited in Lucero 2008: 51), and communities maintained a certain degree of autonomy as relevant local political units, operating under existing authority and economic structures (Lucero 2008; Cameron 2010).

The rise of Latin American nationalisms rooted in the independence struggles did not coincide, therefore, with their affirmation as political actors of class-based social movements but was rather driven by *criollo* elites. Nevertheless, one of the main goals of postcolonial nationalisms was to create social and political cohesion through the redefinition of traditionally heterogeneous social and ethnic boundaries. This process took two paths: on the one hand, a positive re-evaluation of ethnic identities and contemporary acknowledgement of their underprivileged and marginalised condition (indigenism, or *indigenismo* in Spanish); and, on the other hand, the creation

of a new *mestizo* collective identity as the base for nation-building (*mestizaje*). Both these partially overlapping ideological streams became popular in the 1920s among Latin American intellectual elites and significantly influenced social mobilisation discourses as well as state-led approaches to the ethnic question. What the two ideologies have in common, generally speaking, is a recognition of the inherently discriminatory and racist system that ruled Latin American post-independence societies, the rhetorical celebration of the indigenous origins as a source of national identity and an effort to assimilate the indigenous subjects as precondition for the construction of modern liberal nations. In other words, for the liberal utopia to exist, the old differences between indigenous, *criollo*, *mestizo*<sup>9</sup> and black had to be overcome in favour of a homogeneous national identity (Thomson 2002).

In the first half of the 20<sup>th</sup> century, a number of legal reforms inspired by indigenist ideas were implemented in different countries across the region. Mexico in particular constituted a model for the rest of Latin America. Under the leadership of the nationalist general Lázaro Cárdenas and the guidance of the newly created Department of Indigenous Affairs, the indigenous issue was addressed through a broad set of social and economic reforms, including education and land redistribution. The aim of these reforms was the incorporation of indigenous groups into the larger national population on an equal basis. In Peru, the 1921 Constitution granted legal recognition to indigenous communities for the first time since independence, while a series of laws and new institutions, such as the Bureau of Indigenous Affairs, were put in place and the first national *indigenista* organisation – the Pro-Indigenous Rights Committee Tawantinsuyo (Comité Pro-Derechos Indígenas Tawantinsuyo) – was founded (Greene 2009; De la Cadena 2000). In 1936, the Peruvian Indigenous Communities Statute reaffirmed the prohibition to sell communal lands to non-indigenous and offered protection against property usurpation (Handelman 1975). In Bolivia, politics for homogenising ethnic inclusion were adopted since the 1930s. The 1938 Constitution formally granted social rights to indigenous peoples, while the government of Gualberto Villarroel (1943-1946) sponsored the first Indigenous

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<sup>9</sup> These terms refer respectively to people of full or near full Spanish descent and to people of mixed ancestry.

Congress in 1945, which eventually led to the abolition of the system of *pongueaje*<sup>10</sup> (Galindo 2010).

In the same period, however, other countries followed opposing paths, systematically demolishing surviving indigenous institutions. Colombia, for example, approved a Land Act in 1936, which accelerated the process of dissolution of indigenous collective territory, called *resguardos*,<sup>11</sup> with the argument that they constituted unproductive land and were therefore not contributing to the country's development. Each indigenous family belonging to the *resguardo* was allotted a piece of land according to its size, with a fifteen years embargo over selling and alienation (Troyan 2015). This process, that in certain cases was welcomed by the indigenous communities themselves as a way to hold on to their land rights vis a vis the growing pressure provoked by the increase in export crops, certainly contributed to weaken local indigenous institutions (*cabildos*). It also illustrates how indigenist ideas remained marginal in the Colombian nation-building process. Indeed, in Colombia, the Law 89 of 1890 about 'how to govern savage people' remained the only ruling norm on this matter until the constitutional reform of 1991.

## **Nationalist Corporatism**

In parallel with the indigenist reforms, the first half of the 20<sup>th</sup> century also saw the emergence of the first peasant unions across the region and, more generally, a change in the relationship between the state and the working class (Collier & Collier 1991). Throughout the 1930s, important peasant-based mass movements surged in Mexico, El Salvador, Nicaragua, Brazil, Colombia and Bolivia (Petras & Veltmeyer 2001). Peasant mobilisations led to very different outcomes, from violent repression and conservative backlashes (in Cuba, Dominican Republic, El Salvador and Nicaragua), to more or less substantial agrarian reforms and the consolidation of a new model of state-led rural corporatism (in Mexico, Colombia, Peru and Bolivia). Up until the 1980s, in many Latin American countries corporatism came to represent the solution to the

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<sup>10</sup> The *pongueaje* is an historical model of agrarian servitude of peasant and indigenous people working within the hacienda (Albó 2007).

<sup>11</sup> *Resguardos* are sociopolitical territorial units of Spanish colonial origin, formed by recognized territories of communities of indigenous descent with inalienable, collective land titles and governed by a special autonomous statute.

incorporation of popular sectors within nation-building processes.<sup>12</sup> As *mestizaje* with respect to ethnic diversity, corporatism offered a model of incorporation of marginalised social sectors within the state apparatus. Repression was not completely abandoned but was significantly downsized in favour of a strategy of institutionalisation and cooptation of the labour movement. Unions became legitimate actors and began to be mobilized as bases of political support (Collier & Collier 1991). In the countryside, unionisation generally led to the weakening of ethnic-based institutions and identities – a process known as *campesinización* (literally, peasantisation).

The consolidation of a corporatist system followed different and more or less violent trajectories. In the case of Bolivia, it was triggered by a revolutionary outbreak led by the National Revolutionary Movement (Movimiento Nacional Revolucionario, MNR), following six years of continuous social unrests. At the heart of the 1952 Bolivian Revolution was a multiclass coalition mainly formed by workers, miners and peasants, while the revolutionary agenda was a project of national modernisation grounded in two pillars: mine nationalisation and agrarian reform. A mix of fear of violent escalation and sympathy with the peasant claims, coupled with concerns for decreased agricultural production resulting from rural instability, pushed the MNR to prioritize the agrarian question. With the Agrarian Reform Decree signed on 2 August 1953, the government ‘sought to legislate order into the expropriative process’ (Khol 1978: 259). In this context, the institutionalisation of corporatist structures of representation based on peasant unions was understood as the most important measure to grant participation and citizenship rights to what was considered an isolated and primitive rural world. The peasantisation of the countryside served a double purpose of class incorporation of marginalised social sectors and of ethnic assimilation of indigenous communities into the nation-state (Lucero 2008). The peasantisation campaign was intense and massive, both at the organisational as well as at the symbolic levels. Yet it did not manage to completely homogenise the complex landscape of rural identities. The result was a rather variegated map, with areas where the model was almost

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<sup>12</sup> Incorporation implies the major redefinition of the socio-political arena following the broad and selective inclusion of popular sectors in the polity. It involves a combination of mobilization of popular claims and implementation of political reforms to channel these claims into new institutional frameworks. The concept was firstly theorized to describe the process of state-driven corporatization of labour and peasant movements across Latin American countries in the mid-twenty century (Collier and Collier 1991; Rossi 2017).

perfectly implemented (for example, the central region of Cochabamba, Gordillo 2000), and others where pre-existent indigenous organisations and new corporatist structures began to coexist in a new symbiotic equilibrium (particularly in many remote highland regions, such as the Norte Potosí, Rivera Cusicanqui 1984).

In Peru, a similar shift towards a corporatist model of social organisation started in the 1960s. A decade of social unrest and the rise of peasant and guerrilla movements culminated with the instauration, in 1968, of a dictatorial regime under the leadership of general Juan Velasco. His nationalist and reformist program included a series of social reforms aimed at improving the conditions of marginalised sectors, and in particular a radical agrarian reform pushing for massive land redistribution from landowners to poor peasants, and an education reform based on decentralisation and bilingual education. A process of peasantisation was also part of the Velasco's modernisation plan, though with slightly different characteristics than the one taking place in neighbouring Bolivia. Land was not handed over to communities but to newly created rural enterprises, called Agricultural Societies of Social Interest (*Sociedades Agrícolas de Interés Social SAIS*), which were granted twenty years to pay back the state for the assigned land, animals and equipment. The government's modernisation project implied the conversion of 'backward Indians (superstitious and lazy almost by definition) into modern peasants (effective and dynamic entrepreneurs, commercially-oriented farmers)' (Nuitjen & Lorenzo 2009). Velasco formally renamed indigenous communities as peasant communities, in an effort to abandon 'unacceptable racist habits and prejudices' (Velasco 1969, cited in Greene 2005: 74); while the 'Day of the Indian' was converted in the 'Day of the Peasant' to emphasise this identity shift (Seligmann 1995; Remy 2013).

Beyond semantics, this change had practical implications in the restructuring of land tenure and rural labour relations. Traditional authorities were undermined by a new form of bureaucracy, which privileged Spanish-speaking educated intermediaries, and longstanding cohabiting dynamics between communities were suddenly broken by the redefinition of new territorial boundaries (Seligmann 1995: 60). The shift towards class-based categories, however, only applied to highland communities. Lowland people were formally organised into 'native communities' with the Law of Native Communities and Agrarian Development of the Jungle approved in 1974 (Greene 2005). As we shall see, in the following decades the legal crystallisation of the distinction between lowland and highland communities would contribute to shape



different paths of collective struggle and self-identification in a more radical fashion if compared to other Latin American countries with similar geographic and demographic features.

As with Peru and Bolivia, Colombia also experienced a rise in rural unrest during the first half of the 20<sup>th</sup> century. However, here social conflict degenerated in political violence and eventually led to a decade of bloody civil war known as La Violencia (1948-1957). Although the war was largely fought by peasants in rural areas, it should not be confused with a class war. It was rather a conflict where peasants were 'fighting for the interests of others', identifying it as 'the last, and the most important, of the clientelist wars in Colombia' (Zamosc 1986: 18). In the aftermath of the war, the National Front (a new political coalition of Liberal and Conservative Parties based on the agreement of power rotation for a period of four presidential terms) saw the agrarian reform as a necessary concession to manage the still unstable and potentially explosive peasant question. The Agrarian Social Reform Law was approved in 1961, including redistributive measures (although with quite convenient terms for landowners), promotion of peasant cooperatives and colonisation movements, peasantry reconstruction in minifundia areas and better service provision to rural areas. These ambitious goals, however, failed to trigger structural changes and resolved into weak palliative measures to contain the risks of social unrest.

The election of the progressive liberal leader Lleras Restrepo in 1966 had a more significant impact on peasant political participation. Restrepo turned towards the countryside as his electoral basin and prioritised the agrarian question as a way of refraining the unsustainable urban exodus. In order to pressure conservative sectors still resisting any serious attempt of agrarian reform, Restrepo embarked in the effort of strengthening and mobilising the peasantry at the national scale through a massive participatory project. As a result of this very project and in order to foster the implementation of a reformist agenda, the creation of a National Association of Peasant Users (Asociacion Nacional de Usuarios Campesinos, ANUC) in 1967 was sponsored by the state, as a way of providing a controlled framework for the expression of peasant interests as a class. ANUC's relationship with the state was therefore characterised by a high degree of dependency at both formal and informal levels, at least until 1970, when the organisation began to radicalise, organising autonomous land occupation and adopting a more combative and antagonising agenda vis a vis the government. In contrast with Bolivia and Peru, however, the corporatist organisation of a peasant

movement in Colombia was never explicitly understood as a process of peasantization of indigenous groups. This can be linked to demographic factors (indigenous peoples account for a much smaller percentage of the total population than in other Andean countries), as well as to the already strong debilitation of indigenous institutions through the dismantling of the *resguardo* system in the first half of the 20<sup>th</sup> century, which effectively weakened, if not dissolved, indigenous communities in most parts of the country. Yet, as we shall see, Colombia was one of the first countries to experience an awakening of a new type of indigenous mobilisation beginning in the early 1970s, in a fashion that would gain popularity across the region in the following decades.

### **Neoindigenism and Multiculturalism**

Corporatist regimes set up by nationalist governments deeply reshaped the relationship between rural communities and the state, as well as local institutions and collective identities. The corporatist model of social incorporation did not survive, however, the democratisation wave that swept the region in the early 1980s. In this context, a different sensibility towards cultural and ethnic issues began to develop, which emphasised the need to recognise indigenous groups as distinct members of society, to value their cultural distinctiveness and to protect their rights as ethnic minorities. Neoindigenism, as this position came to be known (Ibarra 1999; Paz et al. 2004; Canessa 2006), partially revitalised early 20<sup>th</sup> century ideas about ethnic diversity, while at the same time being grounded in a harsh critique of the indigenist integrationist approach as paternalist and assimilationist. The state, neoindigenism postulated, should still play an active role vis a vis indigenous populations by guaranteeing, in virtue of their ethnic distinction, specific rights in the framework of a pluricultural model of citizenship (Pallares 2002).

This new approach to the ‘ethnic question’ can be traced back to the proposal of a small group of anthropologists and activists during a meeting in Barbados in 1972. Yet, in the following decade, it would become influential in the framework of both national politics and social movements’ discourses. This popularity was favoured by the surprisingly low level of antagonism with which neoindigenism was regarded by the neoliberal orthodoxy that controlled Latin American political economies in the 1980s and 1990s (Hale 2005). It was in this context that, not only was the ILO 169 Convention widely ratified across the region, but some form of multicultural reform

was implemented in most Latin American countries. This ranged from the renegotiation of national constitutions to formalise the ‘pluricultural character’ of national societies (what Donna Lee Van Cott calls ‘multicultural constitutionalism’, 2000), to the implementation of a new generation of legal reforms and policy measures recognising indigenous peoples as bearers of specific rights, including the right to culture, language and education, as well as some form of administrative autonomy, land and territorial control and political participation. Among the most important legal reforms were new agrarian laws granting collective land rights to indigenous communities, and decentralisation measures offering indigenous leaders concrete unprecedented opportunities for political participation (Cameron 2010). Although in most cases these reforms had more rhetorical than real implications, they opened the way for the rise of ethnic recognition and cultural rights claims into national politics.

Multicultural reforms were strongly encouraged and in certain cases sponsored by international actors, in particular the World Bank, the Interamerican Development Bank and different UN agencies and NGOs, anxious to link the new democratisation and ‘good governance’ trends with their development agendas (Andolina *et al.* 2009). At the local level, international actors also played an important role funding and implementing development programmes, which tried to build on what were considered ‘the positive qualities of indigenous cultures and societies – such as their sense of ethnic identity, close attachment to ancestral land, and capacity to mobilise labour, capital, and other resources for shared goals – to promote local employment and growth’ (van Nieuwkoop & Uquillas 2003: 3). For the first time, international development agencies began to allocate specific resources to ethnic communities in order to support different kinds of development interventions, from small agricultural projects, to tenure regularisation, cultural heritage activities, and institutional strengthening. Since the 1990s, ‘ethnodevelopment’ or ‘development-with-identity’, as these interventions came to be known, have become new buzzwords for international development cooperation.

Ethnodevelopment and multicultural reforms were particularly widespread in the Andean region. In the late 1980s, in Colombia a decisive push was given to the reconstitution of indigenous *resguardos* (with about 13,000 hectares titled only between 1986 and 1989). In 1991, Colombia was one of the first countries to reform its Constitution to incorporate multi-ethnic and pluricultural principles and grant political, legal and cultural recognition to indigenous and Afro-Colombian minorities.

Bolivia revised its Constitution in 1994, implemented administrative decentralisation in 1995 as well as an agrarian reform that gave collective land rights to indigenous peoples in 1996 (Native Communal Lands, Tierras Comunitarias de Origen, TCOs). Under Alberto Fujimori's government (1990-2000), Peru reformed its Constitution (1993) including a tepid recognition of the state's cultural plurality and the right to customary legal jurisdiction – already recognized by law – while weakening, in fact, land and community rights. A more serious attempt to institutionalise multiculturalism based on the Colombian model was pursued by president Toledo in the early 2000s with the creation of the 3) and a new attempt to reform the Constitution (Greene 2005). Although no major constitutional change was achieved, the Peruvian Congress approved two laws in 2002 and 2003, respectively, that ruled for the establishment of an indigenous legal jurisdiction.

While the programmatic coincidence of neoliberalism and multiculturalism has been well documented, its consequences in reshaping the relationship between state and social movements are complex to discern. The neoliberal era and the process of legal and institutional reforms coincided with the multiplication of indigenous organisations and movements across Latin America and the parallel decline of peasant unions as forms of collective organisation in rural areas. But there is no agreement on whether these changes have been the underlining trigger of multicultural reforms (Pallares 2002) or the outcome of those very reforms (Andolina *et al.* 2009). Critical perspectives highlight how the alliance between neoliberalism and multiculturalism responded to the strategic need of Latin American governments to move away from class politics and find a new way of conceiving the relationship between marginalised social sectors and the state, which was compatible with their goals of economic growth and market-driven development. Charles Hale (2005), for example, points out how the positive reforms brought about by these governments – including language and educational policy, anti-discrimination legislation, devolution of power to local administrations and increased indigenous political participation, among others – in fact had disempowering consequences for social struggle. In practice, neoliberal multiculturalism, Hale argues, had the major limitation of setting criteria to discriminate between acceptable and unacceptable rights and claims, and even worse, to put constraints on the spaces, modes and identities of socio-political struggle. Far from being the result of indigenous empowerment, multiculturalism represents a threat to the autonomy of ethnic movements.

While agreeing with Hale's analysis, Will Kymlicka stresses how the relationship between the state and social actors in shaping models of citizenship and participation is more dynamic and less unidirectional than what is sometimes postulated: 'Just as neoliberalism sought to transform the structure of ethnic relations, so too members of ethnic groups have drawn upon the social resources generated by their ethnic identities and relations to contest neoliberalism'. In this sense, 'some ethnic groups have managed to resist aspects of the neoliberal project or even to turn neoliberal reforms to their advantage' (Kymlicka 2013: 100). Furthermore, in many cases, the agency of new indigenous movements clearly went beyond resistance and took the form of adaptive and symbiotic strategies. As Laurie *et al.* (2005) show, highly organised indigenous movements have been engaging in transnational development networks and local development initiatives, actively contributing to shape development politics. This was made possible by the increasing professionalisation of an indigenous elite of development experts, emerging from the ranks and files of the social movements themselves.

If on the one hand, the strengthening of ethnic-based rights and the weakening of socio-economic rights under neoliberalism encouraged the politicisation of ethnic cleavages (Yashar 1998); on the other hand, it pushed peasant movements and corporatist networks to the margins of the political arena. In particular, decentralisation processes sponsored by neoliberal governments offered indigenous leaders the opportunity to engage in the political game and develop administrative experience, which would prove crucial for their ascent to national politics in the following decade (Cameron 2010). These actors were critical forces behind the new Left parties and coalitions that were elected into power across the region since the early 2000s (Levitsky & Roberts 2011).

### **Towards a Plurinational Citizenship?**

In the 2000s the election of leftist governments throughout Latin America,<sup>13</sup> marked what some authors have called a post-neoliberal turn (Grugel & Riggirozzi 2012). This has been described as a shift away from the dominance of the market in the economy

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<sup>13</sup> Presidents running on leftist platforms were elected between 1998 and 2011 in 11 Latin American countries, which meant that by 2011 two-thirds of the regional population was represented by Left-wing governments (Roberts 2012).

in policy and everyday lives, towards more socially progressive political economies. The role of the state was reinforced and new social policies were put in place in order to target structural problems of poverty and inequality (Levitsky & Roberts 2011). The rise of a 'Pink Tide' of new Leftist governments coincided with the popularization of a new paradigm in the national discussions on citizenship and state-building. The idea of plurinationality or plurinationalism, albeit not new (Pallares 2002; Lucero 2008; De la Cadena 2000), became increasingly popular at first in the discourse of social leaders and intellectuals. As a concept, multiculturalism started to be considered ill equipped to capture the complexity of ethnic relationships and citizenship regimes. While multiculturalism is focused on the improvement of social competition through tolerance, plurinationalism emphasizes the interaction among diversities. In general, the plurinational paradigm was perceived as better accommodating the material and political dimensions of indigenous claims, especially concerning political and administrative autonomy and territorial control (Pallares 2002).

In Ecuador and Bolivia, plurinational ideas promoted by social actors were incorporated into the agendas of the Leftist governments elected in the mid-2000s, and eventually crystallised in new Constitutions, which formally replaced the geopolitical and administrative paradigm of the unitary republic with one of a plurinational state (Fontana 2014c). The constitutional texts do not include a definition of plurinationality, but some ideas can be drawn from the proposals and preparatory documents put forward by indigenous organizations during the constitutional negotiations. Below, two definitions are presented. The first by the Confederation of Indigenous Nationalities of Ecuador (Confederación de Nacionalidades Indígenas del Ecuador, CONAIE), and the second by the Bolivian Pact of Unity and Commitment (Pacto de Unidad y Compromiso), an umbrella organization of indigenous and peasant movements:

Plurinationality is a system of government and a model of political, economic and socio-cultural organization, which advocates for justice, individual and collective freedoms, respect, reciprocity, solidarity, equitable development of the whole Ecuadorian society and all its regions and cultures, based on the legal-political and cultural recognition of all Nationalities and indigenous Peoples that form Ecuador. (CONAIE 2007: 17)

[The Plurinational State is] a model of political organization for the decolonization of our nations and peoples, reaffirming, restoring and strengthening our territorial autonomy. Legal principles of juridical pluralism, unity, complementarity, reciprocity, equality, solidarity and the moral and ethical principle to end all forms of corruption are fundamental for the construction and consolidation of the Plurinational State. (OSAL 2006: 167)

As these two examples illustrate, at the very core of the concept of plurinationality, the idea of ‘indigenous people’ is coupled with the even more radical and evocative concept of ‘nation’. This change mirrors the latest discourse of indigenous movements in the region, which are increasingly resorting to indigenous nationalist discourses to fight their political battles. As Perreaut and Green note about the Bolivian case (2013: 51), however, the new Constitution tries to interpret ‘indigenous differences (and nationalism) not as a threat to the Bolivian nation but, rather, as a founding principle’ based on pluralism and mutual recognition. In Bolivia, following constitutional approval, the new plurinational model has been shaped through an on-going process of institutional and legal reforms. These include the conformation of territorially autonomous regimes that can be formed without the need to have been part of other pre-existing political-administrative divisions, but rather on the bases of ethno-cultural features; the recognition of community justice as parallel and coexistent with ordinary justice; and the consolidation of a system of collective land titling following ethnic-based criteria.

More broadly, in the framework of the new Left’s social and political reforms across Latin America, plurinationalism took the form of a political project able to mobilise traditionally marginalised social sectors, in particular indigenous peoples. In a phase characterised by high social tensions and deep reshaping of longstanding political settlements, leftist governments started looking for opportunities to consolidate an alliance among their constituencies, i.e. those popular sectors that had been particularly hit, divided and debilitated by a decade of neoliberal reforms. In this sense, plurinationalism can be understood, following Rossi (2017), as a key component of a ‘second wave of social incorporation’ that spread across Latin America since the early 2000s, in reaction to the cycle of continental mobilisation against neoliberal disincorporation.

In Bolivia, the election of the coca-growers unions’ leader Evo Morales as President in 2005, shifted the focal point of national politics towards the rural world

and the new government soon confronted the challenge of keeping in place the fragile trans-rural alliance formed by peasant and indigenous sectors (the Pacto de Unidad) that brought it to power. The pragmatic solution found in the framework of the Constitutional Assembly was the formalisation of a new trinitarian category, the ‘indigenous native peasant’<sup>14</sup>, which was widely used to describe a new collective citizen entitled to a new set of plurinational rights. The concept, mentioned more than a hundred times within the Constitution, is used as if it refers to a clearly existing entity. However, empirically, it is hard to identify such a sociological aggregate. Indeed, native movements, indigenous groups, and peasant unions in Bolivia continue to exist as separate organisations, and despite a phase of alliance and collaboration, in recent years their respective agendas and changing political alliances have brought them back to opposite fronts, as I will describe later (Fontana 2013a and 2014c).

So far, plurinational ideas have had limited impact outside of Bolivia and Ecuador. Peruvian indigenous movements have only very recently started to make use of the idea of ‘nation’, as a way of strengthening their sense of identity and belonging with a specific ethnic group distinct from others within the country and from the state. Ethno-nationalist discourses have been mobilised, particularly in the context of socio-environmental conflicts with foreign companies and the government around mining exploitation (e.g., Las Bambas<sup>15</sup>). However, debates on rights and citizenship at the national level have not incorporated the idea of plurinationality. In Peru, these discussions have been much more tepid than in neighbouring countries, both because the turn to the Left with the election of Ollanta Humala in 2011 had very limited impact in reshaping broader political equilibria and was not sustained over time (with the election of Pedro Pablo Kuczynski in 2016, the government returned to the right), and because the presence of social movements in the country’s national arena remains weak and relatively marginal compared to Latin American standards.

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<sup>14</sup> ‘An *indígena originario campesino* nation or people is each and every human collectivity that shares cultural identity, language, historical tradition, territorial institutions and view of the world, and whose existence is previous to the Spanish colonial invasion’ (Art.30).

<sup>15</sup> This conflict started in 2014 when local communities in the Apurímac region in the central Peruvian highlands began to mobilise against the mining megaproject of Las Bambas. Residents were concerned with the environmental impact of exploitation and connected infrastructural developments. Some communities also protested in order to be included in the influence zone of the project. Following the escalation of violence that led to the death of three people, in 2015, President Ollanta Humala declared a state of emergency for the affected districts. Negotiation tables were set up and then suspended in 2017, while a new state of emergency decree was issued in April 2018, despite the opposition of local leaders. This conflict is also discussed in Chapter 7.



If Peru was somehow under the influence of the constitutional and political changes happening in Ecuador and Bolivia, Colombian politics firmly remained within the conservative tradition and has not experienced any significant reformist process since the 1991 Constitution. The rural question, however, has regained centrality in the public debate in recent years, when a new attempt to negotiate with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) was launched by President Santos. The first point of the peace agreement, signed by the government and the guerrilla group on 23 June 2016, includes plans for a new integral agrarian development policy, aimed at providing solutions for structural issues such as land access, infrastructure, social development and food security. It might, however, be too soon to assess the concrete implications of this historic breakthrough in terms of legal reforms and institutional arrangements for the countryside.

## **CHAPTER III**

### **Class and Ethnic Shifts**

In the previous chapter, I briefly illustrated the changes in citizenship and development models institutionalised by Latin American governments since the early 20<sup>th</sup> century up to the present day. These transformations have shaped the very identities and modes of interaction of social actors with the state and between themselves. How have patterns of collective self-identification changed over time and how have scholars made sense of these processes? In this chapter, I focus on the changes in collective identities through a critical assessment of the narratives used to describe the alternations between class and ethnicity as referents for social organization. A review of the abundant literature on rural movements in Latin America clearly shows how scholarly production has been greatly influenced by intellectual fashions and political ideologies, often in a cyclical way. As a result, the same aspects of reality have been glorified in certain periods and neglected in others, and most narratives of social change have oscillated between either dichotomous or homogenising interpretations of collective identities. Here, I consciously try to remedy this imbalance as I analyse the political roles, forms of organisation and social relevance of both indigenous and peasant movements since the 1950s. In the first part of the chapter, I offer an alternative framework to understand rural movements based on the concept of ‘articulation’ (and ‘disarticulation’). I identify four main historical phases that have marked this relationship: (1) hierarchical articulation (class over ethnicity); (2) hierarchical articulation (ethnicity over class); (3) organisational disarticulation; and (4) pragmatic articulation. The aim is to provide a narrative of socio-political Andean history over the last 70 years, taking rural movements as its main subject. The value of this effort rests in highlighting the interdependence and fluidity of ethnic and class identities, as well as the influence of broader socio-political processes. As in the previous chapter, my analysis focuses on empirical and historical cases within the Andean countries, in order to illustrate the shifts in collective identities and social mobilisation patterns.

## **Towards a New Understanding of Ethnic and Class Relationships**

Rural actors in Latin America have provided a rich terrain for social sciences research for almost a century. The narratives of social change used to describe and interpret processes of social mobilisation and identity-building have generally tended to focus on certain aspect of reality, often under the influence of intellectual fashions and political ideologies. Reviewing the abundant literature on rural movements in Latin America, it is clear how quite different theoretical lenses have been adopted to make sense of paradigmatic shifts.

After the indigenist phase in the early 20<sup>th</sup> century, when, for the first time, interest in ethnic groups overcame narrow anthropological and cultural lenses, scholars' attention was generally catalysed by the peasant world. Following a turn away from classic Marxism, leftist intellectuals became increasingly interested in the peasantry as a force of change in pre-industrial societies. In this phase, ethnic categories either vanished or were subsumed within class categories. Peasant studies generated an important scholarly tradition in the region that proliferated until the 1980s, with rare exceptions up to the 2000s. Over the last twenty years, however, a sharp turn 'from class to identity' occurred, reflecting both the rise of new ethnic movements as well as the broader intellectual trends around identity politics and recognition described in the book introduction. While peasant movements were still active although greatly debilitated, they almost completely disappear from the academic literature – which was absorbed by the exciting developments in the ethnic camp. In this phase, subaltern and postcolonial perspectives developed mainly by Asian scholars became very popular theoretical frameworks for the study of Latin American indigenous movements, producing countless books, essays and articles.

In sum, the history of the rural movements in Latin America can be reduced to a double shift: 'from indians to peasants and back to indians'. This is of course an uncouth simplification. But it concisely illustrates the different phases that mainstream narratives on rural movements undertook, mirroring overall the historical transitions experienced by those movements. Yet what is puzzling looking at the literature on social movements is the relatively ease with which entire groups and categories have appeared and disappeared from both political and analytical narratives. If the wave of national revolutions confined the ethnic dimension of rural communities to the background, since the 1980s we can witness the steady decline of studies focusing on

social movements other than indigenous ones. Also, in the latter phase, the differences between ethnic and class identities, which were completely absent from earlier debates, suddenly became epistemologically relevant. In this context, the relationship between class and ethnicity is generally reframed following three main models. The first one stresses the incompatibility between indigenous and peasant identities, either ontologically or in political terms. The second assumes an historical primacy of indigenous over peasant identities, where the latter would represent a sort of externally imposed ‘false consciousness’, which is now in the process of dissolution to reveal the underlying indigenous identity.<sup>16</sup> The third position adopts a ‘double consciousness’ explanation, where both ethnicity and class would be equal and contemporary sources of grievances and identity.<sup>17</sup> Yet, as the narratives on peasants in earlier periods, these lenses tend to crystallise ethnic and class identities in either dichotomous or perfectly overlapping categories.

I propose here a different theoretical framework to understand the relationship between class and ethnicity based on the concepts of ‘articulation’ and ‘disarticulation’. To be sure, I refer to the collective and political dimension of identities and narratives, leaving aside questions about systems of beliefs and individual identity formation, for which tools from social psychology certainly prove more useful than sociological and political analysis.

Firstly, I argue that social and identity relationships can be better understood by placing real actors in historical contexts, and by embedding sociological analysis within an historical perspective able to mitigate narratives of social exceptionalism. Processes of identity construction and redefinition of groups’ boundaries indeed do not occur in a vacuum. As I will show throughout this chapter, in different historical moments, ethnic and class categories have come to play more or less significant roles as engines of political struggle and inspiration for the creation of ‘imagined communities’ (Anderson 1994). In different periods, ethnicity and class have been able to affirm themselves as more or less legitimate and effective sources of meaning and collective identification. Identity shifts have also closely mirrored broader changes in institutional arrangements and citizenship regimes described in chapter I. Factors exogenous to the social groups themselves are therefore crucial to explain why certain

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<sup>16</sup> This is basically the reverse argument of the Marxist understanding of ethnicity as false consciousness.

<sup>17</sup> What this perspective fails to explain is the fact that in practice grievances and identities plurality (even if potentially compatible in theory), enter into conflict.

identities are more successful in providing collective frameworks for self-identification and social mobilisation than others. These factors include institutional arrangements but also support from external actors, as well as the life cycle of mainstream collective narratives.

Secondly, while ethnic and class features can be considered compatible in theory (a person can be at the same time engaged in small-scale agriculture and a member of an indigenous group), in practice it has often been the case that political circumstances have led to their articulation as opposing identities and made them incompatible or competing alternatives. Whether the focus has been placed on either the first or second part of this statement, conclusions have been drawn about the absolute dichotomy or perfect overlap between class and ethnic identities. In fact, I argue that the interaction between ethnicity and class can be better explained as a contingent process of articulation (or disarticulation).

Stuart Hall defined articulation as:

(...) the form of the connection that can make a unity of two different elements, under certain conditions. It is a linkage, which is not necessary, determined, absolute and essential for all time. You have to ask, under what circumstances can a connection be forged or made? The so-called 'unity' of a discourse is really the articulation of different, distinct elements, which can be rearticulated in different ways because they have no necessary 'belongingness'. The 'unity' which matters is a linkage between the articulated discourse and the social forces with which it can, under certain historical conditions, but need not necessarily, be connected. (Hall, 1996: 141-42)<sup>18</sup>

Following this definition and as a clarifying premise, the focus in this context is not on the authenticity of identity, or on its anchorage to a given set of objective referents (e.g. language, culture, dressing, traditions), but on its functionality in terms of articulation, i.e. its ability to generate a sense of self-identification shared within a given social collectivity. More specifically, I define identities' articulation as the process of compatibilisation and mutual interdependence between two or more identities, often in a functional way with respect to a political and historical context. Articulation and disarticulation between peasant and indigenous identities are thus defined in terms of alliance and conflict within both the space of ideas and world visions (ideologies and

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<sup>18</sup> The concept has also been used by other scholars including James Clifford (2001), Tania M. Li (2000), María Elena García (2005) and Antonio Lucero (2008).

discourses), and the space of action, decision and projects (politics). As we shall see, this articulation/disarticulation dynamic is reflected on how the ideal-types ‘indigenous’ and ‘peasant’ occupy symbolic spaces and engage in struggle around purity and authenticity.

**Table 3** Class and ethnic shifts: Timeframes, phases and social actors

Timeframe	Citizenship Models	Articulation/Disarticulation	Key Social Actors		
			Bolivia	Colombia	Peru
19430s-1950s	Indigenism	Hierarchical articulation (ethnicity over class)			
1950s-1970s	National corporatism	Hierarchical articulation (class over ethnicity)	CSUTCB	ANUC	CNA
1980s-1990s	Neoindigenism/multiculturalism	Organizational disarticulation	CIDOB CONAMAQ	CRIC ONIC	AIDSESEP CONACAMI
2000s-2010s	Plurinationalism	Pragmatic articulation	Pacto de Unidad y Compromiso	Cumbre Agraria Campesina, Étnica y Popular	Pacto de Unidad de Organizaciones Indígenas del Perú

The identity shifts that occurred in the Andes over the last century can be described as an oscillation between phases of articulation and disarticulation between class and ethnicity, which have had direct effects in swinging intra-rural relationships across phases of alliance and conflict. To summarise these phases, the relationship between ethnicity and class can be divided into four main moments (Table 3): (1) Indigenism brought for the first time ethnicity to the forefront in what can be defined as a *hierarchical articulation* with class identities (*ethnicity over class*). This movement, however, remained the prerogative of intellectual elites and, while it generated an important literature and artistic production, it did not manage to influence concrete forms of social and political organization. (2) From the 1950s, national corporatism overturned the terms of the *hierarchical articulation (class over ethnicity)*, still looking at a unified rural subject, whose indigenous features were however overshadowed by its class consciousness through a process of massive peasantisation. (3) Beginning in the 1980s, the fracture between peasant and indigenous identities reopened with the rise of neoindigenism. The latter catalysed the claims of indigenous

peoples, distancing itself from peasant unions and inaugurating a phase of *organizational disarticulation*, strengthened throughout the 1990s by the wave of neoliberal reforms. Rural movements reorganised around a multi-polar system with two main poles: the peasant union and the native/indigenous movement. (4) In recent years, the sealing of trans-rural alliances and the consolidation of shared platforms for political negotiation opened a phase of *pragmatic articulation* based on the increasing resort to ethnicity as a discursive tactic and on practical commitments to a broader agenda of social reforms. In the remaining of the chapter, I will analyse these different phases, relying in particular on historical accounts from the Andean region.

### **From ‘Indians’ to ‘Peasants’**

For a long time in Latin America, ethnicity was considered a relatively marginal and weak category for social and political organizing. As most post-colonial societies, Latin American states had been ruled by political oligarchies of *criollo* or *mestizo* origins. Under these regimes, indigenous peoples (descendants of pre-Columbian populations) were subordinated and marginalised. Discrimination was perhaps less institutionalised than in colonial times,<sup>19</sup> but nevertheless extremely effective in preventing social mobility. As we have seen in chapter II, the indigenist ideology in the early 20<sup>th</sup> century engaged for the first time with the idea of groups’ social and political agency as part of the broader national community. This focus on ethnicity played a critical role in positioning the issue within broader intellectual debates, particularly among Latin American Marxists. While classic Marxism remained generally unsympathetic toward ethnic-based claims and maintained a sceptical position even towards the revolutionary potential of the peasantry (Brass 2000),<sup>20</sup> in the Andes, Marxists encountered a double challenge: understanding non-industrialised countries, whose core still gravitated around the rural world; and making sense of post-colonial societies, whose construction of a national identity was still dealing with the resilience of an important ethno-cultural differentiation grounded in pre-Columbian times.

