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Publication date

2007

Document Version

Final published version

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Citation for published version (APA):

van de Sandt, J. J. (2007). *Behind the mask of recognition : defending autonomy and communal resource management in indigenous resguardos, Colombia*. [Thesis, fully internal, Universiteit van Amsterdam].

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BEHIND THE MASK OF RECOGNITION

*defending autonomy and
communal resource management
in indigenous resguardos, Colombia*

Joris J. van de Sandt

BEHIND THE MASK
OF RECOGNITION

Joris J. van de Sandt

Sandt, Joris J. van de

Behind The Mask of Recognition
*defending autonomy and communal resource
management in indigenous resguardos,
Colombia*

ISBN 978-90-9021768-0
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COVER, LAYOUT, TYPOGRAPHY

Tobias David

printed on Biofly Natural paper
Gildeprint Drukkerijen, Enschede

The research on which this dissertation is based was conducted with financial support from the Incentive Action Legal Research (NWO/SARO) and the Netherlands Foundation for the Advancement of Tropical Research (NWO/WOTRO)

Sandt, Joris J. van de

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ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad van doctor aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus Prof. dr. J. W. Zwemmer
ten overstaan van een door het college voor promoties ingestelde commissie,
in het openbaar te verdedigen in de Aula der Universiteit
op donderdag 12 april 2007, te 14.00 uur,
door Joris Jan van de Sandt, geboren te Geldrop.

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dr. B. M. Oomen

FACULTEIT DER RECHTSGELEERDHEID

To the people of Jambaló

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ACKNOWLEDGEMENTS

The research that forms the basis for this dissertation officially began in the summer of 1999, but only really started when I first set foot on Colombian soil, in September 2000. For a long time, Colombia had enjoyed my special interest – at least since my first “illegal” border crossings from the Venezuelan side with Padre Feddema in 1993 – probably because of the many contradictory and wild stories that one hears about the country. On my way from Bogotá to Cali and further to Santander de Quilichao, where indigenous (Nasa) senator Jesús Piñacué, who accompanied me on this journey, entrusted me personally to the *cabildo* (indigenous council) of Jambaló, I gained the first of many indelible impressions and made acquaintance with people who treated me with unprecedented hospitality. Contrary to the gloomy accounts I had heard about this “deeply troubled country”, it seemed as if everything and everybody was filled with color, music and movement. Already after several weeks of living in the mountains of the Cordillera Central and the white, colonial city of Popayán, and after various encounters with people in towns and in the countryside – in particular with the Nasa – I was completely infatuated. Before long, I decided that my research should not only lead to a scientific account, but also to a story; this story – it turned out – is at times painful, but also gives good reason for hope. I would like to express my gratitude to everybody who contributed to this work.

Most of all, I am indebted to the people and communities of the territory of Jambaló, too numerous to single out by name, for their courtesy and trusting me with their experiences, as well as for their humor, approachability and enthusiasm. I express my sincerest hope that the result of my work with them will in some way contribute to their ongoing struggle. In particular I thank the *cabildos* of the gobernadores Marcos Cuetia (2000), Eliseo Ipia (2001), Jairo Perdomo (2003) en Andrés Betancur (2005) for their openness and patience in responding to my many and often troublesome questions, and for watching

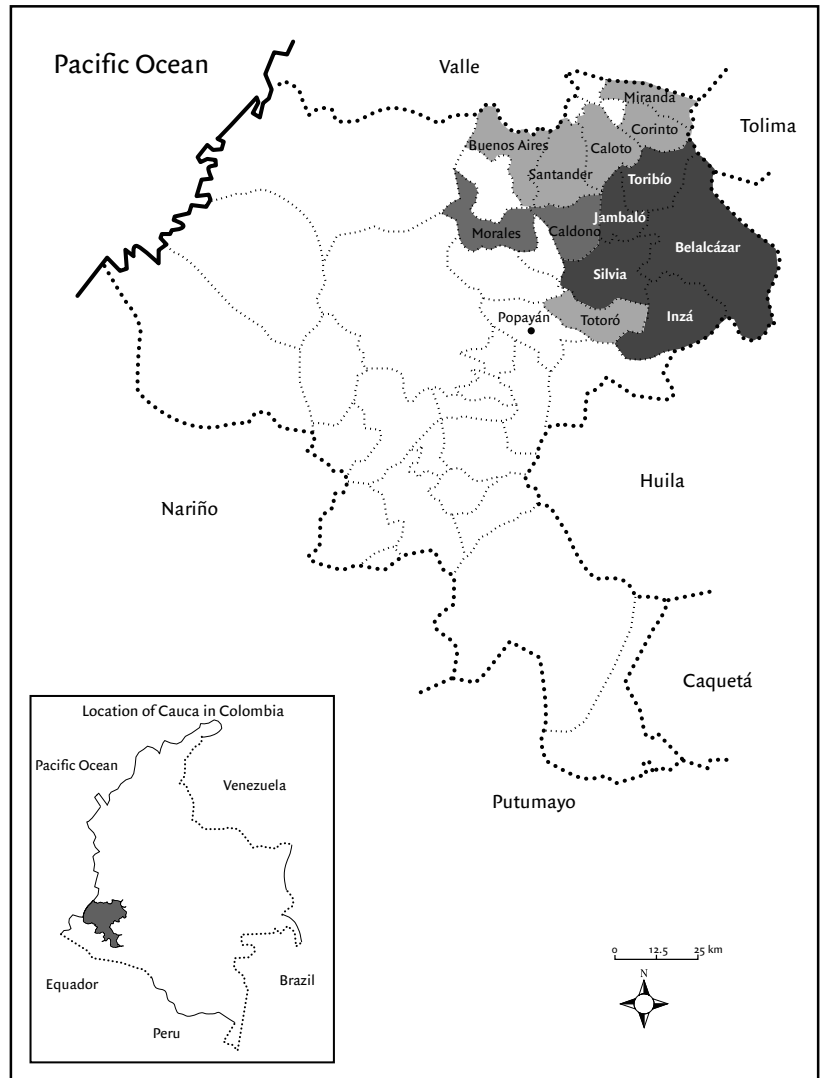
over my safety. Special mention is reserved for José Miguel Cuetia, Luis Alberto Passú, Crispulo Fernández, Rafael Cuetia en Florilba Tróchez, whom I could at all times accompany on their work and who have opened many doors for me. I would also like to thank Decio Paganquiza, María del Socorro Sánchez, Esther Sánchez and German Ochoa for their unconditional friendship and warm hospitality.

At the University of Amsterdam, I am greatly indebted to André Hoekema, my mentor, for his boundless trust, continuing interest and friendship. With pleasure I remember our sharing of room 110B, the dinners with his wife Yolanda, and the opportunity to live and work several weeks in their house in southern France. I am also grateful to my colleagues and the staff of the department of Sociology of Law/General Jurisprudence, in particular to Agnes Schreiner, Liesbeth Huppes, Niels van Manen, Wibo van Rossum and Damir Urem, who taught me valuable lessons and showed good companionship during and after working hours. Also of great value were the numerous lively conversations with colleagues in other institutions and networks, such as the Research Group Latin America, the Dutch Network for Environmental Anthropology, and the PhD-group Sociology/Anthropology of Law; especially I shared pleasant times with Katrien Klep, Barbara Oomen and Gerhard Anders, who gave me much intellectual and mental support.

Several people have made important contributions to the making of this book. I thank Annechien van Litsenburg and Ruud van Dorst for skillfully making the illustrations (maps); Joost Beuving for helping in wrapping up the last chapters; Luuk Arens for translating parts of earlier versions of the manuscript; Catherine O'Dea for her dilligent and scrupulous editing of the final manuscript; and Tobias David for the special and fine-looking layout of the book.

I offer a special thanks to all my friends and family who have been such great source of strength, encouragement and inspiration. You are all very close to me and without you I could not have managed to finally bring this dissertation towards completion. A few people deserve special mention in this respect: Annechien, for the warmth you gave me over the past 5 years, and more I hope; Joost, Saar, Harm and Bart: for your continuous friendship and support, directly and indirectly, from nearby and from far; Vera, Femke and Tjeerd: for your presence and comfort; and finally, Dirk and Sjouk: for your trust, patience and limitless dedication.

Map 1. Páez (Nasa) territory in Cauca, Colombia



dark-grey areas: Municipalities, situated on the eastern slopes of the cordillera central, largely or entirely made up of Nasa (Páez) resguardos of colonial origin (Spanish royal titles obtained between 1667-1708); the municipalities Belalcázar and Inzá (eastern slope) together are referred to as Tierradentro, which is considered the heartland of the Nasa; although the Nasa in Silvia occupy the major part of the municipal territory, they are easily outnumbered by their Guambiano neighbors

grey areas: Municipalities made up to a considerable extent of (colonial) Nasa resguardos; while the Nasa in Morales live at quite a distance from the Tierradentro heartland, their resguardos were already established in the late colonial period.

light grey areas: Municipalities including one or several small Nasa resguardos, most of which were constituted recently – except with the exception of those located in Totoro

other areas: Other, more isolated (migrant) Nasa communities, sometimes living in newly created resguardos, can be found in some of the western municipalities of Cauca, in Huila and Tolima, and in the “piedemonte amazonico” area of Caqueta and Putumayo.

Source: Muñoz/Soscué 2001

(Illustration/reproduction: R. van Dorst)

1 INTRODUCTION

1.1 INDIGENOUS RESURGENCE, POLITICS OF RECOGNITION, AND NEOLIBERAL MULTICULTURALISM

Reawakening of the Indians

In the early 1970s, Latin America witnessed a remarkable resurgence of ethnic awareness and hence activism among indigenous peoples – or as some have labeled it “indigenous cultural-political militancy” (Hale 1997: 11).

Indigenous communities in the Andes and in Central America – with a long history of contact with the society around them – rebelled against governments’ “indigenist policies” aimed at modernizing the “underdeveloped” indigenous people in rural areas and integrating them into “mainstream society” by offering schooling, agrarian/rural development and market access (Stavenhagen 1992, 1994). Some indigenous communities had already started in the 1960s to organize themselves in an isolated and fragmented manner, using preexisting (local) organizational networks, but the early 1970s saw the rise of the first regional indigenous federations that called for recognition of indigenous people’s right to both land that was still under their control and land that had been seized over the centuries, bilingual education, and development that respected the indigenous cultural identity. The Consejo Regional Indígena del Cauca (CRIC, founded in 1971) in Colombia, the Movimiento Tupaj Katari (1972) in Bolivia, and Ecuarrunari (1973) in Ecuador – the full name of the latter organization, Ecuarrunapac Riccharimui, translates as “awakening of the Ecuadorian Indians” (Zamosc 1994: 47) – are some of the first examples of these new indigenous organizations (Bonfil 1981; Van Cott 1994).

The resurgence of highland indigenous activism was related to land reform programs in the 1950s through the 1970s¹ that had severed old patron-client relations in the countryside, generated more mobility between rural and urban

1. In the Andes region: Bolivia 1953, Colombia 1961, Ecuador 1964 and 1973, and Peru 1968.

areas, and offered indigenous communities, usually within peasant organizations and unions, an institutional niche for new forms of organization (Zamosc 1994; Yashar 1998; see also Albó 2002; Pallares 2002). Paradoxically, the development of the indigenous organizations was also to a significant extent promoted by integrationist educational programs that had led to the birth of a generation of indigenous intellectuals who formulated a new and appealing discourse of “Indianism” (Varese 1996; Assies 2000). Around that same time, indigenous groups in the tropical lowlands, particularly in the Amazon region – who up until then had lived in relative isolation from national society – started to rebel against government-stimulated agrarian colonization and the expansion of extractive economic activities (logging, mining, and oil extraction) (e.g. Davis 1977). With support from concerned anthropologists, jurists, and missionaries, these communities set up their own indigenous organizations in the 1970s and 80s, with the initial aim of achieving the “titling of indigenous territories” (Ramos 1982; Davis & Wali 1993; Smith 1994).²

The struggle of indigenous communities and organizations was met with a lot of sympathy and support on both the national and the international level. This struggle was first of all inspired by changes within the Catholic Church, which in the early 1960s had expressed a “preferential option for the poor” and the subsequent rise of Liberation Theology. Jesuits, Maryknoll priests, and Salesians helped indigenous groups organize themselves and provided financial support (Langer 2003). In 1971, the World Council of Churches sponsored the Symposium of Barbados at which a group of – mainly Latin American – anthropologists declared themselves in favor of an “activist anthropology” that serves the “liberation of the Indians” (Bartolomé et al. 1971; Varese 1997). Other anthropologists in Europe and America became involved in indigenous advocacy organizations (e.g. IWGIA and Cultural Survival) that successfully denounced abuses against indigenous peoples and played a key role in the promotion of meetings between indigenous leaders (Wright 1988). The international conference about discrimination against indigenous populations, organized by the United Nations in 1977 and that led to the setting up of the UN Working Group on Indigenous Populations (WGIP) in 1982, also played an important role in the development of an international indigenous rights movement and the forging of networks between indigenous leaders and non-governmental organizations (Van Cott 1994).³

2. The Federación de Centros Shuar in Ecuador, created around 1964 with the support of the Salesian mission, was a pioneer among lowland indigenous organizations (Salazar 1977; Bonfíl 1981).

3. In the 1970s, indigenous leaders with the help of their allies congregated at numerous national and international meetings that were held to “define and sharpen the new ideology and praxis of the indigenous movement” (Wright 1988: 375). Besides various national gatherings – in: Silvia, Colombia, 1973; Pátzcuaro, Mexico, 1975; La Paz, Bolivia, 1975; Conocoto, Ecuador, 1977 – some of the more important international conferences were: the 1975 Port Alberni Conference (Canada), that created the World Council of Indigenous Peoples; the 1977 First International Indigenous

In the 1980s, the number of indigenous organizations increased rapidly and continued to develop, spurred by new macro-political and economic developments. A general political liberalization (i.e. democratization) – in some countries, the fall of authoritarian regimes – gave the indigenous organizations more freedom to organize themselves. Meanwhile, an economic crisis prompted Latin American governments to close down established rural development programs, and this closure constituted a threat to the viability of local autonomy in that the Andean communities no longer had access to state funds (e.g. special credits and subsidies for peasants) (Yashar 1998). Furthermore, a weakening of peasant organizations and a reevaluation of traditional leftist class ideologies resulted in indigenous groupings organizing themselves more explicitly than before around their own distinct ethnicity, adopting a “peoplehood” policy (Assies 2000; see also Rappaport 2003) – a significant change characterized as a “shift from *campesinismo* to *indianismo*” by Pallares (2002: 14-15). In the Amazon and in other lowland areas, the increasing exploitation of natural resources – boosted by exigencies of debt servicing for national governments – caused an ongoing threat to the livelihood security of indigenous communities. Faced with this situation, regional organizations saw themselves forced to link up with the transnational environmental movement, a linkage that, in turn, led to a – not unproblematic – “greening” of indigenous discourse (Brysk 1994).

Indigenous organizations in the 1990s and signs of recognition

In the early 1990s, several Latin American countries, particularly in the Andes region, had to contend with an acute crisis of legitimacy and governability caused by many years of political exclusion/oppression of certain groups in society, corruption, and flaring violence. Mobilizations by these civil society organizations, that demanded inclusion and participation in national decision making, convinced the political elites to start a radical, participative constitutional reform. Well-established indigenous organizations⁴ that had started to formulate their demands in terms of so-called “ethnic citizenship” (de la Peña 1999: 23) – a legally sanctioned and protected space within the state in which ethnic groups are able to maintain their distinct (differentiated) cultural iden-

Conference of Central America (Panama); and, also in 1977, the Second Barbados Symposium (Barbados). (For the conclusions of these conferences, see Colombes 1977 and Bonfíl 1981.)

4. In 1992, indigenous peoples in Latin America organized a massive counter-demonstration to the “500 years of discovery” (500th anniversary of the arrival of Europeans in the Americas) of Latin America (Quincentenary), which the indigenous peoples styled “500 years of resistance”. The demonstration held in Quito, Ecuador, was well (and peacefully) organized and involved tens of thousands of indigenous groups from several South and Central American countries and was generally considered by observers as a sign of the maturity of the international indigenous movement. The preparations took place in several countries between 1987-1992, and the event is also considered as an impetus for the internationalization of the indigenous movement (Díaz-Polanco & Uggen 1992).

tity and social organization⁵ – used this political opening and managed to exert significant influence on, and in some cases (Colombia, Ecuador) directly participate in, the constitutional reform process. In just a number of years, several countries⁶ – first Colombia, in 1991 – enacted new constitutions that characterized the national society as “pluricultural and multiethnic” and, to a varying extent, acknowledged “collective land rights”, “official indigenous languages”, “customary law”, and “traditional authorities”.⁷ The new constitutional texts were at least partly inspired by Convention 169 of the International Labor Organization (ILO) concerning Indigenous and Tribal Peoples in Independent Countries of 1989 that provided clear international guidelines for indigenous autonomy or “internal self-determination”.⁸ This international juridical instrument was ratified by these countries shortly before or after the constitutional reform, giving it the status of national legislation (Assies 2000; Van Cott 2000a).⁹ The explicit recognition of cultural diversity constituted a radical break with the political ideal of the homogeneous nation-state and offered previously marginalized, and ethnically distinct, communities hope of “a new social pact involving a different relationship between indigenous peoples and the state” (Sieder 2002: 4).

Several years later, this hope has been tempered as governments have proven slow and reluctant in living up to the constitutional rights, and a large gap remains between theory (law) and practice (reality). As recent scholarly work has shown, this situation can in large part be explained by the uneasy and contradictory relation between the recognition of indigenous rights and other processes of state reform that have accompanied their implementation (e.g. Assies et al. 2000; Sieder 2002). Although the recognition of cultural diversity is in part the result of sustained struggles, indigenous peoples were not the only political factors that led to state reform. Under pressure from the International

5. In the work of (Latin American) political scientists, “ethnic citizenship” is often equated with “differentiated” or, more generally, “collective citizenship”: a form of citizenship that links individuals to the state through communities (Van Cott 2002: 46); a notion that is contrasted with “neo-liberal citizenship”, a form of citizenship that links individuals to the state through the market (Alvarez et al. 1998; Dagnino 2003: 219). With regard to indigenous peoples it is commonly argued that, due to their historically marginalized position, their members can only exercise full citizenship under a pluralist regime of law that recognizes not only equal rights but also different and collective rights – i.e. as citizens of a country and as special citizens (e.g. Carlsen 2002: 7).

6. In the Andean countries: Colombia 1991, Peru 1993, Bolivia 1994, Ecuador 1998, and Venezuela 1999.

7. In Colombia and Ecuador, the new constitutions also grant specific collective rights, including territorially, to black or Afro-Colombian/Ecuadorian communities.

8. In international law, a distinction is made between “external self-determination,” which would involve secession and independence, and “internal self-determination,” which is restricted to the right to autonomy or self-government within the boundaries of the State and under the latter’s sovereignty (Sousa Santos 2002: 321).

9. Most (13) Latin American countries have ratified ILO Convention 169; notable (but not the only) exceptions are Panama and Nicaragua.