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<sup>19</sup> During Spanish colonial rule, two separate administrative divisions existed: a ‘Republic of Indians’ (*República de Indios*) and a ‘Republic of Spanish’ (*República de Españoles*). This arrangement was meant to keep strict status and class boundaries based on racial criteria (Ogburn 2008).

<sup>20</sup> Under the influence of this pessimistic view of peasants as lacking forces for social change, early rural movements have often been depicted as ‘parochial and defensive reactors’ to exogenous pressures with quite limited political horizons (Stern 1987: 5) or as ‘pre-political people who have not yet found [...] a specific language in which to express their aspirations about the world’ (Hobsbawm 1959: 2).

It was precisely from the observation of these tensions as well as from the influence of the early 20<sup>th</sup> century indigenism, that José Carlos Mariátegui, one of the most influential Latin American intellectuals of the past century, drew inspiration to elaborate an original perspective on the rural world. He linked the study of the problem of rural wretchedness with the one of national identity, establishing a connection between the agrarian relations of production and the struggle for self-determination (Stein 1984). In practice, he argued, there is no distinction between ‘indians’ and ‘peasants’, which together constitute the bulk of exploited and racially discriminated rural population. But, while no distinction is made between ethnic and class identities, for Mariátegui the ‘indian problem is not racial but social and economic’ (Mariátegui 1969, cited in Stein 1984: 18). Moreover, while the strengthening of rural communities would facilitate the transition towards socialism, the Peruvian intellectual still claimed that revolutionary forces had to develop among urban working class rather than among pre-capitalist rural formations.

The coincidence between ethnic and peasant identities postulated by Mariátegui in the case of Peru has been shared by many peasantry scholars throughout the 20<sup>th</sup> century, especially in those countries with considerable ethno-cultural diversity (e.g. Bolivia, Guatemala, Mexico). On the one hand, it was genuinely believed that there was no way of discerning the primacy of one identity over the other (besides the fact that the distinction between indigenous and peasants was probably considered too muddled to be analytically useful) or a perfect overlapping was assumed; on the other hand, questions around identity and class relationships were not considered central in the first place. Between the 1950s and the 1970s in fact, efforts were rather concentrated on testing the actual revolutionary potential of the peasantry as a main ally of either populist or socialist forces fighting against the established order. At the same time, normative perspectives on the rural question were still clearly dominated by the primacy of class-based discrimination and socio-economic injustice to which the ethnic issue represented a corollary.

In general, studies that refer to this period tend to assimilate class and ethnicity as characteristics of the same social group, while the issue of identity and self-identification did not seem central – neither for scholars nor for social actors themselves. In his ethnography of the town of Quinua in the Peruvian highlands begun in 1966, for example, Mitchell writes that ‘peasants speak Quechua, chew coca leaves and dress in what is offhandedly described as “Indian” clothing’ (1991: 2), and goes



on to describe their traditional authority system (*varayoc*) and *corvé* labour practices of Inca origin without wondering about their cultural identity and ethnicity.

This tendency of privileging class over ethnic categories reflected the period of political apogee experienced by peasant movements between the 1950s and 1960s across the Andean region. As we have seen, they not only assumed key political roles in the framework of the new wave of regime changes and civil unrests, but also received formal support and consideration from the new governments in power. In Bolivia, peasant unions exerted a powerful influence during the 1952 National Revolution and the first nationwide peasant union – the National Confederation of Peasant Workers of Bolivia (Confederación Nacional de Trabajadores Campesinos de Bolivia, CNTCB) – was created in 1953. The early phase of the revolution was marked by land seizures and increased violence between peasants and landowners, while in a later phase power struggles developed mainly between peasant communities competing for hegemony over key rural areas, especially in the inter-Andean valleys (Dandler 1969, 1984). The empowerment of peasant movements resulting from the national revolution consolidated them as key political forces in Bolivia during the following decades, when the peasantry became an important ally of dictatorial regimes. Indeed, the corporatist system survived the MNR government and was converted into the central pillar of the general Barrientos' military regime (1964-1969). Until the mid-1970s, this alliance was formalised in the so-called Military-Peasant Pact (Pacto Militar-Campesino), used by the state to exert control over the rural world and prevent the potentially destabilising growth of communist influences.

The Bolivian Revolution of 1952 initiated shockwaves that were felt in neighbouring countries and across Latin America. Although Peru did not experience such radical transformations, in the late 1950s successful land invasions were carried out in the highlands and valleys and peasant unions gained strength in different regions. The Peasant Confederation of Peru (Confederación Campesina del Perú, CCP), founded in 1947 and for a long time the major peasant organisation in the country, played an important role in this phase, mobilising rural communities and organising land seizures. A first significant attempt by leftist forces was also made to develop local insurrections in the Cuzco province into a national revolutionary movement. Fearing nationwide unrests and a Cuban-inspired communist subversion, the government response consisted of large-scale eviction campaigns and bloody repression. At the same time, however, the awareness of the need of some form of land

redistribution to avoid greater instability grew among the country's elites. Repression, in fact, did not stop land seizures, which, by the end of 1963, were widespread across most highland departments (Hendelman 1975). As part of the agrarian reform launched by general Velasco in an effort to control a very unstable countryside, another nationwide peasant organization – the National Agrarian Confederation (Confederación Nacional Agraria, CNA) – was founded in 1974 with government support. The government's co-optation strategy was successful in deradicalising the highland peasants (Hendelman 1975) – at least until the rise of the Marxist guerrilla of Sendero Luminoso in the 1980s – and in diluting ethnic identities and institutions into class-based categories and modes of organizations. The latter process had more long-term effects in Peru compared to other similarly diverse countries such as Mexico and Bolivia, where, as we will see, the indigenous issue came back into the national agenda two decades earlier than in Peru.

In the mid-20<sup>th</sup> century, Colombia experienced a much more dramatic political transition than any other country in the region, which brought the peasantry and the agrarian question to the core of national politics. In the early 1950s, widespread political violence became a way of forcefully settling old and new land disputes; while the first peasant strongholds for self-defence began to organise with the support of the communist party. Most of this peasant resistance was, however, neutralised relatively early on and, by 1957, only a few of these groups were still active. One of the key components of the pacification efforts by the National Front was the introduction of mildly reformist policies. The fragmentation and internal divisions of the peasantry as a result of the political opposition during the *Violencia*, prevented any effective pressure for more radical changes and led to a progressive weakening of existing peasant organizations. According to Ministry of Labour's estimates, only 89 of the 567 registered peasant unions were still active in 1965 (Zamosc 1986: 37).

Even more so than in Bolivia and Peru, the restoration of a nationwide peasant movement was a top-down endeavour in Colombia. In 1966, the National Association of Peasant Users (Asociación Nacional de Usuarios Campesinos, ANUC) was created by presidential decree as a key ally in the implementation of agrarian policies and as a 'direct corporatist bridge between the peasantry and the state' (Zamosc 1986: 52). A large-scale campaign to set up local and regional organisations was conducted under the coordination of the Ministry of Agriculture. Despite ANUC's dependency on the state and its semi-official status, in practice its creation contributed to strengthen

organisational networks and new leadership cadres from below. This offered the opportunity of a progressive emancipation of the peasant movement from state control, until the rupture provoked by both the election of a hostile government and the rise of a radical autonomist faction within ANUC in the early 1970s. The following decade would be characterised by a new radicalisation of land struggles and a growing repression from the government, with the sudden reversal of any reformist efforts in agrarian politics.

## **The Peasant Crisis**

The years between the 1950s and the 1970s saw the consolidation of peasant movements as political actors across the region. Interestingly, the strengthening of rural corporatism was, in this period, a common strategy of both revolutionary and conservative governments. The former saw in the mobilised peasantry a key ally in the effort to trigger social unrests, as well as in the process of economic modernization; while the latter advanced ideas of the peasants as bulwarks against the spread of socialism and guarantors of political and social stability (Brass 2000). In this phase, the ethnic heterogeneity that characterised peasant communities was considered irrelevant and removed from the equation, through a narrative and institutional shift that emphasised the need to ground citizenship along corporatist/classist rather than ethnic lines.

Yet this golden age for the Latin American peasantry did not last and the 1970s and 1980s generally marked a phase of decline for peasant movements. This crisis can be attributed to a number of factors, including the downturns in countries' economic performances, the rising tensions and ideological fractures within the peasantry itself, and the progressive deterioration of the system of political alliances that had characterised the previous decades. In Bolivia, in the mid-1970s a new wave of brutally repressed social unrests against general Banzer's regime de facto ended the political alliance stipulated through the Military-Peasant Pact. At the same time, a schism arose within the peasant movement: in 1971, Jenaro Flores was elected as the head of the CNTCB, embodying a new intellectual current called Katarismo (after the 18<sup>th</sup> century indigenous leader Túpac Katari), which questioned the assimilationist model of the *mestizaje* and stressed the need to acknowledge two coexisting forms of oppression of the rural sectors, based on both class and race. Following one of its prominent

ideologists, Fausto Reinaga, Kataristas saw the ‘peasant’ as a Western construct that did not apply to Bolivian reality, where the rural inhabitants were mostly of indigenous origins and, therefore, not a class but ‘a race, a people, an oppressed Nation’ (Reinaga, cited in Engle 2010: 61). During 1979, in the midst of a period of great instability which saw the alternation of *golpes*, counter-*golpes* and electoral rounds, a new peasant organization – the Unified Confederation of Peasant Workers of Bolivia (Confederación Unica de Trabajadores Campesinos de Bolivia, CSUTCB) – was founded under a Katarista leadership. The CSUTCB stood in opposition to government-sponsored peasant unions and immediately replaced the CNTCB, becoming the headquarter for practically the whole Bolivian peasantry. In the following years, a women’s branch was also created, called the National Federation of Peasant Women Bartolina Sisa (Federación Nacional de Mujeres Campesinas Bartolina Sisa, or Bartolinas), named after Tupaq Katari’s wife and comrade.

The internal tensions within the peasant movement made it ill-prepared to deal with the aggressive neoliberal economic policies implemented throughout the 1980s and 1990s. During this period, parties attempted to exert more direct influence on organizations’ internal politics, which resulted in increased fragmentation rooted in personal rivalries and ideological differences (Ticona 2000; Van Cott 2005a). In the 1990s, a new current represented by the coca-grower (*cocalero*) sectors of the valley region of Cochabamba gained strength within the peasantry and managed to organize into a national political actor. Under the leadership of Evo Morales, the *cocaleros* seized control not only of the CSUTCB, marginalising the Kataristas, but a decade later, of the Bolivian state with the victory of Morales in the 2005 presidential elections.

The trajectory of the Bolivian peasant movement in this latest phase is quite exceptional in its ideological inspirations and political outcomes, in particular in how the peasant organization was able to resurge reinvigorated from a moment of deep crisis. In Peru and Colombia, by contrast, the progressive weakening of rural actors led to their political marginalisation. In the 1980s, in Peru the Belaúnde government withdrew efforts from the agrarian reform implementation, with the effect of limiting the space of political influence of peasant organisations, and in particular of the CNA. Perhaps more than any other trade unions and associations in the country, the peasantry had seen its mobilisation capacity greatly reduced by a phase of economic recession and hyperinflation, as well as by the militarisation and violence following the proliferation of the rural-based Maoist guerrilla movement of Sendero Luminoso. Any

manifestation of dissent during this phase, particularly in rural areas, was considered an evidence of support for the guerrilla and therefore severely repressed. Under this scenario, it was relatively easy for President Fujimori to use patronage and clientelism, coupled with an aggressive military strategy to defeat Sendero Luminoso, in order to reduce opposition to the government and find new alliances and loyal constituencies in the rural world. As a result, ‘organizations such as the CCP and CNA found themselves largely eclipsed, no longer able to articulate the interests of peasants and small-scale producers and officially ignored as valid intermediaries’ (Crabtree 2003: 154).

In Colombia, the capitulation of ANUC, the main organised peasant movement of the 20<sup>th</sup> century, also occurred relatively quickly and followed a similar path. The organisation, which had managed to gain some autonomy and legitimacy by leading land struggles in the early 1970s, was hit by economic and social changes (including increased urban migration, the boom of the marijuana industry and the formation of a rural proletariat). Its capacity to respond to those changes was hindered by its bureaucratic style of vertical leadership and the progressive detachment of the central organisation from regional demands. The last land struggles under ANUC’s coordination took place in 1977 and 1978, but they were very limited in numbers and scope. A failed attempt to launch a peasant party (the National Democratic Popular Movement) was additional evidence of the inability of ANUC to retain the confidence of the peasantry. By the 1980s, the bureaucratic residue of ANUC was eventually co-opted by the state, while some leftist fringes tried to coordinate a unified opposition with limited success due to disconnection with the grassroots and internal ideological differences (Zamosc 1986). It was not until the mid-1990s and the wave of protests against the fumigation of illegal crops, that the Colombian peasantry re-entered the political arena, with the creation of a number of regional peasant associations and two national organizations: the National Association for Agricultural Salvation (Asociación Nacional por la Salvación Agropecuaria) and the National Peasant Council (Consejo Nacional Campesino). These organisations led some important initiatives, such as the national agrarian strike, and actively worked to reposition the agrarian question within the national debate.

## **From ‘Peasants’ to ‘Indians’**

The crisis and reconfiguration of peasant movements across the region coincided with the rise of a new generation of social movements with strong ethnic connotations. On one side, the weakening of the peasantry was interpreted as evidence that ‘class as an axis of political mobilisation had lost much of its power’ (Lucero 2008: 88), and even more so in the context of a wave of neoliberal reforms, economic austerity and conservative politics. On the other side, the vacuum left by the retreat of peasant organisations and a new attention of international and academic elites (especially anthropologists and development cooperation agents) towards the ethnic question opened new spaces to voice cultural and identity-based claims.

Given the novelty represented by the indigenous rise, it is not surprising that culture and identity suddenly became central concerns for activists, scholars and practitioners alike. Ethnic differences could no longer be ignored nor reduced to class differences. Although they may greatly overlap in practice, they began to be perceived as ‘qualitatively different’ (Orlove & Custred 1980: 167). This differentiation had two interpretative implications on the understanding of the rural poor as political actors: on the one hand, rural poor went from being perceived as reactionary to being the progressive vanguards of social change; on the other hand, the material differences that were used as traditional markers of social boundaries were assimilated into cultural and identity cleavages, blurring the distinctions between poverty, class and ethnicity. As a result, self-identification progressively became a relevant criterion to establish social cleavages. As Cameron puts it, ‘being a peasant in the 21<sup>st</sup> century has more to do with self-identification based on community ties than on objective definition linked to means of production’ (2010: 5).

With perhaps the sole exception of Katarismo, which, at least in its early years, found a way of incorporating antiracist and ethnic recognition claims within the agenda of the main Bolivian peasant movement, most indigenous organisations developed independently from existing peasant unions. Indeed, they often began to compete with them for influence over the same grassroots and for the control of overlapping political spaces. It is not by chance that early indigenous organisations were often constituted among lowland communities, where the peasant unions’ influence had traditionally been weaker.

Bolivia, Peru and Colombia all saw the rise of new indigenous movements between the 1970s and the 1990s, following relatively similar paths. In Bolivia, in 1980 the German anthropologist Jürgen Rieste, together with other colleagues, founded the NGO Support for the Indigenous Peasant of the Bolivian East (Apoyo Para el Campesino Indígena del Oriente Boliviano, APCOB). APCOB received funds from the Dutch cooperation (Danida), the NGO HIVOS, Oxfam America and Cultural Survival, to bring about long-term projects that linked development programmes with institutional strengthening of indigenous communities. From that moment, lowland indigenous groups started to be politically structured and, in 1982, the Centre of Indigenous Peoples of the Bolivian East (Central Indígena del Oriente Boliviano, CIDOB) – later renamed Confederation of Indigenous Peoples of Bolivia (Confederación de Pueblos Indígenas de Bolivia) – was founded. This organisation became one of the main social actors of the lowlands and played a key role in national politics, proposing an innovative project of state reform and putting forward for the first time an agenda for the implementation of indigenous rights (Lacroix 2011).

In the highlands, similar experiences of symbiosis between academic and cooperation sectors stemmed out of ethnodevelopment projects (Andolina *et. al.* 2004).<sup>21</sup> The most important was the Workshop of Oral Andean History (Taller de Historia Oral Andiana, THOA), created in 1983 in La Paz with the support of Oxfam America. This project developed research on the indianist movement between 1869 and 1950, with the aim of promoting a policy of strengthening indigenous history, culture and identity in the highlands (Choque & Mamani 2003). The results served as a discursive basis for the legitimation of a movement of ‘reconstruction of the *ayllus*’.<sup>22</sup> The consolidation of a highland-based indigenous organisation, however, took much longer than in the lowlands – partially due to the resistance of peasant unions across

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<sup>21</sup> Guillaume Boccara and Paola Bolados studied similar processes in Chile, focusing in particular on ethnodevelopment policies implemented by state or para-state institutions (ethnogovernment), with the aim of strengthening partnerships with indigenous communities to hold them accountable, following the World Bank’s motto to ‘help them helping themselves’ (Boccara and Bolados 2010: 653). This and other works of Boccara aim to describe ethnodevelopmentism as the point of juncture between capitalism, neoliberal markets and cultural diversity (Boccara 2014).

<sup>22</sup> The *ayllu* is a form of extended familial community originally from the Andean region, which work the land in a collective form in the framework of a commonly owned territory. In its origin, the *ayllu* was a territorial unity that gathered a lineage of related families, belonging to segmented and dual hierarchies, with different geographical scales and complexity (Albó and Barrios 1993; for an in-depth analysis of the debate around the definition of the *ayllu* see Wightman 1990). Nowadays, there exists considerable variance in the form and meaning of the *ayllu*, generally defining groups based on kinship and virilocality with their own system of land management (McNeish 2002).

the region. In March 1997 in Ch'allapata, the National Council of Ayllus and Markas of the Qullasuyu (Consejo Nacional of Ayllus y Markas del Qullasuyu, CONAMAQ) was founded and consecrated as the 'national authority of the Aymaras, Quechuas and Urus' (Choque & Mamani 2003: 166). In its early days, this organisation made great efforts to differentiate itself from its natural competitor – the CSUTCB – through an ethnic-based discourse that emphasised the 'genuineness' of this movement as expression of an 'original' Andean peoples' identity (Albó 2008: 161). The key concept in this sense was the one of 'nativeness', which allowed CONAMAQ not only to distance itself from the peasants, but also from the indigenous of the East – and to build its own identity boundaries.

In Peru, the Native Communities Law of 1974 gave a first impulse towards the creation of ethnic and zonal federations. But it was the increasing support of outside groups, including Catholic and Protestant missions, a number of NGOs and environmentalists and anthropologists that, in the early 1980s, allowed Amazonian peoples to create an umbrella organisation – the Interethnic Association for the Development of the Peruvian Rainforest (Asociación Interétnica de Desarrollo de la Selva Peruana, AIDSEP) – which sought to represent them nationally and internationally (Peeler in Eckstein 2003; Greene 2005). During the following years, other nationwide and regional organizations were created to represent Peruvian indigenous peoples, including the Union of Aymara Communities (Union de Comunidades Aymaras, UNCA) in 1985, representing indigenous communities of the southern highlands; and, in 1995, the National Organization of Andean and Amazonic Indigenous Women of Peru (Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú, ONAMIAP), which focused on gender issues.

As in Bolivia, the development of an ethnic discourse and institutional apparatus in the highlands took longer than in the lowlands. In fact, scholars have often argued that ethnicity has still not managed to influence self-perception and political discourses among Peruvian Andean people, despite similarities in the demographic and linguistic structures with Bolivia and other neighbouring countries. Peru is therefore often considered an outlier with respect to the ethnic question (Gelles 2002). Instead of adopting ethnicity as a political tool, Peruvian highland communities continue to resort to other non-indigenous ideologies and rural identities (Greene 2005). Since the 2000s, however, something has begun to change, at least in the political discourse of some highland social movements, if not in their popular forms of self-identification. A



somewhat atypical organization called National Coordinator of Communities Adversely Affected by Mining (Confederación Nacional de Comunidades del Perú Afectadas por la Minería, CONACAMI), founded in 1999 to deal with the social impact of extractive industry in mostly Quechua communities, started to introduce a stronger ethnic component in its discourse. It became what has been described as ‘the most coherent and influential indigenous highland organisation to come along in a long while’ (García 2005: 59). Even after the sudden decline of CONACAMI, traditional peasant organizations such as CNA and CCP have increasingly turned towards identity as a way of justifying rights and participation claims. As a leader of the CCP told me:

In the CCP in the last 10 years, we have been trying to emphasize the work on identity, seeking to make visible the peasant community, not only as a space for agrarian production, but mainly as an expression of native people who have culture, territory, different economic practices, and a social organisation based on ancestral values such as the *ayllu* (interview Lima, April 2016).

In contrast with Peru and Bolivia, Colombia’s nurturing environment for the rise of indigenous movements has not been the Amazon, but rather the Western Andean slopes. In 1971 – a decade earlier than in neighbouring countries – the Regional Indigenous Council of the Cauca (Consejo Regional Indígena del Cauca, CRIC) was founded (Trojan 2008). The organization drew inspiration from the early 20<sup>th</sup> century ethnic mobilisation led by Manuel Quintín Lame in this region, and took advantage of a relatively favourable attitude towards ethnic-based claims adopted by the central government in order to diminish the power of class-based movements. Despite its name, in this early phase the CRIC raised very similar claims about land access and redistribution to those of peasant movements. However, the ANUC’s insensitivity towards the cultural specificities of ethnic struggles and its ‘big stick’ policy vis a vis the CRIC (Zamosc 1986), as well as the government’s hostility to class discourse and inter-group alliances, had the effect of strengthening the organisation’s ethnic identity, in the attempt to survive political competition and physical repression (Trojan 2008). At the same time, the CRIC began to consolidate an alliance with other indigenous groups that were also organising across the country, and particularly in the Amazonian regions. This alliance was eventually sealed with the foundation, in 1982, of the National Indigenous Organization of Colombia (Organización Nacional Indígena de

Colombia, ONIC). The latter remains the most important indigenous organisation in Colombia, although over the following decades other regional indigenous organisations were created, including the Organisation of Indigenous Peoples of the Colombia Amazon (Organización de los Pueblos Indígenas de la Amazonía Colombiana, OPIAC), founded in 1995; and the Indigenous Confederation Tayrona (Confederación Indígena Tayrona, CIT), founded in 1983.

## **From the Streets to the Palace**

The rise of new indigenous movements during the 1980s and 1990s triggered mixed responses from peasant organisations. While in certain cases the unions ‘rebranded’ under an ethnic banner, in others peasant organisations perceived indigenous groups as direct competitors in the battle for resources and power. Despite these tensions, at the national level efforts were made by both peasant and indigenous organisations to form political coalitions and seal strategic alliances, either to make their voices heard by unsympathetic governments or to access the electoral competition through a common platform. Particularly under the rule of neoliberal governments, these inter-rural coalitions were key to fuelling sustained mobilisation and social unrest. Such experiences of political resistance improved the level of coordination of social actors and provided national and sometimes international visibility. In some cases, the strength gained in the mobilisation phase served as the basis to launch political initiatives and to transition towards more formalised political platforms.

Bolivia is probably the country where this transition ‘from the street to the Parliament’ (Stefanoni 2006), has generated the most outstanding process of social and political change. The popular uprisings in the early 2000s against the implementation of economic privatisation and liberalisation measures by the neoliberal government of Gonzalo Sánchez de Lozada (the so-called Water and Gas Wars), offered the opportunity for achieving greater coordination among different social sectors. In September 2004, the main peasant and indigenous organisations signed the Pact of Unity and Commitment (Pacto de Unidad y Compromiso), formalising their common reformist agenda, which included demands for agrarian rights, land redistribution, hydrocarbon nationalisation, and primarily the rewriting of the 1967 Constitution through a Constitutional Assembly (Valencia García and Égido Zurita 2010). The Pact also became the main social platform to support Evo Morales’ presidential campaign.

After his historical election in 2005, the Pact joined the pro-government grassroots alliance called National Coalition for Change (Coalición Nacional para el Cambio CNC) and played a key role in fighting the right-wing opposition within the Constitutional Assembly. The composition of the Pact of Unity has varied over time, but since 2006 it has generally consisted of five nationwide organizations: CSUTCB; Bartolinas; Syndicalist Confederation of Intercultural Communities of Bolivia (Confederación Sindical de Comunidades Interculturales de Bolivia, CSCIB); CIDOB and CONAMAQ. However, in recent years, and particularly after the 2011 conflict between the government and the lowland indigenous organisations of the Indigenous Territory and National Park Isiboro Séure (Territorio Indígena and Parque Nacional Isiboro Séure, TIPNIS), the Pact has experienced a period of crisis and internal fragmentation. Because of leaderships' divergences over the TIPNIS conflict<sup>23</sup>, the two main indigenous organizations – CIDOB and CONAMAQ – split into an opposition group and a pro-government group. Morales' efforts to reconstitute the Pact have involved only pro-government sectors, worsening the internal crisis of the indigenous organisations even further and compromising the initial spirit of the Pact concerning the consolidation of an inclusive and equal peasant-indigenous alliance.

In a similar fashion, the early 2000s marked a significant turn towards a greater inclusion of social forces within Peruvian political arena. After the collapse of Fujimori's regime, the independent candidate of Quechua origins Alejandro Toledo became president. Relying on his poor beginnings, Toledo was able to mobilise rural masses around ethnic banners and neo-Inca symbolism. His electoral success encouraged Andean and Amazonian movements, for a long time separated by their either peasant or native affiliations, to unite their causes and revitalise the Permanent Coordinator of the Indigenous People of Peru (Coordinadora Permanente de los Pueblos Indígenas del Perú, COPPIP) – a joint umbrella organisation firstly established in 1997 (Van Cott 2005a). A political alliance was consolidated around a proposal for a constitutional reform to address collective rights claims. During the press conference to present the proposal in October 2004, the leaders of peasant unions and native organizations publicly affirmed a shared identity as '*pueblos indígenas*' (Greene 2005). Likewise, over the following years, CONACAMI, the newly formed organisation

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<sup>23</sup> This is a conflict over the construction of a road that would cut across a national park and indigenous territory. A more detailed description of this conflict can be found in Chapter IV.

representing mining-affected highland communities, began to pair up its environmentalist agenda with a new emphasis on collective indigenous rights and recognition. Oxfam America and other NGOs played an important role in this process, by facilitating meetings with other prominent indigenous organisations in the region (e.g. the Confederation of Peoples of Kichwa Nationality, Confederación de Kichwa del Ecuador, ECUARUNARI; CONAMAQ). However, the transnationalised language of indigeneity was received with scepticism by Peruvian local leaders and grassroots (Lucero 2013) and the CONACAMI's example was not immediately followed by more traditional peasant organisations such as CPP and CNA. After a difficult period for Peruvian social movements coinciding with the government of Alan García and his declared opposition to rural communities as restraints of economic development, a new attempt to revitalise an indigenous-peasant alliance was made in 2011, with the constitution of a Unity Pact of Peruvian Indigenous Organizations (Pacto de Unidad de Organizaciones Indígenas del Perú). The alliance had the principle goals of strengthening indigenous movements, formulating joint proposals and providing an interface between social organisations and the state. The Pact was formed by CNA, CCP, ONAMIAP, UNCA, National Federation of Peasant, Artisan, Indigenous, Native, Salaried Women of Peru (Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú, FENMUCARINAP) and Unified National Central of Peasant Rounds (Central Única Nacional de Rondas Campesinas, CUNARC). Neither AIDSESEP nor CONACAMI, the two souls of the Peruvian indigenous movements, joined the Pact – although for very different reasons. Over the years, AIDSESEP had managed to consolidate its reputation as the main Peruvian indigenous organisation and most likely, in its own calculations, the advantages of a common platform would not compensate for potential losses in visibility and independence. CONACAMI, on its side, was shackled by infighting and a legitimacy crisis that eventually relegated the organisation to the margins of the public debate. It should also be noted that, despite the similarities with the Bolivian case, the Peruvian Unity Pact has not played a comparable role in shaping national politics, due in part to the structural weaknesses of Peruvian movements as well as to the difficulty of identifying political allies and interlocutors.

In Colombia, the last two decades have also opened a new phase in the relationship between indigenous and peasant movements and have seen a greater participation of rural movements in national politics. Indigenous and peasant sectors

followed different trajectories throughout the 1990s: the indigenous movement came out reinvigorated from the 1991 Constitutional reform and gained access for the first time to the national political arena; the peasant movement, by contrast, was as debilitated as ever, without institutional or social recognition and still trying to challenge national politics through social mobilisation. In other words, as the indigenous organisations found a more institutionalised position within the state, peasant unions were relegated to an antagonistic role via a very debilitated social platform. The approval of a new agrarian law (Law 160) in 1994 sent an encouraging signal to the peasants, which, however, faded quickly once the reluctance of the government to take any concrete steps towards its implementation became clear. The peasant movement had to conduct massive mobilisation across the country and particularly in the coca production regions of Putumayo, Caquetá, Cauca, Sur de Bolívar and Guaviare, in order to press the government to undertake negotiations, which led to an agreement around the creation of four Peasant Reserve Zones (Zonas de Researva Campesina, ZRCs). Instituted by the Law 160, these are specific areas with a mixed system of individual and collective land management under the authority of an elected committee. They are protected from land grabs, entitled to receive special rural development benefits and primarily devoted to small-scale farming.

Unsurprisingly, the creation of the ZRC generated significant resistance, especially from agrobusiness sectors (Fajardo 2000). As a result, further demands for the creation of other ZRCs and the formalisation of self-declared ones (more than 30 across the country) put forward by the National Committee for the Promotion of Peasant Reserve Areas (Comité Nacional de Impulso de Zonas de Reserva Campesina) were not accepted by the government. A national dialogue around this issue stagnated until 2012, when the ZRCs were included in the first point of the peace negotiation agenda with the FARC. The constitution of the ZRC, which has been one of the leading proposals of the Colombia peasant movement in recent years, has never received official support from indigenous sectors, mainly because of concerns on territorial overlapping with their *resguardos*.

In recent years, however, indigenous and peasant organisations have managed to articulate a new kind of alliance cantered on the agrarian question. In 2013, a nationwide agrarian strike (*paro agrario*) mobilised peasant, indigenous and other popular sectors around an agenda of demands, which included: the implementation of measures against the agriculture and livestock crisis; claims for land access; recognition

of peasant territories; the respect of the political and social rights of rural populations; peace and social justice. A negotiation table with the government was set up and, in March 2014, the Peasant Ethnic and Popular Agrarian Summit (Cumbre Agraria Campesina Étnica y Popular) was launched to improve coordination efforts among different rural sectors.<sup>24</sup> Yet, unresolved internal differences around key issues still persisted. While peasant and political organisations such as the Patriotic March (Marcha Patriótica) and the Peoples' Congress (Congreso de los Pueblos) were in favour of the launch of a Constitutional Assembly as a result of the peace agreements and in line with the FARC proposal, indigenous peoples and Afro-descendants feared it constituted a threat to the recognition of collective rights gained with the 1991 Constitution, and were therefore supporting the referendum option proposed by the government. Ethnic organisations have also been sceptical with respect to the entitlement of differentiated collective rights to peasant communities, such as some form of free prior and informed consultation on natural resource exploitation and development projects; and they have generally been resisting the creation of ZRCs, especially those bordering their territories. These disagreements notwithstanding, the Cumbre has been considered 'one of the most important political movements in the post-conflict scenario' (Bermudez 2014) and has been able to reach an almost unprecedented degree of articulation across different rural sectors. Its role and political potential beyond the initial conjuncture became clear when a second national rural strike was enacted in June 2016, to express frustrations around the stagnation of negotiations with the government. This strike lasted 12 days and concluded with some preliminary agreements and a commitment to engage in more effective dialogue. The signing of an historic peace accord with the FARC in 2016 has also opened new encouraging pathways for Colombia and its as yet unresolved agrarian question.

The trajectories of the relationship between peasant and indigenous movements in the Andes over the last two decades and the alternation, and sometimes coexistence, of conflict and alliance, is a useful reminder of the complexity that characterises social dynamics. In general, at the national level this latest phase has been characterised by an unprecedented number of new politically active indigenous organisations and a peasant

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<sup>24</sup> The Summit includes political organizations such as the Patriotic March (Marcha Patriótica) and the Peoples' Congress (Congreso de los Pueblos), peasant organizations such as ANZORC and the Table of Interlocution and Agreement (Mesa de Interlocución y Acuerdos, MIA), ethnic organizations such as the Process of Black Communities (Proceso de Comunidades Negras) and the ONIC.

movement struggling to regain political relevance. Alliances have often emerged by sharing spaces and agendas of protest. Contentious politics from the street have been key coagulators of social pacts that have then resulted in the constitution of durable platforms, instrumental to engage either in political negotiations or directly in the electoral game. At the same time, the sustainability of these platforms and alliances over time, and especially beyond moments of crisis or social effervescence, has been one of the main challenges for rural movements across the region. This is mainly due to the coexistence and resilience of divergent and often competing goals among indigenous and peasant sectors. While these movements are generally aligned behind classic rural fights for land redistribution, expansion of social benefits, agricultural subsidies and political participation, their interests often diverge over the nature and magnitude of economic and development interventions, the preferable type of land tenure, the degree of institutional autonomy as well as priority-setting criteria. These competing interests become more visible and tangible at the local levels. Here, the alliances between indigenous and peasant sectors have been weak or never materialised and, locally, organizational relationships have rather become more conflictive in recent years. In the remaining of the book, I will analyse these new conflict trends between different rural sectors. Applying the theoretical framework that I have outlined in chapter I, the following chapters will offer detailed empirical cases to illustrate different types of recognition conflicts.

## **CHAPTER IV**

### **Recognition for Whom?**

In this chapter, I compare national debates around the definition of the collective subject that should be granted access to a new participatory mechanism for development and resource governance called Free Prior and Informed Consent/Consultation (FPIC). This is an interesting case, I argue, to discuss a type of recognition conflicts that I call participation conflicts. These conflicts result from the implementation of means of recognition (through categorisation exercises) in contexts where opportunities to control new strategic resources are pursued by traditionally marginalised social actors. Regulated by the International Labour Organization's Convention 169 and included in most Latin American legal frameworks since the 1990s, in recent years, FPIC have suddenly catalysed the attention of both governments and social movements. FPIC aims at achieving more effective bottom-up participation by establishing an obligation to consult – or obtain the consent of – indigenous peoples before large development projects and legal reforms that would affect them can proceed. Given its relevance for natural resource governance, interest in FPIC initiatives has been growing particularly in the framework of political economic models that increasingly rely on commodity exploitation to sustain economic growth and welfare investments. The Andean region has been pioneering the implementation of FPIC worldwide. Here is where the most advanced legislations and institutionalisation processes of FPIC have developed over the past decade. These advances, however, have not occurred without tensions. What Pauline Peters writes referring to Africa perfectly describes the Latin American scenario: 'As competition increases over resources, the costs and benefits of being excluded as compared with being included in definitions of belonging (to a lineage, village, ethnic or religious group) mount' (2004: 285). Heated debates on the definition of the collective subject that should be granted this new right led, however, to very different outcomes in Bolivia, Colombia and Peru. Some crucial knots in this discussion have revolved around how to operationalise the distinction between ethnic and non-ethnic communities and, notably, whether peasant communities should be entitled or not to FPIC. This represents therefore a telling example of an ethnic boundary-making exercise (a classic 'means of recognition') with important implication for groups self-perception and mutual relationships. The different answers offered by the three



countries to the subject question not only have important implications in terms of inclusion and exclusion of considerable parts of the rural population from new mechanisms of participatory governance; they also reflect the models of citizenship and development that these countries are committed to build through the redefinition of social boundaries and collective identities.

## **Resource Governance and the Frontiers of Ethnic Participation**

In Latin American, the rise of new institutionalised forms of direct participation constitutes one of the main features of the most recent wave of democratisation (Cameron *et al.* 2012). After the representation crisis in the framework of the transition from authoritarian to democratic regimes, as well as the failure of market-oriented policies, participatory governance and democratic decentralisation became the main tools in the effort to reduce the gap between state and civil society and to manage conflict and social grievances (Faguet 2013 and 2014). What is peculiar in the Latin American case is the fact that the neoliberal approach to participation was driven by a multicultural agenda rather than by a more inclusive version of the liberal citizenship model. In the effort to disentangle empirical overlapping of ethnic belonging and extreme poverty, neoliberal multiculturalism engineered special programmes to ‘target indigenous poverty’, initially through top-down initiatives and then through more participatory approaches (Eversole *et al.* 2005). One of the main effects of these programmes, not entirely expected by their creators, was the political strengthening of indigenous movements, as well as the deepening of ethnic cleavages. In this sense, indigenous claims for collective rights and forms of territorial autonomies raised what Deborah Yahsar (1999: 96) calls a new ‘postliberal challenge’: they question the univocal correspondence between individuals and citizens and claim for the recognition of differentiated sets of rights and institutions according to ethnically defined citizenship boundaries.

Participatory resource and environmental governance became one of the most strategic and conflictive policy areas even beyond neoliberalism. In the 2000s, the election of leftist governments throughout Latin America marked a post-neoliberal turn (Grugel & Riggirozzi 2012), characterised by a new commitment to welfare investments and wealth redistribution. In this phase, however, economic and social development has mainly been sustained by revenues from commodity export, taking

advantage of the high value of natural resources in international markets (Bebbington & Humphreys 2011). Neoextractivism, as Gudynas (2012) has called this economic model, underpins contemporary development politics across Latin America, and particularly in the Andean region. Peru's unprecedented economic growth (8.8% just after the recession of 2009) has been supported mainly by mineral extraction, with the country becoming the largest global producer of silver, second-largest source of copper and zinc, and Latin America's largest source of gold and lead (Hoffman & Grigera 2013). Likewise, more than 70% of the Peruvian Amazon has been parcelled into hydrocarbon blocks (Bebbington 2009). On its side, Bolivia holds 35 % of the world's lithium, has the third-largest gas reserves in South America and 55% of its territory is considered to be of potential hydrocarbon interest (Hoffman & Grigera 2013; Bebbington 2009). While Colombia is the only Andean country where the political right has managed to solidly remain in power in the mist of the Pink Tide that swept Latin America, austerity measures (instead of welfare expansion) were equally accompanied by heavy reliance on commodity export. Colombia is the world's fourth largest coal exporter and Latin America's fourth largest oil producer. It also possesses significant reserves of minerals such as nickel, gold, silver, platinum, and emeralds. In order to boost what president Santos called 'mining locomotive' (*locomotora minera*), by the end of 2012, over one-third of Colombia's land was either issued in mining titles, requested in concessions, or destined for mining through national plans (Weitzner 2017).

The recent boom in natural resource exploitation has implied a sudden expansion of affected and potentially affected areas, with the map of concessions increasingly overlapping with natural protected areas, indigenous territories and communal land alike (O'Rourke & Connolly 2003). In Peru alone, it has been estimated that over half of rural communities have been affected by mining activities (Williams & Bebbington 2008). In this context, rural populations across the Andes and the Amazon have been confronted with new challenges – as well as opportunities – linked to the arrival of state and international companies willing to initiate extractive projects on their lands. On the one hand, concrete opportunities in terms of jobs and improved access to services and infrastructures have been flourishing, opening up new economic scenarios for remote and inaccessible regions that had been systemically excluded from national development processes. On the other hand, the negative externalities of exploitation activities are associated with environmental degradation and

destabilisation of traditional livelihoods, governance mechanisms and cultural systems. The increased economic value of land has also provided incentives for community leaders and members to pay closer attention to property rights issues, generating expectations and demands for greater tenure security. Ultimately, the changes that these processes have introduced in the relationship of local communities with the state, private companies and neighbouring communities have often been characterised by increased tensions for the control of natural resources and development processes. In particular, the redefinition of identity boundaries, combined with the growing extractive pressure among extremely poor and marginalized social communities, is at the root of new social grievances.

### **From Participation to Conflict**

According to the Environmental Justice Organizations, Liabilities and Trade (EJOLT) project, of 342 ‘environmental justice conflicts’ recently registered across South America, 197 are located in the Andean-Amazonian countries of Bolivia, Colombia, Ecuador, Peru and Venezuela (EJOLT 2015, cited in Siegel 2016: 10). Indeed, in Peru alone in October 2016, the Ombudsman’s Office reported 212 social disputes on file, of which 149 related to environmental concerns, including 97 related to mining and 23 to hydrocarbon activities specifically (Defensoria del Pueblo 2016). The escalation of some of these conflicts into violent and deadly outbreaks have put them on the radar of international media and transformed them into crucial tipping points in the relationship between governments and social organisations. Well-known cases include protests against the Belo Monte dam and other hydropower developments in Brazil, the conflict around an infrastructural project in the Indigenous Territory and National Park Isiboro Sécore (Territorio Indígena y Parque Nacional Isiboro Sécore, TIPNIS) in Bolivia in 2011, and the so called Baguazo, a series of bloody confrontations between Peruvian police forces and indigenous peoples protesting against government’s decision to open a vast area of the Peruvian Amazon to development and exploitation.

In both Peru and Bolivia, one of the major outcomes of these violent outbreaks was the rise of claims for FPIC that quickly made their way up into national debates. Rooted in international human rights law, the FPIC mechanism is designed to regulate and operationalise the participation of indigenous peoples in environmental decision-making and political processes on questions where their interests are directly affected

(Ward, 2011). While this right was included in these countries' legal frameworks since the 1990s with the ratification of the 169 ILO Convention, in practice it remained *lettera morta* until indigenous protests suddenly brought it to the forefront of their agendas in the late 2000s. A number of factors contribute to explain why FPIC has become a highly strategic issue in recent years. In the Andean region, this demand generally emerged in the context of: economic bonanza and the high value of natural resources; increasing tensions between social and political actors around new territorial demarcations; and the growing reliance on commodity export in order to sustain economic growth and welfare expansion plans. It is not surprising that, in this context, FPIC became one of the most important tools at stake within national debates on recognition.

The advantages of linking the recognition agenda with natural resource management have been highlighted by recent evidence emphasising how indigenous knowledge and practices are key allies against deforestation, climate change and environmental degradation. Recent studies by the World Resources Institute and the Rights and Resources Initiative show how tenure-secure indigenous forestlands have lower rates of deforestation, higher ecosystem-service benefits and better conservation and carbon mitigation outcomes (Vergara 2016; Rights and Resources Initiative 2015b). A prerequisite for these outcomes is the reliance on traditional indigenous knowledge systems, which should therefore be valued and encouraged (Mistry and Berardi 2016). This positive evidence, alongside a discourse that pictures indigenous peoples as protectors of the 'Mother Earth', have been used by indigenous activists and their allies to advocate for the recognition of new rights and the strengthening of participatory mechanisms in decision-making processes about development initiatives and natural resource management. In practice, however, the operationalisation of these new rights, including FPIC, entails complex political processes and new challenges for the participatory agenda. One crucial issue has revolved around the identification of which social groups should be entitled to consultation.

### **FPIC: Who has the Right?**

FPIC is a relatively new concept in law and jurisprudence. According to indigenous rights advocates, it is rooted in the principle of self-determination, as recognised by the Common Article 1 of both the International Covenant on Civil and Political Rights and

the International Covenant on Economic, Social and Cultural Rights. However, within international human rights jurisprudence, FPIC is rather based on property and cultural rights and rights to non-discrimination (Ward 2011).

While there is no single internationally agreed definition of FPIC, nor a one-size fits all mechanism for its implementation (Schilling-Vacaflor & Flemmer 2013; UN-REDD 2013), references to the need to consult or to obtain consent from indigenous peoples is mentioned in all main human rights instruments on indigenous rights. Art. 6 of C.169 states that:

Governments shall consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures, which may affect them directly. (...) The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

A recent ILO Handbook on C.169 tries to clarify some of the controversial issues raised by the Convention and clearly places emphasis on the right of indigenous peoples *to be consulted*. Although it does not suggest that consent is necessary, nor does it invest indigenous peoples with veto power: ‘Convention No. 169 does not provide indigenous peoples with a veto right, as obtaining the agreement or consent is the purpose of engaging in the consultation process, and is not an independent requirement’ (ILO 2013: 16). The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007), meanwhile, explicitly calls for *consent*, and sets out the circumstances when this is required, namely: relocation of the population (Art. 10); impact on culture and intellectual property (Art. 12); adoption and implementation of legislative or administrative measures (Art. 19); exploitation of lands, territories and natural resources (Art. 27); disposal of hazardous waste (Art. 29); and development planning (Art. 30). In addition, the Cartagena Protocol on Bio-Safety (2000) to the Convention on Biological Diversity seeks to attach FPIC to the transboundary movement, transit, handling and use of all living organisms (EMRIP, 2011). In short, FPIC is now talked about in connection with a very broad set of issues, although thus far it has been applied mainly in relation to natural resource exploitation.

Because it is so recent, FPIC is international law-in-the-making and, as such, it contains some confusion about the value and purpose of consultation, the nature of

consent and the arenas where it is required, something that the ILO itself has recognized in my interviews:

We got stuck diagnosing the problem and we overlooked how to resolve it. C.169 is a broad norm that leaves issues that are highly sensitive and where indigenous communities are waiting for clear answers to the post-ratification stage and (...) national legislation (...). This is particularly true in the case of prior consultation. (interview with ILO officer, Geneva, March 2015)

Still, in spite of its legal ambiguities, FPIC is increasingly being put to use. The United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD) recognised FPIC as a key instrument for sustainability (UN-REDD 2013; Sunderlin *et al.* 2014). FPIC experiments have been introduced in a number of countries including Suriname, Guyana, Tanzania, Malaysia, Philippines, Indonesia, and Australia. But it is in Latin America above all – and especially Bolivia, Peru and Colombia – where attempts to use FPIC to institutionalise development participatory governance are most advanced. The three countries are among the few to include FPIC in their constitutions and to articulate formalised standards and mechanisms for its implementation. Despite these similarities, however, the way the discussion on FPIC has been framed across these countries shows noticeable differences, which are reflected in the legal and procedural measures for its implementation. One of the most relevant – and contentious – concerns the subject of the consultation, or who should be entitled to FPIC in practice.

This issue goes beyond a pure legal dimension; it broadly refers to the identification of individuals or social groups who are entitled to moral consideration – i.e. those who deserve recognition and hold rights (Sikor *et al.* 2014; Martin *et al.* 2016). The identification of who should be entitled to FPIC has been a crucial issue of contention and debate in all Latin American countries that have taken steps towards the implementation of this right. The FPIC subject issue is particularly problematic in regions such as the Andes, where, as I have shown in previous chapters, ethnic identity boundaries are often blurred and volatile. As the examples of Peru, Colombia and Bolivia illustrate, countries made very different decisions, adopting either strict or loose definitions of ethno-cultural belonging, with important consequences on how different social groups have been able to access the right to FPIC. These tensions are illustrative

of a type of recognition conflicts that emerges at the intersection between norm-making and resource governance.

### *The Inclusive Approach to Consultation in Bolivia: The 'Indigenous Native Peasant' Subject*

Despite the early recognition of social, cultural and economic rights of indigenous peoples by the Bolivian state with the Constitutional reform of 1995 (Art. 171), the duty to conduct consultations (exclusively in the hydrocarbon sector) was for the first time introduced in the legislation only a decade later, in 2005. FPIC was then included in the new Constitution approved by referendum in 2009. Although binding consent for all resource-related activities was mandatory in preliminary drafts (Bascopé Sanjinés 2010), the final version of the Constitution only grants the right to consultation for the exploitation of non-renewable natural resources (Art. 30). Between February 2007 and December 2013, 40 consultation processes were concluded, mainly in the gas sector (Flemmer & Schilling-Vacaflor 2016). But it was in the aftermath of the 2011 political crisis, following one of the worst social conflicts in recent years, that the need to regulate FPIC became an unavoidable priority for the Bolivian government (Fontana & Grugel 2016).

In 2011, Morales' administration announced a plan to construct a road through the TIPNIS as part of a Brazilian-led network of mega-projects aimed at generating development throughout the continent. The announcement triggered mass mobilisation by lowland indigenous peoples, who, supported by environmental NGOs and urban activists, set off on a protest march to La Paz. Indigenous communities argued that the designation of TIPNIS as a park and an indigenous territory should protect it from mega-development projects and gave them the right to be consulted. Tensions then developed between the indigenous groups and the peasant and coca-growers' unions (mainly Aymara and Quechua settlers), who saw the road as a way of expanding the agrarian frontier (Perrier Bruslé 2012; McNeish 2013; Webber 2012). The conflict generated international attention, which pushed the government into holding a consultation, the outcome from which favoured the road building. The consultation has not resolved the conflict, however: the indigenous communities, who demanded consultation in the first place, felt betrayed and refused to participate, while the outcomes was questioned by an independent assessment led by the Catholic Church

and by the TIPNIS indigenous communities themselves (Comisión Interinstitucional de la Iglesia Católica *et al.* 2012; Sub-central TIPNIS Comisión de Recorrido 2012).

It is not by chance that a national debate around a FPIC Law began as a result of the TIPNIS conflict, when it became clear to both the government and social groups that having a national regulatory framework in place would be of crucial importance. The final version of the draft law regulating FPIC (August 2013), before being submitted for parliamentary approval, took twelve months of talks between the government and the main rural organizations – indigenous (CIDOB and the Guaraní People Assembly, Asamblea del Pueblo Guaraní APG), native (CONAMAQ) and peasant (CSUTCB, its female branch, Bartolinas, and CSCIB) – at moments when, as I explained in chapter III, these organizations were experiencing high levels of conflict and internal fragmentation.<sup>25</sup>

It is not surprising that the government found it difficult to manage the competing demands that were articulated, for, in the end, at the heart of the conflicts over the FPIC Law was the conflictual question of who has the right to be consulted, with the implication that some groups had more rights than others. Art. 17 of the first FPIC draft law prepared by the government stated that ‘indigenous native nations and peoples of the TCOs (i.e. with titled land)’ should be the subject of FPIC, while ‘indigenous native peasant peoples, intercultural communities and Afro-Bolivians’ are entitled to a more generic and less demanding public consultation – which, in fact, according to the Constitution, should be a right for all Bolivians (working document, Ministerio de Gobierno 2012). But this proposal provoked a massive stand-off between the government and social organizations, since some would have more voice than others. The peasant leaders argued that they have the same right to FPIC as indigenous/native groups. As the Secretary of International Affairs of the CSUTCB told me:

There is no understanding between indigenous and peasants. The indigenous representatives say: ‘We have the right to consultation, as “indigenous native peasants”, because we have TCOs, but the peasants don’t. They have no right to consultation because they have no [collective] land, no TCO, they have individual lands’. (...) But we want to be considered *equal* to the indigenous brothers. That is, if

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<sup>25</sup> At the time of the negotiations, CONAMAQ was yet to be formally split in two branches, while CIDOB’s separation occurred during those months. In the latest phase of the talks, the government was therefore in dialogue mainly with the ‘*oficialista*’ branch closer to the Executive.



a road or something is going through a peasant community, we are entitled to be consulted. (interview, La Paz, August 2013)

Indigenous organisations, meanwhile, would only agree to the inclusion of the indigenous/native peoples and nations, as the ‘true’ subjects to benefit from consultation, thereby excluding all other rural groups (APG and CONAMAQ’s draft law proposals 2012). Indigenous leaders repeatedly appealed to international agreements on this matter, claiming that peasant organisations do not meet the criteria of authenticity, nativeness and a pre-colonial existence:

C.169 (...) clearly says that indigenous native people must have historical continuity, and the *peasants have no historical continuity*. Those international standards must be taken into account in the discussion about consultation. (interview with CONAMAQ leader, La Paz, July 2013)

In the new plurinational Bolivia, however, eliminating the ‘peasant’ would actually be unconstitutional. Indeed, as I have discussed in chapter II, the category ‘native indigenous peasant’ (*indígena originario campesino*), negotiated during the Constitutional Assembly, became one of the main pivots for the institutionalisation of plurinational citizenship and served as the basis to craft a new legal subject entitled to new collective rights (Fontana 2014c). However, at the moment of operationalising those rights, disagreements around this category exploded.<sup>26</sup> Indigenous organisations tried to guarantee for themselves exclusive access to new rights, which would have important consequences on their development as organisations vis a vis the state and other rural groups.

Yet, from the outset, the state also tried to limit the access to FPIC for the peasant sector. This, however, was mainly driven by pragmatism rather than by political or ideological goals: the inclusion of the ‘peasants’ as subjects implies a drastic widening of the population to whom, and of the territorial demarcations in which, the consultation should take place. This would generate more ‘constraints’ for the state in the processes of decision-making on strategic resources and infrastructural development. Moreover, depending on the boundaries crystalised in the norm, the balance of forces at the local level might vary significantly. The TIPNIS conflict is

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<sup>26</sup> Similar discussions have emerged around other issues such as the establishment of ethnic autonomy regimes and ethnic quotas in Parliament and local administrations.

indeed an example of how the peasants' inclusion in the consultation led to an opposite outcome.

The TIPNIS is also an interesting case to illustrate another declination of the 'subject problem'. Independently of which social groups will be entitled to this right, another operational issue should be addressed concerning who in practice will be consulted: whether it is the communities, the traditional authorities (e.g. *jilakatas* or *capitanos*, union secretaries), the 'people' (e.g. Guaraní, Mojeño, Yurakaré, Mozeten, Uru Chipaya) or the leaders of the social organizations (e.g. CIDOB, CONAMAQ, CSUTCB, CSCIOB). In the TIPNIS, the government consulted each community without considering the broad organisations they belonged to (whether indigenous or peasant), which raised accusation of jeopardising the indigenous movement. In fact, the result of the consultation (in favour of the road construction) might have been quite different if indigenous authorities were consulted through their social organizations, rather than at the community level.

On this matter, international law refers to a legitimate representative, which is the one that should be consulted, while the Bolivian Constitution provides that 'within the native indigenous peasant peoples and nations, the consultation will be carried out with respect given to their own norms and procedures' (Art. 352); and this is mirrored by the FPIC draft law. However, these definitions remain quite vague and are not instrumental for the concrete determination of a standardised consultation protocol. A first problem is how to define the level of governance in line with the scale of the potential impact (whether local, regional or national) and what kind of organisation should be consulted at those different levels. For example, a conflict of interest might arise between communities (indigenous or peasant), social organisations and the indigenous people on what would be the appropriate authority to be consulted. The lack of clarity on this matter can potentially undermine social groups claims and rights, allowing the government to select the level to be consulted and increasing the chances of turning the outcome in its favour. Indeed, indigenous peoples and NGOs involved in past consultations have already denounced the efforts of the state to jeopardise the indigenous movements, preventing alliances and cohesive actions between communities and their organisations (Bascopé Sanjinés 2010; Pellegrini & Ribera 2012). A second problem concerns how to define whether the designated authorities are legitimate and representative. This might be done through a previous accreditation in a national register of recognized 'traditional organizations', but even this precaution

will not necessarily guarantee that local authorities are acting in the name and representing the interests and opinions of all, or at least of the majority, of the local inhabitants.

Despite the apparent initial willingness of the government to make FPIC the object of genuine negotiation with social parties, nine years on from the historic entry of the TIPNIS march into La Paz in October 2011, and seven years on from the formal handing over of the FPIC draft law to President Morales, the law draft remains sitting in a drawer unlikely to be opened anytime soon. Meanwhile, in March 2015, Morales' Executive issued a Supreme Decree (2298), establishing new parameters for conducting consultations with affected communities and introducing stricter deadlines and methods for carrying out consultations. If, on the one hand, the Bolivian government seemed to acknowledge the need to regulate FPIC in an inclusive way, maximising therefore the potential impact of this participatory mechanism for different communities and social organizations (both indigenous and peasants), on the other hand, more recent developments suggest that it is adopting a top-down approach that threatens to jeopardise the efforts made to reach an agreement on the draft law through social participation.

### *The Bureaucratic Approach to Consultation in Peru: Assessing 'Objective Indigeneity' in Rural Communities*

Peru ratified the ILO 169 Convention in 1993. That same year, a new Constitution was approved that restricted communities' collective ownership rights to the surface of their land, while a new Hydrocarbon Law concentrated all decision-making about subsurface resources in the hands of the state, including activities on indigenous titled land (Orta-Martínez 2010; Coxshall 2010). These radical neoliberal reforms led by the Fujimori government were clearly incompatible with the protection of indigenous rights. Nor did the return to democracy in 2000 immediately contribute to relaunching the recognition agenda, which continued to be perceived as a threat to economic development for another decade.

As in the case of Bolivia, in Peru the discussion on indigenous participation and rights also abruptly re-emerged when the tensions between the state and the indigenous movement escalated into a nation-wide conflict. In 2009, the approval of a series of Decrees allowing private companies' access to the Amazon for development and

resource exploitation, in order to comply with the free trade agreement between Peru and the United States, triggered a wave of protests of indigenous organisations in the lowland regions of five departments. The bloodiest episode in this dispute occurred in Bagua, in the northern Peruvian Amazon, where 34 people were killed and hundreds more injured during an attempt by security forces to break down an indigenous blockade (Hughes 2010). This peak of violence shocked Peruvian and international public opinion and forced the government into negotiations with indigenous organisations to clarify responsibilities, but also to discuss a broader agenda of indigenous rights, including FPIC. In this context, the two main lowland indigenous organizations (AIDSESEP and CONAP) took the lead in drafting an FPIC law proposal. The draft was then circulated among Andean peasant organizations, which generally welcomed the text, placing particular emphasis on the need to adopt a broad definition of ‘indigenous peoples’, which should include peasant communities. The proposal was then submitted for Congress approval and, after a heated discussion that led to the reformulation or elimination of the most controversial articles, a FPIC Law was eventually passed in August 2011. The norm introduced a bureaucratic and formalistic approach to the subject issue, listing specific objective criteria for the identification of indigenous peoples, including:

- (1) Direct descent from the original populations of the national territory.
- (2) Lifestyles and spiritual and historical links with the territory that they traditionally use or occupy.
- (3) Particular social institutions and customs.
- (4) Cultural patterns and way of life different from those of other sectors of the national population. (Art. 7)

Additionally, a subjective criterion related to ‘the consciousness of the collective group to have an indigenous or native identity’ should also be considered. In practice, this means that the state – namely a special unit within the Ministry of Culture<sup>27</sup> – is in charge of conducting a case by case evaluation aimed at assessing communities’ compliance with the above criteria. As the Director of Indigenous Politics within the Vice-Ministry of Interculturality explained to me: ‘we send a team to the area of impact of the administrative measure, it produces an ethnography, and now, *with hard, in-depth data*, you can see if it is indeed an indigenous people or not’ (interview, Lima,

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<sup>27</sup> This unit is also in charge of compiling a database of indigenous peoples, which represents the first systematic attempt of capturing ethnic demographics by the Peruvian state.

March 2016). The results of this empirically grounded evaluation are used to advise the institutions in charge of organising the consultation (i.e. the state entity responsible for the specific issue area to be consulted; e.g. the Ministry of Hydrocarbons for consultation of hydrocarbon projects) about which communities should be consulted.

This rather bureaucratic process allowed the adaptation of a compromising answer to the question of whether peasants should or not be consulted. Indeed, in the case of Peru, peasant communities are not a priori included (as in Bolivia) nor excluded (as in Colombia) from consultation. Their ethnic belonging is assessed on a case by case basis and peasant communities can be found also – but not always – to be indigenous. This solution was, however, considered too narrow by the peasant organisations, which kept advocating for the inclusion of all peasant communities, arguing that categories are often misleading and any state-led decision would be arbitrary:

We did not decide to change our name. It was the state that changed our name [through the peasantisation process in the 1950s]. For this reason, we demand that all peasant communities (...) be recognised as [rights] holders under the Convention 169. If the state reserves the discretion to decide who is and who is not, it seems to us arbitrary. (interview former Secretary of the CCP, Lima, March 2016)

Nor was the formulation satisfactory for President García, who vetoed the law asking for a greater emphasis on ‘national interest’ and for the complete exclusion of peasant communities. These objections caused the eruption of new protests and only managed to postpone the promulgation of the FPIC Law by a few months. In September 2011, Peru’s newly elected president, Ollanta Humala, signed the FPIC Law (No. 29785) as one of his first official acts, and opened a consultation on its regulating norm (Flemmer & Schilling-Vacaflor 2013). This consultation signalled the willingness of the government to enter into dialogue with social organisations, but also brought up some unresolved issues around FPIC. On the subject problem, President Humala himself made some quite controversial declarations that triggered strong reactions and yet synthesise widespread opinions among Peruvians:

There have been some problems in defining which communities are native and which are not. Because here – with such informality – everyone wants to be consulted, because that can give them a certain bargaining power. (...) First, on the coast, where

60% of the population is [living], there are basically no native communities due to the process of migration (...). In the highlands, most are agrarian communities, a product of the Agrarian Reform, etc. More than anything, native communities occur in jungle areas. (cited in Remy 2013: 6)

In other words, even among the more progressive sectors of Peruvian society, doubts persist about the existence of indigenous peoples in the highlands as well as about the appropriateness to consult communities beyond Amazonian groups. This opinion is generally grounded on two sets of arguments: the first one focuses on the fact that peasant communities are more ‘developed’ and in closer contact with the rest of the country (as a former Vice-Minister of Interculturality articulated to me: ‘if they are already developed, they are not indigenous anymore’, interview, Cambridge MA, October 2016); the second one stresses how peasant communities generally do not self-identity as indigenous. This, however, has an historical explanation in the peasantisation campaigns under the Velasco government (see chapters I and II) and the strengthening of negative and racist connotations attached to the term ‘indigenous’ – as mentioned by the leader of the CCP.

In general, the historical trajectory of Peruvian highland communities is not very different from their Bolivian counterparts – as I discussed in chapter III. Yet if in Bolivia the process of revitalisation of indigenous identities began in the 1990s, in Peru it was only after 2010 that an ethnic turn emerged among the peasantry. On the one hand, the tragic episode of the Baguazo had the effect of broadening the solidarity towards Amazonian communities from other social sectors, including peasant organisations. Indeed, this conflict marked a turning point in the relationships between Peruvian rural movements, which have historically been quite weak and fragmented (see Van Cott 2005a; Yashar 2005), fostering a new alliance between native and peasant organisations under a common ‘indigenous’ banner. On the other hand, in the early phase of the post-Bagua negotiations, peasant organisations began to perceive that they were losing out, as new emphasis was placed on the indigenous rights agenda and the government was primarily engaging with native organisations. They therefore began to adopt a new ethnic discourse in the effort to gain a seat at the negotiating table (interview with the coordinator of the working group on indigenous peoples, Vice-Ministry of Interculturality, Lima, April 2016). In the words of a peasant leader:

In Peru, we are living in a period of implementation of the 169 Convention, so this context emphasises in a clearer way the issue of identity. This process offers an excellent window of opportunity to redefine concepts (...) For example, in Peru, the term 'indigenous' was used by the colonisers to discriminate. Therefore, for the peasant the indigenous denomination is pejorative and we normally do not use it. But this Convention and its implementation forces us to reconceptualise the notion of 'indigenous' also for peasants. (interview with former Secretary of the CCP, cit.)

In the first instance, this strategy was effective in shaping the discussion on the Forestry and Wildlife Law, where the involvement of CNA and CCP allowed non-indigenous rural populations to obtain forest harvest rights (Soria Dall'Orso 2015).

Peasant organisations, however, did not manage to wield as much impact on the FPIC discussion. Nonetheless, since its implementation, they have been adopting a pragmatic strategy to ensure the right to consultation for peasant communities, which consists of a long-term process to revitalise ethnic identities among rural inhabitants.

In the CCP, we are trying to emphasize the work-stream on identity, seeking visibility for the peasant community not only as a space for agrarian production, but mainly as an expression of a native people that have culture, that have territory, that have a social organisation based on ancestral values such as the *ayllu*. (interview with former Secretary of the CCP, cit.)

The ethnic turn has been stronger in highland communities affected by mining operations. In these contexts, local leaders quickly realised that ethnicity could become an effective mobilisation discourse to fight socio-environmental conflicts. A telling example is the already mentioned conflict around Las Bambas mining project in the Apurímac Department, where the 47 peasant communities opposing exploitation mobilised under the new ethnic banner of Chanka-Yanahara (or Yanawara) Nation.<sup>28</sup> In March 2016, 50 leaders from the region undertook a long march to Lima and went on a month-long hunger strike to denounce the social and environmental damages caused by mining activities as well as their exclusion from the ongoing negotiations. In their statements, they made clear reference to the violation of the 169 Convention and their claim for ancestral rights to their communal lands (Asociación Unión de

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<sup>28</sup> The Chanka was an ethnic group that occupied the Andahuaylas region (Department of Apurímac, Peru) who reached its peak of expansion around the 1400 A.D. (Bauer & Kellett 2010).

Comunidades Campesinas de Influencia Directa e Indirecta Afectadas por el Proyecto Minero Las Bambas, UCCAMBA 2016),

It is still too early to assess how effective the turn towards ethnicity will be in fighting socio-environmental conflicts in Peru. Perhaps, in the near future, the Chanka-Yanawara Nation will be added to the official list of Peruvian indigenous peoples compiled by the Vice-Ministry of Interculturality and these communities will secure new rights, including FPIC. For now, peasant organisations managed at least to gain some international support to foster their ‘process of self-recognition as native indigenous’ from cooperation actors – including the Ford Foundation – particularly in mining-affected communities (interview with President of the CNA, Lima, April 2016). Yet it is not easy to overturn the reluctance of rural inhabitants to adopt ethnic categories, and peasant leaders had been working hard so that some initial changes could be reflected in the 2017 national census when, for the first time, a question on ethnic self-identification was included (interview with President of the CNA, cit.).

Perhaps because the ethnic turn among the peasants is still very recent and relatively weak, it has not generated strong reactions from Peruvian indigenous organisations. A certain degree of scepticism permeates indigenous leaders’ opinions about this process and some have doubts about how deep these changes can go beyond discourse: ‘Now they say they are indigenous, but they are not indigenous. The discourse has changed. The discourse before was about peasant farmers’ (interview with AIDSESEP leader and Vice-Ministry of Interculturality consultant, Lima, April 2016). Moreover, indigenous organisations only partially embraced a shared platform of claims and the most powerful indigenous organisation – AIDSESEP, representing over 350,000 indigenous people living in the Peruvian Amazon (Hughes 2010) – opted for a stand-alone strategy, by, for example, declining the invitation to join the Unity Pact. As a consequence, social organisations could not attend the five national consultations conducted between 2013 and 2016 under a single platform.<sup>29</sup> National divisions are in certain cases reflected at the local level, where disagreements have at times emerged when different organisations claimed consultation rights as representative of the same grassroots communities. These tensions mounted particularly in those contexts where different organisations (e.g., AIDSESEP and

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<sup>29</sup> Five FPIC processes took place at the national level. Apart from the already mentioned FPIC regulating norm and the Forestry and Wildlife Law and its regulating norm, consultations were conducted on intercultural health and education policies and on the so-called Law of Indigenous Languages.



CONAP) had conflictive goals in terms of consultation outcomes (e.g., more or less prone to sign off on the state or private companies' offers).

Despite the inevitable complexity that any consultation process entails, Peru has made important progress in implementing FPIC. According to the Ministry of Culture's website, by 2018, 32 consultation processes were conducted so far or were in progress, 12 of which in peasant communities. In practice, Peruvian movements managed to overcome resistance to include all peasant communities, although the bureaucratic approach to assess indigeneity may in practice lengthen consultation procedures and fail to work as a preventive mechanism to address the exponential increase of socio-environmental conflicts in the highland regions.

### *The Dualistic Approach in Colombia: Towards a Peasant FPIC?*

Colombia is the country that has made the greatest progress in institutionalising FPIC and in conducting consultations. The first consultations started soon after the ratification of the 169 Convention in 1991 and the approval of Colombia's first multicultural Constitution.<sup>30</sup> Since 2003, approximately 800 processes have been either concluded or are still ongoing, with a total of about 6,000 communities involved – according to a chief division officer of the FPIC Unit of the Ministry of Interior (interview, Bogotá, November 2015). This Ministry is in charge of coordinating consultations and, since 2011, its FPIC unit occupies four floors of a government building in downtown Bogotá and employs 130 people.

Despite this solid institutional apparatus, Colombia still lacks a coherent regulatory framework on FPIC. Two decrees have been issued on this matter – Decree 1320 (1996) and Decree 2957 (2010) – which respectively regulate consultations on the exploitation of natural resources in indigenous territories and consultations with a general scope. Also, the Presidency produced some guidelines for FPIC implementation, which, among other issues, regulates: what situations require consultation; what are the main steps and how the process should be funded; as well as providing an inter-ministerial coordination protocol that defines responsibilities and

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<sup>30</sup> Even though the term 'prior consultation' does not appear in the Constitution, article 330 states: 'The exploitation of natural resources in indigenous territories shall be without prejudice to the cultural, social and economic integrity of indigenous communities. The decisions taken in respect of such exploitation, the Government shall encourage the participation of representatives of the respective communities.'

duties. This body of norms is, however, partially conflicting and was repeatedly contested by the Colombian Constitutional Court (Parra 2016). Indeed, the Court has been developing the region's richest jurisprudence on FPIC, playing a particularly active role in internalising the right to consultation and regulating its national implementation (Rodríguez-Garavito 2011; Parra 2016). In particular, the Court has emphasised the need to consult, not only practical measures, but also laws and even international treaties that may affect indigenous peoples (Newman & Ortega Pineda 2016).

The Colombian Constitutional Court has also introduced some important innovations concerning the FPIC subject, recognising the fundamental right to consultation not only for indigenous peoples but also for other national minorities, namely Afro-descendants (including *raizales* from the Archipelago of San Andrés, Providencia and Santa Catalina, and *palenqueros*, a small community of the Caribbean region speaking a language derived from West African dialects) and Roma people. In this sense, Colombia represents a unique case, since some of these groups that are present in other countries, have not managed to secure access to FPIC anywhere else in the region. In a recent judgment (SU-217 of 2017), the Court has also defined the criteria that should be used to identify 'differentiated ethnic communities', including an objective dimension related to the characteristics of the community (e.g. language, religion, rituals), as well as a subjective aspect defined through self-recognition (Urrutia Valenzuela 2017). These recommendations were incorporated in the FPIC Law proposal elaborated by the Ministry of Interior in 2012 that, since 2016, is in the process of being consulted with the 232 ethnic groups' representatives within the National Consultation Space (Espacio Nacional de Consulta).<sup>31</sup> Article 5 on the subject of FPIC states that:

Prior consultation processes (...) will be applied to indigenous communities, Roma communities, and black, *raizal* and *palanquera* communities that meet the following requirements: (1) have an ancestral relationship with the territory; (2) have their own community life with mechanisms of autonomous government; (3) self-recognise as belonging to a constitutionally recognized ethnic group; (4) possess a cultural and historical identity clearly differentiated in their uses and customs.

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<sup>31</sup> Information retrieved from the Ministry of Interior website <http://www.mininterior.gov.co/mision/direccion-de-consulta-previa/procesos-de-consulta-previa>, accessed August 5 2018.

These criteria closely reflect the ILO standards that are also included in other legislations, such as the Peruvian FPIC Law. The procedures also look quite similar: as in Peru, in Colombia a case by case analysis to assess the presence of ethnic communities in a given area has to be conducted. Yet, unlike Peru, there is no flexibility around peasant communities, which are therefore always excluded from FPIC. Peasants can access another form of public consultation, which is less demanding and is restricted to the evaluation of environmental impact (Milano & Sanhueza 2016).

Colombian peasant communities have, however, been greatly affected by socio-economic changes and development projects, whose impact goes beyond the environment, often undermining peasant institutions and their capacity to ‘pursue an active transformation towards desired futures’ (Feola 2017: 126). Moreover, as I have described in previous chapters, peasant communities often live side-by-side with indigenous *resguardos* and are in many cases exposed to similar challenges. After a decade of exponential growth in the number of consultations, it is not completely surprising that resentments have been mounting among the peasantry about their exclusion from these participatory spaces.