Monetary Fund (IMF) and the World Bank, the constitutional process was also used to introduce neo-liberal economic and social policies. The promotion of decentralization – part of the neo-liberal policy package – seemed to meet indigenous peoples’ demands for greater participation and self-government. In practice, however, recognition of traditional authority has often remained confined to the lowest administrative level, while, nationally, indigenous peoples continue to be excluded from meaningful participation in decision making on public policy directly affecting them (Van Cott 2000a). At the same time, recognition of indigenous authority also implies the possible intrusion of the State and its ideology into spaces that the indigenous communities had managed to reserve to themselves as a result of their past resistance efforts (Padilla 1996; Vasco 2002a). In the meantime, economic liberalization, privatization, and the withdrawal of social investment programs from the countryside has left indigenous communities and their fragile economies extremely vulnerable to the pressures and potentially disruptive influences of the free market and global economy. To make matters worse, in some countries – most notably in Colombia – the indigenous population continues to be caught in the crossfire produced by new configurations of violence as a result of drug trafficking and protracted civil war between the military, guerrilla, and paramilitary groups (Jackson 2002).

Activism under neo-liberalism

Increasingly frustrated with the inherent limits of state-led “neo-liberal multiculturalism” (Hale 2004), indigenous organizations at the turn of the twenty-first century began to reevaluate the terms of their struggles, and developed new strategies of resistance and of fostering greater autonomy. In various countries, indigenous organizations formed their own political parties – e.g. MAS in Bolivia, Pachakutik in Ecuador, AICO and ASI in Colombia – and steadily increased their representation in local, provincial and national governments, indicating a clear “trend towards direct electoral participation by indigenous movements” (Sieder 2005: 305). In this democratic process, constitutional recognition and ILO Convention 169 continue to be important referents for these parties in the formulation of their own proposals to advance the fulfillment of indigenous rights (Van Cott 2005). At the same time, indigenous organizations, identifying the neo-liberal model as their “nemesis” (Carlsen 2002), have increasingly attempted to provide leverage for their political agendas by mobilizing their constituencies (communities) to protest against perceived destructive economic policies, new forms of exclusion, and violence. In these mobilizations, or “uprisings”, indigenous leaders deploy reconfigured political imaginaries of a more democratic society, and with varying success try to make alliances with other social sectors (i.e. labor, peasant, and urban popular organizations) and with a broader global justice movement (e.g. Postero &

Zamosc 2004; Sousa Santos & Rodríguez-Garavito 2005; Speed & Sierra 2005).

The resurgence of indigenous activism in connection with the “recognition of ethnic difference” has proven to be a rewarding academic research topic for both anthropologists and political scientists (Sieder 2005: 301), in which roughly two broad fields of attention can be identified. Studies by anthropologists and “scholars of new social movements” – both indigenous and non-indigenous – tend to focus on the development of indigenous movements and observe how the demands of the indigenous organizations and communities develop dialectically in response to “different kinds of states and state policies” (Sieder 2005: 301), particularly neo-liberal economic policies. Studies based on this approach underline the diversity of indigenous movements in the region and focus on “ethnic mobilization, indigenous leadership and identity politics”. These studies have moved away from simplistic conventional polarities such as “modern vs. traditional” and “authentic vs. inauthentic” and show that indigenous identities are “neither wholly modern nor traditional” due to ongoing processes of cultural reformulation (Jackson & Warren 2005: 558). Another approach, mainly adopted by political scientists, jurists, and legal anthropologists, focuses on the political and legal-institutional implications and challenges of the recognition of collective indigenous rights for existing models of citizenship and institutional organization of states that now purport to institutionalize forms of official political and legal pluralism (e.g. Hoekema 1999; see also Merry 1988, 1992). The conclusions of these studies point to still existing inadequacies of political-institutional arrangements that are deemed necessary between the State and indigenous populations – here the special focus is on the delineation and reach of “traditional authority” and “indigenous jurisdiction” (Van Cott 2000b; Sánchez Botero 2004) – and on redefinitions of forms of political representation and on territorial organization (e.g. Yrigoyen 2000; Stavenhagen 2002).

What both research movements have in common is that they concentrate primarily on national actors and processes. They hence risk diverting attention from organizational processes that take place within local indigenous communities. The relatively underrepresented studies/ethnographies that do focus on local processes in the context of recognition of indigenous rights (e.g. Korovkin 2001; Perreault 2003; Gow 2005) explore and answer questions concerning the ways in which indigenous communities – as the constituent base of a broader movement – have been able to exploit the “transformational opportunities” for the reorganization of existing practices of indigenous governance, and how changing communal institutions for their part inform notions of identity and provide the basis for new indigenous mobilizations. The study described in this thesis – a case-study of the Nasa (Páez) people in a self governing indigenous territory in South-Western Colombia – follows on from these studies and aims to make an additional contribution towards gaining more insight into the questions posed.

1.2 INDIGENOUS AUTONOMY

Normative precepts on self-determination and autonomy

Since the indigenous resurgence in the 1970s, indigenous organizations and communities have always emphasized that they have a claim to “self-determination”, in the sense that (so they say) they are, or will be, capable of making their own choices and defining their own future (Tennant 1994: 42). Or, as this demand was expressed in the Declaration of Barbados (Bartolomé et al. 1971): “the right to be and remain themselves, living according to their own customs and moral order, free to develop their own culture”.¹⁰ According to international law, they are entitled to this collective right of self-determination because they “are distinct communities with historically based cultures, political institutions, and entitlements to land” (Anaya 1996: 46). Given the fact that indigenous peoples are descendants of the original inhabitants of a region prior to colonization, they claim self-determination as an inherent right, being original peoples. This historical precedence is a characteristic that clearly distinguishes them from other ethnic minorities (Sousa Santos 2002; Loukacheva 2005).

Latin American and other national governments continue to be very hesitant about formally recognizing the self-determination of indigenous peoples, because in international law this right suggests separation and independent statehood and hence constitutes a threat to the sovereignty and territorial integrity of the nation-state. Indigenous movements, however, deny having such aspirations and have repeatedly indicated that they seek internal self-determination, i.e. the exertion of self-determination within the national state in which they live (Stavenhagen 1992: 436-437).

For diplomatic reasons, and to give the abstract notion of self-determination a more practical interpretation, the claims made by indigenous communities have increasingly started to focus, over time, on the – politically less sensitive – concept of “autonomy”: the ability (and right) of political communities within a larger state to regulate their own affairs, i.e. to enact their own legislation in relation to internal and local affairs. For indigenous peoples in Latin America, autonomy claims have always been intrinsically linked to territorial demands. In view of their spiritual solidarity with traditional lands and their economic dependence on their natural environment and resources, territorial rights are a condition for the survival of indigenous cultures. Therefore, group control over a defined ancestral territory, understood as “jurisdictional space” (Zuñiga 1998: 145), is essential for indigenous autonomy. In the Latin American context, “indigenous autonomy” is generally understood to mean: “a legal arrangement

10. In international covenants, the right to self-determination of peoples and nations has been defined as: “the right to freely determine their political status and freely pursue their economic, social and cultural development” (cf. International Covenant on Economic, Social and Cultural Rights, [adopted in] 1966).

that allows indigenous peoples to govern themselves, within a certain territory and to a specific extent, according to their own political and legal customs” (Assies 1994: 46).

In discussions between juridical experts and indigenous movements, a number of essential operational features for indigenous territorial autonomy have taken shape in recent years.¹¹ For an autonomy regime to be truly meaningful in terms of self-determination, a broad legislative competence must apply, so that indigenous peoples can freely develop their institutions of autonomous self-government as required, and in their own vision. Moreover, self-governing indigenous communities need to have the opportunity to manage their own finances, as well as state funds allocated to the territory and/or to the people who live in it (i.e. they must have fiscal autonomy). Indigenous communities must also be proportionally represented in a larger political structure, i.e. not just in their own territorial unit, but also in the different power organs of the national government; finally, they need to be protected and screened from any form of discrimination in these organs (Bennagen 1992 in Assies 1994: 49; see also Loukacheva 2005).

Territorial autonomy, being a normative regime based on the demands of indigenous movements, is a system (institutional framework) in which indigenous communities can exert their right to self-determination. As Díaz-Polanco (1997: 98) states: “Autonomy synthesizes and politically articulates the array of demands advanced by ethnic groups [land, bilingual education, etc.]; therefore it can be said that autonomy is the fundamental demand”. According to the indigenous organizations, a politico-territorial autonomy regime will fulfill their aspirations because it has a double effect: while it will enable them “to control the development of their distinctive cultures, including their use of land and natural resources”, it will also safeguard – after many years of isolation and exclusion – their “effective participatory engagement in larger social and political structures” (Anaya 1996: 110-112).¹² So, in general, autonomy claims by indigenous peoples should not be interpreted as a rejection or disapproval of the societies around them; on the contrary, a growing number of indigenous peoples have expressed the wish to engage more than before with, and integrate into, the national society, albeit on their own, mutually agreed, terms.

11. These criteria were framed as proposals in the Conclusions and Recommendations on Indigenous Autonomy and Self-Government adopted by the UN Meeting of Experts in Nuuk, Greenland, in 1991 as part of the ongoing deliberations on the Draft Declaration on the Rights of Indigenous Peoples. The recommendations have no binding force but they feature some important elements of indigenous autonomy (Loukacheva 2005: 14).

12. Anaya (1996: 112) calls this the “dual thrust” of normative regimes of indigenous autonomy/self-government.

Latin American regimes of constitutional autonomy for indigenous peoples

Although in several countries legal space for the self-government claims of indigenous peoples have been met to a rather limited degree through the recognition of indigenous lands and traditional authority in ordinary legislation or decrees, until now, only five Latin American countries include a special autonomy regime in the constitution: Panama, Nicaragua, Colombia, Ecuador, and Venezuela. Constitutional regimes are generally more durable arrangements and, in comparison to most ordinary legislation, provide more latitude for autonomy. However, the interpretation and reach of these constitutional regimes varies enormously from country to country (Hoekema 1999; Assies 2005).

In some countries, such as Colombia (1991) and Panama (1972), self-government has been granted to specific ethnic communities in defined ancestral territories, *resguardos* and *comarcas*, respectively. Within these autonomous territories, traditional and newly created, indigenous governing institutions operate, and only members of indigenous communities are allowed to take part in local government. In Nicaragua (1987), however, although a number of specific indigenous rights are recognized, the autonomy regime for the Atlantic coastal regions has been defined in geographical rather than ethnic terms. Self-government is exerted through structures that are modeled on established public bodies, within which none of the different – indigenous and non-indigenous – ethnic groups has preferential rights, even though the borders of the autonomous regions have been set in such a way that the indigenous groups are in the majority. The authorities of indigenous “communal authorities” have not yet been legally defined (Ortega Hegg 2003: 27). In Ecuador (1998), the constitution gives indigenous authorities a wide range of autonomous functions that must be carried out within ethnically defined “territorial circumscriptions”. However, these constitutional provisions have (up to now) not been turned into executive legislation (Van Cott 2002). The same goes for the autonomy stipulations in Venezuela’s new constitution (1999), which talks about self-government in indigenous “habitats”.

With regard to territorial rights, the situation in Colombia and Panama is such that the definition of the various indigenous jurisdictions fully coincides with the formally recognized indigenous areas (in the *resguardos* and *comarcas*), which have been defined as collective, inalienable property. In both countries, these territories cover a significant part of the national territory (27.8% and 22.7%, respectively) (Sánchez & Arango 2002; Grünberg 2002). Land rights are significantly less protected in Nicaragua, where the central government has reserved for itself the decision powers over natural resources in the autonomous regions (Grünberg 2002; Ortega Hegg 2003). It was not until 2002 that a law for the recognition of indigenous land rights was enacted and, by 2004, only 5% of the claims on the definition of community lands had been processed (Roldán 2004: 12). Before its new constitution, Ecuador had already

legally recognized a significant extension of indigenous lands; often however, the titleholders of these lands are not legally defined ethnic communities, but individuals or other corporate groups such as cooperatives, *centros* and *comunas*. For the time being it is unclear to what extent the indigenous jurisdictions (territorial circumscriptions) will coincide with these legalized lands. In Venezuela, the situation is similar, but the government is discussing a bill that proposes procedures for the establishment and regularization of indigenous lands and habitats (Roldán 2004).

Concerning the other two functional aspects of autonomy regimes – proportional representation in the national government and fiscal autonomy – we find that indigenous peoples in Panama, Colombia, and Venezuela, in addition to an active right to vote, have reserved political representation in senate or parliament (five, two, and three seats, respectively). For the time being, only the regime in Colombia provides an arrangement for indigenous fiscal autonomy, in the sense that *resguardos*, within the framework of a program for democratic decentralization, can dispose of a certain share of state resource transfers to pay for public functions and development in accordance with their own uses and customs. If we compare these actual, operative arrangements for territorial autonomy in each country, it can be stated that Colombia “arguably has the most secure and coherent recognition of autonomy rights” in Latin America to date (Van Cott 2002: 68).

Autonomy as a historical process

The recent and ongoing discussion about regimes of territorial-administrative indigenous autonomy (Van Cott 2000a: 275) tends to downplay the historical nature of indigenous movements in Latin America and their claims to recognition of autonomy. In fact, indigenous populations laid claims to cultural and territorial autonomy long before the rise of indigenous movements in the 1970s (cf. Korovkin 2001: 41). These historical claims can in most cases be traced back to a development that had already started in the Spanish colonial era as far back as the second half of the sixteenth century (cf. Nader 1989). In an attempt to dam the growing power of the colonists and tighten their grip on the indigenous population, the Spanish Crown started – following the New Laws of 1542 – implementing a policy aimed at isolating the scattered indigenous population in the Andes and Central America from Spanish and mestizo-elements by granting them, within marked out collective lands, some level of self-government, under the name of *república de indios*. In exchange for a guarantee on land and protection against unbridled exploitation by the Spanish settlers, communities, governed by native officials – often surviving hereditary ethnic lords (*caciques* or *curacas*) – and supervised by royal officials and the Church, were forced to pay taxes to the Spanish Crown and provide periodical labor to the colonial authorities and entrepreneurs (owners of haciendas and mines).

Although the Spanish creation of the corporate community subordinated indigenous populations to the colonial economy and power structure, it also offered them a certain margin for the self-regulation of their internal affairs. This policy was implemented everywhere in the Spanish empire, but the “semi-autonomous village communities” became known in different areas under different names (*comuna*, *resguardo*, *ayllu-reducción*), and were to be marked by their own specific historical development (e.g. Wolf 1959; González 1979; Murra 1984a).

Although many Indians from the isolated lowlands managed to avoid the grip of the colonial system for several centuries, the highland Indians were forced to defend their limited autonomy throughout the centuries tooth and nail, because the Indian community system was never undisputed. Historical documents show that during the seventeenth and eighteenth centuries indigenous leaders fought many cases in colonial courts against the violation of rights already conceded and the abuse of power by local officials and owners of haciendas and mines (e.g. Colmenares 1979; Rasnake 1988). At the end of the eighteenth century, some indigenous communities rose en masse against the same colonial regime, partly because of the introduction of a tougher tax regime by the Bourbon dynasty (“Bourbon Reforms”). The best-known example of these “revolts” is the one led by Tupac Amaru and Tomás Catari (or Katari) in Upper Peru (Bolivia) around 1780, but revolts also took place in other parts of the Andes and in Mexico (e.g. Farriss 1984; Coatsworth 1988). After independence at the beginning of the nineteenth century, new Republican governments wanted to abolish communal lands because they were seen as an obstruction to capitalist development of the newly formed states. Although some indigenous communities, particularly those in the more remote areas, were able to avert national legislation temporarily for the dissolution of communal land holdings by forming alliances with local leaders (this was, for example, the case in Colombia among the Nasa particularly; Rappaport 1982, 1990a), numerous other communities lost large parts of their entire territory to the proliferation of commercial haciendas (cf. Murra 1984b: 33). However, persistent indigenous resistance to the division or expropriation of community lands – whereby they often appealed to colonial land titles and legislation – led to a change of attitude among a number of paternalistic governments in the late nineteenth/early twentieth century who decided to protect the remaining indigenous lands by provisionally recognizing them as a sort of transitional phase towards property privatization (e.g. Murra 1984b; Rivera Cusicanqui 1987; Ibarra 1993). Most of these new legislations, however, failed to recognize either the existence of traditional authority in indigenous communities or the fact that these communities were integrated into greater polities. This failure resulted in many indigenous populations falling apart into smaller isolated communities with reduced power and autonomy. Nevertheless, traditional authorities often con-

tinued to have significant influence at local level, even in communities that no longer had any communal lands (e.g. Murra 1984a; Platt 1987; Rasnake 1988). This situation of various scattered indigenous communities remained unaltered until the beginning of the land reforms and the rise of the new indigenous movements in the 1960s and 1970s.

Although still showing essential features of the *república de indios*, indigenous communities in the Andes and Central America today are fundamentally different – socially, economically, politically, and culturally – from the societies from which they emerged. Nowadays, it is commonly recognized that, far from being socially isolated groups, these communities have always been “substantially embedded in a larger society”, and that their current identities and organizational forms are very much the result of their long historical (dialectical) struggles with the hegemonic socioeconomic institutions of the Colonial and Republican state (cf. Field 1994a: 239). In this struggle, we find signs of resistance, but also of accommodation. Recent historical ethnographic studies have shown that, in order to resist the confiscation of territory and the curtailment of autonomy, indigenous leaders throughout the centuries have tried to influence the policies of the State, mostly by using the very institutions and doctrines of their oppressors, and sometimes by mobilizing for armed opposition. Sooner or later however, communities were forced to yield to the demands and pressures imposed by the dominant society and had no choice but to accommodate to new conditions of subordination. This was not a passive acceptance but instead involved complex and subtle processes of creative adaptation and cultural appropriation, whereby imposed social structures and institutions were complemented and “resignedified” with local customs and traditions. In doing so, indigenous communities have gradually created new cultural forms that have served to guide their subsequent thoughts and actions (Rasnake 1988; Rappaport 1990a; Hale 1994).¹³ Inspired by Barth’s (1969) classic theory of *ethnic boundary construction*, some scholars have referred to these adaptive processes in consequence of resistance and accommodation as “ethnic reorganization” (Nagel & Snipp 1993),¹⁴ whereas others more tellingly describe them as “mechanisms of ethnic endurance” (Murra 1984b: 32). Whatever the term, it is clear that it is this ongoing dynamic of cultural appropriation and revitalization that has facilitated indigenous peoples’ cultural survival and has enabled them to retain a degree of autonomy.

At least formally, the situation of Latin American peoples has significantly changed with the promulgation by Latin American states of new constitutions

13. These modifications of colonially imposed forms have been called “covert resistance” (Urban & Sherzer 1991: 3) or “internal resistance” (Varese 1996: 63).

14. According to Nagel and Snipp (1993: 203) “ethnic reorganization” occurs when an ethnic group – or indigenous people – “undergoes a reorganization of its social structure, redefinition of ethnic group boundaries, or some other change in response to pressures or demands imposed by the dominant culture”.

in the 1990s. Whereas in the times before the recognition of cultural diversity indigenous groups had historical autonomy that the State was seeking to curtail, insisting on its own sovereignty, nowadays states and indigenous peoples each recognize the other's right to exist autonomously within distinct territorial bounds. However, having noted that the implementation of the new indigenous rights is a far from unproblematic process, and considering that the above-mentioned dynamics of ethnic reorganization are a continuous process, one must ask the question as to how indigenous communities make use of the new legal framework of recognition to defend their autonomy and how the dynamics of this current struggle differ from previous patterns of resistance and accommodation.