It is not only that peasant organisations feel unprotected vis a vis the boom in infrastructural projects and growing investments in commodity exploitation, but they also consider that denying them access to FPIC constitutes discrimination against them on weak juridical basis. Indeed, their exclusion from FPIC is grounded on a narrow interpretation of the peasant subject as a ‘*mestizo*’ with no clear ethnic and cultural identity. Yet, as I described in chapter III, peasant organisations have begun to contest this idea and strongly claim their belonging to a unique and differentiated culture, with its own mode of production, norms and living conditions, clearly distinct from the majority of Colombia society. This distinctiveness would make peasants equally as entitled to special rights as other cultural minorities, including the right to FPIC. Such ideas have recently gained traction among peasant leaders and a proposal for a peasant FPIC was put together by a legal expert and advisor of peasant organisations. According to this proposal, the exclusion of peasants from minority rights is simply unconstitutional and violates the 169 Convention:

There is no constitutional section where it can validly be inferred that these spaces of participation are ‘exclusive patrimony’ of indigenous communities, because in fact,

they are applicable to all ethnic peoples and communities and, therefore, we add, to the peasantry that shows specific identity traits (...). Both culturally and economically, peasant communities in Colombia comply with the requirement of differentiating themselves from the dominant national block under the terms of Law 21 of 1991 (=169 Convention). (...) If prior consultation and participation is not extended to include the peasantry as a differentiated community, this will generate an unjustified legal and material discrimination by denying peasants their status as a collective subject to exercise their rights. (Quesada Tovar 2013: 83-85)

Peasant cultural distinctiveness and identity is one of the criteria that would justify the access of peasant communities to ethnic rights. The other one is the engagement of peasant organisations in the constitution of collective territorialities (the ZRC). Strengthening the link between a collective peasant identity and a given territory is indeed another way of converging towards the ethnic rights framework:

Peasant political, cultural, economic proposal materialises in the social production of space (...). The community that initiates the process for the constitution [of a ZRC] identifies itself as peasant and links its identity and life project to that territory (...), generating a self-recognition as peasants of a specific region. (Quesada Tovar 2013)

Critically, the proposal for a peasant FPIC is understood as ‘one mechanism of defence of peasant territories against powerful interests that make them vulnerable’ (interview with a leader of the National Association of the Peasant Reserve Zones, Asociación Nacional de Zonas de Reserva Campesina, ANZORC, Bogotá, November 2016), such as those linked to the exploitation of natural resources or the realisation of development projects by the state or private companies. Likewise, the institutionalisation of peasant FPIC would also open up spaces for the participation of marginalised communities and for them to voice their concerns, as well as serve as a tool for conflict resolution. This was the spirit that inspired a pilot consultation organised by the peasant movement in the Catatumbo region, in the Norte de Santander Department. Here, over the past few years, tensions have been mounting between peasant and indigenous communities around conflicting territorial claims, not dissimilar to the cases in the Cauca and elsewhere described in chapters V and VI.

Since 2009, the local peasant organisation – Peasant Association of the Catatumbo (Asociación Campesina del Catatumbo, ASCAMCAT) – has been developing a proposal for the constitution of a ZRC in the area. The proposal was made

public in 2011 and shared with indigenous authorities of the Barí (or Motilón-Barí) indigenous people. But in 2012, the two existing indigenous *resguardos* claimed an extension of their territories that overlaps with the land included in the ZRC. The contested area is inhabited by both indigenous and peasant communities and partially overlaps as well with a forest reserve. While the indigenous authorities' claim is grounded on ancestry arguments and requires the relocation of non-indigenous settlers, local peasants point out that their communities have been constituted in the mid-20<sup>th</sup> century (although they do not have property titles) and they are therefore not ready to abandon their land. As a result, the Barí people are opposing the constitution of a ZRC, which was, however, *de facto* declared by ASCAMCAT. The situation is aggravated by the presence of private companies involved in hydrocarbon exploitation and agribusiness as well as by the frightening levels of violence linked to paramilitary and guerrilla actions, which decimated many communities and forced hundreds to flee. In an effort to find a solution to the territorial dispute, an 'autonomous peasant consultation' was conducted among peasant communities about a proposal to constitute an intercultural territory that would include the contested areas inhabited by both peasants and indigenous communities (interview with leader of ANZORC, cit.). The consultation also opened a dialogue through the creation of an Intercultural Table (Mesa Intercultural) that facilitated an agreement about the exclusion from the ZRC of the territory claimed by the Barí people, despite the presence of peasant communities (interviews with a leader of ANZORC and with an ASCAMCAT consultant, Bogotá, November 2015).

The Catatumbo conflict was also at the centre of a recent claim of unconstitutionality against the law that regulates the constitution of ZRCs (Law 160 of 1994). The claim was filed in 2014 by Edward Álvarez, an economist and indigenous organizations' adviser, and supported by major indigenous organisations (Negrete 2014). In one of its statements during the trial hearing, the ONIC summarised the widespread feeling towards ZRCs by indigenous groups as follows:

The constitution of ZRCs represents a threat to the ancestral property of the indigenous peoples, since in the areas for which the creation of the ZRC is claimed, there are territories traditionally occupied by them and even recognised collective [land] titles. (...) Conflicts between peasants and indigenous peoples have already begun to arise for

this reason, as between the peasants of Catatumbo region and the Motilón Bari *resguardo*. (Constitutional Court 2015)

Indeed, the Catatumbo conflict was specifically brought to the attention of the Court as an example of how the constitution of ZRCs is fuelling violent territorial conflicts between indigenous and peasants and of the incompatibility of these groups' territorial models, whose coexistence would 'violate the indigenous right to autonomy' (Constitutional Court 2015). In the 2015 sentencing, the Court acknowledged the obligation to conduct consultations when the constitution of a ZRC affects ethnic communities. Nonetheless, it did stress the legitimacy of the constitution of the ZRC, therefore rejecting the unconstitutionality petition. This ruling will perhaps provide some leverage for the peasants' efforts to constitute ZRCs, even if we are still far from a national debate on whether peasants should also be entitled to some form of FPIC. At the same time, the sentence illustrates the ongoing tensions around new territorial projects, and the aspirations as well as the resistances of social actors in their struggle for participation and autonomy.

### **The Politics of Exclusion in Participatory Governance**

Since countries have begun to undertake serious attempts to implement and regulate FPIC, a rapidly growing academic literature on this topic has emerged. Scholars have generally been quite critical vis a vis this participatory tool and unoptimistic about its potentials to foster bottom-up participation in resource and development governance. Empirical studies, particularly from the Andean region, have highlighted the limits of FPIC as a mechanism for conflict mitigation or resolution and as a truly open and bottom-up participatory space. In practice, FPIC most frequently operates as an 'invited space' dominated by the state, rather than as a space co-created with indigenous peoples, therefore reinforcing existing power relationships (Flemmer & Schilling-Vacaflor 2016; Schilling-Vacaflor & Flemmer 2013; Perreault 2016). In justifying these claims, scholars have mostly focused on implementation aspects, studying the procedures, impact and outcomes of specific consultation processes. In particular, the issue of whether FPIC could allow a veto by consulted groups has catalysed a great part of this discussion.

In this chapter, I have focused on a different aspect of FPIC that has generally gone unnoticed and yet, I argue, is crucial to assess the participatory scope of FPIC, as

well as its implications for broader discussions on recognition. As I have illustrated, the different responses to the ‘subject question’ offered by Bolivia, Peru and Colombia are the outcomes of complex negotiations, which reflect not only the contingent balance of power between different social and political forces, but also their understanding of collective rights and their visions concerning ethnic boundary-making, as the redefinition of rules for inclusion and exclusion. What is at stake here is a moral paradigm as well as a procedural approach to define who holds rights and deserves recognition. In this sense, the tensions between groups’ visions and claims for inclusion are the manifestation of participation conflicts around norm-making as a classic means of recognition through the crystallisation of identity boundaries.

The ‘subject problem’ cannot be understood without considering the great complexity of the historical circumstances that shape ethnicity in post-colonial countries. While this complexity was overlooked in international law-making, ‘indigenous peoples’ is proving to be a ‘tricky’ category both from a sociological and normative perspective (Eversole *et al.* 2005). One of the most prevalent definitions of indigenous peoples was given by the UN Sub-commission on the Prevention of Discrimination of Minorities in 1986, which identified common and distinctive traits as: the fact of being original inhabitants of a land later colonised by others, representing distinct and marginalised sectors of society and holding unique ethnic identities and cultures. Although this definition might seem reasonably detailed, as I have shown, its operationalisation can follow a number of different strategies and interpretations, leading to very different outcomes. At the two edges are the maximalist and minimalist approaches that I have described in the book introduction. According to the former, all populations that pre-existed colonisation ought to be considered indigenous. This would include, for example, Inca descendants (Quechua) in the Andes. A minimalist approach, by contrast, considers only those sparse and traditionally nomadic groups that previously occupied those territories (e.g. some Amazonian peoples in South America). Whether countries have opted for one or the other framing has been greatly influenced by national (geo)politics and by the prevailing vision of society in different time periods. The discussions around the FPIC subject can be understood as the latest declination in the remaking of ethnic boundaries in these countries.

As I have shown, in the Andean region, countries have undertaken significantly different approaches. In Bolivia, a maximalist (and inclusive) strategy has prevailed in recent years, as a result of the constitutional negotiations in the late 2000s. For reasons

linked to the balance of power within Evo Morales' social bases, as well as to avoid some of the problems related to the definition of 'objective' criteria to identify indigenous peoples in a context characterised by high ethnic volatility and politisation, self-identification has progressively been adopted as a reasonably robust alternative, and the 'peasant' category has eventually been drawn into the ethnic camp. Colombia tends to lean towards the opposite (minimalist) edge of the spectrum, although the inclusion of Afro-descendants and Romas reveals an effort to grant access to collective rights to minorities whose ethnic belonging is at least debated and mostly denied in other countries. Yet, peasants remain excluded from this framework, although new claims from these sectors have opened a debate in this direction. Finally, Peru is a middle case, where the drawing of identity boundaries and access to rights have been delegated to a highly bureaucratic process that privileges 'objective' criteria over self-identification. As a result, peasants are not a priori excluded, nor automatically included, but their participation is conditional upon a state decision about their ethnic belonging on a case by case basis.

These strategies not only reveal different ideological inspirations and political dynamics; they also have huge concrete implications. The most obvious: they define the inclusion or exclusion from new spaces of participation (however limited, invited and conflictive they might be) and recognition of important sectors of these countries' societies. The inclusion of the peasantry in Bolivia means that communities from the vast Andean region, the majority of whom belong to a peasant union, have the right to be consulted. By contrast, the narrow focus of Colombian FPIC results in the exclusion of approximately 7 million people (El Espectador 2012). In Peru, the inclusion of peasants opens up the possibility for consultation for more than 6,000 communities (1,429,368 households), tripling the numbers compared to the sole inclusion of the approximately 1,400 native communities (Instituto Nacional de Estadística e Informática INEI 2014). These variations in numbers make it intuitive to realise why states have been reluctant to adopt an inclusive approach to FPIC, given the procedural and financial implications of having to deal with potentially very high numbers of consultations. This besides the fact that FPIC is a deterrent for private investments, given the monetary and institutional costs of negotiating with local communities.

But FPIC debates have also had implications beyond the state and private companies. In particular, the process of tracing social boundaries through recognition norm-making contributed to redefine the relationships between social actors. In general,



the need to face common threats and political resistance encouraged the creation of shared platforms, as in the cases of Peru and Bolivia (with the Pactos de Unidad), while in Colombia this convergence is still at a very early stage. Interestingly peasant movements have, in all three countries, embraced an ethnic turn – at least in their discourses. Yet the new emphasis on culture, identity and territory has not automatically enabled them to access new rights and participation spaces. Constraints have come from the indigenous movements themselves, who have generally been quite reluctant to share what they perceived to be the achievements of their own social struggle, and, in the three countries, have shown conservative attitudes towards potential changes to already established ethnic boundaries. But, more importantly, limitations are embedded in the ethnic rights framework itself.

Indeed, while FPIC is meant to offer partial redress for profound, historical marginalisation, in so doing it embeds a powerful exclusionary ontology and potentially violates the notion of equal citizenship (Abelson *et al.* 2003). Prioritising the voices of excluded groups over those of others can of course be justified democratically. In this case, arguments might be based on the fact that indigenous peoples' livelihood and culture are more dependent on their relationship to their territories and customary lands than other communities – and might well be persuasive. But the force of this argument depends on those groups formally recognised as indigenous being uniquely vulnerable; and in the case of the Andean region, it is hard to make this argument. As Goodland (2004: 69) asks: 'Why is it that the rural poor can be displaced against their will, but other peoples cannot? Can development have a double standard and advocate democracy for some, but autocracy for the rest?'

Besides the theoretical and operational complexities of justifying different configurations of ethnic boundaries corresponding to differentiated access to rights, there is at least a need to acknowledge the widespread demand for participation and social control over critical development interventions. This demand does not come only from indigenous sectors, but is shared across rural communities increasingly affected by development and resource exploitation initiatives. Participation conflicts are not only manifested in the framework of national debates on FPIC. They have emerged powerfully across the region in a growing number of self-organised consultations and referenda promoted by environmental justice movements (usually with the support of local governments) and conducted outside of the FPIC framework. In recent years, 68 of these participation exercises have taken place in Argentina, Guatemala, Colombia

and Peru (de Castro 2016). These examples of bottom-up participation, as well as the attempts of the peasant movements to access FPIC, should inspire a broader discussion on the need to strive for ‘more equitable spaces of engagement’ (Martin *et al.* 2016: 260) and for a more inclusive way of understanding recognition. An understanding that does not strengthen protectionist and sectarian attitudes, but rather encourages broader access to rights and participation.

## CHAPTER V

### The Physical Boundaries of Identity

As we have seen in the previous chapter, demands over common resources can reveal new dynamics of interaction between identities and result in the consolidation of new ethnic boundaries. In this chapter, I focus on the physical implications of identity boundary-making. I argue that the endemic lack of resources in contexts where recognition reforms with important redistributive components (what I have called ‘means of recognition’) are implemented is behind the rise of perhaps the most common among the types of recognition conflicts I identify in this book: social reproduction conflicts. In the first part of the chapter, I analyse recent changes in agrarian politics in Andean countries to illustrate how new forms of collective land tenure have increased territorial autonomy for indigenous peoples and accelerated the titling process since the 1990s. Multicultural agrarian reforms, however, have also triggered the resentment and a feeling of injustice of non-indigenous communities that, while facing similar condition of poverty and precarious livelihoods, are still struggling to secure tenure over their land. In some instances, conflicts have been escalating following radical strategies put in place by indigenous groups to regain control over ancestral territories through occupation of peasant land. I draw on two cases of conflicts between peasant and indigenous groups in Bolivia and Colombia to discuss the linkages between land politics and identity changes. For each of these countries, I describe one paradigmatic case in which identities have evolved into increasingly salient tools in social conflicts, impacting the way people self-identify and reshaping the very nature of land struggles in the Andes.

#### **Multicultural Agrarian Reforms**

Although agrarian reforms in Latin America have been ‘frequently enacted and rarely enforced’ (Handelman 1975), and often failed to meet the expectations of rural communities, the alternation of different land tenure regimes has generally trickled down to the local level and concretely affected social relationships. If, after the agrarian reforms of the 1950s and 1960s, the central axis of conflict was the redistribution of *hacienda* land and big *latifundia* among former *peones* or farm labourers, the new

generation of multicultural reforms implemented since the 1990s have had a great impact on the relationship between communities of rural poor.

The shift in governmental recognition towards ethnic land rights deeply influenced the way in which new land regimes were designed, allowing for the introduction of specific forms of collective land tenure, and aiding in the recognition of new customary norms. In concrete terms, the process began by mapping territories claimed by indigenous peoples to facilitate the issuing of new collective property titles in favour of officially ‘recognised’ ethnic groups. The emphasis on property titles (‘proptertization’, Coombes *et al.* 2012) as the new solution for the ‘indigenous question’ reflected the neoliberal belief – most prominently represented by the World Bank and other multilateral and bilateral donors – that economic development benefits from the clarification and protection of property rights (Adelman 1975). Despite its neoliberal inspiration, the new framework generated minimal social resistance and indigenous movements quickly transitioned towards a discourse centred on land titling and tenure formalisation (Wainwright & Bryan 2009). In this context, indigenous ‘reterritorialisation’ was often conceived in terms of restitution. Placing emphasis on the ‘temporal aspect of land’ (Fay & James 2009: 6), multicultural reforms promised to restore the territory of specific groups that had been historically dispossessed. This process entailed the installation of a new set of ownership rights, which were, however, grounded on an old (pre-colonial or colonial) social order.

As illustrated in chapter I, Bolivia, Colombia and Peru have demonstrated a commitment to indigenous rights through the ratification of international agreements and by reforming their own constitutions. In this context, collective land tenure and redistribution (or restitution) became central to the implementation of indigenous rights (Roldán Ortiga 2004). Although all three countries implemented some kind of multicultural agrarian reform over the past 30 years, these adjustments were made at different paces and through a variety of policy instruments. A significant amount of variation should be noted in particular around land access requirements.

Among the three countries, Peru has experienced the most discontinuous implementation of indigenous land rights. Since the titling process was first initiated in the 1970s, significant delays were experienced. Pressing indigenous claims did not manage to completely overcome two key limitations of the legislation in place (Law of Native Communities of 1974): the narrow definition of collective property titles for communal land rather than indigenous territories; and the retention of state control over

natural resources. As has been the case across the region, land titling in Peru has been primarily funded through international cooperation programmes such as the IDB-sponsored Special Land Titling and Cadastre Project (Proyecto Especial de Registro y Titulación de Tierra, PETT) (Stock 2005). In its first two phases, the project prioritised the coastal and Andean regions with 83% of properties registered on the coast and 53% in the Andes.<sup>32</sup> A third phase, renamed PTRT3, started in 2015 with a specific focus on the Amazon and fewer highland properties.<sup>33</sup> This has aggravated an already unequal situation in which a clear legal distinction between native and peasant communities, which applies respectively to lowlands and highlands, has prevented Quechua and Aymara communities from claiming collective land titles and indigenous rights. This trend has recently been challenged by Andean movements in an effort to halt mining exploitation.

Differences between lowlands and highlands are also relevant in the case of Bolivia, although, unlike Peru, they have not been firmly crystallised in the legal framework. In 1996, the Law of the National Institute of Agrarian Reform (Instituto Nacional de Reforma Agraria, INRA) instituted a 10-year period for cadastral mapping (*saneamiento*), in order to regularise property rights throughout the country. Claims for collective land titles (TCOs) were also given priority by the state, thanks both to the availability of international funding (particularly from the Danish cooperation Danida), as well as to the relatively easier process of boundary mapping. Between 1996 and 2010, many indigenous groups formally recognised with certification from the Vice-Ministry of Indigenous Issues and Native Peoples (Vice-Ministerio de Asuntos Indígenas y Pueblos Originarios, VAIPO), successfully obtained their collective land titles. In their original form, TCOs were not created for peasant communities, although they did not exclude highland groups by definition. Highland communities, therefore, could follow two different strategies: maintain their affiliation to the unions and claim collective or individual land titles; or reconstitute an ancestral *ayllu* to form a TCO. Despite its relative flexibility, especially compared to Peru, the multicultural agrarian

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<sup>32</sup> Information retrieved from Interamerican Development Bank website <http://www.iadb.org/en/projects/project,1303.html?id=PE-L1026>, February 18, 2018.

<sup>33</sup> AIDSESEP, on behalf of 64 indigenous peoples and 1,809 native communities of the Peruvian Amazon, submitted a complaint to the Independent Consultation and Investigation Mechanism claiming that the Project's prioritization of individual titling would exacerbate the insecurity of land ownership as native communities: 'The prioritization and sequence of investment in titling does not adequately consider the risks of conflict between the effect of consolidating colonists' plots and the incentives for more migration to the edge of the rainforest and pressure on indigenous lands.' (AIDSESEP 2015: 4).

reform in Bolivia triggered new tensions between rural organisations and generated a feeling of discrimination amongst the peasantry. As I have described in chapter III, in order to remedy peasant marginalisation and consolidate an inter-rural alliance to support the Movement Towards Socialism (Movimiento al Socialismo, MAS) government, the 2009 Constitution replaced the TCO with the Native Indigenous Peasant Territory (Territorio Indígenas Originarios Campesinos, TIOC). The inclusion of the word ‘peasant’ justified unions’ claims without the need to rebrand into indigenous organisations.

The pan-rural approach that has recently prevailed in Bolivia, however, is quite exceptional. In Colombia, peasant and indigenous groups still receive very different treatment. Although, in the mid-1990s, a law introduced the possibility for peasant communities to constitute collective territories called Peasant Reserve Zones (Zonas de Reserva Campesina, ZRC), their creation in practice has been incredibly slow and contested. By contrast, since the constitutional reform of 1991, indigenous peoples were formally granted control over many *resguardos*,<sup>34</sup> whose total area currently covers about a third of the country’s territory (Hoffman 2000). *Resguardos* are governed by an elected council, the *cabildo*, with significant control over jurisprudential and administrative matters; and have a land tenure regime in which families are assigned usufruct but not ownership rights. *Resguardos* often host non-indigenous population as well, which can own private property with the agreement of the *cabildo* (Stock 2005). Since 1996, Afro-Colombians have also been entitled to collective land and a World Bank-funded project has been operating to title their territories. In this respect, Colombia constitutes an important exception compared to the rest of the region, where Afro-descendants are generally not entitled to collective rights (Paschel 2016).

This brief overview of multicultural land reforms since the 1990s demonstrates the important progress made by Andean governments in the recognition of indigenous rights to land. Yet, as might be expected, the translation of new rights into practice has not always been smooth. In particular, the implementation of these reforms was followed by the rise of new conflicts between and within communities, and it has also underpinned a shift in collective narratives on identity towards a greater emphasis on

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<sup>34</sup> In fact, the Constitution integrated the old *resguardos* in inalienable Indigenous Territorial Entities (Entidades Territoriales Indígenas, ETIs) with high degrees of administrative autonomy and control over their natural resources (including the subsoil) (Van Cott 2000). Yet, more than twenty years later, ETIs still lack a clear juridical regulation.

culture and ethnicity. In the following sections, I illustrate the links between multicultural land reforms, the redefinition of rural identity boundaries and social reproduction conflicts in the cases of Bolivia and Colombia. Although single conflicts inevitably possess unique characteristics, the underpinning dynamics reflects broader trends visible across the region.

### ***Campesinos Nativos and Indígenas Originarios in Bolivia***

In Bolivia, agrarian struggles have typically involved indigenous communities or landless peasants and big landowners in the fertile lowlands (Villanueva 2004). However, most recently land conflict has shifted to the western highlands and valleys, confronting rural movements themselves, and has become predominantly inter-communal (Bottazzi & Rist 2012). What the chief of the INRA's Conciliation and Conflict Management Unit told me in one of my first interviews for this project was illuminating and importantly contribute to redirect my early research on land conflicts:

Nowadays, the greatest land conflicts in Bolivia are between native communities and syndicalist organisations. These conflicts are more intense than the conflicts between communities and big landowners, since (...) there are no clear and defined criteria to resolve them. Both ideological and economic problems are at stake, which, however, are never openly admitted. (interview, La Paz, May 2010)

Indeed, as my fieldwork would have later revealed, beyond formal tenure claims, a variety of factors fuel these conflicts, such as organisational differences, natural resource control, or power and identity issues that are connected to the land as a productive and social good.

Although Bolivia has a population density among the lowest in the world (10 per Km<sup>2</sup>), land scarcity provoked by several factors such as population growth, highly fragmented tenures (*minifundio*) and loss of soil fertility has been a constant issue for rural communities. This is coupled with a highly unequal distribution of land among families and social groups. According to INRA data (2006), 91% of the land is in the hands of large landowners, while 71% of the population control only the 9% of the land. Land scarcity and unequal distribution are certainly fuelling social tensions around land tenure. However, this latest wave of land conflicts cannot be explained without looking at the changes in the regulatory framework, and particularly at the introduction of new

land tenure systems in the framework of recognition reforms. The collectivist policy implemented over the past 25 years – including the prioritisation of TCO titling and the funding received through international cooperation agencies – created tensions between rural organizations and a sense of discrimination amongst the peasantry.

A political environment that became relatively more responsive to indigenous claims encouraged social groups to increasingly resort to cultural and ethnic repertoires to frame their demands. Ethnicity acquired more weight in local politics and started to catalyse new and old land claims about land as the most valuable asset for the rural poor. This is relatively obvious in the case of indigenous organisations but is also surprisingly true in the case of peasant unions.

On the one hand, two of the main indigenous/native organisations in Bolivia – CIDOB and CONAMAQ – started to claim the titling of their territories as TCOs. They rely on an ethno-identitarian narrative that has emerged from a recent process of cultural recovery to cement their claims:

The natives want the titling of their territory to directly guarantee access to natural resources and to restore our territory and traditional collective life. We all have our own functions within our principles of rotation, complementarily and reciprocity in our *ayllus*. (Interview with a CONAMAQ's advisor, La Paz, August 2010)

On the other hand, peasants affiliated with CSUTCB prefer individual land titles or, in some cases, communal titles. They do, however, oppose the TCO and consider it an unfair and irrational way of allocating land. The classist dimension is central in peasant discourse. The emphasis on the peasant mode of production is, however, coupled with a sort of syndicalist native primordialism.

(...) Blood and the surname that runs through the blood of each and every one that lives in the CSUTCB area is peasant, before than indigenous. Peasants, whether farmers, stockbreeders, fishers, llama shepherds – we are identified as peasants. (...) [We] are from different cultures and languages, but before being 'indigenous' [we] identify as native peasants. (Interview with the CSUTCB's Secretary of Land and Territory, cit.)

In Bolivia and elsewhere in the region, the revitalisation of indigenous issues and a generalised process of ethnicisation of rural politics cannot be understood without considering the role of external actors. Indeed, the economic and ideological basis of this change lies, at least in part, in the actions of international cooperation agencies and



some engaged anthropologists, who supported and financed new indigenous and native movements (Rodríguez-Carmona 2009; Andolina *et al.* 2005). In Bolivia, one of the most important interventions was the Danida's programme 'Support to the Rights of Indigenous Peoples', which developed over fifteen years from 1995 to 2010. While the program was intended as an effort to mainstream the indigenous issue in the design of public policies, in practice its most significant impact was the drastic increase of funding allocated to title indigenous land. In the program documents, Danida portrays the program as an exemplary experience of international cooperation. For example, in the prologue, the Bolivian Minister of Autonomies Carlos Romero wrote that:

(...) among the various contextual factors that have been favourable to the TCO titling process, the support of the Danish cooperation is to be considered fundamental, and to such an extent that, we could argue, it has been the most important external strategic ally of indigenous peoples (Danida & International Work Group for Indigenous Affairs IWGIA 2010)

A similar enthusiastic opinion is shared by a Danish Embassy's officer that was in charge of the programme for four years:

Personally, I think that this programme has been one of the most successful I have ever seen, because it was well formulated and it had very interesting results. The Danish cooperation has been supporting the process that the country is living, also according to state authorities. In terms of titling, 11 million hectares were titled, which correspond to the 70 or 80% of what has been titled so far to indigenous peoples.<sup>35</sup> It was not only a titling process but an empowerment process of indigenous peoples. (Interview with a Project Manager of DANIDA, La Paz, June 2011).

Clearly, the effects on identity-building processes and the positive discrimination criteria introduced in favour of the ethnic groups were not only well known, but explicitly incentivised by the programme, as demonstrated by the following considerations:

The raising problem of territorial titling implied the need to analyse indigenous peoples' identity. Throughout the clearing process, the involvement of indigenous peoples was strong. Identity and empowerment of their identity, and a sense of pride for being indigenous were evident (...). They would tell me: 'Before it was impossible for us to negotiate with a mayor or with a businessman. Now we seat as equals'. In the process, their identity has been strengthened. We worked on the land issue, but this is closely tied

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<sup>35</sup> According to the document of systematization of the program, during the first 10 years of implementation, the international funding contributed to cover the 67% of the total costs for the TCOs' titling process. Moreover, until December 2009, 135 TCOs with a total extension of more than 11 million hectares were titled thanks to the support of DANIDA (DANIDA and IWGIA, 2010:74).

to the cultural identity issue as well (Interview with a Project Manager of DANIDA, La Paz, June 2011).

Yet, a former officer of the VAIPO expressed a different and more critical opinion on the role of international actors in the context of the agrarian reform:

There are cooperation agencies that expressly supported exclusively indigenous peoples, and not the peasant sector, because they thought that, from the 169 ILO Convention, the logic of indigenous peoples was different and that it had been made invisible. This fact has contributed to the resurgence of certain identities and to the empowerment of others. (...) In fact, distortions introduced by international cooperation's funds generated conflicts, since (...) there are cooperation agencies that only sponsor indigenous, and not peasants. (interview, La Paz, August 2010)

Tensions and competition between peasant and indigenous organisations have increased, following the efforts of indigenous groups to expand and consolidate their grassroots. New indigenous organisations have often attempted to gain the support of local communities, affirming themselves as valid and effective social brokers vis a vis the state by, for example, starting to compete in local electoral politics. They replaced, in other words, the main functions performed locally by peasant unions. In certain cases, indigenous leaders organised 'conversion campaigns' to persuade people to join their organisation. This is how a former advisor of CONAMAQ described the 'native proselytism':

There are leaders who enter the peasant territories to convince people. They go and put native authorities where once there was the peasant union (...). For many leaders of CONAMAQ, reconstitution means controlling the peasant communities that, before, were part of their ancestral territories. This is exactly the root of the ideological and political conflicts that exist in the local space. The members of the peasant Federation do not want to be reconverted into indigenous. (interview with an officer of the Ministry of Autonomies and former advisor of CONAMAQ, La Paz, June 2010)

In some cases, the initial situation was quite clear in terms of identity and cultural features, such as in many areas of the highlands where Quechua and Aymara people preserved their language, culture and traditional organisational structures, although sometimes adapting to the union system. In other areas, where indigenous groups were smaller and more vulnerable to external shocks, many of the local cultural,

linguistic and ethnic identity traits were lost. Here, the identity revitalisation was more complex, going in certain cases through reindigenisation or ethnogenesis processes. These have been documented across Latin America coinciding with the rise of identity politics (French 2009, Jackson 2019). Although a great part of the new indigenous movement is grounded in the process of reinventing tradition and cultivating discourses on ethnic authenticity, ethnogenesis specifically refers to those cases where the creation of an ethnic identity has only marginally relied on pre-existing cultural, physiognomic and linguistic markers. These markers have almost entirely been shaped on the basis of a conscious exploration of a more or less remote historical past and mythology. The rise of new identities has become an object of longstanding controversy over authenticity and legitimacy and, in certain contexts, it is directly linked to land claims and the implementation of multicultural agrarian reforms, as in the case of Apolo.

### *Ethnogenesis and Territorial Conflicts in Apolo*

I present here a paradigmatic case of a land conflict rooted in a process of ethnogenesis that took place in Apolo, a municipality in the North-West of Bolivia. Here, the creation of a new indigenous organisation called Indigenous Central of the Leco People (Central Indígena del Pueblo Leco, CIPLA) triggered a conflict with the local peasant union – the Peasant Federation of the Franz Tamayo Province (Federación de Campesinos de la Provincia Franz Tamayo, FSUTC-FT), which in 2007 reached frightening peaks of violence and remains partially unsolved at the time of writing.<sup>36</sup>

The conflict in Apolo originated in the mid-1990s, when the FSUTC-FT – at that time the only social organisation in the region – was upset by divisions among its leaders. Following the contacts of some peasant leaders with the growing Bolivian lowland indigenous movement, in 1997 a breakaway group decided to found a new organisation: the CIPLA. These leaders made rapid contact with local communities and began to popularize a discourse based on ethno-identitarian claims and on the revival of the culture, traditions and customs of the Leco people. The Leco were one of the four dominant groups in the Apolo region during the 16<sup>th</sup> and 17<sup>th</sup> centuries alongside the Aguachiles and Tacanas. Following colonisation by the Inca and then the Spanish, the

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<sup>36</sup> I also discuss this conflict in Fontana 2014b.

Leco mixed with populations of different cultural and ethnic origins.<sup>37</sup> A few traces of Leco language and traditions still survive among contemporary Apolo inhabitants. It is important to note, however, that nowadays no evident cultural, physiognomic or class markers distinguish peasant and indigenous groups.<sup>38</sup>

Soon after its creation, the CIPLA was included in the network of the eastern indigenous movements, joining the Central of Indigenous Peoples of La Paz (Central de Pueblos Indígenas de La Paz, CPILAP) at the departmental level, and the CIDOB at the national level. According to its statute produced in 1999 with the support of the NGO Care-Bolivia (Dudley 2009), the organization follows an ‘identity-based development model’ articulated around four points: (1) organizational strengthening; (2) territorial consolidation through the recuperation of traditional lands; (3) territorial planning based on sustainable management of natural resources; and (4) promotion of sustainable productive alternatives and the exercise of indigenous autonomy as a form of self-government and self-determination (CPILAP 2009).

The CIPLA has taken numerous steps to move towards achieving these goals. In 1999, an official demand for the titling of the TCO-Leco was submitted for a total of 654,000 hectares. At the same time, the organisation was recognised by the VAIPO through a Certification of Ethnic Identity and Actual Settlement. The VAIPO declared that ‘the claimant people maintain their own identity and cultural practice as indigenous native people’, and that this corresponds to the ‘Leco Indigenous People/Quechua Native People’. This highly ambiguous denomination brought about problems in the relationship with peasants.<sup>39</sup>

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<sup>37</sup> In the 19<sup>th</sup> and 20<sup>th</sup> centuries, with economic growth and the decline of the missions, there was a wave of migration into the region, which facilitated the imposition of the Quechua, the weakening of the Leco, and the appearance of Spanish as the new lingua franca. Migrants came to Apolo attracted by possibilities of employment in the quinina and rubber industries. These changes in the local economy favoured the rise of the *hacienda* and of a local non-indigenous elite. The subordination of the local population to the *hacienda* system continued until the latter half of the 20<sup>th</sup> century, when the National Revolution started the process of land redistribution and promoted the creation of the peasant unions (Assies 2002; Sotomayor 2009).

<sup>38</sup> According to the Bolivian National Institute of Statistics (Instituto Nacional de Estadística, INE), 93.13% of the population of Apolo is poor (2001). Seventy-nine per cent (79%) of the Apoleños speak Quechua, 18% Spanish, 1% Aymara, and 0.27% speak other native languages. According to self-identification criteria, 72% identify themselves as Quechua, 15% do not identify with any indigenous peoples, 10% as native or other indigenous peoples, and 3% identify themselves as Aymara (INE and UNDP 2006).

<sup>39</sup> One of the former officers of the Vice-Ministry in charge of the process of certification clarified that: ‘We recommended calling the TCO ‘Leco-Quechua’, to acknowledge the presence of Quechuas in the area. However, the INRA did not consider our recommendation and started the cadastral study as TCO Leco’ (interview, La Paz, August 2010).

Between 1995 and 2005, 17 out of 86 communities in the Apolo municipality joined the CIPLA (Sotomayor 2009). In practical terms, however, ‘the form and procedures of local governance within the new indigenous communities did not vary considerably from the local syndicate forms that preceded them’ (Dudley 2009: 309). In general, the fact that a community decided to join the indigenous organisation was linked to the role played by local leaders and to the awareness of an indigenous past among the local population. This was correlated with the community’s remoteness, as well as to pre-existing tensions and power dynamics at the local level (interviews CIPLA members, Apolo, July 2010).

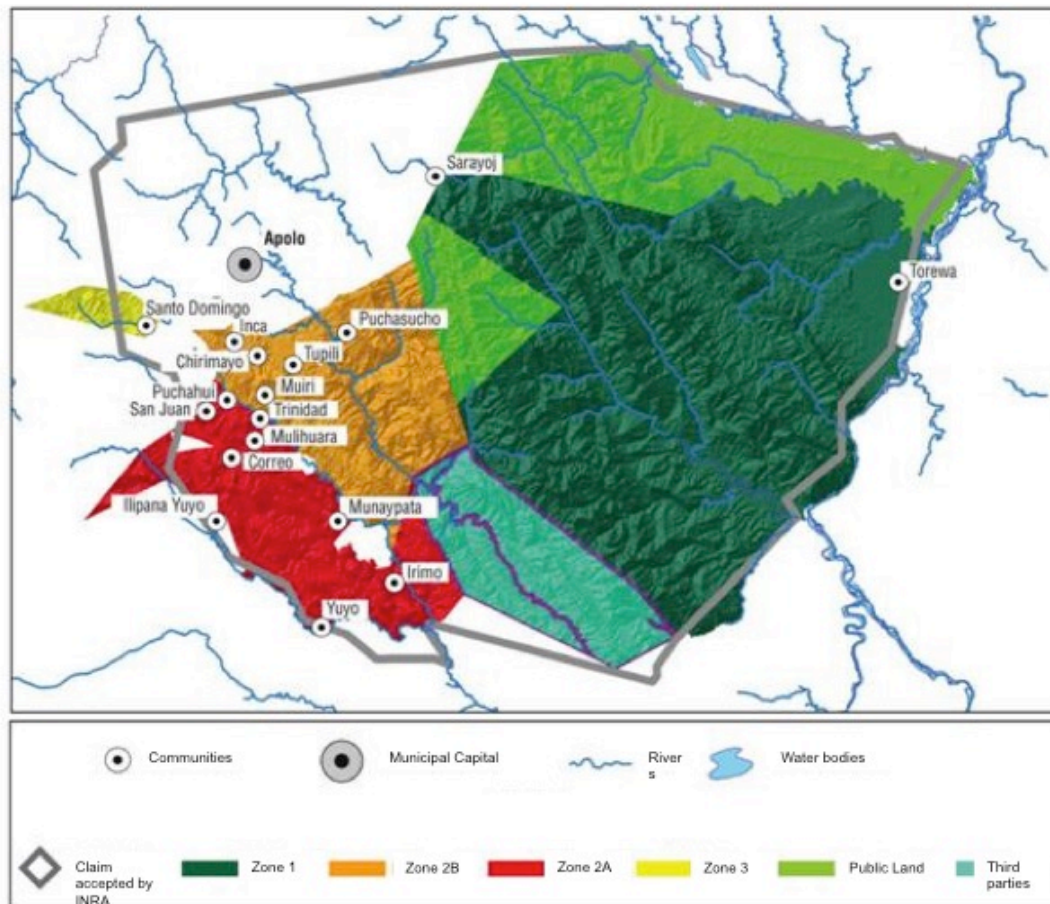
In 2002, the demand of the TCO-Leco was included within the funding plan of Danida and, in 2003, the cadastral study begun. The area was divided into three zones (Fig. 4). The study of Zone 1, almost entirely enclosed within the Madidi National Park, one of the most important biodiversity hotspots in Bolivia, proceeded relatively quickly (four months). In November 2006, the INRA issued the first title for the TCO-Leco in this zone, which triggered the most violent phase of the conflict. In May-June 2007, the conflict escalated to a critical phase: peasants began to mobilise, first by spearheading marches, blockades, and hunger strikes, and occupying public buildings. They also invaded the core-protected area of the Madidi Park, with the occupants threatening to start felling trees if the government did not listen to their claims. These claims were, in brief: the construction of a road between Apolo and Ixiamas (cutting across the Park), the beginning of hydrocarbon exploration,<sup>40</sup> and the cancellation of the Zone 1 title (La Razón 2007).

After three attempts at negotiation, the government and peasant leaders reached a minimal agreement and tensions relaxed. The peasants presented a motion to the National Agrarian Tribunal (Tribunal Nacional Agrario, TAN) asking for the revocation of the TCO-Leco. Meanwhile, the INRA put all the land claims on hold, fearing that entrance into contested territories would provoke a new wave of mobilisation and violence. This worry resurfaced after the rejection of the peasant demand by the TAN in 2010.

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<sup>40</sup> On 13 May 2007, the government issued a decree that authorized the exploitation and exploration of energy resources in Apolo (Diario 2007).

**Figure 4** Map of TCO-Leco claim in the Apolo Municipality



Source: CIPLA

Within this context of rapid changes and high social tensions, it can be illustrative to take a closer look at how different people describe the facts, as well as how they portray new and old identities. Indeed, not only do social actors themselves possess divergent collective memories of the main historical phases of the conflict, but they also cultivate narratives of ‘self’ and ‘otherness’ that serve to perpetuate tensions. There is evidence of identity playing an instrumental role in helping both peasant and indigenous narratives gain advantage in the political struggle and in response to international, national and local opportunities and constraints.

Affiliates of the CIPLA describe the conflict as a struggle for their rights and the recovery of their cultural identity, routines and customs, and native origins. They do not deny their past within the peasant Federation and they refer to the separation as a process of emancipation, motivated by the need to find the historical roots of Apolo. This break gave birth to an ‘organisation with identity’ – the CIPLA.

From that day on we started to rescue all our traditions and customs, *we are true indigenous with identity*. Therefore, we had also to suffer a bit with the brothers of the Federation...they maltreated us, kidnapped and flagellated us. (...) Those are the roots of the claim for our culture. (workshop with CIPLA's leaders, Apolo, July 2010)

We keep on strengthening the fight for our rights and for the reproduction of our cultural identity (...). When we discovered that the Leco existed here, that they organised a resistance, their way of living and all those things, thus, this was the root of Apolo. This is the identity, and *we have gained possession of this identity*. (interview with a CIPLA's leader, La Paz, August 2010)

For the members of the CIPLA, the most important difference between a Leco and a peasant lies in their vision of the world: the indigenous is community-oriented and has close ties with nature, while the peasant is individualist and 'emerges' from the colonial past. Nevertheless, the criteria for affiliation with CIPLA are relatively blurred and simply imply a will to self-identify as indigenous. Concrete elements that would prove the contemporary existence of the Leco are the language (although, according to the indigenous leaders, it is currently spoken only by a few elders in remote communities) and its traces in toponymy, as well as typical local dances attributed to the Leco tradition.

Conflicting elements clearly emerge when the Leco's statements are juxtaposed to peasant narratives. The union uses the same rhetorical tools as those of the indigenous groups to highlight the inconsistency of the indigenous identity. In particular, the fact that the Leco language is no longer spoken by people is presented as an argument to invalidate the legitimacy of the claim for recognition. Moreover, peasants deny the existence of typical Leco surnames and consider the Leco dance a local cultural feature shared by all the communities as a memory of the old inhabitants of the region.

There is only one Quechua people, native Quechua. In reality, these Leco people are only *supposed Leco* since *they do not exist*. Even in their own surnames, they don't have anything native. All their surnames are Spanish, while in the Federation we still have native [Quechua] surnames. (workshop with peasant leaders, Apolo, July 2010)

According to the peasants, the Leco people are neither recognised nor legitimate. Their claim to Leco identity is an issue of 'belief' that has no ties with what really matters,

i.e., their roots and ancestry. Peasants refer to an alternative narrative of origin, which strengthens the present situation ('we are syndicalist'), by sinking their roots into an ancestral past ('we have always been syndicalist'):

Forever, *from our ancestors*, we have been syndicalist. We belong to the departmental Federation. But now *the fellows* [Lecos] *believe they are another organisation*. They believe that they are well linked to the government. They want to diminish us through concealments, misleading us. (workshop with peasant grassroots, Apolo, July 2010)

Members of the peasant union have a strong sense of nativeness and connection to ancestral ties. This increases their resentment toward the CIPLA: 'They treat us as colonisers, as the Spanish that arrived here. We are not *colonos*<sup>41</sup> (...) We are native. Our grandfathers were born in these lands' (workshop with peasant grassroots, Apolo, July 2010).

For peasants, the process of identity recognition is grounded in verifiable data such as place of birth, language and blood ties, rather than in the kind of self-identification process valued by the CIPLA. However, within the peasant union, discordant visions around identity issues coexist. By the second half of 2010 (at the time of my fieldwork), during a Federation meeting (*ampliado*) that I was observing, some peasant leaders proposed changing the name of the organisation to 'Native Indigenous Quechua' (*indigenas originarios Quechua*).<sup>42</sup> The argument was that this would improve the position of the organisation with the government and international agencies, enhancing chances of gaining access to economic resources. Moreover, in some areas where there are conflicting land claims, identity-based demographic parameters could be used as a tactical tool to put 'the CIPLA members in a minority'. It remains to be seen whether this strategy could help peasant communities secure land access. What is nevertheless interesting is the consistent turn towards culture and ethnicity in collective self-identification as a strategy to fight 'multicultural' land battles. These dynamics are not unique of Apolo but emerge in equally remote and poor

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<sup>41</sup> Literally 'settler'. For a discussion of the complex semantics and stigmatisation around the word see Chapter VI.

<sup>42</sup> This option had already been explored by other Bolivian peasant organisations. For example, in the Chuquisaca Department the departmental peasant federation is called Unique Federation of Chuquisaca Native Peoples Workers (Federación Unica de Trabajadores de los Pueblos Originarios de Chuquisaca, FUTPOCH). A similar discussion, taking place in the late 1990s in the Santuario de Quillacas municipality is reported in McNeish 2002.



locations across the Andean region in the framework of new conflicts for social reproduction.

### **‘Peasants with Identity’ and ‘Colonial Indigenous’ in Colombia**

In Colombia, the distinction between indigenous and peasant groups have historically been less fluid than in other Andean countries such as Bolivia or Peru. Perhaps due to the influence of Marxist ideology on rural movements, a discourse grounded in class inequalities and social justice has most commonly been used to support social struggles. Yet, in recent years, significant narrative shifts have brought for the first time identity to the forefront of rural politics. As in the case of Bolivia, new inter-communal land struggles have had the effect of strengthening both physical and identity boundaries, in contexts where those boundaries had maintained a high degree of fluidity and overlap for decades. Mirroring the Bolivian timeline, inter-communal land conflicts in Colombia have emerged relatively recently in coincidence with the implementation of multicultural land reforms.

Along the Colombian Andean slopes, most communities – indigenous and non-indigenous – have suffered the consequences of land scarcity and have put in place strategies to secure greater territorial control. Over the past two decades, a number of factors played a role in converting territorial tensions into inter-communal conflicts. The presence of different groups in the same area led to a significant overlap of claims: *resguardos* for the indigenous, community councils for Afro-descendants and ZRCs for peasants. In these contexts, blurred territorial boundaries, which reflect customary and historical traditions of land sharing and group coexistence, complicate the evaluation of demands and the identification of fair solutions. Tensions have also been aggravated by the state inefficiencies and lenthitude in dealing with an increasing number of claims for tenure clarification.

Inter-communal land conflicts cannot be fully understood without considering the impact of the legal and institutional changes introduced in the 1991 Constitution. The set of differentiated rights, designed to guarantee the cultural recognition and social protection of ethnic minorities, introduced very concrete opportunities for indigenous communities to consolidate and expand their territorial control. This process has accelerated since 2010, when a Presidential Decree granted a clear mandate to the Colombian Institute for Rural Development (Instituto Colombiano para el Desarrollo

Rural, INCODER) to ‘restructure *resguardos* of colonial origin following the clarification of the legal validity of the respective titles’. Using colonial titles to claim land became, thus, one of the most common strategies adopted by indigenous groups to expand their territories. Moreover, in those cases where old titles did not exist or were lost, the *cabildos* often opted to use the revenues generated by state transfers to buy land plots in the vicinity of a *resguardo*, de facto consolidating the indigenous presence.

The recognition framework has opened new opportunities for indigenous peoples, but it has also been perceived as a threat by non-indigenous communities. Indeed, new indigenous claims have targeted neighbouring areas, which often consist of small peasant properties or state-owned land informally occupied by peasant and Afro-descendent communities, rather than big landowners’ and agribusiness properties. This puzzle is rooted in geographies of social segregation and in a long history of what Harvey (2004) calls ‘accumulation by dispossession’, resulting in the concentration of most valuable and accessible land in the hands of a few, and the progressive move of indigenous groups towards the inhospitable mountain slopes. In the 1940s and 1950s, massive displacements caused by the civil war pushed waves of poor peasants into these same regions. Here, indigenous people and peasant dwellers cohabited peacefully until very recently, when indigenous communities started to pursue a strategy of territorial expansion. Moreover, while indigenous groups have had resources and legal protection on their side, over this same period, peasant communities did not see substantial changes in the recognition of their rights. As I have already mentioned, the creation of ZRCs has been stagnant since the 1990s and no other mechanisms have been available for peasants to combat similar economic and political challenges (e.g. land scarcity, demographic pressure, political violence, environmental degradation).

This imbalance in the institutional and legal architectures in place for indigenous and peasant groups has suddenly made salient not only physical but also identity boundaries, fuelling new competition and conflict. As a researcher, who conducted a diagnostic of land conflicts in the Cauca Department for the Intercultural Institute of the Universidad Javeriana de Cali, put it:

The whole process of implementing of a multicultural state, beginning with the 1991 Constitution and a differential system of rights, (...) has begun to generate inequalities within communities who were previously neighbours. In addition, this also fuelled a

struggle for recognition of territorial boundaries (...). When it was not as important to create *resguardos* (...), the definition of who is peasant and who is indigenous was not as crucial. But recognition implies access to [monetary] transfers, health, and autonomous education. It therefore becomes important to demarcate boundaries. But delineating these boundaries where there are intercultural territories is very difficult. This is why there is conflict (interview, Cali, November 2015).

As I illustrated in the case of Apolo, land struggles linked to multicultural reforms are often associated with reshaping and strengthening of identity boundaries. Similarly, in the case of Colombia, land claims have been accompanied by the revitalisation of distinctive traditions in the form of languages, symbols and mythology. Following the example of the indigenous movement, some peasant groups have recently engaged in the crafting of a new peasant identity, which goes beyond economic and class dimensions and focuses instead on its cultural uniqueness. This uniqueness is rooted in a universe of value, a special relationship with the territory, longstanding traditions and the historical role peasants played in the nation-building process (e.g. they were those that in practice occupied and pushed the countries' wilderness frontiers, Pontificia Universidad Javeriana de Cali PUJC 2013). Changes in the collective identity of peasant movements coincided with a shift in the focus of their political battles toward the inclusion of explicit claims for the recognition of the peasantry as a distinct cultural subject, entitled to a differentiated set of rights. In so doing, peasant organizations have tried to bridge the judicial disadvantage that the 1991 Constitution put them in vis a vis ethnic group.

The shift of the peasantry toward cultural identity is clearly rooted in their perceived marginalisation within the legal framework (as we have seen in the debate on FPIC in chapter IV). Primarily, however, peasant grievances have developed at the local level, where different treatments are applied to groups that have shared the same spaces and relatively similar livelihoods for decades. Indeed, the multicultural model of state that the 1991 Constitution envisioned encouraged the formation of ethnically-defined communities (both indigenous and Afro-descendants), while invisibilising *mestizo* or peasant sectors. A recent example of this invisibilisation is, according to peasant organisations, the fact that the 2014 National Agricultural Census did not include the 'peasant' category alongside the 'indigenous' and 'Afro-descendent' ones. Peasants ended up either under 'rural *mestizo* population' or 'unclassified population' (Verdad Abierta 2014). In response, peasant organisations from the Cauca filed a

protection proceeding (*acción de tutela*) for the recognition of a ‘peasant cultural identity’. The claim was, however, rejected by a departmental tribunal with the following justification: ‘The peasant population does not have an ethnic tradition like indigenous or Afro-Colombian people. It is more about a socioeconomic reality that has to do with modes of production and not with racial origin’ (El Tiempo 2014). Yet the tribunal decision did not dissuade peasant organizations from pursuing a cultural turn. If it did not help with access to ethnic rights, this narrative shift may at least contribute to reframing the peasant cause outside of classist and economic categories and dismantling the widespread association between peasant movements and Marxist guerrillas. The peasant struggle for recognition is synthesised here in the words of a local peasant leader:

The fight for recognition of a peasant identity has been hard. (...) Peasants are considered the social base of the guerrilla. Until the government constitutionally recognises [the peasantry], coexistence will be very difficult because the rights of indigenous peoples are greater in scope than ours. This means that there must be recognition of the right to territory, as well as of the peasant as a cultural subject. From the heart, one doesn’t want them [indigenous peoples] to lose rights but rather that they recognise that redistribution should be a chance for all those who have not had their opportunity yet (interview, Inzá, November 2015).

Peasant leaders certainly resent the difficulty of forging political alliances with indigenous organisations at the local level. Yet, they recognise the need to look for alternative solutions to bridge gaps, instead of fractioning the rural movement. One example of this is the idea of constituting ‘inter-ethnic territories’, whose management and institutional arrangements would have to be the result of an agreement between different groups within a given social community. Difficulties in creating such territories arise, however, from fears of indigenous sectors that they will lose the rights they have achieved through longstanding social and political struggles:

[The peasants] want a new Constitution. But how will we [the indigenous] end up with that? In the 1991 Constitution we made some gains that really helped us. But if we have a new Constitution, who knows how we are going to end up. (interview, Inzá, November 2015)

More importantly, however, holes in the institutional and juridical frameworks impede the constitution of ‘intercultural territories’. Although in many parts of Colombia complex social communities where different groups coexist and overlap are the norm rather than the exception, the available options in terms of collective land titles imply homogeneous social configurations (or at least the primacy of one group over the others). Minorities within a given collective territorial unit either accept the authority of the majority and its forms of governance, or else leave. This rigidity and misrepresentation of social communities aggravates inter-group tensions, because it drastically reduces the potential to achieve compromising alternatives. The lack of awareness and understanding of local dynamics by state institutions simultaneously undermines the treatment and resolution of inter-communal conflicts. The sub-units in charge of dealing with indigenous and peasant issues within the INCODER, for example, work as sealed off units that pursue different and at times contradictory mandates.<sup>43</sup>

The Cauca Department, in south-west Colombia, represents a particularly interesting case to study inter-communal land conflicts. It is one of the poorest regions of Colombia,<sup>44</sup> and is also one of the most ethnically and culturally diverse.<sup>45</sup> As I mentioned in chapter III, the Cauca has been the cradle of the Colombian indigenous movement since the 1970s. The region also hosts some of the strongest, well-organized and vocal peasant movements in the country, including: the Unitary National Federation of Agricultural Trade Unions (Federación Nacional Sindical Unitaria Agropecuaria, FENSUAGRO); the Popular Unity Process of the Colombian Southwest (Proceso de Unidad Popular del Suroccidente Colombiano, PUSOC); and different Associations for the Constitution of Peasant Reserve Areas (Asociaciones Pro-constitución Zona de Reserva Campesina). Both indigenous and peasant movements

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<sup>43</sup> As one of my informants at the INCODER explained to me: ‘The INCODER is divided into sub-administrations. There is a sub-management unit of ethnic issues that manages all policies related to indigenous and Afro-descendants, while there is also a sub-management unit of rural lands that handles all peasant issues. When I arrived at the INCODER, these two sub-administrations did not talk to each other. Then, each one was following its own interests, some trying to do their duty to the indigenous and the Afros, and the others trying to do their duty to the peasants. So while one was constituting *resguardos* in one area, the other was titling private land for the peasants in the same area’ (interview with former INCODER officer, Bogotá, November 2015)

<sup>44</sup> The incidence of poverty in the Cauca is 62%, which is more than double the national average. The household per capita income is 46% of the national average, and 25% of the average in the capital city Bogota (UNDP 2014).

<sup>45</sup> 59% of Caucan population is rural. 43% declares they belong to an ethnic group, including Afro-descendants and indigenous peoples (UNDP 2014).

have been key local political actors and competing land claims have multiplied over the last decade (Fig. 5). In the municipality of Inzá, in eastern Cauca, peasant and indigenous communities are engaged in two on-going land disputes that represent good examples of the new kind of conflicts that the region is experiencing.

### *Conflicts over Ancestral Territories and Local Governance in Inzá*

Inzá is one of the main towns of a region known as Tierradentro, literally ‘the inside land’, in the eastern part of the Cauca Department. A geographic barrier formed by high swampy Andean plains separates Tierradentro from Tierrafuera (‘the outside land’). Both Tierradentro and Tierrafuera have been historically occupied by the Nasa people, one of the biggest indigenous groups in this part of Colombia (Rappaport 2005) – and are considered the strongholds of the Nasa culture and political activism. The difficulty of accessing the area kept Inzá in relative isolation until the mid-20<sup>th</sup> century, when peasant families fleeing the civil war were displaced here (Oslove & Custard 1980). The construction of a road between Inzá and the Cauca’s capital Popayan (91 km) during the 1970s significantly improved the accessibility of the region and encouraged further inflow migration. Enhanced connectivity, however, was not a deterrent for guerrilla organisations: the FARC, for example, continued to regularly transit across this area, recruiting indigenous youth and limiting the freedom of assembly and movement of local communities (Rappaport 2005).

In contrast to other parts of eastern Cauca where the great majority of the population is Nasa (as in the case of Toribío that I discuss in the next chapter), Inzá has a complex human geography where indigenous communities make up only about half of the local population (UNDP 2014). These communities have historically shared their territory with *mestizo* peasants and Afro-Colombian farmers (Rappaport 2005). A relatively peaceful inter-ethnic and inter-cultural coexistence has been disrupted in recent years by demands for substantial territorial extension of Nasa land. Five out of six indigenous *resguardos* recently put forward demands for extension, while two more colonial *resguardos* are in the process of clarification. Indigenous claims have triggered tensions with other local inhabitants, and particularly peasant communities, that occupy or hold claims over the same land. The situation has been aggravated by the new ambitions of the local peasant association – the Peasant Association of the Inzá

Municipality (Asociación Campesina del Municipio de Inzá, ACIT) to create a few ZRCs in this area (Fig. 5).

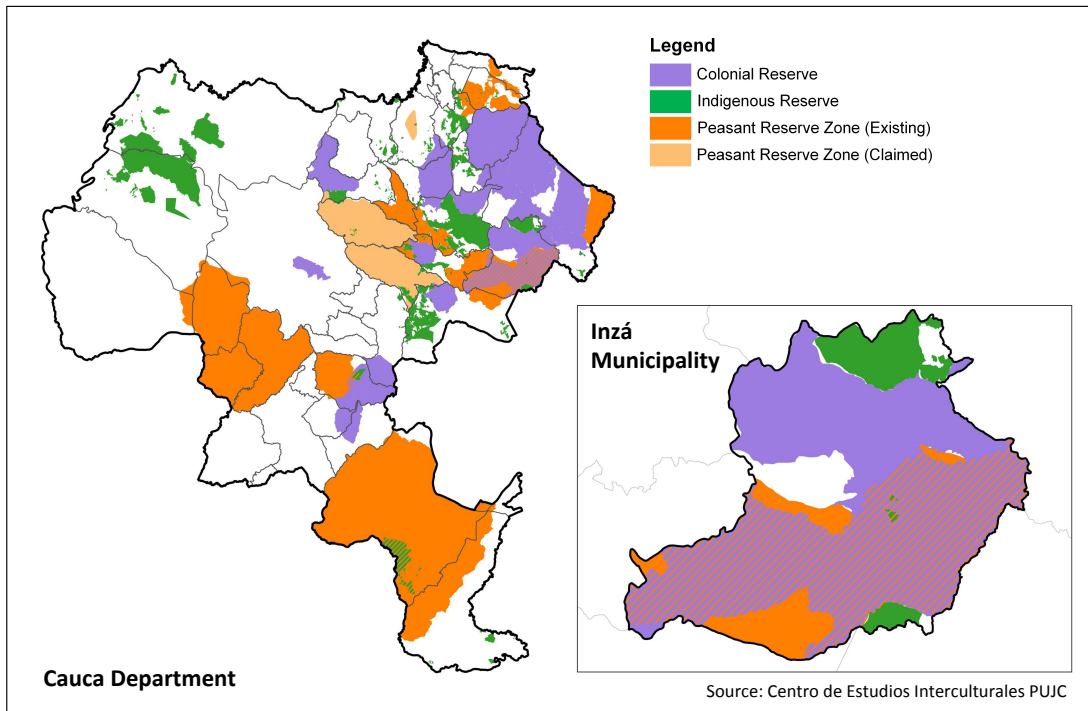
As a result, land disputes are widespread across the Inzá territory. A particularly tense front opened following the request of clarification, in 2008, of two colonial *resguardos* of Turminá and San Antonio de Pedregal (about 20,000 hectares in total). The request raised the opposition of peasant inhabitants, who claimed they legally acquired property titles over that same land after the regional government declared the area vacant a few years back (PUJC 2013). The primary difficulty authorities faced in mediating the dispute was that, given the existence of overlapping ancestral and private property titles, both collective and individual rights ought to be considered legitimate. An agreement could only be reached if the parties were willing to negotiate and renounce to fully exercise their rights.

Further tensions arose when the same territory was included in a ZRC (with an extension of approximately 40,000 hectares), de facto constituted by the ACIT as part of its strategy to protect smallholder property against indigenous territorial expansion (interview with peasant leader, Inzá, November 2015). The constitution of a ZRC was not favourably received by the Nasa *cabildos*, who feared losing control over their territory and see ZRCs as jeopardising their expansionist efforts (interview with indigenous leader, cit.). For the peasants, however, the ZRC does not only represent a way of securing land tenure but is also a matter of power, governance and recognition. Indeed, the ZRC would provide an alternative system of local governance to counter-balance the authority of the *cabildos*.

Peasants have become increasingly reluctant to accept indigenous authority, which comes as a precondition for being able to reside within the *resguardo*. As the former governor of the Yaquiva *resguardo* – himself a *mestizo* who has been part of the Nasa community for decades – explains, non-indigenous residents ought to obey and follow indigenous institutions and way of living to be accepted within a *resguardo*:

We are not going to violently evict those who think like a peasant (...). They will continue to be part of the territory and of local politics because they also have reasonable rights. But they'll have to respect that this is already a *resguardo* and they'll have to be a part of the political life within it. (interview, La Milagrosa, November 2015)

**Figure 5** Map of peasant and indigenous collective land titles and claims in the Cauca Department



This, however, is easier said than done. Many peasants have begun to develop growing resentment toward indigenous authorities and consider the expansion of the *resguardos* a threat because it reduces access to resources and undermines their own culture and identity.

The conflict is not only about [land] tenure but also about the territory's governability. Who governs the territory sets the conditions, and if they govern from an indigenous standpoint, we could lose our culture, our identity, our forms of production and our vision of territory. (interview with peasant leader, Guanacas, November 2015)

The tendency of land disputes to escalate and become violent is linked to the fact that land control is rarely the only issue at stake. These conflicts often occur when groups attempt to establish their authority over a given space. Thus, they are in fact about local governance or, as a peasant leader put it, about 'whom is exercising power over whom' (interview with peasant leader, Guanacas, November 2015). In this context, competition for power does not happen exclusively through traditional political channels (e.g. municipal elections), but also through the consolidation of customary or associational authority structures – namely the *cabildos* for indigenous groups, the community councils for Afro-descendants and the ZRC committees for peasants.



The expansionist strategy of indigenous communities has often been accompanied by efforts to strengthen the *cabildos*' authority, through adopting strong-arm tactics vis a vis peasant households living within or on the edges of a *resguardo*. One of the harshest conflicts between indigenous and peasant groups in the Cauca started in 2010 in San Andrés Pisimbalá, a *resguardo* within the Inzá municipality. The conflict reached national and international attention when, in 2013, the town's 17<sup>th</sup> century church went up in flames as a result of an arson attack. Responsibility was never assigned, but the episode marked the peak of a conflict with multiple ramifications, from land to service provision to local governance.

The epicentre of the territorial dispute is the pueblo of San Andrés Pisimbalá, the main urban settlement within the homonym *resguardo*, inhabited by a mix of indigenous and peasant population. Following the rise of divergences around the local schools (which I will discuss in detail in chapter VII), the local peasant community began to challenge the authority of the *cabildo* and refused to be counted as residents of the *resguardo* anymore. Peasants claim that they hold property titles (*escritura pública*) over the land that was granted to them, or to their ancestors, when they moved into the area – mainly as a result of violent displacements in the 1940s and 1950s. Indigenous leaders do not dispute the fact that peasants settled in the area with the consent of the *cabildo*, but they nevertheless consider those property titles invalid since they were not signed by indigenous authorities at the time. Hence, peasants do not have any formal entitlement over the land they have been occupying for decades. Moreover, indigenous leaders are puzzled by the fact that peasants are suddenly opposing the *cabildo* authority, especially given that living on the *resguardo* brings a number of benefits to its residents, including peasants.

Those that are part of the *cabildo* organisation have many benefits, many rights, many opportunities (...). We have been recognised at the national level with the Constitution (...). We are ready to welcome everyone even if they are not indigenous, if they are willing to embrace our organisation. Here, we have always coexisted, indigenous or not, and that is what we want (...). The majority of peasants forms part of our [organisation]. Only a few of them are suddenly becoming blind. They have no vision for the future. (interview with San Andrés indigenous governor, San Andrés, November 2015)

In an effort to settle the dispute, the *cabildo* offered to buy out peasant properties. However, the refusal of some families to sell generated resentment among indigenous residents, who began to occupy peasant estates (*fincas*) and cultivated fields (interview with San Andrés *resguardo* members, San Andrés, November 2015). In certain cases, houses and crops on those properties were set on fire. According to a peasant leader, between 2010 and 2015, 27 claims against the *cabildo* were filed for land invasion, personal injury, damage to third party property, threats, kidnapping and murder (interview, San Andrés, November 2015). Peasants consider these actions part of a strategy to intimidate them and force them to leave, and ultimately, ‘to start recovering [indigenous] territory’ (interview with peasant leader, cit.). If territorial recovery is understood by indigenous peoples as a legitimate right based on their history and cultural attachment to the land, similar feelings and arguments are put forward by peasant dwellers as well.

As those indigenous peoples who have lived on the territory for more than 400 years, we as *mestizos* or peasants have also lived here for more than 100 years. Our ancestors came here many years ago (...). We also have ancestry, we have roots where we live. And morally, it affects one to be outside of one’s territory. (interview with San Andrés peasant leader, San Andrés, November 2015)

Peasants’ attachment to their territory and their reluctance to leave, as well as their need to find some alternative form of governance to the *cabildo*, motivated the declaration of a de facto ZRC around the town of San Andrés. In the union’s view, the creation of a ZRC implies that peasants are also ‘recognised and can continue to live here’ (interview with San Andrés peasant leader, cit.) under their own authority. A committee will be in charge of producing a Peasant Development Plan that could receive funds from the state, create mechanisms to prevent exploitation and accumulation by private companies, and secure land tenure (interview with peasant leader, cit.). This solution, however, is perceived as the second best for some members of the peasant organization who would prefer a more inclusive form of territorial and governance arrangement. This is the opinion of a women of indigenous origins that, after the escalation of violence in San Andrés, decided to join the peasant organisation in protest against the ‘acts of aggression’ perpetrated by the *cabildo*:

The state puts us in this mess, in this fight for territory, when they said that indigenous territories should be distinctly indigenous, that is, there shouldn't be another organisation. (...) So, when the state says that indigenous people have to cleanse their territory, it means that other people who have property titles [*escrituras públicas*] either donate it, sell it, or leave. There is not a way for us to live together because what they want, in reality, is for the territory to be purely indigenous. (interview, San Andrés, November 2015)

Even if some local dwellers would be in favour of a compromising solution, as I mentioned, the constitution of intercultural territories is not viable under the current legal framework. Communities, in other words, are left with no alternative for peaceful, negotiated solutions. Meanwhile, the conflict between indigenous and peasants has aggravated endemic violence and the two groups blame each other for that. On the one hand, indigenous leaders consider that the peasants encouraged a greater presence of the army in the area as deterrent to the guerrilla activities, which however placed local communities in the crossfire. On the other hand, peasants deem indigenous responsible for the increased number of attacks by the guerrilla, which were constantly passing through indigenous territories but were particularly acting belligerently against peasant communities. In 2013, the FARC killed three peasant children, including the 14-year-old daughter of one of the local leaders of ACIT, when they returned to their communities after leaving the guerrilla's ranks and files (interview with ACIT leader and mother of one of the victims, San Andrés, November 2015). The peace agreements signed between the Colombian government and the FARC in 2016 has brought significant improvements for Inzá communities. When I visited the region, a handful of tourists were wondering about to explore the local museum and some old Nasa graveyards up in the hills surrounding San Andrés. However, the departure of the guerrilla has not contributed to find solutions for other issues that communities are facing, including land scarcity and a secure control over their territories.

## **Spatial and Discursive Battlegrounds**

Land restitution for indigenous peoples is generally associated with common assumptions about the existence of longstanding cultural identities tied to an ancestral territory ruled by customary forms of governance in respect of the natural environment. These assumptions are often over-simplistic and overlook the complexity of social

communities. In practice, as I have illustrated using examples from Bolivia and Colombia, drawing the lines of ethnic boundaries and ancestral territories is an extremely challenging and potentially conflictive process. As Fay and James wrote:

While restitution is an idea with an almost intuitive moral appeal, carrying it out inevitably enforces lofty principles of justice and restoration to confront the massy practicability of determining ownership, defining legitimate claimant, establishing evidence for claims and overcoming potential opposition. (2009: xi)

The history of multicultural land reforms is one of shifting relationships between indigenous peoples and the state, and indigenous peoples and other rural groups. Indeed, recognition reforms have the potential to embed both empowering and exclusionary policies. If on the one hand, land restitution can generate a new sense of identity and community as well as promises of greater autonomy and wellbeing for indigenous groups, it can also fuel resistance from other social groups who may feel excluded or unfairly treated (French 2009).

Feelings of exclusion and injustice by non-indigenous groups are often justified by the fact that, over the last twenty years, non-indigenous claims did not receive nearly as much attention as indigenous ones. In the Andean region, the titling of indigenous land progressed rapidly and steadily since the 1990s, with Bolivia, Peru and Colombia becoming the countries with the greatest amount of titled indigenous land in South America (Rights and Resources Initiative 2015a). In contrast, only minor progress was made in the mapping and allocation of peasant land. In the case of Colombia, the creation of ZRCs was long postponed and remains highly contested. Even in Bolivia, where peasant unions have occupied a key position within the state apparatus in recent years, priority has been given to indigenous land titling. In Peru, where efforts were similarly put in titling native land, the weakness of the legal framework has made highland communities particularly vulnerable vis a vis the state-encouraged expansion of the mining industry. Across these three countries, the situation has been exacerbated by the fact that indigenous land titling was in many cases funded by international cooperation agencies<sup>46</sup> (Assies 2006), which often ended up reproducing longstanding

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<sup>46</sup> A telling example is the 10-year long programme of the Danish cooperation (Danida) 'Support to the rights of indigenous peoples'.

racialised geographies (Andolina *et al.* 2009); while the budget for peasant land titling was lower or did not benefit from international aid at all.

As a result, the achievements of indigenous peoples have been more or less openly criticised by peasant sectors. One of the common complaints is that, under the indigenous rights framework, an ‘unfair’ amount of land is allocated to relatively small groups (‘too much for too few’, as Stock 2005, put it). Throughout the region, it is not uncommon to hear peasant leaders referring to indigenous land as the ‘new *latifundio*’. Even when peasants are sympathetic towards indigenous rights, they still have to deal with a sense of exclusion and injustice. From their perspective, indigenous peoples are extremely protective of the advances made in the recognition of ethnic rights and are reluctant to show solidarity with other groups’ demands because they fear the risk of jeopardising their own achievements. In this context, it is not surprising that the implementation of a differentiated set of rights rooted in ethnic recognition has reinforced identity boundaries and prevented inter-rural alliance and articulation.

The strengthening of social boundaries is the result of a new emphasis on culture and ethnicity that strives to justify claims for rights and resources. Across Bolivia, Colombia and Peru, these discursive shifts are not the prerogative of indigenous groups, but are increasingly mirrored by peasant organisations. The latter have started to incorporate references to a sense of belonging, or ‘ancestral’ attachment to the land, in their discourses to justify their demand for recognition. This turn towards identity can be understood as a tactic in response to a normative framework that favours identity-based claims for resource allocation. In this context, the discursive space becomes a privileged ‘battlefield’. Here, new identities are formed and stories and mythologies are reinvented. A new semantic repertoire contributes to generate a collective representation of the adversary, while at the same time, dialectically influencing the representation of the ‘self’. This ‘self’ is mainly constructed in opposition to what the ‘enemy’ is or is assumed to be. In the words of Noel Castree (2004: 152), ‘This is more than just a semantic issue of signifiers and signifieds. It is also an issue of how identities are claimed or made, on how “insiders” and “outsiders” are created through the identification process, and how real place-projects are pursued in the name of these identities’. Besides questions of authenticity and legitimacy, what is interesting is the trajectory that leads to the emergence of new identities and the reasons why drawing from an ancestral past is a recurrent feature of contemporary social struggles in the Andes.

The turn towards identity goes beyond the aesthetics of discourse. It grants a new dimension to land struggles: parties' positions have increasingly shifted from resource-based claims to ethno-identitarian issues, traditionally more resistant to bargained agreements (Taras and Ganguly 2008). In this process, other grievances beyond land access have resurfaced in regard to power and local governance. It is indeed looking beyond the more obvious aspects of land struggles, especially around the definition of physical boundaries, that the limits of recognition reforms become evident. Whether through the constitution of new indigenous territories or the expansion of existing ones, the implementation of multicultural land reforms fails to account for the existence of 'complex territorialities' where different groups coexist and form complex social communities.

On the one hand, an astigmatic regard to local contexts is not suited to capture the historical processes that shaped contemporary social landscapes. It fails, for instance, to understand why certain groups prefer not to identify as indigenous even if this makes the fight for land more difficult (such as in the case of Apolo), or to explain why indigenous leaders embark in a radical eviction campaigns of peasant neighbours (as occurred in Inzá). On the other hand, the myopic range of options available to address territorial claims consolidates geographies of segregation and aborts any attempt to find alternative solutions. This is the case with land restitution claims based on colonial titles. These restitution politics are explicitly designed to redress injustices and current lack of recognition by seeking to reinstate the conditions of the past. By doing so, however, they are grounded on a weak precondition: the arbitrary chance of a community getting their land recognised by colonial authorities and of being able to provide evidence through a colonial title. At the same time, this segregationist approach to land restitution has, in practice, impeded the creation of intercultural territories based on the coexistence of different land ownership regimes (collective and private) and of multiple systems of local governance. The failure of the recognition framework to account for historical complexity and social contingency is responsible for other kinds of social tensions rooted in demographic changes and human mobility, which I will examine in the next chapter.