1.3 INDIGENOUS TERRITORIALITY AND COMMUNAL MANAGEMENT OF NATURAL RESOURCES

Particularly in Latin America, indigenous peoples' historical autonomy struggles have to an important extent focused on claims to land and territory, i.e. the guaranteed right of a community to a demarcated ancestral territory and to the exclusive control over the resources contained in it. In the shadow of this struggle, less conspicuously, indigenous communities have also always strived for the recognition and preservation of their characteristic indigenous land/resource tenure systems (Tennant 1994; Anaya 1996; Zuñiga 1998). These are the complex social institutions that establish the "means by which individuals and communities gain legitimate access to and use of natural resources" or, in other words, "who owns resources, who can use or extract it, who can exclude others from having access to it, and who benefits from exploiting it" (WRI 2005: 56). These resource tenure and management institutions are central in the social and normative order that governs everyday life and practices in indigenous communities (von Benda-Beckmann 1995). They determine not only the relationships of people to the land and natural resources but also the relationships between individuals, families, and groups within a community, as well as between the community and the State and outside actors. Therefore, changes in resource tenure and management institutions have implications for the entire social fabric of communities (WRI 2005).

The land tenure and resource management institutions of indigenous and other localized communities are often classified as "communal". The term communal "captures the local nature of such systems both as regards the geographical extent of their application and their source of legitimacy" (Bruce 1999: 11; see also Lynch 1992). Because there exist many different and widely varying communal tenure regimes throughout the world, a universal definition of them can only be given in very general terms. As a property regime *sui generis*, communal resource tenure differs markedly from the dominant, Western concept

of private individual property (ownership). Characteristically, it is a community-based property regime including a mixture of individual and collective rights to land, water, trees, and other important natural resources. Whereas the rights to economically use and exploit resources, often on a long-term basis, are usually allocated to individuals or households, often in the form of inheritable usufruct rights, the rights to socio-politically control and manage these resources – including rights to sale and transfer – always remain vested in the community as a whole, as represented by its designated authorities. Because the privileges of individual community members are generally subservient to the interests of the larger community, communal resource management institutions fulfill a very important function in relation to the maintenance of the cohesion and continuity of the social group. Moreover, because these institutions – as the practices from which they have emerged – typically derive from the long-term and ongoing relationships between communities and the land and natural resources that sustain them, they are also a major factor in constituting these communities' identities (Lynch & Talbott 1995; Bruce 1999; von Benda-Beckmann & von Benda-Beckmann 1999).

In the scholarly literature, the “long and intractable debates about the nature of [...] communal tenure systems” (Bruce 1999: 11) are characterized by much conceptual confusion about the distinction between communal, common, and collective. Communal property as a tenure regime is often conflated with “common property”, or common property tenure arrangements, and the resources that are managed under them, such as pastures or grazing lands and forests; these resources are often referred to in the literature as “commons” or, more technically, “common pool resources”. In general terms, these are “resources used simultaneously or serially by the members of a group, a collective or a community” (Bruce 1998: 5). These common property regimes, however, often only present a subset of the more integrative communal property regime that also refers to land governed by individual (usufruct) rights (Bruce 1998, 1999; Lynch 1992). Some scholars (Bruce, Fortman & Nhira 1993) have therefore proposed to represent communal property regimes as an aggregate of different tenure forms or “tenure landscape” with different “tenure niches” coinciding with “areas of land [and resources] under different uses, with different tenures [i.e. rules of access and use] applying to those areas [and resources]” (Bruce 1999: 12). Communal property is also often confused with “collective property”. However, collective property refers in this context only to the collective land title of a community – the external property relation of the community vis-à-vis the outside world – and thus tends to obscure the highly differentiated tenure arrangements, both with regard to individuals and groups, that operate within the community's territory. When communal property is being analyzed, it is therefore always necessary to carefully unpack what specific sets of property rights and relationships are “hidden” behind the communal label (von Benda-

Beckmann & von Benda-Beckmann 2006).

In Latin America, as elsewhere, indigenous communal resource management over time has manifested considerable shifts and transformations, both in the distant and recent past. Besides being influenced by contextual factors of an ecological, demographic, and economic nature such as environmental change, population growth, technological innovations, and market pressures, their transforming resource management institutions must be considered as “the contingent and temporary outcome of dynamic interaction between differentiated [internal and external] social actors” (Leach, Mearns & Scoones 1999: 230). Especially in highland indigenous communities – but increasingly also in lowland communities – local institutional arrangements for communal resource management have been particularly impacted by the various state policies towards indigenous collective lands and communal resource management systems. Misconceived notions about the workings of communal property have informed most of these policies, which have also always been strongly influenced by ideological convictions about property and development. For much of the nineteenth and twentieth centuries, states have considered indigenous collective landholdings and communal management institutions as a sign of backwardness and economic inefficiency, and consequently as an obstacle to market mechanisms and capitalist economic progress. Only in recent times have indigenous communal management institutions gained some respectability in view of their assumed usefulness for sustainable resource management and biodiversity conservation (von Benda-Beckmann, von Benda-Beckmann & Wiber 2006).

Indigenous communal management has also changed as a consequence of communities’ responses to state interventions as part of their autonomy struggles, i.e. in processes of resistance, accommodation, and ethnic reorganization. As in the case with the fluctuating land policies of the State, recent indigenous deliberations and reorganizations of their own forms of communal resource management are also often characterized and shaped by cultural ideals and ideological considerations. Contrasting them with institutions associated with individual property, indigenous communities often interpret communal management forms as superior because they underwrite values of generosity, cooperation, and reciprocity. Especially since the indigenous resurgence (1970s), indigenous communities cling to their institutions of communal governance and resource management as “the repository of positive traditions, the basis of identity and a barrier against anomy” (Chamoux & Contreras 1996: 29-30). Previous research has shown, however, that this “exaltation of communalism”, in which collective aspects of resource management are often overstressed, may strengthen ties of solidarity within the group, but also often serves to mask internal inequalities to the benefit of privileged sectors of the community (Chamoux & Contreras 1996: 13; see also Agrawal 1999,

2001; Leach et al. 1999). Be that as it may, along with the highly symbolic notion of “territory”, communal land tenure for indigenous communities continues to be a basic ideological referent for “communitarianness”, and the permanence of communal management institutions must at least to some degree be explained by indigenous identity politics (Briones 1996).

Institutions of communal resource management fulfill a very important role in the attempts by indigenous communities to improve the livelihoods of their members. The various social networks, forms of cooperation, and norms of reciprocity that make up these institutions represent the social/cultural capital on which these communities can draw in their efforts to conceptualize and accomplish forms of self-chosen, autonomous development (Loomis 2000). Contemporary indigenous conceptions of modernity – which can be considered (increasingly) anti-capitalist (Sousa Santos 2002) – have to an important extent been shaped by their negative experiences with the progressive plundering of their lands and resources over time and by other processes that have impaired their economies and means of subsistence (Anaya 1996). Just as indigenous communities discursively place communal resource management in opposition to resource management that is based on notions of individual private property, they also use the cultural values and principles that are embodied in their communal management institutions as an important source of inspiration in their definition of an alternative development that is “place-based” and aims to emancipate them from hegemonic development models with universalist pretensions (Blaser 2004: 8; see also Rajagopal 2003).

This study aims to make a contribution to the better understanding of communal resource management institutions and practices in Colombian Andean indigenous communities, not from a political ecology or institutional economics perspective, but from the perspective of indigenous autonomy struggles. First it will look into the ways in which indigenous institutions and practices of communal resource management have been shaped in the historical interactions between indigenous communities and the State and non-indigenous society. Secondly, it aims to show how, in the field of natural resource management, economy and development, the new legal framework of recognition – among other factors – enables and constrains indigenous communities in ethnically reorganizing the material organization of their territory in pursuit of a self-determined economic and cultural development.

1.4 METHODOLOGY

The persistence of indigenous institutions of governance (in this case: communal resource management) within the social, economic, and political structures of the Colombian society and State points at a situation of legal pluralism: the simultaneous co-existence of one or more legal orders in the

same social field. In the past decades, legal pluralism has been the main focus of legal anthropology. Earlier legal anthropologists, often working in a colonial situation, were concerned with law, norms, and regulation in “primitive” society. Working from a structural-functionalist perspective, they studied the workings of local village societies as isolated phenomena (see Nader 1965). From the 1970s onwards, legal anthropologists increasingly came to realize that local law,¹⁵ like other domains of social life, cannot be understood outside its wider context, and started focusing on the way socio-legal structures are shaped, mediated through human agency, in relation to each other, or: “the dialectic, mutually constitutive relations between state law and other normative orders” (Merry 1988: 880). One of the first scholars to probe the dynamics and mechanisms of such dialectical interactions was Henry (1985). Building on the concept of “semi-autonomous social fields” as developed earlier by Moore (1973), he analyzed the complex and ambiguous relationship between the legality of small-scale cooperatives, on the one hand, and state law and the wider capitalist society on the other. About the same time, Starr and Collier (1987) wrote an article titled *Historical studies of legal change*, reporting on the proceedings of a conference during which participants had concluded that other normative orderings (non-state law) of semi-autonomous social fields were the outcome of ongoing and often highly unequal struggles and negotiations in relation to more encompassing political structures.¹⁶ In her inventorying article on legal anthropology, Merry (1988) argued that the above-mentioned research field – mutually constitutive legal orders – should be the central concern of contemporary socio-legal studies. The insights provide by legal anthropological work (e.g. Nader 1990; Merry 2000; Oomen 2005) that was inspired by this call are taken as guidance in this study of the ongoing indigenous autonomy struggles in Colombia.

The 1991 recognition of indigenous autonomy in Colombia resulted in a situation of “constitutional multiculturalism” (Van Cott 2000a: 257). Politically and legally, this implicates a fundamental change in the relation between the State and its subjects. This present recognition goes beyond earlier forms of limited legal recognition. The preceding discussion has demonstrated that the State/dominant society and indigenous societies are mutually constitutive, fol-

15. ‘Law’ or legal system, in a legal anthropological sense, can be defined as “the totality of legal phenomena generated and maintained in a given social unit” (von Benda-Beckmann, 1997: 8). This definition becomes less abstract when it is made to include the social structures (institutions) generating and implementing rules. Along these lines, Hoekema (1999: 269) provides a definition of law that better serves the purpose of this study: “the norms of social life in a particular community that are applied, changed, maintained and sanctioned by officials who have the institutionalized position to fulfill this task”.

16. The proceedings of this conference held in August 1985 in Lake Como-Bellagio, Italy, have resulted in two influential edited books: Allott and Woodman’s (1985) *People’s law and state law: The Bellagio papers* and Starr and Collier’s (1989) *History and power in the study of law: New directions in legal anthropology*.

lowing particular patterns and mechanisms of interaction, and that both state law and indigenous law play an important role in these processes. This raises the question as to how the novel situation influences the ongoing dynamics of social change in indigenous communities, how this dynamic differs from earlier ones, and how, in turn, changes in the social organization of recognized indigenous communities may influence the Colombian State and society.

Institutional change is best studied from a “historicized research perspective” (Jackson & Warren 2005: 550). To appreciate the significance of historical processes and events, one first requires an understanding of the present-day situation within a particular indigenous territory. In order to do so, fieldwork was carried out in the Nasa (Páez) community of Jambaló in the Cauca department in south west Colombia, a community with a reputation for its strong involvement in the indigenous struggle for autonomy and characterized by a history of prolonged and intense interaction with the dominant society. Jambaló is a self-governing indigenous territory, in Colombia called *resguardo*,¹⁷ and encompasses various smaller communities, *veredas*¹⁸, together comprising approximately 12 thousand inhabitants, and covering a land area of slightly less than 250 square kilometers. Jambaló is situated in the center of about 40 adjacent Nasa *resguardos* on both sides of the Cordillera Central (north eastern Cauca), together constituting the historical territory of the Nasa nation, or Nasa *Kiwe*.¹⁹ These *resguardos* maintain strong mutual ties and cooperate in various local and regional Nasa associations.

For this study, extensive fieldwork within the local community was conducted intermittently in 2000-2001, 2003, and 2005. Several qualitative research methods were deployed, ranging from in-depth conversations with indigenous leaders, participation in *resguardo*-wide community assemblies, and meetings with representatives of the indigenous council, the *cabildo*.²⁰ To avoid a leadership bias, several interviews were also conducted in various *veredas* of the *resguardo* with ordinary community members (men and women) who occupied different positions in the social fabric of the community. Information

17. *Resguardo* is sometimes translated as reserve, but as it has a particular significance in the Colombian situation, the Spanish word is used in this text, without italicization.

18. Although *vereda* typically means a pathway, in Colombia it means the administrative section of a municipality or community grouping. Because of its unique meaning in that country, the Spanish word is retained in the text.

19. Of the total indigenous population of Colombia, 1.5 to 2% (roughly 800,000 people, depending on the count: see Sánchez and Arango 2002) is indigenous (a relatively low percentage compared with other Latin American countries). This population is made up of 82 different peoples (each with its own language) of which the Nasa are the second largest group (approximately 140,000 people). In the department of Cauca (15% indigenous population), there are more than 60 smaller and larger Nasa *resguardos*; Jambaló is one of the larger ones. There are also several Nasa *resguardos* in the neighboring departments of Huila and Putumayo as a consequence of migration from the original Nasa territory.

20. *Cabildo*, often translated as indigenous council, has also a particular significance in the Colombian situation and so the Spanish term is retained in the text.

was moreover obtained from external actors who were in some way or another involved with the communal government of Jambaló (regional state officials, representatives of NGOs and church organizations, indigenous senators in the national congress, and colleague researchers). While these actors provided an interesting outside perspective on the interactions between the indigenous communities and the wider society, they also provided valuable data such as historical documents, maps, contracts, and statistical (quantitative) information. Finally, a determining factor in the data collection has been the auto-ethnographic *Recuperación de la Memoria* project, consisting of verbatim transcripts of group interviews with community elders, conducted by a young generation of indigenous leaders, under the auspices of the regional Nasa association ACIN in the 1999-2002 period.

Of all Colombia's indigenous peoples, the Nasa are among the most extensively studied by anthropologists in the past. In the second half of the twentieth century, research was mainly focused on Tierradentro, the Nasa's territory of origin, amongst others by Bernal Villa (1955, 1968), Sevilla-Casas (1976, 1986) and Rappaport (1982, 1990a). An ethnography on the Nasa in Jambaló by Findji and Rojas appeared in 1985, consisting of a history of Nasa territoriality and a quantitative analysis of the indigenous economy. Afterwards, Findji (1992, 1993) published on her action research experiences during the land struggle in Jambaló and other Nasa (and Guambiano) communities on the western slopes of the Cordillera Central (1970s-1980s). Before the present research, no extensive fieldwork had been conducted in Jambaló since 1985. Although a lot of ethnographic material on the Nasa has been collected over the years, research with a legal anthropological perspective specifically focusing on changing communal governance in response to interactions between the Nasa communities and the outside world has never been undertaken.

1.5 THE STRUCTURE OF THE THESIS

This thesis is divided into seven chapters. Chapter 1 has described how the situation of indigenous people of Colombia is part of the historical struggle for indigenous autonomy in Latin America and gives the main theoretical/methodological orientation for this study. Chapter 2 describes how during the period 1540-1940 the defining characteristics of contemporary Nasa society came into being. Chapter 3 is a detailed description of land struggle and recovery of indigenous territory on the western slopes of the Cordillera Central, spanning the period of the land reform of the 1960s to the final reaffirmation of the Jambaló territory in the late 1980s. Chapter 4 zooms in on the various communal resource management institutions and practices in three distinctive sub-communities of Jambaló in the aftermath of the land recovery process. Chapter 5 gives a historical account of the process of identity-based development efforts

by the Jambaló cabildo and its communities, within the context of Colombia's new legal framework of constitutional recognition. Chapter 6 narrates a recent account of Jambaló's involvement in indigenous political mobilization vis-à-vis the wider Colombian society and State, in an attempt to safeguard its development process from perceived outside threats. Finally, Chapter 7 sums up the principal conclusions of this study.



Manuel Quintín Lame (in the center) at his arrest (after being captured) in 1915, together with some of his followers.
Source: Wikimedia Commons (<http://es.wikipedia.org>)

2 PÁEZ TERRITORIALITY THROUGH TIME AND SPACE

2.1 THE PRE-COLUMBIAN CHIEFDOM AND THE SPANISH INVASION

The present-day territory of the Páez¹ is situated in the high valleys of the Cordillera Central, between the upper reaches of the River Cauca in the west and River Magdalena in the east. In the first half of the sixteenth century, the eastern parts of these cold and rocky lands formed a region of refuge for various indigenous groups that had fled their former environment in the Magdalena Valley upon the arrival of the Spanish conquerors. Among these were the Páez, the Guanaca, the Pijáo, and the Yalcón. According to early records of Spanish chroniclers, all three linguistically unrelated groups were maize and manioc farmers that for the most part lived in isolated homesteads scattered throughout their shared territory (Findji & Rojas 1985). This multiethnic society was organized into a number of regional political units, *cacicazgos* (chiefdoms), which were only vaguely defined according to territorial limits. At the time, the region seems to have been controlled by three Páez chiefdoms, led by the (supreme) *caciques* (chiefs): Páez (north), Suin (middle) and Avirama (south) (Aguado 1956 [1575] in Rappaport 1990), and one Guanaca chiefdom, led by Chief Anabeima, situated to the south of the former three (Rappaport 1982). See Map 2.1a. Within a single chiefdom resided members of different ethnic groups, divided into smaller political units. Under a diffuse and decentralized political system, regional chiefs had only limited powers; there is no indication that they controlled lands or collected tribute from their followers; only during wartime did their authority become institutionalized. Lower-level chiefs continued to oper-

1. Páez and Nasa are the two names by which this ethnic group is known. In recent years, these people have tended to opt for Nasa, a name deriving from their own language, as the name Páez was in effect ascribed to them by the Spanish at the time of the conquistadores. For the purposes of this study, Páez is used in the earlier chapters as this was the name in common usage at that time, whereas later chapters revert to Nasa.

ate in times of peace, but their followers were free to move across the landscape, transferring their political loyalty to other chiefs (Rappaport 1990).

To the Spaniards, this indigenous territory, which they called Tierradentro (innermost land), was of great strategic importance, since it formed a natural gateway on the direct route between the *Real Audiencia* (Royal Court) of Quito and Santa Fé (Bogotá). However, the Páez and their allies – particularly the Pijáo (see Valencia 1991) – did not yield easily to colonial rule. When the Spanish invasion of Tierradentro, largely undertaken from the *gobernación* (government district) of Popayán, began in 1538, the Páez offered stubborn and aggressive resistance, in 1542 finally leading to the defeat of Sebastian de Belalcázar, founder of Popayán and of Quito (Roldán 1975; González 1977; Findji & Rojas 1985). In 1562, in the midst of Tierradentro, Captain Domingo Lozano was able to establish the town of San Vicente de Páez. In 1571, however, the settlement came under attack from a large coalition of Páez forces, and neither the reinforcement armies sent from Popayán nor the peacemaking efforts of the Guambiano chief, Diego Calambar, ally to the Spanish², could prevent the town from being destroyed. A Spanish chronicler wrote of this defeat:

And the Páez stood firm in their honor / free from vassalage and servitude / and in full liberty without conceding / [to] foreign inhabitants in their province (Juan de Castellanos 1944 [1589], in González 1977: 41)

Ultimately, the Spaniards were forced to withdraw from Páez territory. New Spanish settlements in the borderlands were also insecure. In 1577, groups of rebel Indians (*indios de guerra*) demolished La Mina de la Plata, a mining town in the vicinity of which the pre-Columbian Páez were settled, and in 1591, to the west of Tierradentro, the town of Nueva Segovia de Caloto (Roldán 1975; González 1977). Thus, the Páez were able to successfully defend their autonomy from Spanish encroachment well into the second half of the sixteenth century (Findji & Rojas 1985; Rappaport 1990).

At this time, a Páez migration from the eastern to the western slopes of the Cordillera got underway. In Popayán's colonial records, dated 1586, reference is made to a large group of Páez, possibly war refugees from the battle of San Vicente, which several years earlier had fallen to the Spanish forces in Guambía. In that year, *corregidor*³ Hernando Arias de Saavedra ordered the relocation of

2. At the time of conquest, the Guambiano lived on the Popayán Plateau to the west of Tierradentro. Early in the sixteenth century, the Guambiano had already yielded to Spanish rule and were integrated into the dominions of Sebastian de Belalcázar. In return for lands and political authority on the western slopes of the Cordillera Central, an area called the Province of Guambía, the Guambianos became active allies of the Spanish in their wars against the Páez (Rappaport 1990; see also Aguado 1956 [1575]).

3. A *corregidor de naturales* (colonial magistrate, tribute collector) in the Spanish colonial empire was a provincial official with certain administrative and jurisdictional authority over the indige-

these Indians to the valley of the River Jambaló, lands that had recently been occupied by the Guambiano chief, Diego Calambar. At the same time, other Páez factions – either rebel Indians or refugees – were colonizing the upper River Palo to the north of present-day Jambaló (Sendoya 1975 in Findji & Rojas 1985; see also González 1977). It is assumed that not all movements to the western slopes were caused by the war raging in Tierradentro. To some extent, they were also the result of the natural fission of communities and a general push towards territorial expansion (Findji & Rojas 1985; Rappaport 1990).⁴

In 1605, Captain Juan de Borja was appointed President of the *Real Audiencia* of Nueva Granada in Santa Fé. Being a man with wide experience in military operations, in 1608 he had already succeeded in pacifying the upper Magdalena, a campaign in which the Pijáo were almost completely exterminated (Valencia 1991). As a result, the Páez lost their most important allies in their unrelenting war against the Spanish invaders.⁵ In 1612, the Spaniards founded the *gobernación* of Neiva in the Magdalena Valley as an auxiliary to the *Real Audiencia* of Santa Fé. From there – and not from Popayán – began a second phase in the conquest of the Páez, no longer only by military means, but also with missionary activities. In 1613, Jesuits established a mission post in Guanacas while Franciscans settled in Topa, both in Guanaca territory. In 1623, the Páez joined battle for a final time against the Spaniards; they were defeated in Itaibe in the valley of the Maná River, a place not far from the former town of La Plata. From then on, Spanish influence in Tierradentro increased rapidly. When the Guanaca seemed to be under the control of the missionaries, in 1628 the route between Popayán and Neiva through southern Tierradentro could finally be opened, and, in 1650, the Jesuits officially proclaimed Tierradentro as part of the colony (González 1977; Findji & Rojas 1985).

2.2 THE RISE OF NEW CHIEFS AND THE PÁEZ RESGUARDO

After the military defeat of the Páez, the Spaniards made their way into indigenous communities through the institution of the *encomienda*, a royal grant given to the families of conquerors in recognition of contributions made in the interest of the Crown. The *encomienda* gave its recipient (*encomendero*) rights to collect tribute and to request personal services from the indigenous population of a certain territory in exchange for its protection and conversion to Christianity. At least formally, the *encomienda* did not confer property rights

nous population.

4. There might also have been ecological reasons for migration: as seasons are reversed on the two slopes of the Cordillera, a westerly migration provided the Páez with a broader range of growing seasons, thus leading to increased resource control and food security (Rappaport 1990).

5. Bonilla (1997) maintains that in this phase of generalized warfare, the desperate Páez, like the Pijáo before (Valencia 1991), began to use scorched earth tactics to drive the Spanish out of their territory.

to the lands occupied by the local community (Rappaport 1982; Findji & Rojas 1985). The installation of the *encomienda* in Páez territory, beginning in 1640, roughly coincided with the rise of a mining economy in Popayán and the ensuing expansion of the hacienda system throughout the region (Colmenares 1979). Subsequently, certain local *encomenderos* – most notably Cristóbal de Mosquera y Figueroa – removed large groups of Páez to distant locations near Popayán, where they were forced to work on haciendas producing foodstuffs for the mines.⁶ At the same time, missionaries were trying to bring together dispersed indigenous communities in newly created towns (*reducciones*) in order to make them more accessible to labor drafts and tribute collection. Although many Páez continued to resist the Spaniards by hiding in the mountains, in this period several new Páez towns were established on the western Cordillera slopes, amongst which Jambaló, Pitayó, Quichaya and Toribío-Tacueyó. According to tributary records of that period, some of these populations had traveled there with their chiefs⁷ (Rappaport 1990).

Despite their territorial expansion, by the late seventeenth century the Páez had suffered considerable population losses due to epidemics, family disintegration, and the abuses of the *encomenderos*. The consequence of this was the fragmentation of the Páez nation and, hence, a deterioration of community identity and political authority. Nonetheless, within this context of general crisis, a new type of political leader appeared on the scene. Whereas the imposition of the *encomienda* had weakened the autonomy of the indigenous population, to some extent the institution also strengthened the authority of the chiefs, who became active intermediaries in the collection of tribute for the Crown. In the course of time, some of these *caciques* used their newly acquired powers to consolidate their rule by forging strong political units out of a diversity of smaller chiefdoms. In an effort to validate a certain measure of territorial autonomy over the lands included in their chiefdom, they chose to adopt the *resguardo*⁸ (reserve) system, an institution that was first established in the Santa Fé (Bogotá) area in the second half of the sixteenth century. They succeeded in doing so because they were able to exploit the then growing opposition between *encomenderos* and the Crown concerning the practices of forced labor migration of Indians to Popayán and the unlawful appropriation of indigenous lands (Findji & Rojas 1985; Rappaport 1990).

6. This could be temporary or for undetermined periods of time. Many Páez never returned to their lands of origin however, having either perished, disappeared or – if they originated from Mosquera's *encomiendas* in Tierradentro – acquired lands on the western slopes of the Cordillera (Rappaport 1990).

7. Oftentimes, these chiefs were sons of the chiefs of Tierradentro. Unable to consolidate their power locally, they moved towards the western slopes (Rappaport 1990).

8. Spanish words that are frequently used in the text are italicised only on first mention in each chapter.

In 1667, the chiefs of the Gueyomuse family, ruling over various communities around Togoima in southern Tierradentro, came into conflict with Spanish settlers encroaching on their lands. With the help of missionaries, they instituted legal proceedings in a local Spanish court in order to have their collective territory recognized and demarcated, a confrontation in which they finally prevailed. In this way, they succeeded in consolidating the lands of Togoima, Santa Rosa, Avirama, Calderas, Cuetando, Itaibe, Yaquivá and Pisimbalá into a single chiefdom that became legalized by a resguardo title (*cédula real* or royal decree) – the first among the Páez. Around the turn of the century, indigenous communities on the other side of the Cordillera also began to express a wish to obtain legal recognition of their lands. At this time, Don Jacinto Muscay, chief of Pitayó, had achieved the unification of Pitayó, Jambaló, Quichaya, Pueblo Nuevo and Caldono (Findji & Rojas 1985). Although at the time these lands were still unaffected by Spanish settlers, in 1696 he drafted a petition for the demarcation of his chiefdom, reporting directly to the colonial authorities of the Real Audiencia in Quito:

[Although] it is true that no one is interfering with our rights, it is my duty to ensure the territory of my villages, so that when I expire or die no intruders will wish to take our lands from us [...]. For this reason I appear, asking for the security of the lands of the abovementioned villages. (ACC/P 1881 [1696]; cited in Rappaport 1990: 65)

In 1700, the Crown granted Jacinto Muscay's claim, and his successor, Don Juan Tama de las Estrellas y Calambás, was allowed to present himself in Quito to take delivery of the resguardo title. That same year, Don Manuel de Quilo y Sicos, leading the chiefdom of Tacueyó, petitioned the delimitation of his territory in Tacueyó, Toribío and San Francisco (Bonilla 1979; Findji & Rojas 1985). His request, which was also granted, was articulated in the following way:

Until now, there has been no other owner of these lands under my dominion, and to us, the caciques, each with clear boundaries to our lands, and as we do not recognize any owners of the lands apart from Your Majesty, I approach you [in solicitation] of that which corresponds principally to me, and I wish to ensure my successors, through sufficient titles, [that] our rights and property will not be disturbed [...]. I believe that only Your Majesty has the right to cede lands to white individuals, and that only without injury to the Indian tributaries, because furthermore we have the right and preference because we are dependents of [sic], and we are legitimate Americans and we are not originally from other foreign lands. (Title to Tacueyó in Sendoya n.d.; cited in Rappaport 1990: 46)

When Juan Tama in 1708 furthermore gained title to the resguardo of Vitoncó, bringing together the communities of Vitoncó, Lame, Chinas, Suin and Mosoco,

the formation of Páez resguardos on both sides of the Cordillera was completed for the moment⁹ (Findji & Rojas 1985; Rappaport 1990; see also González 1977). See Map 2.1b.

By presenting themselves as subjects of the Spanish colonial empire while at the same time asking for the recognition of their rights as first Americans, the new chiefs were able to acquire firm territorial rights over lands they already felt were theirs, whether as a result of pre-Columbian occupation or post-Conquest settlement. Thus, the entire Páez nation at the beginning of the eighteenth century was subdivided into four major polities under the leadership of three chiefs (Bonilla 1979). In their dealings with the Spanish administration, these four principal chiefdoms were legitimized by land titles that formed resguardos. Within their own communities however, the new chiefs cemented their authority by modeling their political rule in part on patterns that were familiar from the pre-Columbian chiefdoms. Under the resguardo title, the new chiefs were granted the right to distribute their territory to the different communities (*parcialidades*) under their authority. In doing so, they established a chiefly hierarchy whereby each community was assigned its own (lower-level) chief who was able to exert authority on a local and internal level only. Whereas principal chiefs were permitted to extract tribute and labor from the subjects of their inferiors, they were also required to represent their interests towards the broader society. The titles to the chiefdoms, including the minor ones, were hereditary, although it appears that the colonial Páez did not follow a single line of succession (Rappaport 1990).¹⁰

2.3 THE DEMARCATION OF JAMBALÓ AND COLONIAL LEGAL STRUGGLES

Soon after Don Juan Tama's return from Quito, his subjects in Jambaló and Pitayó requested the subdivision of the lands of the various communities included in the larger Pitayó chiefdom. See Map 2.2. This was effected in 1702, when Tama, in the company of the chiefs of the two communities, as well as Don Manuel de Quilo y Sicos, the principal chief of Tacueyó, began tracing the community boundaries on foot – just as had been done with regard to the definition of the outer boundaries of the chiefdom preceding the approval of the resguardos.

9. Later in the eighteenth century, new resguardos comprised of Páez migrant communities cropped up on the western slopes of the Cordillera and in the lands to the east of Tierradentro (in the neighboring *gobernación* of Neiva, today Huila department) (Rappaport 1990; compare with Castillo-Cárdenas 1987).

10. By the time the Páez chiefs had successfully consolidated their territories under the resguardo regime, ethnic/language differences between the various ethnic groups that lived in their territories a century earlier – Páez, Pijáo, and Guanacas, mainly – seem to have been fading away. According to Bonilla (1979: 339-340), the Páez of around 1700 were experiencing a “process of (ethnic) unification”, making them “a nation in formation”. Chief Don Juan Tama seems to have been actively encouraging this process by prescribing, in a testament shortly before his decease, a rule of ethnic endogamy (Findji & Rojas 1985; see also Pachón 1987).

do title by the *Real Audiencia*. The official document that was drawn up of this demarcation shows that community limits were only defined in a general way by means of points of reference like ridges, peaks, valleys, and rifts.¹¹ From this description it also appears that, at the time, the lands of Jambaló and Pitayó were still unaffected by Spanish settlers, with the exception of some lands held by the Catholic Church (NC/S 1914 [1702] in Findji & Rojas 1985). When the demarcation was completed, members of the communities concerned were called together to validate their possession by performing a Spanish colonial ceremony:¹²

Finding all together and in agreement, I took the hand of the governor Luis Dagua Inocencio [...] and asked them and all if they found themselves in peaceful proprietorship, and scattering water I had branches pulled and spread around, signaling possession. (NC/S 1914 [1702]; cited in Rappaport 1990: 77)

Formally, the recognition of the Páez chiefdoms by the Spanish Crown signified the termination of the *encomienda* in indigenous territory. Although in actual fact this seemed to be the case in Tierradentro, where the *encomenderos* retreated from the lands of Vitoncó and Togoima in the first decades of the eighteenth century (González 1977), on the western slopes of the Cordillera this did not happen right away. Here for unknown reasons the institution remained in place alongside the *resguardo* for several more decades (Findji & Rojas 1985).¹³ According to colonial documents, in 1720 Jambaló belonged to the *encomienda* of Don Antonio Beltrán de Caicedo and fell within the District of Caloto.¹⁴ In that year, the small town of San Isidro de Jambaló was comprised of 39 tributary families that lived in the company of a priest attached to the *doctrina*¹⁵ of Guambía (Roldán 1975). From reports of *visitadores*¹⁶ that traveled through

11. According to Colmenares (1979), this was common practice in the colonial period (Province of Popayán), including when it involved the land grants disbursed by the Crown to the families of the conquerors. Although the region had an agrarian economy and land was, apart from the mines, the most important productive factor, sixteenth and seventeenth century landholdings were often so extensive that their owners preferred to define their boundaries only loosely by using natural features of the terrain rather than artificial landmarks or fences.

12. See Kloosterman (1997) for a very similar description of this ritual among the Pasto Indians (South Colombia). According to the author, this ritual, called *la posesión*, originated from Iberian customary law, or the so-called *fueros*, and was introduced throughout the whole of Latin America. In later times, various indigenous peoples incorporated the ritual into their own cultures, albeit in modified forms.

13. This may be explained by the relative proximity of these communities to the mines of Caloto and Chocó and the economic value in labor that these *encomiendas* represented.

14. The *encomienda* had come into the hands of the Caicedo family not by royal grant, but by sale. In 1690, Don Antonio's father, Don José Beltrán de Caicedo, had bought the *encomienda* for 1,100 *patacones* (golden coins) from Cristobal de Mosquera, his brother-in-law (Colmenares 1979).

15. A *doctrina* is an ecclesiastic community of recently converted Indians, without the status of parish as yet.

16. A *visitador* was a colonial functionary reporting to the *Real Audiencia* of Bogotá and Quito.

the region in this period, it appears that priests and *encomenderos*, who were not infrequently relatives, still often exploited the Indian workforce, in spite of colonial laws prohibiting such practices (Colmenares 1979). Perhaps this explains the low population figure recorded for Jambaló. Although a limited number of families had hesitantly settled around the village church, most Páez probably persisted in their wandering way of life deep in the forests in order to escape from tribute obligations and Spanish domination (Findji & Rojas 1985).

When Beltrán de Caicedo died in 1746, his *encomienda* was officially terminated and the Páez of Jambaló became direct tributaries of the King (Roldán 1975).¹⁷ This new situation was felt as a thorn in the flesh by the heirs and relatives of the deceased *encomendero*, who assiduously began to oppose the imposition of the *resguardo* legislation (*Ley de Resguardo*) – or “*Ley de Don Juan Tama*” (Juan Tama’s law) as it was called in some contemporary sources (Castillo y Orozco 1877 [1755] in González 1977: 94). In daily practice, for the Páez of Jambaló and Pitayó this entailed the beginning of a long and burdensome struggle in defense of their lands. In 1747, Don Manuel del Pino y Jurado, *corregidor* of Caloto, made a first attempt to get hold of *resguardo* lands in Jambaló, legitimizing his actions with false certificates that suggested the purchase of the land from the *encomendero* shortly before his death. When the Páez resisted, he gave orders to demolish and set fire to the town (*pueblo*) of Jambaló and requested the Bishop of Popayán to move the Indians to Caloto. His plan was never carried into effect as the Páez had taken refuge in the mountains, where they would remain for a period of three years. It was only after the intervention of the *protector de Indios*,¹⁸ who forced the men of Pino de Jurado to respect the territorial rights of the indigenous population, that the Páez felt safe to return to their original lands (Roldán 1975; Findji & Rojas 1985).

But the Páez were not allowed to live a quiet life. An official document from 1754 describes how the priest of Jambaló lodged a complaint against José de Carvajal, a nearby hacienda owner who, on penalty of whipping and imprisonment, forced the Indians to pay rent by laboring on his farm while claiming ownership of part of their lands. The dispute dragged on for several years until the land arbiter, Don Juan Manuel Lambarry, passed a judgment in 1767 in favor of the inhabitants of Jambaló, whom he designated as the only legal occupants of the land, and called for a supplementary demarcation of boundaries between the hacienda and the *resguardo*. That same year, Lambarry also reached a verdict in support of the claims of the Pitayó Páez, who, just like their neighbors in Jambaló several years earlier, were threatened with dispossession by the avaricious Manuel del Pino y Jurado (Roldán 1975; Findji & Rojas 1985).

17. Formally, this entailed the Indians no longer being obliged to provide labor for their erstwhile *encomendero*. In practice, however, hacienda owners still often held their claims on their former Indians.

18. A *protector de Indios* was a colonial functionary representing the interests of indigenous communities in conflicts (often over land) with Spanish settlers.

It seems that, during the thirty years that followed, the Páez of Jambaló and Pitayó were able to enjoy the possession of their lands in relative tranquility. However, in 1799, the Indians were again forced to defend their territory against Spanish intruders. At that time, a small band of large landowners (*hacendados*) – amongst which Miguel del Pino y Jurado, son of the *corregidor* of Caloto, and José Zuñiga, cousin of the priest of Jambaló – laid claim to considerable tracts of land and a salt mine that according to the Páez belonged to the community of Pitayó. In this case, legal proceedings were started under the leadership of Don Joseph Calambás in his capacity as principal chief of the Pitayó chiefdom. In 1800, he produced an elaborate communication directed at the *protector de Indios* in Caloto in which he urgently requested the eviction of intruders from the Pitayó territory, thereby at various points making reference to the *resguardo* title of Don Juan Tama, as well as to the supplementary boundary delimitation conducted in 1767 – of which by then all documentation had mysteriously disappeared from the colonial archives in Popayán. The court case, which went all the way up to the *Real Audiencia* of Santa Fé (Bogotá), ultimately reached its conclusion in 1804, with a firm and final judgment in favor of the Páez of Pitayó and Jambaló (Roldán 1975; Findji & Rojas 1985).¹⁹

2.4 INDEPENDENCE AND THE EARLY INDIGENOUS LEGISLATION

The constant denial of indigenous territorial rights by regional colonial administrators – heirs of the *encomenderos*, owners of the mines and new hacienda owners – throughout the eighteenth century was probably one of the main reasons for the Páez to become actively involved in the independence wars of the early nineteenth century (1811-1819) (Findji & Rojas 1985). Considering the struggle to be a means to get rid of the colonial tribute system and to defend their territory, the Páez joined the pro-independence forces with independent military units under the command of their chiefs, making major contributions in the battles of Inzá (Tierradentro), Río Palo (north of Jambaló) and Alto Palacé (near Popayán). One of the well-known names from this time is Agustín Calambás, chief of Pitayó and a direct descendant of Juan Tama, who became a powerful military commander and, ultimately, a national hero (Bonilla 1979; Rappaport 1982, 1990; Jimeno 1985).