## **CHAPTER VI**

### **Unsettled Demographics**

Changes in local demographics have introduced new challenges for the coexistence of different social groups in the post-recognition phase. These changes are rooted in both exogenous and endogenous factors. On the one hand, sustained migration flows have created new settlements, expanded the agrarian frontier and pushed indigenous groups to assume a more hostile and protectionist attitude vis a vis non-indigenous settlers. On the other hand, indigenous groups' growing population rates have encouraged an expansionist strategy that strives to access new territories already occupied by other groups. This chapter considers both exogenously and endogenously driven changes in rural demographics as factors that contribute to give new relevance to social heterogeneity and to redistributive measures embedded in recognition reforms. As we have seen in the previous chapter, land is often at the root of recognition disputes in context of resource scarcity. In this chapter, I analyse how social heterogeneity can fuel land conflicts, as well as conflicts for social provisions (e.g. access to water and electricity), linked to the implementation of recognition reforms. Because these conflicts are all related to changes in local demographics I call this type of recognition conflicts demographic conflicts. I rely on empirical cases from the inter-Andean regions of Peru to illustrate the challenging coexistence between rural migrants and indigenous communities; and on the case of the Cauca Department in Colombia to analyse how population growth, combined with a situation of endemic violence generated by the civil war, has aggravated resource competition. Based on these empirical cases, I argue that the recognition framework is poorly equipped to account for the more fluid aspects of social interaction that are embedded in migration dynamics and other demographic changes.

#### **Exogenous Pressure: Rural Migration and New Settlements**

In Latin America, migration studies have mainly been concerned with flows towards Western countries on an international level, and with processes of mass urbanisation as well as the exodus from the countryside on a domestic level. Yet, since the 1980s, flows to secondary cities and rural frontiers have been increasing even when compared to

urban migration (Altamirano *et al.* 1997; Mougeot 1985; Carr 2009). In countries such as Brazil, Ecuador, Honduras and Peru, rural–rural or urban–rural migrants represent a third of total migrants (Bilsborrow 2001). These flows have often been encouraged by state-sponsored resettlement programmes, as part of a nation-building strategy of territorial occupation and control of peripheral land. Moreover, investments in infrastructure and development initiatives in remote areas have worked as indirect pulls towards the frontier (Findley 1984). In the Colombian Amazon, for example, institutional subsidies and public investments spawned a land market distortion whereby the existing farmland was overpriced, while frontier land remained underpriced, leading to population movements towards these regions (Heath and Binswanger 1996). In Peru, in the late 1980s the government put in place incentive programs for the creation of new settlements, in order to consolidate the control over remote areas and increase food production. In this framework, communities or settlements had to register as Agrarian Associations to be able to receive plots of land and loans to purchase agricultural tools (Newing 2009). Meanwhile, Bolivian highlanders have increasingly migrated to the valleys and lowlands (Rudel 2009), after a new Agrarian Law (1996) established that unproductive lands had to be recovered by the state and redistributed through colonisation programs (Vargas & Osinaga 2009).

Across the region, multicultural agrarian reforms implemented in the 1990s have greatly influenced internal migration dynamics. As I mentioned in chapter V, over the last twenty years many indigenous groups have taken advantage of the receptiveness of the state vis a vis their land claims and have successfully secured a certain degree of control over their territories. The extension of these territories,<sup>47</sup> however, has not always proved consistent with the population needs. While Amazonian groups have generally obtained very generous extensions of land, in the highlands and valleys, higher demographic density and the contiguity and sometimes overlapping of indigenous and non-indigenous communities have resulted in the titling of smaller plots, which are unsuited to provide decent standards of livelihood. As a result, indigenous highlanders have increasingly joined the ranks of rural migrants.

Along the fertile inter-Andean valleys, dramatic changes triggered by the arrival of rural migrants, as well as informality and lack of planning following the initial phase

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<sup>47</sup> This is established by a combination of objective and subjective criteria, including more or less sophisticated projections of needs to maintain decent conditions of subsistence, as well as reference to colonial titles and proofs of ancestral occupancy.



of territorial occupation, have contributed to the rise in social tensions between old inhabitants and newcomers. These tensions often persist throughout the process of redefining new territorial boundaries. Migratory pressure has indeed been one of the main reasons behind the need to formalise (through cadastral studies and issuing of property titles) areas that have traditionally been characterised by very loose and fluid territorial boundaries. As we have seen already in chapter V, reterritorialisation processes are in certain cases coupled with identity redefinition, with the consolidation of new collective identities and the dilution of others, and with increased identity rigidity and social closure (Coate and Thiel, 2010).

Migration-related conflicts are present across the Andean region. They are linked to the movement of populations from highland to lowland regions, especially along the subtropical fertile strips at the edge of the rainforest. They are, however, not exclusive to the Andes. In Nicaragua, for example, tensions between Miskito peoples and ‘*colonos*’ (as rural migrant are commonly called across Latin America) for the control of land have been mounting in recent years, leading to numerous victims, displacements and continuous violent attacks (Mollett 2011; Robles 2016). Similar conflicts are ongoing in Costa Rica, where the murder of Bribri indigenous leaders in early 2020 have been linked to land disputes with peasant settlers (Lakhani 2020). Despite the fact that migration flows are known to be sources of social disruption (Alexiades 2009; Dancygier 2010; Cochrane 2015) and are commonly associated with the rise of inter-group tensions, social conflict linked to rural-rural migration is still poorly understood.

In order to provide an insight into migration-related conflicts and their relevance for recognition politics, I present here cases from Peru, drawing both on data collected during my fieldwork in the Selva Central region (Satipo and Oxapampa provinces) in March-April 2016, as well as on secondary literature sources and archival research concerning other emblematic cases in departments with similar migration patterns (Cajamarca and San Martín).

### **Migration Dynamics and Land Disputes in the Selva Central, Peru**

The Selva Central is a subtropical region at the heart of Peru. It is home to around 230 native communities, mainly Yanesha and Ashaninka, all belonging to the Arawac linguistic family. Their ancestors have occupied the region since 1800 B.C. (Lathrap

1970). During the colonial period, a few Franciscan missions were established in the area. It was only in the late 19<sup>th</sup> century, though, that a broader occupation of the region began, in conjunction with the establishment of *latifundia* for agriculture and livestock production. Economic development started to attract labour force from other regions, particularly from Andean peasant communities. International migrants from Europe, especially from the Austro-Hungarian Empire, were also redirected towards these fertile valleys through government-sponsored programmes. Major infrastructural projects in the 1940s and 1970s brought new migration flows to the region and contributed to rapid population growth (from 23,000 inhabitants in 1940 to approximately 213,000 in 1981) (OAS 1987). Since the early 2000s, the Selva Central became even more attractive to internal migrants, especially from the Andean departments of Huancavelica, Junín and Apurímac, following the de-escalation of the conflict with the guerrilla movement Sendero Luminoso. According to the last household census, both major provinces of Oxapampa and Satipo have been showing positive migration rates in recent years (Sánchez Aguilar 2015).

As in other similar areas situated on the fringes between highlands and lowlands, in the Selva Central rural migrants have followed two main colonisation strategies: creating informal settlements on non-occupied land, often alongside new-built roads; or purchasing their plots from regional governments and private owners before resettling. They usually gather in one area called *caserío* or *sector*, a more informal type of settlement than a community. In certain cases, they organise in associations of producers (*asociaciones de productores*), especially in crop-intensive production areas (e.g. coffee).

Following the creation of new settlements, conflicts are usually triggered by the overlapping of the areas occupied by the migrants with land either formally belonging or claimed by indigenous communities. This is often the case following processes of informal land occupation. However, the acquisition of land titles prior to relocation does not guarantee less conflictive outcomes. In fact, many land conflicts are rooted in administrative mismanagement, whereby local and regional governments allocate land titles over areas formally belonging to indigenous communities, or awaiting formal recognition. Besides the cases of local corruption that certainly exist, these errors are grounded in institutional inefficiencies and lack of centralised information. Indeed, in Peru there is no computerised register of communal and land tenure at the regional or

national level.<sup>48</sup> Even when titles are issued, the property boundaries are not mapped and georeferenced (interviews with officers at the Peruvian Ombudsman Office, Lima, April 2016). Title overlapping and lack of clarity on property boundaries make it very difficult to find solutions to the emerging conflicts before entering a judicial process. Informality and mismanagement are aggravated by delays in state interventions, and it is obvious that the more the settlers are left to occupy a given territory, the greater their resistance will be towards relocation or other compromising solutions.

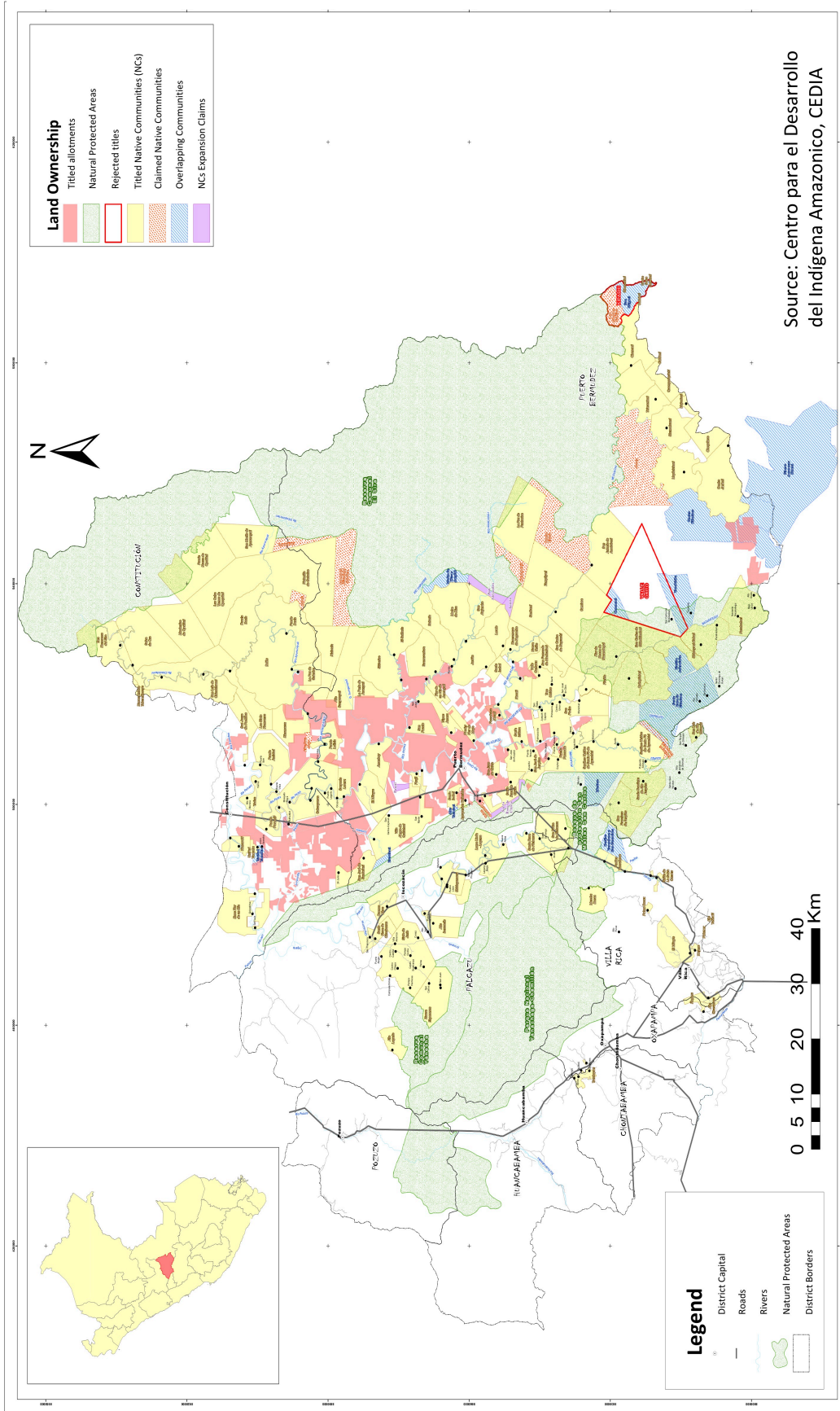
### *Settlements in the San Matías San Carlos Protected Area: Environmental Protection or Service Provision?*

It is often the case that new settlements not only overlap with community land, but also with areas that have some special environmental protection status – either as a protected area or a national park. This complicates the tenure scenario further and it is no guarantee of a quicker or more efficient state response. The protected area San Matías San Carlos offers a telling example of this complexity (Fig. 6). San Matías San Carlos was created in 1987 with an allocation of 145,818 hectares of tropical moist forests ranging between 300 and 2,250 meters of altitude. Since its creation, it has received waves of migrants from highland regions as well as from nearby towns. Pushing factors for these movements were both displacements caused by the civil conflict during the late 1980s and 1990s, as well as the search for additional lands, especially those apt for coffee production (interview with Ashaninka advisor at the Centre for the Development of Amazonian Indigenous, La Merced, April 2016). The existence of a protected area did not deter the creation of new settlements, however. In fact, the almost complete absence of state institutions and monitoring mechanisms encouraged, for over twenty years, land occupations in a framework of total impunity and lack of regulation. This resulted in an incredibly complex land tenure landscape (as it can be appreciated in Fig. 6) and had generated occasional frictions with the native communities already living in the area, who claimed ancestral rights over the protected forest.

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<sup>48</sup> Complaints are even more justified by the fact that a centralised and computerised register of around 50,000 mining concessions does exist (managed by the Mining and Metallurgic Geologic Institute, Instituto Geológico Minero y Metalúrgico, INGEMMET), while no such equivalent exists for individual properties and even for the few thousand indigenous and peasant communities.

**Figure 6** Map of land ownership in the Oxapampa-Pasco Province



In the late 2000s, indigenous inhabitants created a committee of self-defence called the Army of the Ashaninka Nationality of Pichis (Ejercito de la Nacionalidad Ashaninka del Pichis, EINAP) to resist new occupations (Gaspar 2009).<sup>49</sup> Although no one was killed in the conflict between indigenous communities and migrants, house burning, physical confrontations and verbal threats have been common. In recent years, the already tense situation has been exacerbated by allegations of land trafficking within the protected area. According to local sources, illegal activities involve both settlers and native leaders. In 2011, the National Service of State Natural Protected Areas (Servicio Nacional de Áreas Naturales Protegidas por el Estado, SERNANP) launched a warning to dissuade people from engaging in land purchases within the protected area (Inforegión 2011). One of the indigenous land claims in Valle Orito (marked in red in Fig. 6) has been suspended, awaiting investigations about land trafficking in the area (interview with Ashaninka advisor, cit.). To be sure, land trafficking is only one of the illegal activities that affects the protected area, which is also threatened by the construction of roads for lumber extraction and by the expansion of illicit crops (coca and poppy) (Gaspar 2009).

In 2008, after years of illegal occupations and mounting tensions, a protected area headquarters was eventually established. This was a first step toward ensuring a greater institutional presence within the region, although it would take another seven years for the publication of the first management plan. Interestingly, the protected area's administration was given a very broad mandate, which went beyond environmental protection. It included, for example, the preservation of agricultural soils, towns and infrastructure against the effects of water erosion. This has likely facilitated the adoption of a very pragmatic attitude towards the issue of illegal settlements. In the words of the Director of the San Matías San Carlos Protected Area:

There are people that have been living there for more than twenty years, mainly producing coffee. It is a reality and we have to see how we manage it (...). One goal is to improve the productivity of those plots that are already there in order to avoid the expansion of the agrarian frontier. (interview, Pichinkeni, April 2016)

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<sup>49</sup> Probably inspired by the experience of the Ejército Ashaninka formed in the 1990s to resist Sendero Luminoso incursions (information retrieved from database of indigenous peoples, Ministry of Culture, <http://bdpi.cultura.gob.pe/node/15>, accessed 10 November 2017).

Between 2014 and 2015, the first effort to count the settlers estimated their number at around 3,500 (interview with Director of the San Matías San Carlos Protected Area, cit.). The oldest settlements, which in certain cases date back more than two decades, are organised in associations of plots holders (*asociaciones de parcelarios*) and have been lobbying local governments for access to service provisions such as electricity, sanitation, health and education. While the park administration adopted a rather moderate position and is keen to compromise, these claims have generated strong resistance from indigenous communities, who interpret them as a sign of more permanent arrangements. As a result, settlers' claims have triggered new tensions even in cases that had not generated conflict in the first place, or that had been already peacefully resolved.

The resurgence of tensions around claims for social provisions is common in many migration-recipient areas. The community of Shimpiyacu in the district of Alto Mayo, San Martín Department,<sup>50</sup> represents another such case. In 1998, this community announced that members of the Association of Agrarian Producers of the Alto Hiascayacu 'had invaded Shimpiyacu communal lands'. Investigations of the Ombudsman's Office verified that, in 1996, the 110 members of the Association were indeed assigned land plots by the Regional Direction of Agriculture over indigenous territory (Defensoria del Pueblo 2002). Despite a resolution of the provincial tribunal in favour of the indigenous community (1999), the eviction did not take place. Native and migrant leaders eventually found an agreement, which allowed migrants to stay in exchange for a rent. The agreement, however, expired in 2017. The native community's attitude has changed since they witnessed the attempts by the Association of Agrarian Producers to obtain services from the state. According to the National Office of Dialogue and Sustainability (Oficina Nacional de Diálogo y Sostenibilidad, ONDS),<sup>51</sup> Shimpiyacu is now willing to enforce the relocation of the migrants, resorting to the 'application of their native laws' and even violence if necessary, according to an Ombudsman's officer:

The community has already notified all the state authorities that they want the three sectors to leave their territory definitively. And if they do not leave peacefully, they

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<sup>50</sup> This is another Peruvian department that shares similar characteristics with the Selva Central.

<sup>51</sup> Information retrieved from the Peruvian Presidency of the Ministers' Council website, <http://onds.pcm.gob.pe/wp-content/uploads/2016/03/W401.pdf>, accessed 15 November 2017.

will take them out by force. And if they have to die, they'll have to die. So it's a big social problem. (interview Lima, April 2016)

A similar case is the conflict between the Awajún (also known as Aguaruna) community of Los Naranjos and the Sawinsa sector in the district of San José de Lourdes, Cajamarca Department. Here, too, there was an agreement in place between the community and the migrants. However, the sector's demands to access basic services has led to a change of heart of the community leaders, who are now keen for the migrants to leave (interviews Ombudsman's officers, Lima, April 2016). The development of the situation in Los Naranjos is closely monitored by the Ombudsman's office, especially because in the early 2000 this same community witnessed the worst episode of violence against migrant settlers in Peruvian recent history. Indeed, this case merits closer attention for its exceptional levels of violence, as well as for the insight it provides on widespread attitudes towards this kind of disputes.

### *Flor de la Frontera: From Usurpation to Massacre*

In the late 1990s, the Awajún community of Los Naranjos had approximately 1,100 members, divided between 150 households. The community was recognised and granted a land title in 1977, then expanded in 1993 to include additional 60,000 hectares. In 1996, a group of migrants occupied some plots in the community forestry area and their possession was formalised a year later through a resolution of the Sub-regional Agrarian Direction of the Ministry of Agriculture. One hundred and sixteen (116) plots were allocated for a total of 793 hectares. In 1998, following a complaint by the indigenous community, the provincial public attorney filed criminal charges for usurpation against the President of the Agricultural Association La Flor de la Frontera. At that point it was clear that the migrants' plots fell within the native territory, as the Ministry of Agriculture itself had acknowledged, which nullified the land titles previously issued. Between 2000 and 2002, four judicial injunctions were issued intimating the settlers to leave. However, the four eviction attempts failed either because of institutional inefficiencies or the settlers' resistance. On one occasion, the settlers were supported by armed members of peasant *rondas* from the region,<sup>52</sup> and

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<sup>52</sup> The *rondas* are autonomous peasant patrols active in northern Peru. They were originally formed as a protection force against theft, especially cattle rustling, and they evolved into community para-military units in charge of the enforcement of order and justice during the Sendero Luminoso insurgency war.

declared that they were ‘ready (...) to lose their lives because they did not have anywhere else to go’ (Defensoria del Pueblo 2002: 34). Meanwhile, two mediation attempts were led by the Ombudsman’s Office. This office partnered with the Ministry of Agriculture to relocate the migrant families into a new area. However, relocation proposals were dismissed by the Association because, it was argued, the settlers were not ready to give up the labour and monetary investments they had made over the years on their plots.

In the early morning of 17 January 2002, members of the indigenous communities unexpectedly entered the Flor de la Frontera sector to evict the inhabitants. The intervention left 16 people dead (including three women and seven children), 17 wounded (including five women and five children), one missing person and one kidnapped girl who was later returned to her family (Guerrero Figueroa *et al.* 2002). The investigation process of the event was poorly managed by local authorities from the very beginning, starting with a failure to conduct post-mortem examinations on the bodies (Defensoria del Pueblo 2002). The judicial trial was also questionable: the provincial attorney filed charges against six members of the native community, but responsibilities for the murders were never fully established despite the clear acknowledgement by a parliamentary commission that: ‘It was not a confrontation between settlers and natives. What took place is an attack with firearms and sharp cutting weapons of the natives against the invading settlers’ (Guerrero Figueroa *et al.* 2002).

Considering the unprecedented levels of violence that characterised this episode, it is surprising to observe that the case did not generate a strong reaction within the media, academics and human rights organisations. A few articles and editorials in national newspapers were published right after the facts and some international media outlets picked up the news. However, after the initial fuss, the story vanished. Likewise, the case is only briefly mentioned in a couple of minor academic works (Steinert 2003; Trelles and Mejía 2009). Reports were issued by the Peruvian Ombudsman Office and the Parliamentary Commission investigating the case, but no mention of Flor de la Frontera was made in publications and press releases of international human rights organizations, such as Amnesty International and Human Rights Watch.

Interestingly, almost all these sources share some common narratives in their account and analysis of the episode. The conflict is often described as the result of a ‘socio-cultural problem’ (Guerrero Figueroa *et al.* 2002): the violent outbreak is



understood as the symptom of a clear external threat represented by the '*colonos*', coupled with legitimate longstanding frustrations from the aborted efforts to follow the legal path by the Awajún community. Discussing land conflicts in the Alto Mayo region of Peru, the authors of an academic article published by the Colombian journal *Jangwa Pana*, wrote:

A cultural conflict of perceptions between the settlers and the native members is also manifest (...) Once the territory that corresponds to the community is identified, territorial autonomy is firmly established against the settlers, particularly because *the settler not only occupies the land but represents a death threat for the native*. (Garcés Trelles and Echevarría Mejía, 2009: 58-59, emphasis added)

In the aftermath of the Flor de la Frontera massacre, editorials of one of the major Peruvian newspapers, *La República*, included statements such as: 'the Aguaruna-Huambisa exhausted the legal means and were forced to respond forcefully' (*La República* 2002) and 'the absence of hope in the law (of the state and of the Aguaruna) fuelled the spirit of force that first penetrated the invaders and their promoters and, then, infected the Aguaruna' (Ballón Aguirre 2002).

The blame for the violent outbreak was often attributed to institutional inefficiencies and corruption and, ultimately, to the state. Both indigenous people and migrants were featured as victims. The anthropologist Imelda Vega Centeno was quoted by the news agency InterPress Service commenting on the case: 'The greater responsibility does not correspond to the Aguaruna elders who ordered and perpetrated the attack, nor to the peasant leaders, but to the double and hypocritical legal normativity of our country' (Lama 2002). Again, a *La República* editorialist (2002a) wrote: 'What is being demonstrated is the inefficiency and incompetence of a state (...) incapable of satisfying the basic needs of the people that ends up putting the poor up against the poor'.

These narratives surrounding the Flor de la Frontera case share some common features that are representative of the public opinion's feelings towards land conflicts linked to rural migration. There is a sense of inevitability and predictability, which relates both to state inefficiencies as well as to a sort of unavoidable conflictive seed embedded in intercultural relationships. On the one hand, the members of the Association of Producers are always referred to as '*colonos*' or 'invaders' (*invasores*),

never as migrants and very rarely as highland peasants<sup>53</sup>. This stereotypical and arguably prejudicial language contributes to reducing any possible sense of empathy and encourages moral judgment, which implicitly attributes the responsibility for the violence, at least in part, to this group. On the other hand, indigenous communities are portrayed as victims rather than perpetrators. The prolonged injustice they suffered with the occupation of their lands, when it is not explicitly justifying, is at least permitting empathy with their violent reaction. In other words, the murder of the migrants appears almost as an act of legitimate violence, if not a legitimate defence.

All the mentioned sources make an effort to target what they consider the root of the problem. By so doing, however, they completely neglect to provide a comprehensive account of the facts. Elements upon which the press tends to linger upon, such as the ferocity of a crime, the stories of the victims, and graphic details about the murders are completely absent here. For instance, the fact that the majority of the victims were women and children is never mentioned, with the exception of the Parliamentary Report (that includes a list of names and ages of all the victims). This report also makes reference to another hypothesis to justify a violent reaction, which is however not addressed by any other source: not long before the massacre, the indigenous community had signed some agreements with two mining companies, and the prospect of increased future benefits might have incentivised their efforts to push for the rapid eviction of the migrants (Guerrero Figueroa *et al.* 2002).

The document produced by the Ombudsman Office on the Flor de la Frontera case also shows clear analytical biases. The most outstanding is that it exclusively focuses on the violation of the rights of the native community. In the conclusions, it is stated that:

The members of the peasant association Flor de la Frontera had no right to justify their presence in the lands of the native community Los Naranjos. These people violated the property and possession rights of the native community Los Naranjos as well as the rights of use, administration and conservation of the natural resources existing on their lands. (...) [This conflict] highlights the lack of material protection that the native communities of the Peruvian Amazon suffer.

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<sup>53</sup> On their side, the migrants clearly reject these labels: ‘We are not invaders. The judge told us that these lands were free’ (cited in Torrejón 2002).

There is no reference to the murder of 16 migrants as a crime or even as rights violation. Migrant settlers are clearly portrayed as the ones that are violating rights and there is no mention of the fact that they were victims of administrative mismanagement. Finally, their resistance to relocation is not analysed through a rights-based framework, which would at least help to raise the issue of whether migrants should also be entitled to some form of compensation for the violation of their rights or, at least, for the economic loss that the relocation process would imply.

The Flor de la Frontera case constitutes an extreme example in terms of level of violence and number of casualties in a migration-related conflict. Yet, this brief analysis clearly exemplifies the Manichean and simplistic way in which conflicts between migrants and indigenous peoples are understood by authorities and public opinion in Peru, and similarly in other Andean countries. Similar binary frameworks are often also applied to make sense of other disputes over land and resources triggered by endogenous, rather than exogenous, changes.

### **Endogenous Pressure: Population Growth and Political Violence**

Demographic pressure can sharpen issues around social cohesion in different ways. If exogenous demographic growth through migration flows increases social heterogeneity, endogenous population growth can also contribute to make subtle social differences more relevant and contentious. Population growth, for example, can make a group stronger compared to other groups, while at the same time placing greater stress on local social structures and economies.

After a long period of population decline, many indigenous groups have experienced sustained growth in recent decades linked to high fertility and low mortality rates (McSweeney & Arps 2005). Demographic growth is a complex phenomenon that goes beyond head counting and involve important economic factors. As Mitchell notes, ‘population pressure is not an ecological threshold, but an ecological-economic continuum. It refers to the entire relationship between population and resource production, not simply the number of people per hectare’ (1991: 19). Environmental changes such as soil erosion and more extreme climate can dramatically affect local agricultural production, which constitutes the major source of income for most peasant and indigenous communities in the Andes. Political violence and civil conflict also have an impact on resource access. The presence of armed groups can de

facto limit access to land and significantly reduce communities' control over their territories. Moreover, communities are usually keen to receive land titles as compensation for conflict-related losses, in order to deal with endemic resource scarcity. Across the Andean region, population growth in the context of economic and political fragilities has pushed communities to look for new strategies of social reproduction such as territorial expansion. In Colombia alone, in recent years, 'there are more than 800 requests for constitution, cadastral study and extension of indigenous *resguardos* that have not yet been resolved' (Colombian Constitutional Court, Sentence C-371/14, 2015), particularly concentrated in the Cauca Department. Cases of territorial expansion through invasion of neighbouring lands can be also found beyond the Andean region. The Michoacán state in Mexico presents an incredibly similar scenario to the one of Cauca. In an effort to resolve hundreds of land disputes following the implementation of a policy for the individualisation of peasant and communal land (*ejido*), the government gave priority to communities self-identifying as native people ( *pueblos originarios*). Tepehuan people started to invade *ejido* lands forcing the *mestizo* residents to leave. Ironically, the official evaluation speaks of the 'emigration' of the peasants that, to be sure, also consider themselves 'natives' of that territory. Their 'crime', as Vasquez Leon writes, 'was to be thought of as *mestizos* in an area imagined to be exclusively inhabited by a single ethnic group' (2014: 42).

In the following section, examples from the Cauca region help illustrate how demographic, ecological and political changes have increased perceived social differentiation; at the same time, multicultural reforms have provided a framework for ethnic groups to pursue expansionist strategies, generating new conflicts within social communities.

## **Resistance and Occupation in the Cauca, Colombia**

Since the 1950s, the Cauca Department has been one of the epicentres of the civil war between the Colombia government and a plethora of guerrilla movements. An indigenous guerrilla group called Armed Indigenous Movement Quintín Lame (Movimiento Indígena Armado Quintín Lame) had its main base in Northern and eastern Cauca between 1985 and 1990, while all other major guerrilla armies, including the FARC and the National Liberation Army (Ejército de Liberación Nacional, ELN), maintained a constant presence across the region by taking advantage of the Cauca's

strategic communication routes. This important presence of insurgent actors has converted the region into one of the crucial locations for counterinsurgency operations, with a massive concentration of army presence and almost constant confrontations and human rights abuses.

The northern and eastern areas of the Cauca not only have paid the highest price as a result of the civil war, but they are also those that have been most affected by a recent wave of inter-communal land struggles (UNDP 2014; PUJC 2013). Some of these conflicts can be linked to endogenous demographic changes, and in particular the growth of indigenous communities in areas where land access is limited: to the East, by the presence of guerrilla actors and the establishment of protected natural reserves; and to the West, by the agribusinesses.

A report on inter-ethnic and inter-rural relationships in the Cauca identifies fifteen active land conflicts, including seven at an advanced stage and eight at an earlier stage (PUJC 2013). Most of them revolve around disputes between indigenous, peasant and Afro-Colombian groups following claims to expand existing indigenous territories (*resguardos*) or to constitute new ones, in response to growing demographic pressure. In the following section, I analyse how these conflicts have manifested in the municipalities of Toribío, where I travelled and conducted research in November 2015 – when the period of *détente* opened by the peace talks had improved levels of security and made it possible to access the region.

### *Caught in the Frontline: Compensation and Land Disputes in Toribío*

‘We’ll keep fighting until the sun stops shining’ (*Seguiremos luchando hasta que se apague el sol*). This verse from one of the hymns of the Cauca indigenous movement is written on the stairs of the central square of Taqueyó, a village in the municipality of Toribío, North-East Cauca. The statement recalls the longstanding story of resistance of this Nasa community, caught in the confrontation between guerrilla movements and the Colombia army for decades. The central square of the nearby town of Toribío reveals less poetic evidence of recent attacks: only the skeleton of the military headquarters that occupied the south-west corner remains standing, after the FARC launched a bus loaded with explosive into it during a crowded Saturday morning in July 2011. It resulted in death toll of four people, with a further 103 injured and 460 damaged

houses (Semana 2011). This is only the most recent in a long series of violent episodes and massacres perpetrated by armed actors in this municipality (PUJC 2013).

Marking the last populated frontier at the edges of the western mountain ridge and the Huila massif, Toribío has been an important corridor for irregular troops. The FARC have traditionally boasted a sizable contingent of supporters within indigenous communities and relied on the recruitment of indigenous youth. However, the influence of the FARC and the Communist Party has been challenged, since the 1970s, by the CRIC. The indigenous organisation pursued a political agenda focused on ethnic self-determination and autonomy, in contrast with the mainstream leftist discourse of other social groups, such as peasants and workers (Rappaport 2005). Toribío hosted the first founding meeting of the Cauca indigenous movement and has been at the forefront of the indigenous struggle ever since. Intra-communal tensions between FARC supporters and CRIC leadership persist, although the indigenous movement has now been in control of local politics for more than a decade. The rising power of indigenous authorities with a strong vision on self-determination has complicated the relationship with the Colombian army, which increased its military presence (by more than 8,300 troops) with the aim of re-establishing control over strategic areas (as part of the National Policy of Territorial Consolidation and Reconstruction) (UNDP 2014).

Particularly since 2010, Nasa communities have been the target of political violence. Between January 2012 and May 2013, CRIC denounced 65 murders of community members by the FARC, among them four spiritual leaders accused of being informants for other armed groups (CRIC 2013). The upsurge in violence brought the situation in northern Cauca under the radar of the peace negotiation committees in La Habana and, since 2015, the ceasefire in place has reduced the presence of armed actors and drastically improved the security conditions of these communities.

The civil war that has so deeply conditioned the life of the Nasa communities of northern Cauca for decades has also impacted on inter-group relationships. Toribío is one of the municipalities experiencing ongoing conflict over land with neighbouring Afro-descendent groups. At the origin of this dispute is the acquisition of the San Rafael estate by the Ministry of Agriculture and its hand over to the Toribío *resguardo* as compensation for the massacre of 21 indigenous people, killed in 1991 by the Colombian police and armed civilians in retaliation against the occupation of the El Nilo estate. The state admitted its responsibilities and agreed to buy 15,663,000 hectares of land for the Nasa people. In 2007, the San Rafael estate was included in the

compensation plan, without consideration that these lands had been occupied by Afro-descendant communities, who hold ancestral claims over them. The relocation of Nasa families to the area led to violent clashes with Afro-descendants, which resulted in two fatalities and many injured people. Following this violent outbreak, different national and local authorities established mediation commissions. According to the Afro-descendent community council leader Lisifrey Ararat, an agreement was eventually reached, although there is still the need to be vigilant to prevent other rights violations:

We have reached agreements. One of them is that if you are going to buy land, the Inter-ethnic Commission is called in to review the case and verify that communities do not already live in that area. [Also] there have been difficulties with the issue of education. Now we have difficulties with the issue of *resguardos*. So we told the government: 'let's review the matter well before buying land'. (cited in PUJC 2013: 403)

Commenting on the land conflicts with neighbouring Afro-Colombian and peasant communities, the indigenous governor of Toribío minimised the inter-ethnic dimension of territorial claims and focused on political and ideological barriers and on external influences at the root of tensions:

That [the San Rafael estate] was not Afro-Colombian land; it was land of the *hacienda*. It was the [white] politicians who began to induce [Afro-Colombians] to reclaim those lands and create a conflict. So, that's not an inter-ethnic conflict, it's a provocation. They are using the pain, the need, the right surely of Afro-Colombians, to generate a conflict. The same has happened with the peasants [referring to another conflict with peasant dwellers]. Here the indigenous people are not violating a peasant right. (...) What has happened is that the right was politicised. (...) Some ideologues of the FARC, some politicians are against the peasant sector and saying that this is peasant land when it is *resguardo* land. So, it is the indigenous movement that has been assaulted by merely ideological intentions to generate conflict. (interview, Toribío, November 2015)

Indigenous leaders perceive their process of political organisation as more advanced and autonomous than the Afro-Colombian and peasant processes, which would still suffer the influence of traditional powers and leftist ideologies obstructing their claims for emancipation and self-determination (interview with Toribío governor, cit.). This position can at least partially explain the scepticism and distrust of the peasants towards

indigenous organisations, because they feel delegitimised and unable to claim rights based on cultural identity and ancestral ties to the territory:

The difficulty with the indigenous comrades is that they think that the only legitimate fight is theirs. (...), that this is in the law and that they have a special power, while the peasant struggle is not so legitimate because they are *llegados* [aliens] (...) They [indigenous] are claiming everywhere that they are ancestral, that they were the first and, as such, they have more rights than the rest of the world. One doesn't say that they are not right, but with that discourse they simply don't want to recognise [other's peoples rights]. (interview with an advisor of the PUPSOC, Popayan, November 2015)

The peasant frustrations led to a claim for the formation of two ZRCs in the neighbouring municipalities of Caloto and Corinto. As in the case of Inzá described in chapter V, the ZRCs, however, are perceived by indigenous leaders as threats to the *resguardos* and particularly to their new claims of expansion in the lower valleys. Here, efforts to recover ancestral territory occupied by 'peasant *colonos*' have been ongoing since the 1970s (interview with the president of the Nasa Project Association, Toribío, November 2015).

Besides the problems linked to the civil conflict, uncooperative indigenous attitudes are motivated by a perceived urgency to find new land to cope with the sustained demographic growth of indigenous communities. As the governor of Tacueyó told me in an interview : 'The first problem we have is that we have grown a lot in population and this is generating a very complicated problem of land tenure (...) because, as we say, "the landless indian is condemned to disappear"' (interview, Tacueyó, November 2015). The indigenous leadership have attempted to encourage people to migrate by purchasing land in other departments (e.g. the southern Putumayo Department), but as the governor admitted:

It hasn't been easy because, according to our worldview, 'the indian always wants to be where his navel is'. So, we made several attempts to bring several families to Putumayo last year, we bought land there, but that didn't work. One came back, the other came back and so on. (interview, cit.)