After Independence (recognized by Spain in 1821 but proclaimed by Simón Bolívar in 1819), the new government soon disappointed the hopes of the Páez. Although tribute obligations were terminated, they were almost immediate-

19. Colmenares (1979) writes that up until the late eighteenth century the *protectores de Indios* – as Spanish colonial controllers always in opposition to the local ruling elites – fought innumerable legal cases against the widespread abuses of the landowners and in favor of the fate of the Indians living in *resguardos*, thereby drawing on many legislative precedents, from recent ordinances to dispositions dating back to the sixteenth century.

ly replaced with another tax, called personal contributions. In 1821, first steps were taken in the development of a series of laws that promoted the replacement of communal *resguardo* lands with private property, a policy that was justified by a Liberal ideology of equal rights and full citizenship for Indians (Rappaport 1990). In order to facilitate this process, chiefdoms were officially abolished. In 1825, an official request from a Guambiano leader to be appointed to the office of chief was declined on the grounds that the government no longer acknowledged the existence of hereditary leaders in indigenous communities. In this attempt to destroy autonomous indigenous authority, chiefs were to be replaced by elected councils or *cabildos* that would serve as intermediaries between separate indigenous communities and government authorities (Findji & Rojas 1985). However, in southern Colombia, this early Republican policy towards Indians had only very limited effect. Although in the more populated areas some *resguardos* were actually liquidated, many indigenous communities, amongst which the Páez, persistently resisted the division of their communal lands. After some time, local hacienda owners also began to oppose the national legislation, primarily because they considered the institution as a source of cheap labor for their nearby properties. In 1842, the government in Bogotá suspended the further dismantling of *resguardos* (Safford 1991; Triana 1985).

In 1849, Liberal politicians gained control of the national government. Informed by federalist leanings, their rule transformed Colombia into a union of a number of autonomous states, the largest of which was the Sovereign State of Cauca. As the Liberal government directly represented the interests of merchants and exporters of agricultural products, a new campaign was launched to abolish the *resguardo* and open up indigenous lands to commercial exploitation (Triana 1985; Bergquist 1978). At this time, however, the regional implementation of the anti-*resguardo* legislation was hampered by the very federalism the Liberals were advocating. Local elites in Cauca were not inclined to follow national Indian policy in view of their own economic interests and because they needed indigenous support for their political activities. By the late 1850s, local legislators in Popayán thus started to effectively block national *resguardo* liquidation laws by passing Caucan legislation protective of *resguardos* (cf. Rappaport 1982) – a good example being Law 90 of 1859, which has been described as “possibly the most sincere and flexible protectionist law of the country’s history” (Roldán 1975: 40).

2.5 CIVIL WARS AND THE RISE OF THE CHIEFS WITHOUT CHIEFDOMS

Throughout the nineteenth century, Colombia was characterized by a highly unstable political situation. From Independence until the turn of the century, the country experienced no less than eight civil wars between the Conservative and Liberal Parties – and sections thereof – fighting over the structure of

the state. On several occasions, the Páez took sides in these wars, particularly when they perceived opportunities to turn these struggles to their own ends. Such was the case in the War of 1859-1862, when independent Páez forces, numbering up to a thousand warriors, joined the Liberal-Federalist armies of General Tomás Cipriano de Mosquera in several military operations against Conservative government battalions. It is generally assumed that Mosquera was able to win the Indians to his cause because he was advocating the disamortization of Church property and the reduction of missionary influence in indigenous communities. When he gained victory over national government in 1861, this is exactly what happened; many priests and missionaries were expelled from Páez territory (Triana 1985). Moreover, in recognition of their participation in his military campaigns, Mosquera restored to the communities of Jambaló and Pitayó the lands that had previously been stolen by the Conservative politician, Julio Arboleda,²⁰ his principal opponent in the War of 1851 (Roldán 1975). This was enacted by government decree in 1863.

Considering: [...] (3) That the Indians of Pitayó and Jambaló have never recognized Mr. Julio Arboledo to be the owner of the lands that this man purchased from Mr. Mariano Tejada and Mr. Raimundo Angulo, [of whom] the aforesaid Indians equally did not recognize the rights to those lands, always maintaining that they own them; (4) That whatever the origin of the claim over these lands, Mr. Julio Arboledo must answer to the Nation for the mischief he has caused, and the Indians of Pitayó and Jambaló having served the Federal cause with such perseverance and advantage, and having previously disputed the property of the abovementioned lands. / Decrees: (Art. 1) The expropriation [...] of the lands situated between Pitayó and Jambaló, which Mr. Julio Arboledo purchased from —; (Art. 3) [That] the benefactors of this Decree, as well as the first generation that succeeds them, cannot alienate, cede or transfer their rights, in order that they be able to subsist from their work independently. (Decree 30 of 1863, “which concedes certain lands to the Indians of Pitayó and Jambaló”; cited in Roldán 1975: 38; my translation).

For the Páez, the Colombian political conflicts of the nineteenth century formed the context for the emergence of a new type of political authority. Although the title of chief no longer existed under Republican law, numerous contemporary sources indicate that, in many indigenous communities, presumed links to colonial chiefs continued to determine the election of cabildo members. Through their involvement in the civil wars, some of these indigenous leaders were able to acquire considerable political power, allowing them to command authority over a territory that reached far beyond the boundaries

20. These lands concerned the salt mine of Asnenga and surroundings, which the Indians of Jambaló and Pitayó considered as part of their territory – a case the Indians had already been litigating for years (Bonilla 1979).

of the local community. For example, throughout the second half of the century, the Páez chiefs of the Guainás family from Tierradentro were also able to exert influence over the cabildos of Jambaló and Toribío. In this way, these self-styled chiefs were reproducing the familiar pattern of the extensive chiefdoms of the colonial period (Bonilla 1979; Rappaport 1990).

Nonetheless, it has been argued that the civil wars did more to erode than to strengthen the political unity of the Páez. Whereas the colonial chiefs preferably related to their equals in a process of socio-political unification, the self-styled chiefs of the nineteenth century were being integrated into non-Indian military hierarchies and became increasingly oriented towards alien political interests. This generated a process of alienation from their own political traditions, thus facilitating the dominant classes' actions that tended to isolate indigenous communities from each other (Bonilla 1979). What is more, party allegiances to either Liberals or Conservatives in the long run left their resguardos open to land seizures by hacienda owners from the rival camp (Rappaport 1982). In the Thousand Days War, which lasted from 1899 to 1902 and led to Panama's independence, the Páez were sometimes even played off against each other, as Indian militants swore allegiance to each of the warring armies. For example, the government at times used Páez forces from the western slopes of the Cordillera to fight against the rebel armies of the Liberal Páez from Tierradentro (Findji & Rojas 1985; see also Triana 1985).

2.6 QUININE, RESGUARDOS AND PUBLIC LANDS

During the first decades of Republican rule, Colombia had developed an economy based primarily on the export of agricultural products and raw materials to Europe and North America. In the 1850s, international demand arose for natural quinine, which was used as medication against malaria in European colonies in Africa and Asia. In Colombia, this product, derived from the bark of the trees of the *Cinchona* family (*Cinchonae* sp.), was found in large quantities in the forests of the southern Cordillera Central. Thus, in the latter half of the nineteenth century, in the midst of civil wars, Cauca saw the emergence of an intensive but short-lived extraction economy, focusing particularly on the cinchona forests of Guambía, Pitayó and Jambaló (Rappaport 1990; Findji & Rojas 1985).

In the beginning, cinchona was harvested mainly by independent Indian workers, who sold the wild resource to quinine merchants in the nearby town of Silvia (formerly Guambía), which in those days developed into a major regional marketing center. After having negotiated an advance payment with a trader, the cinchona collector, or *cascarillero* as he was called, went off on a trip deep into the forest, where he spent several days or even weeks searching out and felling suitable trees, and preparing and drying the harvested bark. Prices were only finally fixed once the bark had reached its final destination. Although the

association between the *cascarillero* and the quinine merchant seems to have been characterized by mutual distrust, there is no evidence that the cinchona extraction entailed the development of a relationship of debt servitude for the Indian. On the contrary, *cascarilleros* earned good money with the bark trade as they were paid several times more than agricultural wage laborers (Saffray 1984 [1869], cited in Rappaport 1990).

The process of cinchona harvesting and sale had a significant influence on the community organization of the Páez. As cinchona was extracted almost year-round, large groups of individuals were separated from their community for extended periods of time, resulting in a diminishing intensity of regular agricultural activities on *resguardo* lands.²¹ Moreover, in their relationships with traders, *cascarilleros* by-passed the authority of community leaders, and this ultimately undermined the legitimacy of the *cabildo* and weakened the position of the community in relations with non-Indian outsiders (Rappaport 1990).

By the 1860s, particularly after the promulgation of the super individualist Liberal (Federalist) Constitution of 1863 (Roldán 1975), the booming quinine industry in northern Cauca began to make inroads on the legal status of the *resguardo* as set out in Law 90 of 1859. Attempting to increase their control over the quinine extraction, entrepreneurs and nearby large landowners started to apply for rental agreements on cinchona forests.²² These people claimed these forests were situated on public lands, in Colombia called *baldíos*, whereas in fact they often formed part of neighboring *resguardos*. The ensuing *baldío* disputes with indigenous *cabildos* sparked off a national discussion concerning the inalienable character of indigenous lands²³ (Findji & Rojas 1985). On one occasion, the problem was addressed as follows:

[T]he Government should know that few *resguardos* have written title;²⁴ instead, actual possession gives indefinite extension to the imagined properties of Indians in the high regions of the Cordillera. It would be convenient and just to require the small Indian *cabildos* to present their property titles, in order to set boundaries between their *resguardos* and the *baldíos*. In the event of their being unable to present such titles, possession should be recognized; but there should be no corresponding guarantee of their ownership of the quinine forests and other precious substances, ripe for exploitation.

21. Europeans that traveled through the region in those days observed that, when Páez *cascarilleros* were present in their communities, they spent most of their time gambling and drinking with their colleagues; this was also true for the Indians that participated in the civil wars (Cross 1879; cited in Rappaport 1990).

22. Rental was preferable to ownership; the forests soon lost their economic interest as they were swiftly stripped of most or all cinchona trees (Rappaport 1990).

23. One of these disputes involved the communities of Pitayó and Jambaló, which successfully prevented the agents of the previously mentioned Julio Arboleda from unlawfully extracting quinine from their *resguardo* lands (*El Tiempo*, 4 May 1958; cited in Findji & Rojas 1985).

24. Pursuant to Law 89 of 1890, *cabildos* were to renew their titles by registering these with a local notary. Apparently, few *cabildos* had complied with this requirement.

(Diario Oficial, 13 December 1869; cited in Rappaport 1990: 101)

In Cauca, between 1865 and 1880, this ongoing debate resulted in a steady flow of contradictory laws and policy statements, at one time aimed at declaring uncultivated parts of resguardos as public lands, and at another – in consequence of persistent indigenous resistance – intended to protect indigenous lands from encroachment by outsiders (Roldán 1975).

In spite of all the commotion, by the late 1860s cinchona harvesting on the western slopes of the Cordillera was already over its peak. As trees were never replanted, the forests around Pitayó and Jambaló were soon stripped of this valuable resource and left devastated. In the 1870s, the quinine frontier moved east into Tierradentro, Huila and Tolima (Rappaport 1990). Around 1885, the quinine boom came to an end as abruptly as it had started, when international demand was satisfied by lower-price quinine from Asian plantations – that, ironically, had been created with the seeds of Colombian cinchona trees (Bergquist 1978).

2.7 LAW 89 OF 1890

In the late 1870s, prolonged crisis in the export economy and strong divisions within the Liberal Party led to growing social and political unrest. In the Civil War of 1885, resulting in the defeat of the (radical) Liberals, Conservatives in an alliance with independent (moderate) Liberals succeeded in consolidating power and began a program of far-reaching political reform that in Colombian history is known as the *Regeneration*. A new constitution in 1886 definitively abandoned federalism and remodeled the country into a unitary state with a strongly centralized government. Political renewal furthermore found expression in anti-liberal economic reforms and a complete restoration of the alliance of Church and State, which was celebrated in the Concordat of 1887 (Safford & Palacios 2002). The *Regeneration* also implied a major shift in indigenous policy, which found legal expression in Law 89 of 1890:

Specifying the manner in which the savages in the process of being reduced to civilized life should be governed. (Castillo-Cárdenas 1987: 161 note 25)

Law 89 – for more than a century to become the centerpiece of indigenous legislation in Colombia (Rappaport 1994) – was basically a reenactment of earlier legislation of the Sovereign State of Cauca, especially Law 90 of 1859, recapturing most of its articles (Roldán 1975). Although it breathed the paternalistic spirit of the Concordat, emphasizing the civilizing task of the Catholic Church towards the Indians – who were branded legal minors (Triana 1985) – and ultimately aimed at their cultural integration into the dominant society

(Rappaport 1994), Law 89 was also fundamentally protectionist in character (Roldán 1990).²⁵ The division and privatization (*repartimiento*: individual distribution) of the resguardos was postponed for a period of 50 years;²⁶ in the meantime, the territorial integrity of the communal holdings of the resguardo was protected by declaring these “inalienable, non-seizable and imprescriptible” (Triana 1985: 249).²⁷

This legal statute moreover provided a clear juridical base for the resguardo as an institution already operating in practice. Excluding resguardo inhabitants from the application of general (national) legislation (art.1), subjecting them to special legislation, it defined its internal organization, its objectives and its relation to local and regional (non-indigenous) authorities (Castillo-Cárdenas 1987). The authority of each resguardo was vested in a small cabildo, to be elected annually by the resguardo community members (*comuneros*) (art. 3). This cabildo was attributed a number of jurisdictional and civic functions, such as the punishment of small crimes (referred to as crimes against the moral order), the conduct of a yearly population count, and registering the resguardo land title with a public notary (art. 5, 7.1 & 7.2). Its principal function, however, was identified as the adjudication to resguardo members of usufruct rights to land, as well as the supervision of all matters relating to land tenure, including the mediation of land disputes (art. 7.3 ff.). In view of the status of Indians as legal minors (“savage” or “semi-civilized”), all these functions were placed under the tutelage of the state as represented by the (non-Indian) authorities of the municipality in which the resguardo was located (art. 10 & 11). Predicting the eventual privatization and sale of resguardo lands (within the space of 50 years), Law 89 also included an entire chapter (Chapter V) on the partition of resguardos, outlining the process by which the resguardo is to be dissolved (Rappaport 1990).

On the basis of available knowledge, it cannot be ascertained whether the norms relating to the administration of land as specified in Law 89 reflected the cultural patterns and local practices that prevailed in Andean Indian communities at that time. This might very well be the case, considering the fact that on the western slopes of the Cordillera Central cabildos had been in place for some time and, by the end of the nineteenth century, seem to have

25. According to Rappaport (1994: 26) the primary intent of Law 89 was “to safeguard the resguardo as an institutional support during the transitional period in which Colombian Indians would be integrated into the dominant society.” With some irony, Kloosterman (1997: 51, quoting Sánchez 1994: 5) notes that, in the view of the legislator, “the colonial political forms of the resguardo – the cabildo and the communal property of land – first needed to be recognized before they could be made to disappear.”

26. In a sense, Law 89 was also born out of necessity as the government throughout most of the nineteenth century had neither the resources nor the personnel to effectively privatize the resguardos (Safford 1991).

27. This means that non-Indian persons cannot gain access to indigenous communal lands through sale or lease (art. 7.7), or by using peremptory pleas ensuing from their factual possession of parts of resguardo territory (art. 13) (Triana 1985).

been experiencing marked population growth – according to official counts, the population of Jambaló, for example, increased in the 1855-1905 period from 1,900 to 2,900 inhabitants (Roldán 1975) – and this may have made a more strict tenure regime indispensable in view of increased local land scarcity. Moreover, reports of government authorities in those years do not record indigenous resistance against the implementation of the law. Irrespective of this question, however, it can be said of Law 89 that it gave certain legal delineation and administrative fix to the customary regime of indigenous tenure for many years to come (Rappaport 1994).

Several authors (Rappaport 1982, 1990; Findi & Rojas 1985) have noted that Law 89 – like its predecessor Law 90 of 1859 – also served the purpose of administrators to fragment the political unity of indigenous communities, particularly of the Páez, which to some extent had remained since the colonial period. Throughout much of the nineteenth century, there still existed four large Páez resguardos that were made up of several smaller communities that were unified under the authority of one or more self-styled chiefs. However, by designating the small cabildo, the lower level authorities of the smaller communities, as the highest indigenous authority, definitively legislating the chiefs out of existence, Law 89 denied the political integration of the Páez into these larger territorial units. When, at the beginning of the twentieth century, cabildos had the boundaries of their communities registered with the public notary, the large Páez resguardos of former days were officially broken down into various smaller resguardos that exist up to the present day.

Be that as it may, the law on the other hand safeguarded the resguardo as a semi-autonomous territory with its own government and within which non-Indian settlement was restricted. Also, and for the first time, it formally recognized indigenous custom as a source of law (Rappaport 1982; Triana 1985).

2.8 MANUEL QUINTÍN LAME AND “LA QUINTINADA”

At the start of the twentieth century, several national developments again brought pressure to bear on the resguardos. During the period of the Regeneration (1886-1896), the immense former State of Cauca had been carved up into various smaller administrative units (departments), as a result of which the ruling elites in Popayán lost much of their prestige and resources – amongst which the gold mines of Chocó and the fertile lands and cattle haciendas of Nariño and the Cauca Valley.²⁸ A process of ruralization got underway,

28. After the dissection of Gran Cauca into the departments of Chocó, Valle del Cauca, Cauca, Nariño, Putumayo and Amazonas, Popayán passed from being a proud and rich tribute-collecting capital into a modest provincial town, tributary to Bogotá and subsidiary to the booming industrial city of Cali, with a political representation in the national government that ridiculed its political power of former times (cf. Sevilla-Casas 1976).

whereby rich families consolidated their landholdings around Popayán at the expense of indigenous communities (Findji & Rojas 1985).²⁹ The expansion of the coffee economy and the construction of railways during the government of President General Rafael Reyes (1904-1909) (Bergquist 1978; Castillo-Cárdenas 1987) spurred the advance of the agricultural frontier even further and caused a large influx of colonists to enter the resguardos on the western slopes of the Cordillera Central. These newcomers found support in Law 55 of 1905, which opened up possibilities for local authorities to declare uncultivated parts of the resguardos as colonization areas. In most cases, old and new landowners incorporated the local Indian families into their properties, where they exploited them under arrangements of tenant farming or *terraje* (Sevilla-Casas 1976; Findji & Rojas 1985; Castillo-Cárdenas 1987; Rappaport 1990).³⁰

Against this background, an indigenous protest movement against the repressive hacienda system and the dissolution of the resguardos emerged around 1910. The central figure in this movement was Manuel Quintín Lame (1883-1967). Quintín Lame was the grandson of a Páez migrant from the Lame resguardo in Tierradentro. In the late nineteenth century, his father had started working as a *terrajero* (tenant farmer) on the San Isidro hacienda in Polindara near Popayán but, when Quintín was still young, had “freed” himself from his landlord by buying, with his own money, a piece of land in the neighboring municipality of Totoró (Castillo-Cárdenas 1971, 1987). This is where Lame grew up, outside the jurisdiction of the traditional cabildo and in close proximity to the dominant mestizo society. According to his own account, he was drafted by the government forces to fight in the Thousand Days War (1899-1902) and sent south to the border with Ecuador (in Nariño), and later to Panama (then still part of Colombia), to participate in several military activities (Lame 1971 [1939]). When he returned to Cauca as a traveled and educated man, he attempted to reintegrate into the local society, married and settled down as a tenant farmer. Soon, however, he became disillusioned and rebellious towards the oppressive conditions under which the *terrajeros* had to live and work. Starting to raise his voice against “white-mestizo domination”, he quickly rose as “a nativistic rebel who became the catalyst of Indian resentment” (Castillo-Cárdenas 1987: 31-32, 167 notes 14 & 17).

In 1910, Lame was elected by the indigenous cabildos of various communities, amongst which Jambaló, as – again according to his own testimony – their “chief (*cacique general*) and representative” before the government (interview

29. In the first decade of the twentieth century, various resguardos around the city of Popayán were permanently terminated and the lands incorporated in some huge haciendas that were the property of members of the ruling elites, such as the Mosquera, Valencia, Angulo, Arboleda and Muñoz (Castillo-Cárdenas 1987).

30. The institution of *terraje* has been described as pre-capitalist and a modern version of the *censo* or *mita*, the tribute and personal (labor) services system of the colonial *encomienda* (Sevilla-Casas 1976).

with *El Espectador* on July 12, 1924; cited in Castillo-Cárdenas 1971: xix).³¹ Shortly before his “election”, he had started preparations for a large-scale organizational drive, particularly in Páez territory, to agitate and mobilize the indigenous population to defend their communal lands and stand up against “the generalized contempt that characterized white and mestizo attitudes towards Indians” (Castillo-Cárdenas 1987: 33; see also Bonilla 1979). Traveling through affected communities, he organized meetings “teaching mingas” (*mingas indoctrinadoras*; these meetings were called *mingas* to reflect the traditional Andean communal work party), during which he reminded cabildos and tenant farmers of the preferential rights of Indians as first Americans and assisted them in drawing up legal documents in protest at the injustices committed against them by hacienda owners (Rappaport 1982; Jimeno 1985). In time, Lame elaborated several central themes of struggle: (1) defense of the *resguardos* and the militant opposition to laws aimed at the division and partitioning of *resguardos*; (2) consolidation of the *cabildo* as the center of authority and base of political organizing; (3) recovery of lands usurped by landlords and the rejection of land titles not based on royal decrees;³² (4) liberation of tenant farmers through the refusal to pay land rent or other personal tribute; (5) affirmation of indigenous cultural values and the rejection of racial and cultural discrimination of Colombian Indians (Castillo-Cárdenas 1971; Rappaport 1990).

Being a charismatic, almost messianic figure, Lame soon gained many adherents, first on the western slopes of the Cordillera where land pressure was greatest, but later also in Tierradentro, where the Church was actively involved in attracting non-Indian colonists. The success of Lame’s campaign, which became known as *La Quintinada*, produced fear and consternation among the white and mestizo population, who accused the rebellious Indians of a wide variety of crimes ranging from refusal to pay rent to intimidation of the hacienda owners and their rural foremen (*mayordomos*).³³ By 1911, the governor of Cauca had already authorized landowners to organize private armies to protect themselves against Lame’s accomplices. In 1914, Lame traveled to Bogotá to defend his case before Congress, to hold interviews with various ministries, and to search for colonial land titles in national archives. By the end of the

31. Other communities were Pitayó, Toribío, Puracé, Poblazón, Cajibío and Pandiguando, all from the western slopes of the Cordillera Central. There is no independent record of this election, but Lame played this role from that date onwards (Castillo-Cárdenas 1987). According to Rappaport (1990), Lame never called himself chief (*cacique*) but he did see himself as such (see also Jimeno 1985).

32. The expression “royal decrees” (*cédulas reales*) refers to the colonial titles pertaining to the *resguardo*-chiefdoms obtained by Chief Don Juan Tama and his equals of the time. In this way, Lame stressed the colonial roots of his movement, implicitly dismissing Republican indigenous legislation (Law 89).

33. Other accusations included cattle stealing, refusal to pay slaughtering taxes, collecting dues for the “Lamista” movement, and clandestine distilling of liquor. Although, most seriously, the threats to hacienda owners are mentioned by several sources, all accusations were probably exaggerated (Castillo-Cárdenas 1987).

same year, Lame returned to Cauca, on his way calling on various indigenous communities in the neighboring departments of Tolima and Huila. Gradually, the Indian leader became the nightmare of civil authorities, hacienda owners and the Church, all of whom pressed regional authorities to order his capture. Accused of instigating a racial war, Lame was apprehended in March 1915 and detained in prison for an entire year. Soon after his release, however, he resumed his agitation with renewed fervor and much greater prestige among his followers. By this time however, Catholic priests had been able to secure the collaboration of Pío Collo, another prestigious Indian leader not supportive of the “Lamista” movement. On November 12, 1916, Collo’s defense brigades accidentally ran into Lame and a group of supporters in the town of Inzá (capital of Tierradentro) and opened fire on them: seven Indians were killed and several more wounded. In official reports, the incident was turned into the “Lamista occupation of Inzá” to persuade the central government to send troops to the region to once and for all do away with the “insubordination”.³⁴ Unlike many of the movement’s leading members, Lame managed to escape from the militarized zone and for some time continued his actions on the other side of the Cordillera. Finally, on May 9, 1917, he was betrayed and captured by police forces. After a long trial, in which Lame conducted his own defense, he was pronounced guilty of theft, insurrection and personal assault, and sentenced to four years in prison and upon his release, in 1922, was expelled from the Cauca department (Jimeno 1985; Castillo-Cárdenas 1987).

Defeated by the maneuvering of his powerful enemies, Lame found shelter among the Indians of Ortega in southern Tolima where he resumed his organizing efforts, this time, however, in a more diplomatic and participatory way towards the indigenous cabildos.³⁵ In this period, he wrote a 118-page manuscript (completed in 1939) recapitulating some of his experiences during three decades of struggle for indigenous land rights. In the opening chapter, he wrote:

I intend to demonstrate with frankness to the Indian population of Colombia that their duties and their rights, as well as their domains, are today bitten, and the bite

34. There seems to exist some controversy over the question as to whether Lame’s movement was of an armed nature or entirely peaceful (political). Surviving Lamistas in later interviews consistently mention Lame’s use of military symbols and tactics. Castillo-Cárdenas (1987: 34), in an interview with one of Lame’s nephews, speaks of a “bloody confrontation” between troops and Lame’s followers in the San Isidro hacienda chapel during Holy Week in 1915. Jimeno (1985) asserts that during the confrontation in Inzá (1916) one hacienda owner was killed. Allegations about the use of violence by the Lamistas must, however, be considered in the context of a general climate of hysteria that permeated the official reports of the time (see Jimeno 1985).

35. Apparently more than in his Cauca campaign, Lame’s organizing efforts in the indigenous communities of Ortega-Chaparral, Tolima, between 1922 and 1939 were aimed at the revitalization of the resguardo institution and the reconstitution of the traditional authority of the indigenous cabildo, only this time based on Law 89 of 1890 (Castillo-Cárdenas 1987).

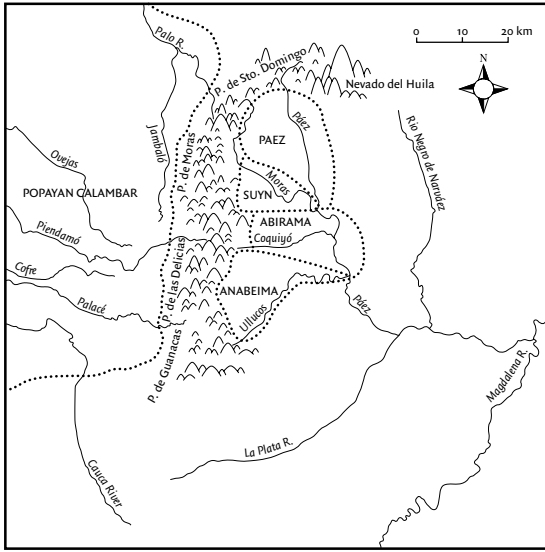
infected by the snake of ignorance, ineptitude, or illiteracy. But the Indians who can interpret the first six chapters of this book shall be able to rise with the greatest aplomb to confront the Colombian Colossus, and to re-conquer their territories [...]. (Lame 1971 [1939]; cited in Castillo-Cárdenas 1987: 112)

It has been argued that the relatively easy defeat of the Lamista movement was the result of Lame's lack of experience with the everyday reality of political organizing in *resguardos*. Sidestepping the authority of the *cabildo*, Lame decided to take the leadership of the movement upon himself, thus acting like a nineteenth century "*cacique* without *cacicazgo*" (Bonilla 1979: 352; Rappaport 1982: 286). As Castillo-Cárdenas (1987: 66-67) has noted, it may also have been due to the contradictory lines of action that Lame proposed, revealing his "double consciousness" as an acculturated Indian. On the one hand, he incited his followers to resist injustice and to reclaim their rights in the face of a perverted society (Popayán); on the other hand, he insisted on the need to resort to legal procedures within the framework offered by national society, resulting in juridical struggles that were effectively neutralized by those in authority.

2.9 INDIGENOUS CAUCA AFTER THE QUINTINADA

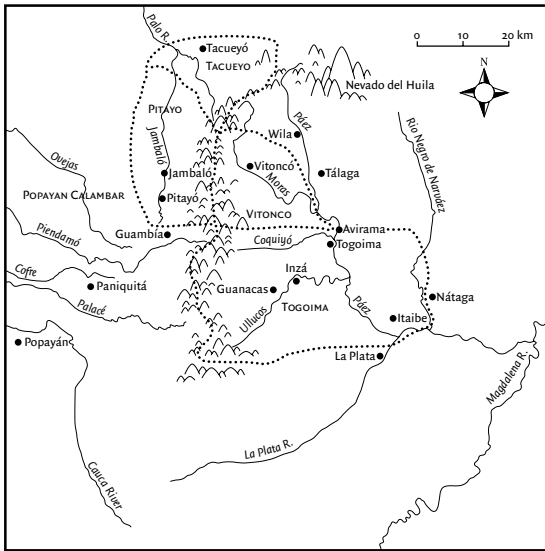
After Manuel Quintín Lame left Cauca (in 1922), the Páez were left behind without a strong leader. While the regime of the *hacienda de terraje* became consolidated in parts of Páez territory, the state (government) promulgated new laws that speeded up the non-indigenous settlement of "empty lands" (*baldías*) (e.g. Law 19 of 1927). The influence of the priest and the municipality (*alcaldía*) in indigenous Cauca grew steadily in this period, to the detriment of the authority of the *cabildo*. Economic crisis (as of 1929) caused a new wave of colonization into indigenous territory (north and middle sections of Jambaló) – an expansion that was facilitated by the construction of the Caloto-La Mina-Toribío road in 1936. The 1930s saw a temporary flourishing of labor and peasant organizing in Colombia. Following the Mexican Revolution, in 1930 the Communist Party was created (previously Partido Socialista Revolucionario, created in 1925), in which José Gonzalo Sánchez, former right-hand man of Manuel Quintín Lame, was chosen as "first secretary". With the approval of left-oriented Liberal president Alfonso López Pumarejo (1934-1938), the communists stimulated the establishment of peasant leagues. Although these leagues developed a strong representation in some indigenous communities, such as of Jambaló, claiming land and better working conditions, they did not become the platform for a new indigenous movement because they were primarily concerned with the situation of the *terrajeros*; they took little account of indigenous conceptions of territoriality and their historically based "ideology of resistance". In the 1940s, the social struggles of the 1930s made way for increasing (national) politi-

cal rivalry. The murder of presidential candidate Jorge Eliécer Gaitán in 1948 caused a wave of violence in the countryside between supporters of the Liberals and Conservatives and marked the beginning of a period that is known as La Violencia; the indigenous peasant leagues did not have the resilience to withstand the civil upheaval and had disappeared by the end of this period (Gilhodès 1970; Findji & Rojas 1985; cf. Rappaport 1990a).



map 2.1a
indigenous chiefdoms 1540

Indigenous chiefdoms (cacicazgos) in Tierradentro at the time of the Spanish invasion (chiefs: Páez, Suyn, Abirama, Anabeima); to the west (western slopes of the Cordillera Central), the chiefdom of Don Diego Calambár (Guambiano)



map 2.1b
Nasa (Páez) chiefdoms 1710

Nasa (Páez) resguardo-chiefdoms on the eastern and western slopes of the Cordillera Central (Pitayó, Tacueyó, Vitoncó, Togoima); Don Juan Tama de las Estrellas y Calambás gained title to the chiefdoms of both Pitayó (in 1702) and Vitoncó (in 1708)

Source: Rappaport 1990
Illustration/reproduction:
A.C. van Litsenburg
& R. van Dorst



Jambaló, vereda Guayope, November 1978. Demonstration of the “arms” (wooden sticks) with which the Nasa confronted the pájaros (hired assassins) of the hacienda owners on the day that two of their companions were killed in the process of a peaceful land occupation. Photographer: Victor Daniel Bonilla

3 THE STRUGGLE FOR THE REPOSSESSION OF TERRITORY AND AUTONOMY IN JAMBALÓ

3.1 LAND REFORM AND THE INDIGENOUS LAND STRUGGLE

At the end of the period of La Violencia (1948-1957), the political autonomy of the Páez (Nasa) had reached an all-time low. Large parts of the indigenous territory had fallen into the hands of non-indigenous hacienda owners who exploited the local indigenous inhabitants as cheap labor. The various *resguardo* communities – once part of the more-encompassing polity of the reserve-chieftdom – had become isolated and inward-oriented, while the authority of the *cabildo* was severely weakened and subjected to the power of local political bosses and the Catholic Church. The next decade, the 1960s, saw the emergence of a new, reversionary movement. Communities once again started to mobilize to reclaim – or, as Indians say, *recuperar* – their previously lost territory and autonomy. In time, they succeeded in reconstituting the authority of the *cabildo* and forging lasting relations with neighboring communities (Findji 1992). Thus it can be posited that the Páez in the 1960s – for the first time since Independence in the early nineteenth century – succeeded in actually strengthening their autonomy. This remarkable turning point can only be appreciated when considered in the context of a number of important structural changes taking place in Colombia at this juncture.

In 1958, after almost ten years of de facto civil war, the first Liberal government of the National Front – a bipartisan pact between the Liberals and the Conservatives that required them to alternate the presidency between both parties every four years and share all positions of state power equally for a total period of 16 years (until 1974) – launched a program, *Acción Comunal* (AC),¹ for the promotion of economic and social development in local communities designed to reincorporate the peasantry into national life and reestablish

1. The *Acción Comunal* program was created by Law 19 of 1958.

state control in the violence-torn countryside (Bagley 1989; see also Zamosc 1986; Safford & Palacios 2002). The part of the policy that had a bearing on indigenous communities found expression in Law 81 of 1958 “concerning the promotion of agriculture and cattle-raising in indigenous communities”, which made provision for official programs for the improvement of the living standard of the “marginalized Indian” by increasing levels of production and promoting modern (“civilized”) forms of organization (e.g. production cooperatives and self-help committees or juntas). Subsequently, in 1960, Decree 1634 created a special Division of Indigenous Affairs (Dirección de Asuntos Indígenas: DA1), attached to the Ministry of Agriculture (Jimeno & Triana 1985). This new indigenous legislation implied a significant change in state-indigenous relations, whereby the focus of indigenous policy shifted from crude assimilation to its more sophisticated variant, integration. Whereas in the previous period the government agenda towards Andean indigenous communities had almost solely aimed to encourage and legitimate territorial expropriation and religious cultural domination, the new policy sought the integration of these communities into the market economy, mediated through active government intervention in internal resguardo affairs (Jimeno & Triana 1985; see also Roldán 1990); a development that coincided with the nation-wide expansion of the role of the “developmental state” in this period (Yashar 1998: 32).

Under the influence of the US-sponsored Alliance for Progress,² government programs for rural development in 1961 were incorporated and expanded in a broader policy of land reform. Law 135 of 1961, the Agrarian Social Reform Law, aimed to sub-divide idle hacienda lands and boost national agricultural production (cf. Colchester, MacKay, Griffiths & Nelson 2001). It was to be implemented by the National Institute of Land Reform (Instituto Colombiano de Reforma Agraria: INCORA), which started functioning in 1963. Although during the Conservative administration of León Valencia (1962-1966) the reforms initially proceeded very slow (Bagley 1989), in the first half of the 1960s local and regional peasant organizations (leagues and syndicates) were multiplying (Zamosc 1986). In the Páez and Guambiano communities of northern and eastern Cauca old “Lamistas” and ex-members of the peasant leagues of the 1930s and 1940s encouraged a new generation of community leaders to educate themselves in these organizations (Rappaport 1990). In 1966, the Liberal and reformist president Lleras Restrepo (1966-1970) created a national peasant organization (Asociación Nacional de Usuarios Campesinos: ANUC) as a counterweight against traditional landowner groups and to increase the pace

2. The Alliance for Progress was a US assistance program for Latin America begun in 1961 during the presidency of John F. Kennedy and was principally created to counter the appeal of revolutionary politics following the Cuban revolution of 1959. The charter of the alliance, formulated at an inter-American conference at Punta del Este, Uruguay, in August 1961, amongst other things called for more equitable income distribution, land reform, and social and economic planning (Lowenthal 1991).

of land redistribution. However, when the administration of the Conservative president Pastrana Borrero (1970-1974) definitively abandoned redistributive agrarian reform and moved to reassert state control over ANUC, large sections of the organized peasantry became militant and in 1970-1971 staged a series of massive demonstrations and land invasions in various departments throughout the country, demanding the expropriation of the occupied land (Zamosc 1986; Bagley 1989). Although indigenous communities in Cauca did not partake in these land occupations, the militant peasant movement of the 1970s played an important role in the emergence, in 1971, of the Regional Indian Council of Cauca (Consejo Regional Indígena del Cauca: CRIC), and the indigenous involvement in the “reform from below” greatly influenced the direction and development of the struggle for land and territory among the Páez and neighboring indigenous communities (Guambiano, Coconuco).

The responses of the Páez to the integrationist policy and agrarian reform programs of the state – as laid down in Law 81 of 1958 and Law 135 of 1961, and subsequent legislation – were ambivalent. These interventions were partially accepted because they provided access to state resources (economic infrastructure and social services) and, as “Indian peasants”, gave them at least some political expression before the state. On the other hand, the programs also provoked resistance, because they were implemented without much consideration for communities’ indigenous identity and institutions, particularly communal land tenure, and demands for the recognition of indigenous territory and autonomy. This tension between partial acceptance and resistance gave rise to an intense process of cultural negotiation and reformulation – between communities and the state as well as within communities themselves – that eventually led to the far-reaching ethnic reorganization of the social and economic institutional make-up of resguardo communities. In this chapter, the developments and consequences of the indigenous land struggle of the 1970s and 1980s are described in the case of the Páez resguardo of Jambaló, which played a prominent role in the struggle. This history is preceded by a brief account of the run-up to it (the period 1945-1970), summarized from the recollections of one of the first indigenous land fighters in Jambaló, Don Venancio Tombé.³

3. I am greatly indebted for most of the quotes and much of the information included in the following social history to the work conducted within the framework of the so-called Cátedra Nasa UNESCO (CNU) program, an initiative of the Association of Indigenous (Nasa/Páez) Cabildos of Northern Cauca, which had the objective of mapping out their contemporary history of community organization and struggle for autonomy – the official subtitle of the project, as indicated in the booklets, is “hacer memoria con sentimiento” (“Nasa us kayat i sa” in Nasa Yuwe) – on the basis of recordings of life histories (CNU 2000, 2001a,b,c, 2002a,b).

3.2 JUAN TAMA'S TITLE AND THE RECUPERATION OF ZUMBICO

In 1945, the year in which Don Venancio Tombé was appointed captain (*capitán*), Zumbico was controlled by the Hospital de San José, an outpost of the Catholic Church in Popayán.⁴ The hospital did not provide any services to the Páez – only to some of the neighboring non-Indian landowners – nor did it make any productive use of the nearby agricultural land. Rather, the hospital charged an annual rent to the local Indian farmers in return for their farming it. It was the task of the captain to collect this rent from the individual families and then bring it to Popayán.