According to local leaders, an expansion towards the western ridge could be made possible by the retreat of the guerrilla forces. However, this will jeopardise the



conservation of higher elevation ecosystems (*paramos*) in the area, which are now protected as natural reserves.

The demographic problems that concern indigenous authorities in Toribío, are far from unique to this *resguardo*. Very similar problems of land scarcity related to population growth are present in the *resguardo* of San Andrés de Pisimbalá. These issues are exacerbating conflicts with the neighbouring peasants described in chapter V. As the indigenous governor of San Andrés reported: ‘Population is growing, but the territory is the same. So we are tight. The council makes projects so that the state can extend us. That’s why we talk about extension of *resguardos*’ (interview, San Andrés, November 2015). Another indigenous authority mentioned a study conducted to estimate projections of land needs:

Here between 50 and 60 children are born each year. Now we have more than a thousand children. In about fifteen years we’ll be overpopulated. (...) Here there is a shortage of land. A study was done and we need about 1,800 hectares. Maybe if we were to do another census, it would go up. At the moment the *resguardo* has 4,330 hectares, of which 45 per cent is suitable for work. The rest are sacred sites, rocks, reserves... So, here, we are gonna need more land. (interview, San Andrés, November 2015)

## **Demographics of Identity and the Limits of Static Recognition**

Growing demographic pressure driven by both exogenous and endogenous factors has had a major impact on local geopolitics in many Andean regions, triggering new tensions that I have called demographic conflicts. Over the last two decades, the recognition framework has offered tactical tools (particularly through ‘means of redistribution’) to indigenous communities to confront new demographic challenges related either to the arrival of new migration flows or to population growth. The strategy of pushing forward a group’s ancestral ties to a territory as a requirement for cultural survival has been incredibly effective in gaining land claims. This strategy, however, has also led to the strengthening of social boundaries and opened new conflictive fronts in the context of generally peaceful inter-group coexistence. These conflicts are linked to a very specific and static understanding of ethno-cultural identities, which excludes indigenous migrants, as well as to a simplistic and crystallised view of socio-historical processes exemplified in the ‘ancestrality’ concept. These conceptual constraints make

it very difficult for the recognition framework to account for the fluid and changing nature of human interactions.

Despite growing historical and contemporary evidence documenting the patterns of mobility and migration of indigenous peoples, an assumption of spatial stasis is still widespread and, in recent years, has strongly influenced international and national frameworks of ethnic rights and recognition. As Alexiades (2009: 1) notes, ‘there seems to be a widespread residual tendency to view indigenous societies, and their ethnoecologies, as historically emplaced: that is, as the product of a long history of engagement with particular locales’. This ‘indigenous rootedness’ is conceptualised as:

[A] long-standing connection to a rural, ancestrally defined, and communal land base. For a claim to indigeneity to become recognisable by institutions of governance (even if it is not fully recognised), it typically must be articulated in terms of a bounded territory of ‘origin’ associated with the group in question. (Greene 2007: 340)

In fact, however, the displacement, mobility and migration of indigenous populations is rather common across different historical phases. As a result of post-conquest demographic and political disruptions, relatively few indigenous groups today occupy the same territory they did a century ago, or in certain cases, even a few decades ago (de Oliveira 1994). While the early expansion of the agro-extractive frontier triggered a process of spatial dispersion and return to nomadism of Amazonian groups – a phenomenon called ‘agricultural regression’ by Balée (1994) – new economic opportunities and changes in the commodity and crop markets have pushed people from the scarcely productive highlands towards urban centres, the coast and lowlands. This means that many among the so-called *colonos* are in fact of indigenous origins (from Quechua and Ayamara communities). Yet, migration often has the effect of erasing their ethnic identities. This can be partially explained by a change in self-identification preferences and modes of collective organisation, whereby the resettlement process makes ethnic-based ties less relevant, while at the same time debilitating traditional systems of authority and governance. However, ethnic dilution is also linked to established assumptions about the way ethnicity is conceived within the recognition framework and, in particular, the understanding of indigeneity as tied to a group’s relationship to the land and its ancestral occupancy.

In the case of rural migration, not only are people leaving behind what are considered their ancestral lands, but the relocation within or close to a territory belonging to another ethnic group means these migrants are confronted with a competition over ethnic authenticity. In these contexts, even more than in urban settlements, it becomes incredibly difficult to reconstitute an identity and sense of community based on ethnicity. This is particularly challenging for highland migrants for whom the delineation of a discrete ‘Aymara’ or ‘Quechua’ territory, or ethnic identity for that matter, can be challenging even in their regions of origin (Albó *et al.* 1995). In most cases, migrants abandon ethnicity as the primary source of individual and collective self-identification in favour of a new sense of belonging as ‘*colonos*’. This new identity becomes, for many, a source of meaning and bounding that can form the basis for effective political mobilisation. This has been the case for coca-growing peasants in Bolivia who have organised in powerful ‘colonisation associations’ (recently rebranded as ‘intercultural’) at the local and national level. It is indeed among the settlers of the Chapare region that the political career of the former Bolivian President Evo Morales started.

In general, however, the ‘*colono*’ universe is densely suffused with negative stereotypes. The very word ‘*colono*’ is charged with a derogatory connotation associated with the alleged greedy and self-centred attitudes of these groups and their unsustainable way of managing the environment.<sup>54</sup> In certain cases, these views are grounded on longstanding prejudices against highland inhabitants, exemplified in this quote from an interview with an officer of a Peruvian civil society organisation working in the Selva Central:

The people here are from Huancayo, Tarma, Huancavelica, Andahuaylas [highlands departments], and they are people whose ancestors had been in litigation their whole life. They are the ones who faced the Incas. If they are not fighting, they don’t keep calm. They have that in their blood. So, those people who are increasingly entering, entering, for me, are a great threat to [indigenous] communities. (interview, Oxapampa, April 2016)

This kind of ethnic-based prejudices are not uncommon in other countries across the region. In Bolivia, the rivalry between indigenous peoples and Andean ‘*colonos*’ has

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<sup>54</sup> Other examples of such stereotypical and derogatory discourse are discussed in Chapter VI.

added to the old tensions between highlands and lowlands. As López Pila (2014) recently documented with an ethnography among the Tacana communities in the Beni Department, the election of Evo Morales in 2005 contributed to generate newfound irritation towards the *colonos* among the lowland communities,<sup>55</sup> who view migrant settlers as more aggressive and better-off. The quote below from a Tacana woman is a good example of the kind of discourse used by indigenous peoples to make sense of the difference between the two groups and describe the threat posed by migrants:

The *colonos* always try to get more, to make a profit (...). [In contrast] we [Tacana] want to live peacefully and comfortably. We sell a chicken here or a tree-trunk there, but only in order to live in peace. But how can we do this, if the *collas* [highlanders] advance on us like termites taking our land and cutting down our trees to sell?' (cited in López Pila, 2014: 430)

This portrait becomes even more vivid when it is juxtaposed against equally stereotypical narratives of indigenous peoples as the legitimate inhabitants of the 'colonized lands'. Indigenous people are described as community-oriented, innately devoted to protecting nature and committed to sustainability.

Reality, however, is far more complex and diverse. Indigenous peoples are neither 'good savages', nor is the colonisation frontier an 'empty land', as governments have often claimed. Common rhetoric surrounding migrants is in sharp contrast to evidence suggesting that these social groups are often 'the poorest of the poor – the most marginalised, least educated, largest households' (Carr 2009: 370), among already impoverished and marginalised highland communities. Given the vulnerable initial conditions of many among them, migration strategies may in fact be closer to securing household survival rather than accumulation of wealth and rent-seeking (Carr 2009). To be sure, this is not to say that there are no differences between migrant settlers and indigenous peoples in their modes of production and land management. It is, however, important to point out the effect of the distortions introduced by widespread stereotypes in interpreting social processes and collective identities.

It is not only recent migration but, in certain cases, also historical migration that contributes to contemporary demographic conflict. A well-known example is the case

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<sup>55</sup> In contrast with Peru, in Bolivia the term *colonos* is exclusively reserved for indigenous highlanders who migrate to the lowlands and never used to indicate white/*mestizo* migrants (López Pila 2014).

of the indigenous peoples Lacandone in southern Mexico. The Lacandones have generated a particular fascination among scholars over the last few decades, based on their identification as the ‘most indigenous group’ of the state of Chiapas (Viqueira 1995). In 1972, the government granted them control over a considerable amount of protected land based on their ancestral presence in this area. This, however, triggered a long series of agrarian conflicts with tens of Choles and Tzeltales indigenous communities already settled in the area (Trench 2005). Ethno-historical evidence was central to this dispute. Indeed, the origin of the contemporary Lacandones outside of Chiapas and their proved presence in the region for ‘only’ 300 years have been used, in recent years, to discredit their status and land titles and to question their ‘authenticity’ as Maya descendants. As Jan de Vos writes in his *Recent History of the Lacandona Forest* (2002):

[The Lacandones] could never show primordial titles or remains of towns that showed that they were the owners and ancestral inhabitants of the huge territory that the government gave them. And they could not prove it because the ancestors of the Caribes<sup>56</sup> were not born there but came to colonise the Lacandon Jungle from Campeche (...). Therefore, the Caribes were also settlers and ‘irregular’. (2002: 10)

Choles and Tzeltales communities, de Vos argues, are instead the descendants of the Maya, and migrated to these areas between the 600 and 900 A.D. They were then evicted by Catholic missionaries and have only recently begun to reoccupy these lands. They would be, therefore, the legitimate claimants to property titles on these lands (de Vos 1980: 247-248, cited in Trench 2005).

These migration disputes are common across Latin America. My main interest here is not to offer evidence of which group is better entitled to a given territory, but rather to illustrate how these controversies can often be linked to the shortcomings of recognition reforms. I argue that the recognition framework is not well equipped to deal with the fluidity of social interaction. These politics fail to acknowledge the historical depths and changes that territories experienced throughout the centuries, as well as the current issues that communities are facing. It is certainly true that indigenous communities have been subject to a history of dispossession and

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<sup>56</sup> Jan de Vos argues that the Lacandones descends from the ethnic group Caribes, although this is questioned by other scholars (Trench 2005).

marginalisation for which they deserve some form of compensation. But it is often also the case that changes have been rooted in other less dramatic and disruptive events, or that contingent circumstances had been peacefully settled with the agreement and sometimes even in the interest of indigenous groups. Longstanding historical processes, whether rooted in violent or peaceful changes, are condensed in contemporary social landscapes. In this context, recognition reforms should at least acknowledge this complexity, and engage with broader questions about what social and cultural justice means for all the groups that inhabit a given territory and discuss what are, in these specific contexts (and not in abstract a-historical scenarios), both the moral grounds for reparatory actions (particularly land distribution/restitution) as well as for denial of recognition (as in the case of migrants' illegal settlements). Moreover, more attention should be placed on understanding what lies behind indigenous claims. Endogenous demographic changes, for instance, have not been on the radar of researchers and governmental agencies. Problems faced by indigenous communities would require a more holistic approach including, for example, economic initiatives to improve land productivity, which would contribute to reduce social anxiety and prevent conflicts linked to indigenous expansionistic strategies.

Finally, tensions surrounding migratory processes and demographic changes are at least in part the result of a series of assumptions, embedded in international norms and then translated into domestic policy frameworks, which ground the right to ethnic recognition on territorial ancestrality, or 'a group original relationship to the land' (Engle 2010: 163). As the cases in this chapter illustrate, establishing this 'original relationship' is an extremely complicated endeavour and the determination of winners and losers is the result of factors that have little to do with historical and ethnographic evidence. They are rather linked to narrative competition, alliance-building and state biopolitics. As Greene (2007: 334) puts it, states seem to 'engage in a strategic recognition of certain Afro-Indigenous subjects in part as a strategy to not recognise certain others'. Moreover, even recognised groups 'are expected to remain, from the state's point of view, largely rural and immobile; those who represent themselves as more urban and mobile usually do not enjoy the benefits of collective recognition' (2007: 349).

Even a more culturalist argument that stresses the existence of customs and traditions, rather than physical primacy, is often unhelpful in providing for the resolution of recognition conflicts in practice. The logical step is to begin wondering

whether a narrow understanding of recognition based on ancestry is in practice a good criterion for rights allocation, and whether indigenous peoples would be the only collectivities entitled to land and other rights (e.g. service provision) on the bases of their cultural ties with a given territory. This would imply renegotiating the grounds upon which international norms on indigenous recognition are built and openly addressing the issue of whether collective rights can be made compatible with a more dynamic understanding of human societies. Rather than constructing artificial arguments to justify ancestry and tradition and viewing migration and changing ethno-cultural boundaries as deviations from the norm, it might be worth putting more effort into understanding how these dynamics are influencing ethnic self-identification, inter-ethnic relationships and, ultimately, access to rights. In the following chapter, I will discuss other examples of how social boundaries rooted on new ethnic claims play out in the context of disputes triggered by recognition-inspired education reforms.

## CHAPTER VII

### **Struggles for Inclusion *and* Exclusion**

Since the 1970s, the rise of identity politics has had a crucial impact on debates about the relationship between education and diversity. A new focus was placed on cultural and linguistic differences, as both sources of discrimination in the school environment as well as indispensable components of multicultural curricula (Vavrus 2015). In normative terms, this perspective contributed to popularising two major policy initiatives: intercultural (bilingual) education (IBE) and race-focused affirmative action (AA) measures. I term these initiatives which, in different ways, have sought to account for ethno-cultural diversity in education the ‘identity policies of education’. More than three decades after these initiatives were launched, IBE and AA remain popular policies for ethno-cultural management in education across the world. I include these policies under the ‘means of recognition’ category, as their main effect rests on the crystallisation of ethnic categories while their impact on redistribution is more indirect and less substantial if compared to other heavily redistributive recognition policies (e.g. agrarian reforms). This chapter<sup>57</sup> includes examples of a type of recognition conflict that I have called access conflicts. These conflicts are rooted at the intersection between means of recognition (affirmative action and policies with weak redistributive potential) and high social heterogeneity. Relying on case studies from Colombia and Peru, this chapter questions some of the key arguments put forward by the advocates of identity policies of education about their potential to redress historical discrimination by levelling horizontal inequalities (inequalities between groups) and by granting equal value to different cultures and languages in the schooling process. This potential, I will show, is considerably weakened if one of the main assumptions of this framework is lost: i.e. that groups live in relatively homogeneous or segregated communities. Although it is certainly true that highly unequal and diverse societies are often characterised by limited social mobility and constrained inter-ethnic relationships, a closer look at local realities can in fact reveal, as I have already shown in several cases throughout the book, that communities are often more heterogeneous and interconnected than what we might expect. In heterogeneous social communities,

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<sup>57</sup> This Chapter is based on Fontana 2019.



changes to educational arrangements can therefore trigger inter-group competition and new claims for inclusion or exclusion that can become entrenched in protracted access conflicts.

## **Education and Diversity in the Andes**

Intercultural (bilingual) education (IBE) refers to pedagogical models aimed at improving education for ethnic groups and tackling discrimination within society through teaching different cultures and languages on an equal footing (Cortina 2014, 3). Learning different languages also encourages increased receptiveness toward different cultures, and greater respect for ethnic and cultural diversity (López 2014). In practice, what intercultural education means and how it is implemented, vary significantly depending on the country and time period. I adopt here a broad definition of IBE, which includes measures ranging from minimalist interventions such as the incorporation of intercultural concepts in nationwide curricula, to substantial reforms that grant an autonomous administration of education and schooling to ethnic groups.

Affirmative action (AA) is a broad term that includes different measures used to ‘give members of traditionally disadvantaged groups a better shot at social advantage’ (Hasan and Nussbaum 2012). Within the education sector, affirmative action has been implemented mainly through positive discrimination mechanisms, that give an extra boost to members of disadvantaged groups (e.g., ethnic minorities, women) in competitive contexts. These measures typically concern increasing access to higher education through quota systems and differentiated entry requirements. AA measures usually target exclusively racial minorities, although in certain cases class-based and caste groups are also included (e.g., India). Their implementation is generally motivated by ‘compensatory justice’ arguments (notably, the need to remedy past discriminations), although they have also been used as conflict-management tools aimed at reducing political instability and violent outbreaks (Brown *et al.* 1990).

Latin America provides a very rich context to explore the impact of identity policies of education on the social fabric. Andean countries in particular have pioneered the implementation of a variety of identity policies of education over the past 30 years. Education is indeed a key component of their contemporary process of recognition of ethno-cultural diversity. Laws and regulations were passed recognising the right of indigenous peoples to education in their own languages (López 2009), and IBE was

embraced by indigenous movements as part of their self-determination agendas (Gustafson 2014). Within this context, different policy measures were implemented to address the education gap and to acknowledge cultural specificities in education.

In Bolivia, IBE started as a bottom-up endeavour (López 2014). In the late 1980s, indigenous and other grassroots organisations formulated IBE proposals that led to the implementation by the Ministry of Education of a nationwide IBE Project, involving 114 rural schools and teaching in three indigenous languages (Aymara, Quechua and Guaraní) throughout primary education (Sánchez García 2007). These early experiences set the groundwork for the creation of an IBE National Directorate within the 1992 comprehensive educational reform of 1994 (López 2005; Albó & Anaya 2003). This reform introduced radical changes that made interculturality and popular participation the new pillars of the national education system (Sánchez García 2007). In order to guarantee qualified personnel, half of all Bolivian teacher-training colleges adopted an IBE curriculum with the direct involvement of indigenous leaders (Delany-Barmann 2009).

Since the early 2000s, however, IBE in Bolivia has lost momentum. The approach was questioned both because of its ties with the neoliberal policies of the 1990s (IBE was formally endorsed by the World Bank and the Interamerican Development Bank, Gustafson 2014) as well as for its inability to become a nationwide model, being in practice relegated only to certain rural areas. The strongest opposition came from the teachers' unions that felt excluded from the negotiations on reforms strategies and implementation from the outset (López 2014). The discussion on IBE was revitalised in the framework of the Constitutional Assembly since 2006. A new educational discourse, rooted in postcolonial theory and decolonisation ideology, emerged among indigenous activists and intellectuals and informed the formulation of a new legal framework (Jiménez Quispe 2014). The Law 'Avelino Siñani – Elizardo Pérez',<sup>58</sup> approved in 2010, states in Art 3 that education is:

(...) decolonising, liberating, revolutionary, anti-imperialist, depatriarchalising and transforming economic and social structures; oriented to the cultural reaffirmation of the indigenous nations and peoples, the intercultural and afro-Bolivian communities in the construction of the Plurinational State (...).

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<sup>58</sup> The law was named in memory of the founders of the Ayllu Warisata School Project (1931-1940), a pioneer experience of agrarian indigenous education in Latin America.

The new framework also attempted to remedy some of the shortcomings of the 1994 reform. The new Intracultural Intercultural and Plurilingual Education (Educación Intracultural Intercultural and Plurilingüe, EIIP) is conceived not as indigenous education but as education for all citizens (Ströbele-Gregor *et al.* 2010). In terms of implementation, at the local level, IBE seems to be slowly re-gathering momentum but rather independently from broader reforms. At the national level, indeed, most efforts have been directed towards the transformation of the university system at the expense of basic education. Indigenous universities have multiplied across the country and programmes targeted to train indigenous professionals have flourished in various academic fields (López 2014).

In Colombia, the first official initiative that attempted to address ethnic diversity in the education sector dates back from 1985, when the Ministry of Education approved the first Ethno-education Programme (Programa de Etno-educación). The main goals were to strengthen indigenous teachers' training, improve pedagogic materials and incentivise research on indigenous culture (Enciso Patiño 2004). Since these early years, the policy-making process has been informed by the active participation of Colombian indigenous movements, which have been able to advance proposals based on concrete experiments of autonomous indigenous education. From the late 1970s, indigenous organisations in the Cauca department have resisted both state and religious schooling and developed their own IBE projects (focused on pedagogical training and indigenous knowledge revitalisation), as well as a more radical proposal for the implementation of an autonomous education model. Education programmes were indeed conceived by the indigenous leadership as key components of their sociopolitical strategies: teachers were supposed to work as political mediators in their communities and autonomous schools were first established in communities with strong organisational capacities (Rappaport 2005). In the Cauca, schools run by the CRIC have been so widespread (currently over 600 according to the CRIC<sup>59</sup>) that, after 1985 and the approval of a national framework for intercultural education, they entered into competition with state-sponsored schools (Rappaport 2005).

The exceptional strength of indigenous movements contributed to the approval of a number of legal reforms following the 1991 constitutional reforms. In 1994, the

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<sup>59</sup> Interview with CRIC's Education Secretary, Popayan, November 2015.

General Law on Education included a chapter on ethnic education and in 1996 the Ministry of Education published new guidelines that, for the first time, were directed also at Afro-descendent people (Rojas 2011). In the early 1990s, the Ministry of Education and the Colombian Institute of Educational Credit and Technical Studies Abroad (Instituto Colombiano de Crédito Educativo y Estudios Técnicos en el Exterior, ICETAX), with the support of international aid, created a fund to finance ethno-education actions, including a programme of credit directed to indigenous students enrolled in higher education (DNP et al. 2009). The wave of legal reforms throughout the 1990s, however, was followed by a very slow process of policy regulation and implementation.

In 2007, a National Working Commission for Indigenous Peoples Education (Comisión Nacional de Trabajo y Concertación para la Educación de los Pueblos Indígenas, CONTCEPI) was created, which included 21 regional leaders and aimed to craft a proposal for an autonomous indigenous education system (*sistema educativo indígena propio*, or *educación propia*). The work of the Commission led to the approval of a National Decree (2500) in 2010, to regulate the administration of local schooling by ‘certified territorial entities,’ including traditional indigenous authorities and indigenous organisations. The Decree establishes that official schools could become subject to the autonomous regime when they are located in territories where the majority of the population is indigenous, and when they have been developing community projects and a full proposal for the implementation of autonomous indigenous education. The Decree also offers indigenous organisations the possibility to recruit teaching personnel directly, based on criteria such as ‘sense of belonging and cultural identity consciousness’ (Art. 5) and proficiency in the indigenous language. These provisions, as we shall see, raised a number of questions around the compatibility of indigenous and standard education, including critical details such as how to deal with the presence of non-indigenous students and teachers within or nearby indigenous territories.

Peru has one of the longest histories of identity-based education policies in Latin America. Indeed, early indigenous bilingual education experiments date back to the first half of the XX century (López 1988; Schmelkes 2009). Since the 1980s, in line with the rest of the region, the Peruvian government has intensified efforts to account for ethnic diversity in education policies. One of the first measures was the creation of a Directorate of IBE (that still exists with the name of General Directorate of Bilingual

and Rural Intercultural Education - Dirección General de Educación Intercultural Bilingüe y Rural, DGEIBR), and the incorporation of a national IBE policy within the 1992 World Bank-sponsored education reform. This policy was renewed in 2002 (with the approval of the IBE Law 27818). In practice, however, little was achieved throughout the 2000s and particularly during Alan García's right wing government (Aikman 2012). Recently, after a process of consultation with seven national indigenous organizations, a new impetus resulted from the approval of a new sectorial policy on IBE by the Ministry of Education through the Supreme Decree 006-2016 and of a National IBE Plan 2016-2021. The Plan sets some ambitious targets to be achieved by 2021: 67% indigenous students should complete secondary education; 85% of pre-schools and primary schools should implement the IBE pedagogy; and 100% of IBE school should possess adequate material. The effort is to move towards a less targeted and more widespread implementation of IBE. A very ambitious goal considering that, according to the school census, in 2008 only 38% of indigenous children attended intercultural bilingual schools; that, so far, IBE schooling has been offered only in rural areas, completely excluding the rising population of indigenous urban residents; and that 46% of teachers working in IBE schools do not have adequate training and few enough speak the local indigenous language (PRONABEC 2014).

In order to address the lack of indigenous teachers, since 2014, a new scholarship programme has been put in place that provides financial support to indigenous students pursuing university training to become IBE teachers. The scholarship, called IBE Scholarship (Beca EIB), forms part of a wider National Scholarships and Educational Credit Programme (Programa Nacional de Becas y Crédito Educativo), and namely of a programme called Beca 18, which specifically targets the most vulnerable sectors of the population.<sup>60</sup> In order to address the higher education gap of indigenous peoples, the Ministry of Education created another scholarship within the Beca 18 programme targeted at indigenous students from Amazonian communities (Scholarship for Amazonian Native Communities, Beca de Comunidades Nativas Amazónicas). These students need lower grades than their non-indigenous peers, based on the assumption that their schooling experience has been generally worse and on the impact that this has on standardised test scores (Hernandez-

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<sup>60</sup> 73% of the recipients are in conditions of extreme poverty, while the remaining 27% are below the poverty threshold (Chaikuni 2016).

Zavala *et al.* 2006). In 2015, 1,223 students received support through this programme (PRONABEC 2015). Affirmative action in higher education has only very recently been implemented in Peru and still represents a minimal percentage of the total number of scholarships issued by the government: the Scholarship for Amazonian Native Communities only represents 3% and the IBE Scholarship 2% (1,030 in total) of all Beca 18 scholarships (Chaikuni 2016). Moreover, the former has a narrow focus on indigenous peoples from the Amazon, excluding the more numerous highland groups (Quechua and Aymara). This is a relevant difference that, as we shall see, is at the heart of local inter-group tensions.

### **Struggle for *exclusion* in Inzá, Colombia**

The town of San Andrés Pisimbala, in the Inzá Municipality of western Cauca, is a paradigmatic example of how the implementation of *educación propia* can escalate into a protracted violent conflict. At the origin of the dispute is a Decree (0591) issued by the Cauca's Education Secretariat on December 2009, listing 666 schools across the Department as complying with the *educación propia* requirements. In line with national law, these schools could pass under the control of indigenous authorities. The Decree, however, triggered hostile reactions from communities, including San Andrés, where part of the population was in disagreement with the implementation of ethno-education in local schools. This was the case particularly in those areas bordering *resguardos*, where indigenous and non-indigenous (mostly peasant) residents had been peacefully coexisting for decades.

In an effort to de-escalate tensions, a second Decree (0102) was issued in 2010, which excluded 32 of those schools listed in the previous norm. In San Andrés, however, the provision had the opposite effect, resulting in a new wave of tensions. Indigenous leaders initiated legal actions against local and departmental authorities (CRIC 2010) and, just a few days after the approval of the new Decree, indigenous protestors took over the local high-school buildings, locking out more than 300 students. In the following months, the two opposing groups (those in favour and those against *educación propia*) set up segregated informal schooling services. After two failed negotiation attempts (PUJC 2013), the *cabildo* opted to unilaterally go ahead with the implementation of the *educación propia* project. With the support of the CRIC, teachers were hired and the buildings were re-occupied by indigenous students

(interview with *cabildo* members, San Andrés, November 2015). The rest of the students, in the meantime, had been receiving their education in private or rented houses by some of the former teachers of the local school (interview with a member of the peasant organization, San Andrés, November 2015).

The occupation of the school also exacerbated tensions between community factions and led to the escalation of a conflict that took the form of a complex, multi-layered confrontation for the control of local power and territory. Some residents, both indigenous and non-indigenous, reported that they were told they would lose the public benefits they received (through the *cabildo*), if they decided to withdraw their children from the indigenous school. According to local sources, around 160 were in fact excluded from the Family in Action (Familia en Acción) programme, which offers financial aid to families with minor children in school. Some peasant families even decided to leave the area. Among them were the parents of Alonso Secundino Pancho Tencué, a 21 year-old student killed in May 2011 on his way home from school. Those responsible for the crime were never identified. The guerrilla of the FARC, very active in the area until the peace talks started in 2012, claimed responsibility but, according to local residents, the murder is also linked to the school conflict (interview with members of the peasant organization, San Andrés, November 2015).

Blackmail and threats continued to exacerbate tensions among local residents, particularly peasants, who felt the indigenous authority was preventing them from expressing their opinions. An indigenous woman who decided to leave the *cabildo* and join the peasant organisation in protest against the way indigenous authorities managed the education dispute, told me: ‘education is supposed to be a right and to be free (...) but here they said: “you have to go to the indigenous school”, with teachers without degrees and with a very poor quality education. So they force you to put your children there’ (interview, San Andrés, November 2015). The quality of education under the new system was indeed one of the main concerns for some parents. Peasant families felt that an education mostly in Nasa Yuwe (the language of the ethnic majority) with a strong emphasis on Nasa culture, traditions and leadership skills was not appropriate for their children. More broadly, they saw the school dispute as but one manifestation of a conflict for the control of territory and local power. Over the past decade, the San Andrés *cabildo* has undertaken an expansionistic strategy by advancing new claims on peasant land, based on ancestral holdings and directly occupying some of the peasant *fincas* scattered across the indigenous territory – as I described in chapter V.

Peasants feel increasingly unsafe and unwelcome in a place that they consider their home. Yet, they do not oppose the idea of an indigenous school. Rather, they propose to have two local schools, one adopting the *educación propia* model under the authority of the *cabildo* and the other one managed by state institutions offering a standard education curriculum. Departmental authorities were open to discuss this option and potentially fund the construction of a second school. What might seem like a reasonable compromising way out of the conflict from an external perspective, however, is challenged by an entrenched history of colonisation and discrimination. The two-school solution was, in fact, completely dismissed by the *cabildo*, which considers it yet another expression of racism against indigenous peoples. With two different schools, ‘the discrimination of us here and them there will continue’ (interview with a former member of the CRIC secretariat, San Andrés, November 2015). As the indigenous governor put it, ‘in such a small community we are not supposed to have such differences, because with that it just means there is racism, there is discrimination, they do not want us to be part of it [school system]’ (interview, San Andrés, November 2015).

Yet, only a few kilometres West of San Andrés, a two-school solution was pursued as a way to resolve a similar conflict between the indigenous *resguardo* of La Gaitana and the peasant community of Guanacas. Like in San Andrés, the local school was first included in the Decree 0591 and then excluded from the list soon after. Indeed, the school was neither on indigenous land, nor was serving a majority of indigenous students. Yet, the legal actions of the *cabildo* managed to bring the case before the Colombian Constitutional Court, which ruled in favour of the indigenous party, arguing that the right of prior consultation to indigenous peoples (established in international human rights law and incorporated in the Colombian Constitution) had been violated when the school was excluded from the *educación propia* list (Sentence T-116/11). Peasants, on their part, also claimed their right to be consulted. As a result of the bipartisan consultation process, a new indigenous school was built on the *resguardo* land while the old school was downsized to serve the remaining students.

Before the two-school solution became inevitable, however, negotiation efforts were carried out to implement an experimental intercultural education model (neither indigenous nor standard), which would accommodate the needs of a complex demography consisting of about half peasant and half indigenous population (including Nasa, Guambiano and Afro-Colombian people). Issues surrounding resource



management and the hiring of the teaching personnel, prevented the negotiation parties to reach an agreement. Peasants were keen to keep these elements under the control of the state, while indigenous were in favour of shifting towards an autonomous *cabildo*-led administration. Indeed, they considered that:

(...) the project of appropriation of the school as a political and cultural strategy necessary means that the [indigenous] authorities should control the management and orientation of this educational process, because the state, during all these years, has never guaranteed inclusion or interculturality in education (interview with the education secretary of the La Milagrosa indigenous association, La Milagrosa, November 2015).

This growing autonomy also raised concerns about the lack of formal protections for the school personnel, including the right to unionise. Many of the peasant leaders are indeed teachers themselves. Originally from the area, they had access to higher education through scholarship programmes (some of them have degrees from Colombian elite universities) but decided to return to the region and contribute to its development. They now perceive that the radical take on education of the *cabildo* prevents them from engaging in an effort towards a better, more inclusive education arrangement that they had been pushing for years:

We can transform this region, this country, through education, because knowledge is another form of power; but that knowledge has to be in everyone's hands. That's why we're still here; that is why many of us had opportunities in the city or to continue studying but we preferred to return and stay here because it is the opportunity to transform from the example with our children and contribute to what we believe. (interview with high school teacher and peasant leader, Guanacas, November 2015)

### **Struggle for *inclusion* in Pangoa, Peru**

San Martín de Pangoa is a typical Amazonian town. A handful of mostly dirt roads form a chessboard of brick buildings and partially unfinished houses around the main square, overlooked by a modern version of a colonial church. The town is the capital of the Pangoa district, in the Junín region of central Peru. Its territory forms part of the Valleys of the Apurímac, Ene and Mantaro rivers (Valles de los Rios Apurímac, Ene y Mantaro VRAEM) – the only area in Peru still formally in state of emergency due to

the presence of active guerrilla groups as well as drug trafficking. The district has a population of around 61,000, of which 6,525 are indigenous from two major Amazon ethnic groups (called ‘native’ as opposed to highland ethnic groups): Ashaninka and Nomatsiguenga (Cosavalente Vidarte 2017). The rest of the population is formed by peasant settlers, mostly of Quechua origin, who arrived over the last 50 years from coastal or highland regions, either through government-led ‘colonisation’ programmes or in search of land (Newing 2013). Native and migrants live in small villages in close proximity to each other and, in certain cases, in mixed settlements. This co-existence has been generally peaceful, although tensions, mostly around land tenure, are not uncommon. Lately, education has also become a contentious issue in Pangoa.

In 2014, the creation of a scholarship for Amazonian ethnic communities (within the Beca 18 programme) was applauded as an opportunity to improve access to higher education for students in the region. Some Quechua students were keen to apply, but soon realised that their application process was not as smooth as for their Ashaninka and Nomatsiguenga colleagues. Alongside their application, students had to submit proof of belonging to an indigenous people and of residence in a native Amazon community (among those included in the Ministry of Culture’s Register of Native Communities), signed by three communal authorities and endorsed by the regional or national indigenous organisation. Since Quechua migrants are not organised in ethnic associations and their communities are not among those recognised by the Ministry of Culture, it was practically impossible for Quechua students to comply with the scholarship’s requirements.

Quechua parents were puzzled by this outcome and considered the exclusion of their children an act of discrimination on at least two grounds. Firstly, they argued, migrant children have attended the same local schools as native children (some of which are IBE schools). They also share similar conditions of poverty, marginalisation and insecurity. They therefore experience the same social gaps in their education and living conditions. Secondly, migrant families interpreted the Ministry’s decision as an act of denial and misrecognition of their Quechua ethnic identity and culture (interview with a leader of the Quechua association, Satipo, April 2016).

Quechua families began to mobilise and won the support of the mayor of the Pangoa District, who issued a Decree to grant them recognition as an ethnic group. Yet the action did not succeed in gaining traction at the national level. The Ministry of Education remained strongly in opposition to the inclusion of Quechua students from

the Amazon. The official view is that these students do not meet the ethnic criteria and should therefore compete for the income-based scholarship programme available for all Peruvian students. Moreover, their attempt to access the native peoples' scholarship is perceived as a way of 'tricking the system' that is unrelated to recognition and rights. In the words of a manager in the national IBE programme:

This [Beca 18 for native communities] is a national affirmative action initiative for some indigenous peoples, not for all indigenous peoples. And beyond that, one thing is a native community and another thing is a peasant community. In the Selva Central there are no Quechua peasant communities; there are only Quechua *colonos*. (interview Lima, April 2016)

In other words, only those Quechua communities from the highlands recognized by the Ministry of Culture have the right to an ethnic status. Yet, they are still not able to apply for this particular scholarship, which is only for Amazonian communities. Quechua people from the Amazon, on their part, cannot apply because their ethnic belonging is not recognised.

To be sure, this is not just a matter of bureaucratic labelling. This is yet another example of how group differences (between native and peasant; peasant and *colono*) can mark strong social boundaries of inclusion and exclusion, recognition and discrimination, and permeate the discourse, not only of bureaucrats, but of indigenous leaders as well:

The Amazonian indigenous peoples have reacted [to the Quechua mobilisation], because that does not proceed: they are not peasant communities, they are groups of individuals that do not represent a people, as in the case of a native community. The native communities have territory, they have their identity, their own language, a whole culture and they have been here for years. They have history here in the jungle. That is not what the *colonos* have, because they have migrated, they have come from over there, their history is elsewhere. (interview with indigenous leaders and local representative of the Ministry of Education, Satipo, April 2015)

We [Ashaninka] have been living here for a long time, so we are a native people. The *Quechua-speaking people* have migrated to the jungle from the highlands and also from the coast. We call them *colonos*, because they have settled here. (...) The Beca 18 is

directed to the indigenous peoples that exist here in the Amazon rainforest.<sup>61</sup>  
(interview with leader of the native organization Ashaninka Central of the Rio Tambo,  
Central Ashaninka De Rio Ene, CARE, Satipo, April 2015)

This is precisely the discourse that generates resentment among Quechua residents. As I already mentioned in chapter V, the very labels commonly used to describe the Quechua are derogatory: the term '*colono*' (not uncommonly coupled with 'invader') is associated with characteristics of greed, selfishness and environmental destruction. And for Quechua leaders, the expression 'Quechua-speaking people' also entails discriminatory connotations:

I am not a Quechua-speaking person. I am a Quechua person. I didn't learn Quechua afterwards, but I was born Quechua from my ancestors and I am still Quechua. This is why we started to mobilise, because they were giving us names that do not correspond to our culture, to our vision. (interview with Quechua leader, Satipo, April 2015)

An organisation of Quechua families was created in 2013. This organisation fights racism against migrant communities and supports the revitalisation of the Quechua language and culture, ultimately striving for the inclusion and recognition of 'Quechua native people with shades of the jungle' (interview with Quechua leader, cit.). The education issue is where Quechua migrants' struggles begin. Aside from the possibility for Quechua children from Amazonian communities to access affirmative action programmes for native peoples, their demands include the implementation of an IBE in Quechua to revert the vertiginous drop in the rates of Quechua-speaking children from migrant families. Attempts have also been made to reach out to universities and set up bilateral agreements that already exist with other native groups.

The Quechua organisation is struggling to find support and funding. Cooperation agencies and NGOs, which have been major sponsors of indigenous movements in Latin America, have not shown interest in the Quechua migrants' cause. One of the main reasons behind their reluctance may be the widely documented impact that internal migration has on the pristine Amazon rainforest (Bierregaard 2001). If

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<sup>61</sup> Indigenous leaders were not satisfied with the scholarship programme. They highlighted how many native beneficiaries returned before finishing their programmes. They pointed the finger against the local schooling system, arguing that it is not adequate to prepare native students to compete with students from urban areas: 'the government says "I put you in the best university", but that child of the VRAEM cannot compete with a child of the upper class of Lima, it is impossible and all those young people come back frustrated' (interview with CART leader, Satipo, April 2016).

Quechua migrants are often considered the ones to blame, from their perspective, there have been instances in which their rights have been violated too. In Pangoa, for example, settlers complain about their exclusion from a consultation process on a hydrocarbon exploration initiative that affected their land, but on which only native communities were consulted (interview with Quechua leader, Satipo, April 2015). Although the idea of a Quechua ancestral territory in the Amazon still sounds like oxymoron, the Pangoa organisation is in many ways pioneering the struggle for inclusion and recognition of migrant communities in the Peruvian Amazon. It has done so by embracing the transnational discourse of the indigenous rights movement, emphasising discriminatory practices and referring to international human rights law for legal leverage. As a leader of the organisation told me, while proudly displaying the traditional Quechua straps wrapped around her braids:

If you don't make yourself visible, you are automatically *colono*, synonym of Hispanic. (...) Here in the jungle it would seem that Quechuas have no legality, they should not exist in rights or duties. The whole administrative and political system considers us as Hispanic, from the city and therefore we don't have any right. But the ILO says that all native people have rights, under the political Constitution. Why is it that this part of the jungle can't have any? (interview, Satipo, April 2015)

### **Inclusion and Exclusion: The Two Sides of Access Conflicts**

Education policies are not rational, technocratic solutions to problems in wider society. They are inherently political because they are underpinned by ideas of identity, community, justice and rights. The politics of education are mainly about 'whom (or which groups) can and should be recognised as bearers of rights and claims', ultimately reflecting 'the very shape and configuration of society and the power relations it entails' (Bacevic 2014: 18). Indeed, education policy-making not only responds to the claims of specific groups, but actively contributes to the recreation, strengthening or dismantling of those very groups. In this chapter, I illustrated how education policies both implicitly and explicitly impact social processes by reshaping inter-group relationships, collective identities and power dynamics. The two case studies analysed are quite different in terms of levels of violence and social disruption as well as in the type of policy measures at the heart of the controversy. Yet Inzá and Pangoa exemplify the kind of tensions and claims that identity policies of education can trigger at the

micro-level, particularly in the socially heterogeneous communities typical of post-colonial societies.

As for other recognition reforms discussed in previous chapters, identity policies of education problematically target ethnic groups in an abstract fashion and as if they exist in isolation from specific social communities. Indeed, multicultural education approaches often assume the existence of ‘bounded communities solidified through geographic and racialised borders’ (McCarthy 1998, 159). In normative terms, these limitations are reflected in the tendency to treat racial and ethnic definitions as immutable and a priori and to disregard historical variation in the practices of inclusion and exclusion and redefinition of ethnic categories. It can of course be said that it would be hard to account for such complexity in national policymaking and that a certain level of generalisation is unavoidable. Yet, issues of culture and identity are considerably less stable than what is proposed in the identity politics of education framework. In practice, this overly simplistic view of ethnic and cultural differences prevents the assessment of the consequences and impact of these policies in terms of the broader social community. Indeed, as the two case studies exemplify, most groups that are targeted by these policies do not live in isolation, but rather share their environment with other groups, who are also likely to react to the implementation of identity policies. Reactions to the changes in power relationships between groups can lead to the rise of new grievances for inclusion, as in the case of Pangoa, but also for exclusion, as in Inzá. The dichotomous relationship between inclusion and exclusion should not be misleading. In this case, inclusion and exclusion are indeed two aspects of the same problem, and particularly of the inability of recognition reforms to incorporate social heterogeneity and account for spill-over effects between groups.

Claims for exclusion are rooted in a narrow understanding of IBE as a distinct schooling model for ethnic communities rather than a broader endeavour to strengthen intercultural exchange across society. As scholars have noted (Aikman 2012; García 2005), the emphasis on the bilingual rather than intercultural aspect of IBE is problematic because it can be perceived as perpetuating the process of differentiation and silencing of ethnic communities. But it also has nothing whatsoever to say to groups who might have needs or feel they have claims, but who cannot be defined in ethnic terms. It is not surprising therefore that *educación propia* is unlikely to be the solution for mixed communities struggling for truly intercultural education – and that the

implementation of IBE will hardly be successful if it ends up creating new patterns of exclusion.

Claims for inclusion clearly illustrate how assumptions of ethnic culture and identity as bounded, coherent and static fail to make sense of the multiplicity of identities that people embrace and the rapid changes in self-identification processes. The Quechua people in Peru are a clear example of how ethnicity can quickly go from being a derogatory category to an empowering tool. Until very recently, among peasant communities, being ‘indigenous’ was synonymous with backwardness, economic poverty and lack of political power (García 2005; Aikman 2012). Now, it is increasingly common for Quechua people to embrace ethnic labelling to claim for rights and recognition. The Pangoa case is indeed one of the first documented examples of how the ethnicisation of Peruvian peasants is slowly spreading from mining communities in the highlands (as in the case of Las Bambas mentioned in chapters II and IV) to the Amazonian lowlands. This case also illustrates how narrow understandings of identity in education policies are unable to account for contingent social processes, such as migration dynamics and, again, the existence of complex, non-homogenous schooling communities. Indeed, the very separation between school and community should be overcome and spaces for engagement and active social participation in school and education should be encouraged (Catalán Colque 2007; Zavala *et al.* 2007).

Issues of inclusion and exclusion are not only grounded in the way the identity policies of education framework conceptualises how societies work, but also in the way these policies offer their own vision of a just society. At the macro-level, social differentiation criteria are generally justified by the need to tackle horizontal inequalities. Indeed, these politics are based on the idea that we should prioritise reducing inter-group inequalities over vertical inequalities across all identity groups (Brown *et al.* 1990). The micro-perspective adopted here, focused on how these policies work in multicultural environments, contributes to highlights new normative dilemmas. In particular, it forces us to ask how inclusive identity policies of education are in practice; or more precisely, whether the degree of exclusion they entail can be justified both in moral terms and in terms of outcomes. On the one hand, an ‘empowering through strong boundaries’ model can strengthen traditionally marginalised ethnic sectors, but also widen social and inter-cultural gaps and weaken social cohesion. On the other hand, an ‘equalising through melting boundaries’ model closes social and

cultural gaps, but also reduces the political power and internal cohesion of ethnic communities. To implement these different models, AA and IBE can take very different forms. If the first model is better served by a demanding definition of ethnicity (e.g., language-based) as entry criterion for AA measures, the second model necessitates a multi-variable framework that considers economic and spatial factors. For IBE, the two main options are a bilingual curriculum model targeted toward specific ethnic groups or the 'intercultural education for all' model. Different models better serve different national and local contexts. Yet, in a general sense, the experiences of Inzá and Pangoa highlight the need for a thorough discussion about the meaning of social justice in multicultural education policymaking and recognition reforms more broadly (Gewirtz 1998). I will take up the task of organizing the evidence discussed throughout the empirical chapters and reflect of it contributed to debates on equality and diversity and for recognition policy-making in the last chapter.



## **CHAPTER VIII**

### **Rethinking Recognition: What Implications for Identity Governance?**

This book argues for the need to closely examine recognition theories and politics in light of social facts. After digging into the very detailed empirics of recognition conflicts, it is now time to go back to the analytical and theoretical frameworks spelled out at the beginning of the book and consider the implications of my findings for broader debates on ethnic diversity and social justice. This concluding chapter makes three main contributions. The first is to summarise the main findings of this book about recognition conflicts and how these can contribute to build bridges across the rigid continental divide that characterises recognition and ethnic conflict scholarships. I then discuss how the empirical evidence should encourage new thinking around the way in which recognition is theorised as a justice principle. Finally, I offer some recommendations on how to incorporate the book's findings into a policy agenda, or how to tackle these empirical and normative puzzles through concrete actions and policy measures.

#### **Towards A Comparative Politics of Recognition**

Why are social groups that have peacefully cohabited for decades suddenly engaging in hostile and violent behaviours? What relationship do these conflicts have with changes in collective self-identification, claim-making and rent-seeking dynamics? And how, in turn, are those changes driven by broader institutional, legal and policy reforms? Through extensive empirical data, I have shown that the key feature that recognition conflicts have in common is their relationship with the implementation of legal or policy measures within the framework of recognition reforms. The object of these measures varies significantly, ranging from land titling to education policies and affirmative action, administrative autonomy and participatory governance. Whether at the national, regional or local level, these measures are all part of the project of incorporating ethnic groups into the framework of multicultural or plurinational models of citizenship and statehoods. In contexts of high multidimensional fragility, linked in particular to social heterogeneity and endemic lack of resources experienced by social

communities, the legal protection and rights offered by the recognition framework are perceived by certain groups as an opportunity to gain access to power and resources. And rightly so. In rural remote areas, the state generally has a very weak presence and rural communities have been looking for decades for opportunities to either be included in the state-building process, or to be granted some degree of autonomy. For indigenous peoples, recognition serves both purposes: it formalises self-government and territorial control, while creating new spaces for the integration of ethnic groups within a new multicultural or plurinational state. It also offers access to very concrete resources, including land, and, in certain cases, direct monetary transfers from the central government, which can significantly improve communities' situations of widespread poverty. In these contexts, ethnicity has acquired new social and political salience following the implementation of recognition reforms. Through a more or less radical process of 'reinvention of tradition' (Hobsbawm & Ranger 1983), ethnic identities have been strengthened (as in the Nasa communities of the Cauca), revitalised (as for the Quechua migrants of Peru) or created anew (as for the Leco people of Apolo). This, of course, does not imply that they are less authentic or real than other identities, or that they are not based on pre-existent cultural markers and systems of beliefs. There is no doubt that identity-based claims reflect real aspirations, desires and frustration of groups that have been living at the margins of Andean societies and have experienced persistent discrimination and abuse. In other words, I do not intend here to undermine in any way the problems that communities have been facing and their choices in terms of self-identification and collective mobilisation strategies. Yet, what I have intended to highlight is that claiming allegiance to an ancestral past and an ethnic identity is contingent to a given socio-political context, as this has not always been the case even in relatively recent times.

The process of ethnic boundary-remaking is often accompanied by tensions. Indeed, while for certain groups claiming allegiance to an ethnic culture has been relatively smooth, other groups have been incapable or unwilling to be recognised as ethnic subjects. They have been therefore excluded from accessing the new rights and resources that recognition reforms have made available for ethnic groups. This differential treatment is fuelling resentment and a feeling of injustice particularly in those locations where ethnic and non-ethnic groups have been coexisting in generally peaceful social communities for decades. In other cases, it is the increase in social heterogeneity triggered by migration and population growth that is at the root of new

tensions. And, as I have shown throughout the book, the endemic lack of resources is also a key factor to consider in order to understand the occurrence of new conflicts. Indeed, where recognition reforms are more relevant is generally in remote rural areas characterised by widespread poverty and precarious livelihoods. In these communities, the ‘means of redistribution’ embedded in recognition reforms offer certain groups the opportunity to gain access to strategic resources (particularly land), leaving other local groups in a worse-off position.

The conflict seeds embedded in recognition reforms that I have analysed throughout the book constitute a powerful critique to one of the key arguments of recognition proponents, concerning the potential of indigenous rights to resolve social tensions linked to inequality and marginalisation. The Latin American examples show how recognition certainly provides effective and popular solutions for the inclusion of ethnic minorities within national societies. Yet, as I document in this book, it can at the same time increase inter-group competition and worsen the situation in socially heterogeneous and economically fragile communities. These findings show that Latin America shares more similarities with other contexts than scholars have generally considered. Similar tensions around the implementation of indigenous rights and their potential to reinforce a class system that marginalises the poorest even further have been documented by Alpa Shah in the case of India (2010). While in Southern Africa, the redistribution of land to San indigenous peoples excluded the landless San farmers that did not conform to the indigenous stereotype (Sylvain 2002). Latin American countries are characterised, on average, by a lower degree of ethnic diversity, greater economic performances and more effective state institutions compared to many Asian and African countries. The evidence presented here should therefore encourage a closer look at the conditions under which a recognition agenda might be pursued in other regions, particularly when it comes to the implementation of regimes tasked with the local governance of ethnicity.

There is at least another key finding of this book that will be of particular interest to scholars working on ethnic politics beyond Latin America. This relates to the complexity and variation in the reshaping of ethnic boundaries. As I described in the introduction, there is a general consensus on the difficulty of negotiating ethnic categories in Asia and Africa. In the case of Asia, the question of who is indigenous has been referred to by Kingsbury (1998) as the ‘Asian controversy’. On the one hand, groups across the region have started to mobilise as indigenous peoples and to

participate in international meetings and be part of transnational networks. On the other hand, Asian states have argued that the concept of indigenous peoples is a product of European colonialism and is therefore not applicable to most parts of Asia. In Africa, a continent that experienced widespread European colonisation, one of the core arguments behind the resistance of scholars and policymakers to embrace the indigenous rights framework has been precisely around the difficulty of discerning who is indigenous. African states have successfully fought for their independence and they do not consider themselves to be responsible to decolonise their tribal populations (Kymlicka 2007). By contrast, Latin America is generally perceived as a context where the distinction between indigenous minorities and white/*mestizo* majorities is relatively straightforward. The cases of recognition conflicts presented in this book, however, are examples of how contentious ethnic categorisation can be even within the Latin American context. In other words, Latin America may share more similarities with other regions and countries across the Global South than has been generally assumed.

Since the 1980s, ethnic studies in Latin America, Asia and Africa have taken completely different paths and, thirty years later, attempts to bridge the gap between extraordinary siloed and non-overlapping debates remain quite limited. Yet there are clear advantages in bridging these gaps. As I argued in the book's introduction, considering context-dependent variables when studying the implementation of recognition reforms is paramount to understand variation in policy effectiveness as well as unintended consequences. To this end, cross-continental perspectives could add important insights that have yet to be fully explored.

## **Social Justice and the Politics of Recognition**

Recognition conflicts certainly need innovative analytical tools that can capture the dynamic of collective boundary-making and social communities' features that underpin them. They also encourage new thinking around how recognition is theorised as a justice principle. Critical scholars of recognition have extensively discussed the limitations of the theories of recognition (Dick 2011; McNay 2008; Pilapil 2015; Remotti 2001). Most of them, however, ground their critiques exclusively on political philosophy arguments. My contribution adds to these critical perspectives by discussing theoretical arguments in light of empirical evidence. Indeed, as Miller acknowledges,

‘greater weight to empirical evidence about justice’ (1999: 56) should be a key component of theoretical justification.

One common criticism of recognition is that it too often succumbs to essentialism. Identities are taken as given and as part of an individual or group essence that tend to remain constant across cultural and historical boundaries. This perspective is particularly attractive when trying to explain collective action grounded in concepts of ancestrality, authenticity and culture – as in the case of indigenous claims. In this framework, identities are also understood as expression of common experiences of oppression that are resilient over time. Yet, this perspective is clearly in tension with constructivist understandings of how collective identities work. It is also incompatible with any conceptualisation of identities as endogenous to economic, political and social processes. One of the most powerful ways recognition reforms generate performative effects on collective identities is by setting the rules for the very access to recognition based on positive discrimination criteria. There are three main arguments commonly used to justify special group rights. These arguments rely on both moral and empirical observations, and, although they all have some degree of validity, they also contain some relevant flaws. These flaws are important to understand why the implementation of recognition can ultimately be a very conflictive endeavour.

The first argument is an historical one and makes the case for the need to redress past experiences of domination and segregation due to some ascriptive characteristics, as the main roots of current inequalities (Richardson 2012). As Brown *et al.* (1990) notice, this criterion makes sense when every member of one group is better off than every member of the other group. It can, however, become problematic in cases of intra-group heterogeneity or when the outcomes of recognition bring the discriminated group not to a position of equality, but of advantage compared to other groups. It can be argued that this is the case for certain indigenous communities that benefitted over a significant period of time of access to land, public services and state resources, while other non-indigenous rural communities were left behind. These situations have fuelled perceptions of relative injustice for peasants across the Andean region, and particularly in Peru and Colombia, where peasant claims for recognition have remained almost completely unattended, especially compared to indigenous rights that have been explicitly included in these countries’ constitutions.

The second argument is a cultural one. It is grounded in the acknowledgement that indigenous peoples have a unique relationship with the territory they occupy and

that that specific territory is a substantial component of their identity. Art. 3 of the ILO 169 Convention mandates governments to ‘respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories (...) and in particular the collective aspects of this relationship’. It is certainly true that indigenous communities have a long history of living in symbiosis with their natural environment and that they attribute to it religious and spiritual value. This argument has two major flaws, however. On the one hand, it ignores the fact that indigenous communities do move and while identity is portable, territory is not. Linking recognition with a given territory, therefore, prevents indigenous migrants from gaining access to recognition. More broadly it raises questions around the definition of citizenship: ‘how can one attain full political citizenship at the national level if one’s special rights are constrained by residence in a particular place?’ (Shneiderman & Tillin 2015: 35). On the other hand, this argument focuses on the exclusiveness of this relationship, failing to acknowledge that other social groups may share a similar sense of belonging to a place, as indigenous peoples do. In other words, cultural attachment to physical space is not unique to indigenous communities, but it is very common, albeit in different shapes and forms, among rural communities in general. Moreover, given the importance of land ownership for any communities making a living from subsistence farming, would a certain type of cultural attachment to a territory be the best proxy to establish whether and in what form communities deserve secure access to land?

The third argument is economic and is based on the observation that indigenous people are the poorest within Latin American societies and beyond. According to the World Bank, ‘indigenous peoples worldwide continue to be among the poorest of the poor and continue to suffer from higher poverty, lower education, and a greater incidence of disease and discrimination than other groups’ (World Bank 2010). Indeed, according to the Food and Agriculture Organization (FAO), ‘although they account for less than 5 per cent of the global population, they comprise about 15 per cent of all the poor people in the world’.<sup>62</sup> At the end of the ‘indigenous decade’ (1994-2004), in Bolivia, Ecuador and Guatemala, three-quarters of the indigenous population were classified as poor (Hall & Patrinos 2005). This situation has traditionally been linked to the impact of colonisation and unequal economic development that, as the director

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<sup>62</sup> Information retrieved from FAO website <http://www.fao.org/indigenous-peoples/en/>, August 20 2018.

of the pro-indigenous NGO Survival International wrote, ‘turned most of the survivors into dispossessed paupers’ (Corry 2011). A strong correlation certainly exists between poverty and racial discrimination. Yet these two variables are not always synonymous (Seligmann 1995: 8). In 2017, almost half of the rural population in Latin America was poor and about one third indigent (FAO 2018). If we consider that indigenous peoples represent 8 per cent of the region’s population and that nearly half of them now live in urban areas, most of the rural poor are in fact not indigenous, or not recognised as such. In sum, not all indigenous are poor and not all poor are indigenous (World Bank 2018). Moreover, macro-data are sometimes poor indicators of micro-social realities. Local contests, as I have shown, are usually quite heterogeneous and, at this scale, the economic divide between ethnic and non-ethnic groups tends to become less sharp. It is indeed a common trait in all the cases analysed in this book that a significant percentage of the local population live in conditions significantly below the poverty threshold, independently of whether they identify as indigenous or peasants. If socio-economic features within specific social contexts are not considered, recognition will likely lose its equalising potential. This is particularly the case when measures with a significant redistributive component are applied as necessary steps towards full recognition.

Indeed, analysis of recognition conflicts inevitably steps into the long-standing discussion on recognition and redistribution as the two poles of social justice and collective mobilisation. The redistributive component is particularly relevant in contexts characterised by high levels of poverty and precarious livelihoods, as those where inter-communal conflicts are most likely to occur. Yet, redistribution has generally been neglected by recognition scholarship. Bringing redistribution back into the picture also has, I argue, a theoretical merit: it contributes to challenging the mainstream epistemological shift from class to identity, and from redistribution to recognition. It is indeed legitimate to wonder whether the outcome of 20<sup>th</sup> century ethnically blind interpretations that I have described in chapter III has not, in fact, led to the predominance of equally unbalanced class blind analytical frameworks. Social scientists have tended, in recent years, to overlook existing social class structures and the role still played by class in shaping society, from global political economies to local social hierarchies (Gibson-Graham 1996). In fact, class analysis may very well benefit studies of indigenous movements and ethnic populations, whose complexity has been significantly growing over the last decades, as a result of both their emergence as key

national political actors as well as their social mobility through the insertion in market economies and urban environments (also referred to as ‘cholification’, Greene 2007). The key example here is probably the one of Bolivian Aymara traders who, taking advantage of the growing inflow of contraband goods, are now in control of great part of the Bolivian retail economy while running thriving transnational businesses. These new entrepreneurs have been undergoing a ‘cultural renaissance’, maintaining strong bonds with the indigenous world while still failing to fully integrate within the national bourgeoisie (Tassi 2010 and 2017). The classic Marxist discussion about status differences among the peasantry (Wolf 1969; Alavi 1973) and their implications for progressive vs conservative attitudes of the peasantry could perhaps be of inspiration to develop a class analysis of contemporary indigenous groups that fully considers their socio-economic heterogeneity.

We should be careful however to avoid ‘throwing the baby out with the bathwater’. Replacing redistribution with recognition is not desirable either. The merits of recognition as an analytical tool are not negligible. Recognition has allowed to capture a key dimension of social claims that has to do with the importance of culture, identity and sense of belonging. Yet, in its most widespread interpretation, recognition has a rather narrow focus on specific social groups, often theorised in terms of ethnically differentiated minorities (Kymlika 2001; Postero & Zamosc 2004; Stavenhagen 2007; Canessa 2012). These social groups are also considered for their collective action potential (as social movements) claiming for differentiated rights, inclusion and citizenship (Le Bot 2009). This framework, in other words, implies a highly normative interpretation of recognition.

As the cases presented in this book illustrate, however, more than a claim proper of cultural minorities, recognition seems rather a necessary attribute for each and every collective actor. As Hannah Arendt (1958) pointed out, identity is not so much a substance as a requirement: that of knowing (and being able to define) whom we are dealing with. To recognise is, therefore, first and foremost the operation through which an observer identifies something or someone as durable and different from whatever surrounds it. Recognition operates by selecting those identities that enable the establishment of a cognitive order in a differentiated social landscape. Hence, it would be more appropriate to talk about recognition needs of each and every individual and collective actor, where recognition is a general form of identity distinction that includes a plurality of elements (not only ethnicity) and that is compatible with strategic



decision-making. Indeed, recognition could be a *need* that is not necessarily beneficial for the whole population, but, in certain cases, responds to the agenda of a small group, e.g. an elite or a few leaders. In this sense, recognition claims cannot be understood only through the lenses of rights. The dimensions of power and interests must be considered as well.

This broader perspective on recognition allows us to reconceptualise recognition as an analytical rather than a normative concept and focus on its descriptive rather than prescriptive potential. Following Rossi's conceptualisation of recognition in a recent book on the *piquetero* movement in Argentina, recognition can be understood as the 'initial quest linked to the popular sectors' emergence in protest' (2017: 18), which is generally followed by socio-economic conflicts and the quest for incorporation. This broader analytical understanding of recognition also has the merit of shedding light on struggles that have shifted to the background, as in the case of labour movements but also peasants and Afro-descendants – mainly because of the narrow focus taken by the debate on recognition.

There is another aspect that mainstream arguments supporting recognition reforms fail to consider: setting the rules for recognition is a highly contentious process imbued in politics, whose outcomes are determined not only by moral arguments but by contingent relationships of power and prevailing interests involving different groups. This aspect is best illustrated in this book by the debates on FPIC. This new tool for participatory governance generated intense discussions around who should be the subject of this right, and notably whether peasant communities should be entitled to consultation or not. What is at stake here, rather than a moral paradigm, is a procedural approach to define who holds rights and deserves recognition. In the case of FPIC, as we have seen, Andean countries diverge in how they define the subject of consultation, with Bolivia including peasant communities, Colombia excluding peasant communities and Peru adopting a case by case approach. In practice, these differences imply that millions of people are either included or excluded from the right to be consulted. And even after an agreement is reached in principle, the porous boundaries of ethnic identities mean that rules can be challenged on a case by case basis. For example, Quechua settlers in the Peruvian Amazon are now engaging in a process of revitalisation of ethnic markers in order to support their claim for inclusion in affirmative action measures. If the entitlement to an ethnic identity is questionable, the concept of cultural distinctiveness is even more open to debate. Indeed, as peasant

associations in Inzá argue, the unique culture and identity of peasant communities should also give them access to special rights (including some degree of territorial autonomy as well as prior consultation).

The process of tracing ethnic boundaries is not only contentious, but always implies a certain degree of arbitrariness. It is indeed about establishing a cut-off point along a number of continuous variables, such as groups' collective sense of belonging, cultural differentiation, and even language proficiency. Those groups that, for historical reasons, are able to better comply with the established criteria (i.e. have fitness) will be more likely to be granted recognition, compared with those groups that cannot easily ascribe to those criteria, or refuse to do so. There is, in other words, a problem of distribution of opportunities that may, in certain cases, not even reflect a common understanding of indigeneity. Visiting highland communities in Peru can be, for an outsider, an incredible approximation to what stereotypical imaginaries of Andean indigenous peoples look like. Many would be surprised to know that most of those communities do not consider themselves, nor are they recognised, as indigenous. Equally, first time visitors are often disappointed to travel to remote Amazon communities and find out that indigenous peoples commonly wear Western cloths, carry around the latest generation smartphones and move up and down stream with fast motorboats. It would perhaps be easier to establish cross-cutting criteria if all indigenous peoples look like the blue Avatars portrayed in Hollywood movies. This is far from the reality of ethnic communities in Latin America. The relative arbitrariness of recognition criteria, therefore, ultimately questions the value of identity fitness as a moral metric. Are those groups that can better adapt to state-crafted indigeneity more worthy of cultural and social recognition? And, if ethnicity is often endogenous to institutional changes, can identity then be considered a sufficiently robust criterion for the allocation of differentiated rights and resources?

## **Towards a Mutual Construction of Inclusions**

Fairness is not only a rhetorical but also an empirical puzzle. It is now clear that recognition conflicts open up new moral dilemmas around the implementation of recognition reforms and their underpinning model of social justice. These dilemmas often complicate the quest for practical solutions. Given the prolonged and sometimes violent nature of recognition conflicts, parties are generally stuck in confrontational and

competitive patterns of behaviours, supported by narratives of estrangement and resentment. Yet, even when parties are both willing to engage in dialogue and negotiation, the path towards resolution remains scattered with many uneasy questions. I summarise here some of the questions that I have already more or less explicitly raised throughout this book. They concern both larger issues and specific cases, and they all underpin moral and empirical puzzles. Given the complexity of the Andean ethnic landscape, what criteria would be most appropriate for tracing recognition boundaries? Is a loose self-identification criterion more appropriate than stricter markers, such as language proficiency, or vice-versa? Should FPIC be a right only for indigenous/native peoples or should it also be expanded to other rural communities? Should Quechua migrants in Pangoa be recognised an ethnic status and therefore be entitled to the same scholarship as their native neighbours? Should peasant students in Inzá have the right to opt out of the *educación propia* system or should Nasa people be entitled to enforce their education model within the territory they control? Is two-school modelling a fair or discriminatory solution? Who are the victims of the Flor de la Frontera conflict: the indigenous peoples who suffered illegal occupation of their land or the peasant settlers who were granted illegal land titles? Are the expansionistic strategies put in place by Cauca's *resguardos* a legitimate means to consolidate their territory and autonomy? Should indigenous peoples in Apolo be given priority over peasants in the process of land titling? Is the Colombian peasants' appeal to a unique identity and cultural recognition as a way of claiming for differentiated rights legitimate?

These questions have no simple answers. Moreover, it is clear that the recognition framework does not offer a clear map and moral horizon to navigate these dilemmas. New thinking is needed around the effects of recognition and the chain of actions and reactions triggered by recognition reforms. This is particularly important when it comes to the local governance of recognition. The outcomes of policymaking are often uncertain; yet, after more than twenty years of implementation of recognition reforms, it is time to look closely at their broader impact. Recognition conflicts offer a window on a number of problematic issues around recognition. Most of these issues, however, can be prevented or moderated. In fact, simple awareness of these dilemmas may inspire a more cautious design and implementation of recognition reforms. Furthermore, other strategies could be considered to mitigate the conflictive seeds of recognition.

One of the problems with recognition politics is that they are self-referential in their assessment and they generally predict a win-win scenario. Yet, as we have seen, recognition can trigger zero-sum games. This is particularly the case when recognition relies on redistribution of scarce and valuable resources – such as land – or when it is implemented in highly heterogeneous and deprived social communities. A telling example of a zero-sum game is the strategy of expansion of *resguardo* territories in the Cauca region through the acquisition or occupation of surrounding peasant and Afro-descendent lands. When zero-sum dynamics are at play, the post-recognition scenario will likely be populated by winners and losers. Some measures can, however, be taken to prevent or moderate these conflicts. The most obvious is to refrain from evaluating the outcomes of recognition policies only with respect to those groups that directly benefit from recognition and introduce instead evaluation methods that include the broader social communities. This will allow to capture those cases where successful outcomes for one group might result in negative effects on other groups, or the deterioration of the overall situation.

Before getting to the evaluation, which by definition happens after policy implementation, other strategies can be adopted to prevent conflictive outcomes. An example could be to account for the need of offering compensatory measures to groups that might be negatively affected by the implementation of recognition reforms. Rather than monetary compensation, these measures should aim at expanding and consolidating communities' rights and answer distributive claims. For example, while granting land titles to indigenous peoples, offering peasant communities the resources and technical expertise to be able to secure land tenure could prevent feelings of resentment and future conflicts. In the case of Apolo, indeed, peasants' perceived injustice is fuelled not only by the fact that the Leco's land claim was fast-tracked and successful, but by the realisation that the costs of the technical procedures to issue the title were taken care of through international cooperation funding, while no funding was available for peasants to carry out a georeferentiation of their land. The conflict could likely have been moderated by offering poor peasants the means to secure control of their communal land.

Conflict mitigation through compensatory measures is, however, not always possible and does not generally offer any long-term solution for a sustainable intercultural coexistence in ethnically diverse territories. Heterogeneous social communities require more inclusive arrangements, rather than the exclusive model

offered by recognition reforms. This is clear by looking at how, in some of the cases analysed in this book, the parties seemed to be converging around compromising solutions acceptable for both groups. One example is the case of the land conflicts in Inzá, where innovative models of ‘intercultural territorialities’ were at some point debated at the negotiation table. Yet, a strict understanding of territorial configurations and the lack of institutional instruments to support compromising solutions prevented this proposal from being seriously taken into consideration. Another example are the informal agreements that are in some cases signed between indigenous communities and migrant settlers in order to regulate their relationship and access to resources. These arrangements are often imperfect and do not offer a priori any guarantees about sustainable environmental management, as well as respect of accountability and broad participation in decision-making. This is, however, partially because they happen outside of any legal or institutional framework. It is not a matter of signing off any successful local negotiations or arrangements, but it is nevertheless important to learn from these experiences. It should now be clear that the existing models of recognition do not resolve issues of social justice in many complex scenarios. Efforts should therefore be put into developing alternative models that address the needs for intercultural governance and peaceful coexistence.

But taking seriously the proposals coming from the territories will likely not be enough. Broader claims for recognition and redistribution will also need to be addressed in order to prevent recognition conflicts from arising. Following the conceptualisation of recognition as a universal need, the state should opt for an inclusive approach to recognition that acknowledges the cultural value of both ethnic and non-ethnic identities. A claim for recognition is now explicit in the discourse of Colombia’s peasants, while in Peru peasant organisations are in the process of pursuing ethnicization campaigns of their grassroots in the hope to gain visibility and a voice in the political arena. Ethnicization has proved an effective strategy to gain recognition. Yet, a broader understanding of recognition would allow social groups to choose among a wider range of collective identities, rather than force people into categories that they do not truly embrace or feel represented by. Andean countries have done a lot in recent years to tackle racism. In Bolivia, for example, an historic law was passed in 2010 with the aim of establishing ‘mechanisms and procedures for the prevention and sanction of racism and any forms of discrimination’ (Law 045). Focusing on ethnic diversity was indeed an important step towards the redressing of longstanding discrimination rooted

in the colonial past. But building a more inclusive society requires addressing different forms of stigmatisation, even those that have no direct colonial origin. Across the Andes, peasants and particularly internal migrants are highly stigmatised groups. As indigenous peoples, they are also overrepresented among marginalised and poor communities. A broader recognition framework can offer powerful tools to redress many forms of social and racial stigmatisation in these societies, beyond the sole indigenous question.

A broader approach to recognition should be accompanied by policies with a wider redistributive potential. There remains a long way to go to significantly reverse the conditions of poverty and marginalisation of indigenous communities. However, recognition reforms have achieved some notable improvements in addressing distributive claims by offering land security, access to financial resources and service provisions. At the same time, the redistributive effects of these policies benefit only a small percentage of the rural poor, while strategies to improve the condition of rural communities more broadly have been lacking. The main reason may be political. As we have seen, indigenous recognition has been unanimously embraced across the political spectrum. This can be explained by the relative low costs that these reforms entail for political elites. A paradigmatic example are agrarian reforms. Since the 1990s, substantial amount of land has been titled in favour of indigenous peoples. In Colombia, a third of the national territory is now in the hands of indigenous communities. How can we make sense of the fact that arguably the most conservative among the Andean countries agreed to cede property rights over such a huge expanse of land? This (as with most agrarian reforms since the 1990s across Latin America), I argue, can be understood as a strategy adopted by the elites to minimise the costs of redistribution, while maximising the volume of redistributed land. Territorial claims by indigenous peoples are usually remote, overlap mostly with national parks and public land and do not have a high value in terms of agricultural exploitation. They do, however, have significant commercial value when other commodities are considered, such as hydrocarbons and other natural resources. This is why countries have carefully crafted what kind of control communities retain on their territories, generally excluding subsoil resources. At the same time, Andean countries are still waiting for a substantial agrarian reform to be carried out. Colombia, where two thirds of agricultural land is concentrated in just 0.4 per cent of farmland holdings, is the worst case in the entire Latin American region (Guereña 2017). In Bolivia, where land titling has been carried out at a faster

pace over the last decade compared to other Andean countries, problems remain around the unequal agrarian structure and modes of production (Colque *et al.* 2016). While in Peru, between 1994 and 2012, there has been an increase of more than 40 per cent in the number of smallholder farms (less than 5 hectares), but the total area occupied by them did not increase, resulting in the shrinking of holding size from 1.7 to 1.3 hectares on average (Guereña 2016). The real challenge in these countries is to implement strategies of redistribution for the whole rural poor. Indigenous recognition is only one piece of the puzzle and does not alone address pressing issues around social inequalities.

Yet tackling broader issues of inequality is a necessary condition to ensure that the implementation of recognition is less conflictive. A different integrated model of governance of cultural differences and social inequalities would need to replace the incentive mechanisms that have favoured, over the last 20 years, higher levels of social competition, with other mechanisms oriented towards the mutual construction of inclusions, rather than exclusions. This challenge can certainly learn from a closer look at what happens ‘in the shadow of recognition’, beyond the epics of indigenous struggles, where normal life assumes its course. The roots of violence tend to be remarkably similar across cultures and geographies and they are often nested in our ‘inability to think from the standpoint of somebody else’ (Arendt 1994: 49; Wiewiorka 2004). Politics can make a huge difference in shaping the imagination of difference and in preventing the darkest side of human communities from prevailing.

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