Although some Jambalueños might have remembered different times, the presence of the Church had been a constant all through the history of Zumbico. Before the hospital was founded – around 1905 – the place had been known as La Hacienda de Sumbico. In the War of Liberation (1811-1819), the estate administered by the Church had served as a storehouse for the troops of freedom fighter Simón Bolívar (Findji & Rojas 1985); several decades later it briefly functioned as a center for the extraction of quinine (Findji & Rojas 1985). During the rebellion of Manuel Quintín Lame, the Quintinada (1910s), and later through the Communist peasant leagues (1930s), the Páez revolted against the mestizo colonists encroaching on their lands. By the mid-1940s however, indigenous resistance had been successfully suppressed by the concerted efforts of local government officials and the Church (Findji & Rojas 1985; Rappaport 1990). While the Church had managed to retain its holdings, in the area to the north of Zumbico the hacienda system including servile forms of tenant farming (*terraje*) had consolidated as a means of territorial domination (Findji & Rojas 1985). In these subjugated areas, the cabildo had lost its influence completely, but in the other “free” parts of the resguardo this authority in time had also come to be largely subordinated to the power of the priests and local politicians. See Map 3

Socio-politically and economically the resguardo had thus become divided. While land in the southern, upper section of the resguardo – as far down as the small stream of Portachuelo – was still administered by the cabildo, territorial organization in the middle and lower sections, to the north of Zumbico, was subject to the harsh rule of the landlords on the so-called *haciendas de terraje* (landlord haciendas). Within this panorama, Zumbico seems to have occupied an intermediate position. According to community elders, the Church did not supervise land use, and families were able to clear as much land as they saw fit, as long as they paid their rent. Although the captain was a local leader, the person holding this position does not seem to have supervised the distribution of land among the local families. Thus, Zumbico was governed by the rule of free

4. The story of Venancio Tombé's land struggle in Zumbico is based in large part on an interview held in 2000 by the Nasa Catedra UNESCO program.

5. Land rent, often paid in labor or in kind.

settlement, falling outside the sphere of cabildo authority.⁶

Before Venancio was elected captain of the Zumbico community, elders had sent him away to Totoró to receive two years of professional training. In this period, he came under the influence of the ideology of the Communist Party (est. 1930), which through its regional cadres campaigned to end the exploitation of Indian tenant farmers (*terrajeros*) by non-Indian hacienda owners. For some time he was in the company of Communist leader, José Gonzalo Sánchez, former secretary and right-hand man of Quintín Lame. As he says himself, Sánchez oriented him in his historical consciousness by presenting him with a copy of the legendary Páez cacique Juan Tama's Title of the Five Communities of 1702, a document which he was now able to decipher for himself.⁷ Thus for the first time he learned the true facts about the presence of the Church in his community:

I [Juan Tama] had committed to paper the account of the administrator [Lorenzo Balcazár] of the borrowed terrain named Zumbico, which he gave in the presence of the gentlemen witnesses and all my Indians in response to my asking to whom belonged the land which they occupied. He replied that, as he understood it from his boss (*patrón*), it was borrowed from me – in my capacity as chief and therefore master of the land – for a period of fifteen (15) years in order to establish with the profits of a mill a dependence of the convent of Santo Domingo in Popayán.⁸ (NC/S 1914 [1702]; my translation)

Venancio did not fail to notice the clear directives Juan Tama gave “his Indians of Jambaló”:

In the event of my demise “mis indios de Jambaló” will claim back the land and add it to their possessions, not permitting it to be handed over; and in case whomever of these tenants wishes to sublease it to another, they will resist vehemently and at any price remove these persons so as to reclaim the land as owner [...]; they will defend the lands I bestowed on them with the documents I gave them for this purpose, fight them until

6. This is not to say that the actual situation in some of the more isolated parts of the cabildo's zone of influence necessarily differed much from the situation in Zumbico. In the mid-twentieth century there was still no land shortage in these parts, and stories of some older Jambalueños create the impression that the relatively weak cabildos of the period between 1930 and 1950 exercised little effective supervision of land use.

7. Venancio is mixing up the names of two colonial land titles. Juan Tama's title to the great chiefdom (*cacicazgo*) of Pitayó is known as the *Título de las parcialidades de Pitayó, Quichaya, Caldono, Pueblo Nuevo y Jambaló* (ACC/P 1881 [1700], partida 843). This land title is better known as the *Title of the Five Communities*. Later, another title was drawn up on the basis of his demarcation of the *parcialidad* (territorial community) of Jambaló, at the time still forming part of the larger *cacicazgo*. This title is officially known as the *Titulo de las tierras de Jambaló* (NC/S 1914 [1702], escritura no. 167). Sánchez probably gave Venancio a copy of the latter.

8. It is uncertain to whom Lorenzo Balcazár was referring as his benefactor. Most likely this was the later-mentioned Alonso Valencia, the administrator of the convent in Popayán. However, it is also possible that – as Venancio tells us – the erstwhile chief or governor of Jambaló, Luis Dagua, had granted the Church the lease of the terrain.

they have clean title.9 (NC/S 1914 [1702]; my translation)

In this way it became clear to Venancio that the Hospital de San José was in fact not the lawful owner of Zumbico – as it had always maintained – because it based its claim on a long since extinguished lease and therefore that the rent the hospital charged for the use of the land had no legal basis. When he returned from Totoró to take on his appointed task as captain, he was firmly determined to fight for the restoration of the resguardo in Zumbico:

I wanted the hospital to return the land in Zumbico to the authorities of the resguardo in Jambaló. With Juan Tama's title deed I defended myself before the hospital and the landowners. (Venancio Tombé, CNU 2000)

This proved to be a difficult task. Determined to suppress any form of indigenous resistance, several of the nearby landowners immediately started a campaign of intimidation. The Church reacted much more indifferently. It persisted in its claim to be the lawful owner of the land regardless of being unable to produce any proof of this. When Venancio insisted, the hospital proposed that the inhabitants of Zumbico should purchase the land. They did not accept the offer, most likely because they did not have the means to do so, but also because the community of Zumbico was still alone in its struggle. Disappointed, Venancio's political ardor temporarily flagged. Whereas the Indians living inside the inward-oriented, landlord haciendas were cut off from regular contacts with the “free” parts of the resguardo, the cabildo of Jambaló, being an instrument of local political interests, had no sympathy with the rebellious community. Venancio:

When we started to struggle and had our political movement, the cabildo did not approve. In those times, the cabildo of Jambaló did nothing for the resguardo. They were only chasing the unmarried women. The cabildos of those days were illiterate and did not know about the laws. (Venancio Tombé, CNU 2000)

Shortly after, the incipient process of political organizing in Zumbico was thwarted by the outburst of rural aggression during the period of La

9. The two parts of the original text are as follows: “[L]o hice constar con la confesión del administrador [Lorenzo Balcazár] del terreno prestado, que hizo en presencia de los señores testigos y todos mis indios, lo cual fue preguntado por mí, de quien eran las tierras que ocupaban; respondió que, en virtud de haber oído a su patrón, eran prestados por quince (15) años, a mí el cacique, como dueño que era de ellos, para que redituasen para formar con su producto [de un molino] un vínculo para un santo del convento de Santa Domingo de Popayán [...]” — “[S]i yo falleciese, [mis indios de Jambaló] las reclamarán y agregarán a sus terrenos, sin permitir que de ahí pase adelante; y si quién que estos arrendatarios subarrienden a otro, se opondrán fuertemente, y en todo caso despojarán tomando su terreno como propietario [...] las tierras que he dado en posesión las defenderán con los documentos que en defensa de dichas tierras se les otorgaba, pelearán hasta quitarlas en limpio [...]”

Violencia (1948-1958) – which in Jambaló took root during the early years of the Conservative government of Laureano Gómez (1950-1953). On the western slopes of the Cordillera, the Páez, predominantly Liberal and in some cases with a history of peasant league membership, were branded as potential subversives and heavily persecuted by the military police (Rappaport 1990). In Jambaló, hacienda owners in the vicinity of La Mina were hiring paid assassins (*pájaros*: lit.: birds) to kill indigenous leaders (Findji & Rojas 1985).¹⁰ Many Páez took refuge in the mountains for years at a time. In 1956, the Conservative mayor of Jambaló denounced Venancio as a Communist guerrilla; as a result, he spent sixteen months in a Cali prison together with various indigenous leaders from neighboring communities.

After La Violencia, the indigenous movement revived however. An important event in this regard was the arrival of Evangelical extension workers in Jambaló. In Zumbico, where Evangelical teachings had already been making headway since the 1930s – for the Páez possibly constituting an act of resistance against the Catholic Church (Findji & Rojas 1985; see also Rappaport 1984) – these people had started encouraging community organization. When Venancio informed them about his past experience, they advised him on the matter:

To recover the land in Zumbico, an Evangelical leader told me: “you should go to Bogotá! Since this land has been resguardo, why should you pay rent to someone who is not the owner? What is more, [the land] still belongs to the resguardo of Jambaló!” (Venancio Tombé, CNU 2000)

And so it happened. In 1960, Venancio traveled to the capital and visited the Ministry of Agriculture to find out about the possibility of repossessing the land in Zumbico.¹¹ There, the recently established Section for Indigenous Affairs proved to be a sympathetic audience to the plea of the indigenous delegation:

A doctor who was “indigenista” [state official working on indigenous policy], suggested the idea of establishing a cooperative. I didn’t know what that was, a cooperative, of what use it would be. He explained: “To repossess that land you should set up a cooperative, because, if a cooperative is involved, the government will support you. The

10. The political violence was not only directed against the indigenous population. In response to the actions of Conservative militants, in 1956 a guerrilla army from Tolima attacked the mestizo settlement of La Mina. More than thirty people were killed in the incident, after which the village remained depopulated for three years.

11. Although Venancio does not mention the exact year in which he traveled to Bogotá, it is possible to date this occasion on the basis of his story. With Decree 1634 of 1960 the Section for Indigenous Affairs – created by Law 81 of 1958 – was transferred from the Ministry of Agriculture to the Ministry of Government and renamed the Division of Indigenous Affairs. Later, he also mentions 1960 as the year in which his political movement experienced an important breakthrough.

government will not help if you take this land [by force], because the hospital is beneficiary and commissary of the very same government. So the government will not take it from them to give it to you; that would be to take the bread of one person and give it to another. But it can help you to do the paperwork to set up your own cooperative.”
(Venancio Tombé, CNU 2000)

The promotion of agricultural cooperatives in indigenous resguardos formed part of a broader government policy aimed at bringing an end to the outdated hacienda system – also known as the latifundio-minifundio complex¹² – in order to “democratize land ownership” and fight poverty as a source of political violence (Jimeno & Triana 1985: 71. Law 81 of 1958 (article 3) considered cooperatives a desirable way to integrate “marginal and backward” indigenous communities into the market economy without immediately having to privatize the collective lands of the resguardo.¹³ In this way, it was thought, the Indians could be turned into “efficient” farmers, while their communities would retain – as social capital – their characteristically communitarian character (Jimeno & Triana 1985; Roldán 1990).

Events moved swiftly after Venancio’s return from Bogotá. Official procedures for the establishment of the cooperative were started and the 35 families in Zumbico received assistance from DAI in the Ministry of Government in setting up a new community organization. Venancio and several other persons selected to lead the cooperative were afforded the possibility to follow professional training courses in Popayán. In 1963, an executive board was up and running, and in 1964 the organization received corporate status. Hence, from a legal perspective, the cooperative was a fact. However, since DAI had been reluctant to question the presence of the Church in Zumbico, there still was no solution to the problem of the proprietary rights to the land. In other words, the true recovery of the indigenous territory – the acknowledgement by the Church of the ownership of the community as represented by the cabildo – was still an outstanding issue. Even now, the community was obliged to pay rent for the use of the land.

In the meantime, the cooperative was organized along the lines of the DAI-propagated model of the Israeli kibbutz, though not without mixing it with the prevailing “model of progress”: the land of the cooperative was carved up into

12. In Latin America, the term latifundio-minifundio complex is used to indicate the system of agrarian production in which large estates for the production of cash crops or cattle-raising are complemented by Indian or peasant communities constituting a reservoir of cheap labor for the landowner; the landlord haciendas in Colombian resguardos are a good example of this system.

13. Law 81 of 1958 concerning the promotion of agriculture and cattle-breeding in indigenous resguardos marked the end of more than 40 years of government policy aimed at the expropriation of indigenous territory and, ultimately, the dissolution of resguardos (which had been scheduled for 1941 and later 1951 but was never executed) and the beginning of a policy of indigenous integration by means of economic incentives (Jimeno & Triana 1985).

individual family plots (Findji & Rojas 1985; compare with Vasco 2002c)¹⁴. Since people at the time assumed the land would ultimately have to be bought, the executive board decided – probably on the advice of external advisers – that each family would be allocated as much land as in due time it was willing and able to pay for. This decision had far-reaching consequences for the distribution of land among cooperative members. Whereas the amount of land a family could bring into use by means of slash-and-burn agriculture (*rocería*¹⁵) used to be determined from year to year by the amount of labor it was able to mobilize – either in the household or by means of labor exchange (*picu-nasa*, a system of reciprocal labor sharing between families) –, from now on “the land was permanently divided, partitioned into plots of unequal size, which were being fenced, thus interrupting the [corrective] performance of the *rocería*” (Findji & Rojas 1985: 107). Just the same, no outright objections were made against this decision.

The following year, Venancio represented Zumbico at a national peasant meeting in Bogotá. In the presence of more than three hundred other delegates of peasant organizations, he was informed about the agrarian reform, which five years earlier had been announced with Law 135 of 1961. On this occasion, he became conscious of the fact that the legislation under discussion in several paragraphs specifically touched on the situation of indigenous communities. Article 54.6, for example, made provision for the “granting of land and improvements to indigenous communities or the recovery of resguardo lands occupied by colonists that do not belong to the community concerned”. This discovery strengthened Venancio and the other members of the executive committee in their determination to restore cabildo jurisdiction in Zumbico – as well as in other occupied parts of the resguardo. First, however, it was crucial to convince the cabildo of the importance of the land struggle. Up until then the cabildo had been careful to stay aloof of all organizing efforts, all the more so since local politicians had begun to misinform people. Venancio:

At first the cabildo had many doubts about the cooperative, what it was all about. In those days many people didn't understand, they said that the Communists had ordered the cooperative. But those were lies; it was without political distinction. The cooperative is an indigenous organization that discriminates neither between persons nor between political orientation, race nor skin color. (Venancio Tombé, CNU 2000)

In search of other allies, Zumbico established relations with the Guambiano Indians of Las Delicias (Guambía). In the early 1960s, this group of ex-tenant

14. A kibbutz[im] is “an organization [...] which maintains a collective society of members organized on the basis of general ownership of possessions. Its aims are self-labor, equality and cooperation in all areas of production, consumption and education” (legal definition taken from the Cooperative Societies Register).

15. *Rocería* is a term derived from the verb *rozar*, which means “weeding” or “clearing”. In Cauca, the term is also commonly used to denote the beginning of the agricultural cycle when the bush is cleared and the land prepared for cultivation.

farmers had succeeded in establishing an agricultural cooperative on lands bought from their former landowner with a loan from the Agrarian Bank. Following their example, Venancio and his companions decided to make a new attempt to gain the ownership of the land in Zumbico. They stopped paying rent to the Church and requested the legal assessment of INCORA to determine the value of the terrain. During the proceedings, however, INCORA's experts discovered that the hospital in fact did not have legal title – as Venancio had been trying to make clear from the beginning. Thus in 1969 – after more than 250 years – at long last the Church was forced to cede the land to the local indigenous community.

3.3 THE AWAKENING OF CONSCIOUSNESS ON THE HACIENDAS DE TERRAJE

While Don Venancio Tombé's nascent indigenous movement was claiming its first victories, the communities to the north of Zumbico (middle and lower sections, around the centers of La Mina and Loma Redonda) were still living under the suffocating regime of the landlord haciendas. See Map 3

Most of the haciendas had been founded between 1920 and 1940 by mestizo colonist originating from Caloto or Silvia, who through debt relations and false property titles had appropriated the most fertile lands (in the valleys and plains) (Findji & Rojas 1985). In order to retain the labor of the Indians for his hacienda, the landowner (*terrateniente*) allowed each family to clear a small plot (*encierro*) for subsistence and habitation. In return, he obligated them to pay a kind of rent called *terraje* in the form of several days of work every week on his farms (*fincas*) and/or reserve for him a part of their harvest (Gilhodès 1970; Sevilla-Casas 1976).

To the local communities, life on the landlord haciendas implied their submission to a strict and often cruel system of obligations and restrictions imposed by the landowner. The tenants were only allowed to live and work within the confines of the hacienda. The landlord appointed the areas they could clear for their family use, decided whether or not they could keep animals and determined the number of days they were expected to collectively fulfill their labor obligations (Findji & Rojas 1985).¹⁶

Landlords, who for most of the year resided in nearby towns (e.g. the haciendas of Chemicueto, El Tablón, and El Picacho) appointed a supervisor (*mayordomo* or *capatáz*) to manage and control the fulfillment of the land rent (CNU 2001b). This non-indigenous man in turn commanded one or more indigenous foremen, the *capitanes*, to direct and guide the working teams. The foreman fulfilled an important role in setting a "good example" (Muelas 2005: 49), and, as pri-

16. In indigenous areas, the value of a hacienda was in part determined by the number of indigenous families residing on the property, and there are testimonies of sales of haciendas or parts thereof in which the tenants are included in the purchase of the property (Findji & Rojas 1985).

mus *inter pares* among the tenant farmers, he was the intermediary between the landlord and/or the supervisor and the local indigenous community. In other cases (e.g. Loma Gorda and Buena Vista), where the landlord resided on his property, he often worked side by side with his tenants, sometimes even employing indigenous institutions such as the *minga* (communal work party) for extra work outside the designated days of *terraje*, without, however, ever losing control over hacienda affairs (Findji & Rojas 1985).

Besides economic exploitation and humiliation, the landlord hacienda system meant a serious limitation of tenant farmers' freedom. At all times, they had to be at their landlord's disposal; in some cases, they were even obliged to ask his permission to leave the locality. Despite this social isolation, communities on the haciendas retained many typically indigenous customs and practices (e.g. agricultural techniques, forms of mutual labor, kinship and language) (Findji 1993). The landlord hacienda regime also entailed a marked socio-political disintegration of the former *resguardo* territory (pre-1920), where people clearly distinguished between *comuneros* (community members) – inhabitants of the remaining “free” lands – and *terrajeros* (tenant farmers) – who were no longer considered as forming part of the *resguardo* community; the *cabildo* had no authority on the haciendas and the *terrajeros* had no representation in the *cabildo* (cf. Muelas & Urdaneta 2005).¹⁷

In the 1960s, the living conditions of the Indians on the haciendas deteriorated. In some places, a growing expansion of cattle ranches, i.e. enlargement of cattle pasturage, pushed renting families into a land squeeze, a development exacerbated by population growth among the tenant farmers; there was less and less land available to clear parcels for subsistence plots. Elsewhere, hacienda owners passed on price falls in the coffee market (around 1965, see Bagley 1989) to their tenants; entire families were forced by their patron to work more often and more hours on the coffee plantations – in some cases the number of rent/labor days even doubled (CNU 2001b). The hardening stance of the landowners strained social relations on the haciendas. It also filled the tenants with a growing sense of humiliation:

The situation was such that the [terrajero] communities were enslaved by the landowners. One could observe much suffering among the people of the resguardo with regard to the payment of terraje. Then the people came to see that it was exploitation. (Marcelino Pilcué, CNU 2001a: 2)

Pushed to desperation, foremen and community leaders of various haciendas or administrative sections (*veredas*¹⁸) started to grow more and more close and

17. According to Findji (1993) and Muelas & Urdaneta (2005), there existed a marked and partly internalized segregation between community members and tenant farmers, whereby – in the eyes of the Indians – the former constituted a social sector with a slightly superior status, which can be inferred from their pejorative use of the Spanish term *indios* when referring to the latter.

18. Although *vereda* typically means a pathway, in Colombia the term is generally used to indicate

meet each other – often in secret or under false pretences – to discuss the problems and look for possible solutions to improve their living conditions. Some of them dared to appeal to their patron’s reasonableness and tried to obtain concessions of him: they asked for more land or for a reduction of the number of labor days (CNU 2001b). However, these attempts were not very successful. Others, particularly a group of more militant tenant farmers from the veredas in the middle section of the resguardo (Loma Gorda, Bateas, El Maco), thought it better to seek advice from their equals. They decided to approach the leaders of the Zumbico cooperative, whose successes had not gone unnoticed. The leaders from Zumbico thereupon decided to set up a group that was to inform the indigenous population of the various haciendas about the legal history of the resguardo (Juan Tama’s colonial land title) and about their experiences with the land reform.

The people joined together to deliberate on the exploitation by the terrateniente of our comrades, and they started organizing, to meet [on a regular basis] and establish relations with neighboring veredas. [...] The leaders that I remember were: Don Venancio Tombé, Luciano Quiguanás, Marcelino and Belarmino Pilcué [all from Zumbico], they were the ones that helped us to think, that oriented the communities, and in that way [...] the people developed a vision of their own, [...] analyzing in common with the others that the lands were ours, belonged to the communities. (Jaime Dagua, CNU 2001b: 7)

Encouraged by the cooperative leaders in Zumbico, the most concerned and militant tenant farmers started to look beyond the borders of their own, local situation. This brought them into contact with neighboring resguardo communities and peasants’ organizations such as FANAL (eastern Cauca) and FRESAGRO (northern Cauca),¹⁹ which enabled Indian peasants (*campesinos indígenas*) to take part in/attend specific courses and special training programs, during which they were made aware of the land reform and the local political relations (Gros 1991a). Today many former tenant farmers describe this period as an “awakening of awareness” and they often express themselves in the following way:

the administrative section of a municipality or community grouping. Because of its unique meaning in that country, the Spanish word is retained in the text.

19. FANAL: Federación Nacional Agraria/National Agrarian Federation – rural labor organization created by the Catholic Church in 1959 and sponsored by the Conservative Party-affiliated Union of Colombian Workers (Unión de Trabajadores de Colombia: UTC) (Bagley 1989; see also Medhurst 1984). In Cauca, FANAL’s principal supporter was the charismatic Monseñor Gustavo Vivas, who after the conference of Latin American bishops in Medellín (1968) became influenced by the Church’s newly adopted social doctrine or so-called preferential option for the poor. Among the organization’s first experiences with indigenous communities was the Guambiano agricultural cooperative of Las Delicias (CNU 2001c). FRESAGRO: Frente Social Agrario/Social Agrarian Front – independent peasant and labor organization founded by Gustavo Mejía in the early 1960s subsequent to the socialist revolution in Cuba and based in Corinto (Gros 1991a).

People from the outside [peasants and workers] oriented us, saying: “why should you go on paying terraje? Why should you stay in the service of others when you are authentic, autonomous?” (CNU 2001c: 3)

For these reasons, in the late 1960s there was growing potential on the landlord haciendas in Jambaló for indigenous land struggle against the hacienda system.

3.4 INDIGENOUS RESISTANCE AND THE INTERVENTION OF INCORA

Meanwhile, the tense situation on the haciendas had already exploded into a number of neighboring indigenous communities; there, tenant Indians had openly confronted their landowners by taking over parts of the haciendas without permission (particularly in Toribío, Silvia-Guambía and in a number of communities near Popayán).²⁰ The sudden rise in these kinds of land-related conflicts – or land invasions as the hacienda owners preferred to describe the situation – induced the regional authorities and DAI to spur INCORA to come up with a solution to the problem. Leading politicians from Popayán exploited the situation as an opportunity to point out in the Senate that the national government had so far paid little or no attention to the rural situation in Cauca, despite Law 81 of 1958 (regarding the development of indigenous communities) and Land Reform Law 135 of 1961 (Jimeno & Triana 1985). Initially, INCORA had only intervened occasionally in indigenous territories, upon invitation by other entities (as had been the case in Zumbico), but as of 1968 due to this political pressure the institute started to pay more attention to the situation in indigenous communities (Jimeno & Triana 1985).

Initially, INCORA simply considered the land conflicts in indigenous communities as a consequence of archaic property relations on the landlord haciendas and in the resguardos. Their solution consisted of a “transformation of the old economy of patronage into commercial economic relations of a capitalist nature” (Jimeno & Triana 1985: 98). Decree 2117 of 1969 allowed INCORA to ease tensions in areas with an accentuated *minifundia* (smallholding) situation through the negotiated purchase of land from neighboring hacienda owners and the allocation of this land, through a loan, to indigenous peasants. The latter were subsequently given the opportunity to benefit from private credits and technical assistance (*tecnificación agropecuaria*).²¹ This program for

20. This can be explained by the fact that these communities are situated near urban centers (Toribío close to Caloto, Guambía near Silvia and Popayán), and in these areas community leaders in the 1960s generally had come into contact with progressive social organizations sooner than the Páez in Jambaló.

21. An approach that was very much like the one devised for the problem of the non-Indian *minifundistas* or smallholders. One year earlier, Law 1 of 1968 had inaugurated the AREPAS-program, which

the restructuring of tenure in indigenous communities, also known as the Cauca Project (*Proyecto Cauca*), also allowed for the swift parceling out of the remaining collective indigenous territories. INCORA's approach was almost unconditionally supported by DAI, which also saw the *resguardo* as an outdated form of economic organization (Jimeno & Triana 1985). However, in view of the specific cultural background of the program's beneficiaries, the DAI urged the land reform institute to observe particular cautiousness with the parcelization program in indigenous territories. DAI advised INCORA as follows:

It is necessary to make sure there is a replacement particularly appropriate for the defense of land, which [formerly] was the purpose of the paternalistic resguardo. INCORA [therefore] needs to grant land in indigenous areas under a new type of land tenure that gives protection while at the same time expands production and increases income and consumption. (DAI memo to INCORA's Director of Adjudications in 1968; cited in Jimeno & Triana 1985: 114)

Despite DAI's peculiar (or should we say misplaced) cultural sensitivity, INCORA proposed to apply the regime of the agricultural family units (*unidades agrícolas familiares*: UAFs), as used elsewhere in the land reform context (Zamosc 1986), to indigenous communities also. This transitional form of tenure gave individual peasant families a parcel of land that was their full property from a legal and economic viewpoint, but also restricted in the sense that the land remained inalienable for 15 years after the allocation (i.e. it could not be sold or leased out); a precautionary measure to prevent an early loss of the land due to debt peonage (Decree 2117 of 1969 art. 12).²² This way, it was reasoned, the Indians would be able to successfully integrate themselves into the market economy "safe in the knowledge of having a piece of land that is secure and permanent for a long time" (Jimeno & Triana 1985: 74).²³

However, in many indigenous communities the program led to internal discord between supporters and opponents of the parceling out of *resguardos*; elsewhere, INCORA's attempts to impose individual title gave rise to strong resistance, for

was designed to distribute land to renters and sharecroppers (Bagley 1989). Not by chance, this legislation was enacted shortly after the publication of a study by the Land Tenure Center (University of Wisconsin) and the Centro Interamericano de Reforma Agraria (financed by the Organization of American States), which in its conclusions recommended that "dependent minifundia on large landholdings [...] could probably be helped to achieve landownership status through parcelization programs backed up by supervision and credit" (Adams & Schulman 1968: 283).

22. That is, INCORA and DAI feared that the Indians, who had no prior experience with private individual property, were at risk of losing their possessions to their former patrons through old clientelistic relations of debt servitude.

23. This form of tenure was in fact nothing new, since earlier legislation with regard to the parceling out of the *resguardos* also proposed a 15-year period of indefeasibility (e.g. Law 19 of 1927 art. 34; in Roldán, Castaño & Londoño 1990); for the legal definition of the agricultural family unit, see Vargas 1985 (p. 89).

example on the haciendas of El Credo (Tacueyó resguardo, municipality of Toribío) and El Chimán (Guambía resguardo, municipality of Silvia). In these communities, Páez and Guambiano respectively, groups of tenant farmers had managed, after years of rebellion, to convince their patrons to request INCORA to buy up their land; but when INCORA proposed to give the Indians the land in parcels with individual titles (UAFs) they refused categorically. They indicated that they wanted the land to be allocated collectively, but INCORA initially did not wish to compromise on this issue (CRIC 1981; see also CNU 2002c).

3.5 THE FOUNDING OF CRIC AND THE ACTA DE BOGOTÁ

Despite INCORA's rejection, the tenant farming communities of El Credo and El Chimán seized the haciendas of their former landowners – who had abandoned them after INCORA had bought the land from them – and decided to continue their struggle on their own. While the El Credo tenant farmers received solid support from the cabildo of Tacueyó, the families in El Chimán were supported by the Guambianos of the Las Delicias cooperative (CRIC 1981). In a joint attempt to encourage the rising land repossession movement in Guambía and nearby communities, the Guambianos of El Chimán and Las Delicias, in collaboration with FANAL, set up the Sindicato del Oriente Caucaño (Peasant Syndicate of Eastern Cauca) in 1970. Soon after that, the Páez in Zumbico (Jambaló) also sought an alliance. However, the organization failed to materialize. Based on the agrarian reform model, the organization did not meet its members' expectations. Furthermore, due to its constitution as a peasant union, it was not in keeping with the reality of the resguardo community and was unable to convince the cabildos to support the land struggle (Bonilla 1979; Gros 1991a).²⁴

Also in 1970, a group of indigenous militants (*luchadores*) from El Cedro entered the office of the peasant organization, FRESAGRO, in Corinto, where they gave their account of their experiences and problems regarding the land struggle. The leader of this organization, Gustavo Mejía, had taken a special interest in the situation of the Indians after having been a guest in various Páez communities – including Toribío, Jambaló and Mosoco – between 1969 and 1970. He had also thoroughly studied Law 89 of 1890, the special legislation in force regarding resguardos (CNU 2001a). Mejía suggested that the Indians organize a meeting that would enable them to discuss the problem of the unlawful appropriation of indigenous lands with tenant farmers and resguardo residents from neighboring communities. An important reason for such a

24. Of all cabildos of the western slopes of the Cordillera Central, the cabildo of Guambía was longest under the influence of the local (non-indigenous) political bosses and priests. Like in other resguardos before, Guambía's cabildo was in the hands of a small elite of indigenous families that let themselves be bribed with small favors (privileges). Only in 1980, under governor Segundo Tunubalá, would Guambía enter into association with the indigenous land repossession movement, with their own organization however (MAISO).

discussion was the publication of a study, commissioned by the Ministry of Government²⁵, into the land conflict in the *parcialidades* (*resguardos*) in the Toribío municipality (Toribío, Tacueyó and San Francisco). This document reached the following conclusion:

In these parcialidades, the members live in the worst conditions as tenants of their very invaders. [...] Economically, the Indian finds himself in a situation that is more than disadvantageous. [...] He is treated as an incompetent person without any productive initiative [entrepreneurial capacity], all of which results in the current great tension between these groups [tenant farmers and hacienda owners], which is due more than anything to relations of property and land tenure. (Díaz Aristizábal 1970; cited in Perafán 1995a: 48)

With financial and logistic support from FRESAGRO and a number of progressive INCORA officials, on February 24 1971, the ex-tenant farmers of El Credo were able to organize a first regional indigenous meeting in Toribío in collaboration with indigenous leaders of the former Sindicato del Oriente Caucaño (Las Delicias, El Chimán in Zumbico). On this occasion, attended by more than two thousand Indians – and many tenant farmers and delegates from various *cabildos*, mainly from communities on the western slopes of the Cordillera Central²⁶ – for the first time since the Quintinada (1910-1917) people publicly discussed indigenous rights again (as opposed to the ongoing discussion about peasant rights in relation to land reform). Two important demands were formulated: (1) the abolition of land rent, and (2) the expropriation, by INCORA, of the haciendas in *resguardos* and their free restitution to indigenous families. These demands were legally based in Law 89 of 1890. In addition to that, delegations from various indigenous communities agreed to mutually support each other in the land struggle. At the conclusion of the meeting it was agreed to set up an independent and truly indigenous organization, on the one hand to support the various *resguardo* communities in their organization and on the other to make their struggle visible to the outside world. This multiethnic indigenous federation was given the name of Regional Indigenous Council of Cauca (Consejo Regional Indígena del Cauca: CRIC), (CRIC 1981; Gros 1991a; see also CNU 2001c).

The formation of CRIC sent a shockwave through the community of local hacienda owners, who immediately took action against the indigenous organization: they spurred local authorities to declare a state of emergency (*estado de*

25. This investigation was conducted by the General Office of Integration and Community Development (Dirección General de Integración y Desarrollo de la Comunidad: DIGIDEC), a new agency that had been created in 1968 by the Lleras administration by merging the Division of Community Action (DAC) and the Division of Indian Affairs (DAI) (see Bagley 1989, amongst others).

26. The largest delegations came from the *resguardos* of Toribío, Tacueyó, San Francisco, Jambaló, Pitayó, Quichaya, Quizgó, Guambía, Paniquitá and Totoró (CRIC 1974 in Gros 1991a). After a third meeting in July 1973 in Silvia, several *cabildos* from Tierradentro also joined CRIC.

sitio) and arrest the entire cabildo of Toribío as well as Gustavo Mejía, who, as president of FRESAGRO, was a co-organizer of the meeting. Due to these repressive measures, the indigenous organization was unable to further develop itself in the first months after its formation (CRIC 1981). Nevertheless, indigenous communities felt strengthened in their struggle and many tenant farmers answered the call to stop paying rent, particularly in Toribío and Jambaló. It was striking that, remarkably for the first time, the Indians defended themselves against their landlords by using the existing indigenous legislation, i.e. Law 89 of 1890:

Everybody was speaking of Law 89; that was the law one could take to fight. People used to say: "We have a law, so why should we give away work any longer?" In the El Maco vereda, the terrateniente was a very stern woman. Some were afraid and still continued to work for her. [...] But we were conscious already, and we didn't go [to work]. She sent for us at the station – then there was a police station here – and she asked us why we refused to pay terraje. I told her: "Because we have a law". She asked: "And what law is that?" – "It is Law 89, which favors us." – "And this law, who has ordered it?" – "It has been ordered by the very government itself". She said: "This miserable law of the government; don't bother me with the government and its laws!" But we said: "All the same, for the time being we are not going to continue to pay terraje." We told her right away. (Fulgencio Tróchez, CNU 2001b: 20)²⁷

Apart from the refusal to pay rent anymore, some families on haciendas where land shortage among Indians has reached critical levels spontaneously started to clear fallow land (parts of the haciendas) without prior permission from the hacienda owner. This fuelled the already charged atmosphere (Roldán 1990).

Despite the increasing repression of the indigenous resistance, the militant communities managed to organize a second meeting, six months after the meeting in Toribío, this time on the La Susana hacienda in Tacueyó on September 6 1971. This meeting, considered CRIC's definitive formation, elected a new executive committee (*comité ejecutivo*) and a council consisting of two representatives of each indigenous community that had joined the organization (*junta directiva*). The meeting also adopted a 7-point program that revived many of the earlier demands of the Lamista movement: (1) repossession of usurped lands belonging to *resguardos*; (2) enlargement of *resguardos*; (3) strengthening of *cabildos*; (4) no payment of land rent; (5) broadening knowledge of indigenous legislation and demanding its just application; (6) defense of the history, language and customs of indigenous communities; (7) formation of indigenous bilingual

27. With regard to the abolition of land rent, CRIC and the communities could also have made an appeal to ILO Convention 107 (of 1957) concerning "the protection and integration of indigenous and other tribal and semi-tribal populations", which had been ratified by Colombia in 1969 and in article 20.3.c. declared illegal "coercive recruitment, bonded labor and other forms of debt servitude" (see also Gros 1991a).

teachers (CRIC 1981; Gros 1991a). Finally, the meeting made the strategic decision to set up ties with ANUC (Asociación Nacional de Usuarios Campesinos), the independent national peasant organization, founded in 1970, which around that time openly supported the militant peasants' struggle for an accelerated review of ownership relations in the Colombian countryside (Bagley 1989).²⁸ In the months following the meeting in Tacueyó, CRIC started to run an intensive campaign aimed at circulating its program among indigenous communities. It also started to put pressure on official bodies urging them to assume their responsibility in view of the critical situation (CRIC 1981).

Around this time, there was an important shift in approach among some public bodies with regard to indigenous communities, if not at DAI then most certainly at INCORA.²⁹ With the northern part of Cauca militarized, hundreds of Indians (tenant farmers) imprisoned, and local authorities not recognizing the legitimacy and decisions of the fighting *cabildos* (*cabildos luchadores*), INCORA increasingly started to act as a mediator in the land conflicts. The situation also forced it to abandon its policy of abolishing *resguardos*. It actually started to carry out studies to confirm the existence of *resguardos* (Jimeno & Triana 1985). In addition to this, Carlos Pinzón, Agrarian Prosecutor in Popayán, published a revealing report in 1972 about the situation of indigenous communities in northern Cauca. The report mentions numerous cases of arbitrary and self-willed behavior on the part of hacienda owners and local authorities against Indians. In March 1972, partly because of this document, CRIC sent a large delegation of indigenous leaders to Bogotá to meet representatives of the Ministry of Government, the Ministry of Agriculture, INCORA and the governor of Cauca. During this meeting, the government acknowledged (pursuant to Law 89 of 1890) that there had been large and unlawful appropriations of land in various Páez *resguardos*. It promised to look for solutions for the most urgent problems caused by this situation (CRIC 1981; see also Sánchez & Arango 2002). The final statement from this meeting, also known as the Acta de Bogotá, read as follows:

While the lands claimed by the vast majority of members of the resguardos of Toribío, Jambaló and Pitayó have been and are the property of the respective local communities, and, moreover, since the various transactions that were effectuated concerning

28. In the founding year of CRIC (1971), farmers in several of Colombia's rural regions – but especially in the departments on the Atlantic coast (Cesar, Córdoba, Sucre) – started to engage in land occupations to pressure the government to speed up the redistributive land reforms proposed by the Lleras administration (1966-1970). Apart from ANUC, this land struggle was also supported by various Leftist groups made up of students, workers and intellectuals who were united in organizations like the Bloque Social and the Movimiento Obrero Independiente (Bagley 1989). As of 1973, these non-indigenous sympathizers would also prove an important basis of support for the militant indigenous communities of Cauca.

29. DAI, which was obsessively intent on exercising control over indigenous communities, felt threatened in its position not only by CRIC but also increasingly by INCORA, which, with its land reform programs for indigenous communities since 1970, put DAI completely in its shadow (Jimeno & Triana 1985).

these lands are null and void, it seems neither legally opportune nor practically feasible to initiate reivindicative lawsuits, which will surely be of long duration, and when, in addition, the situation needs rapid and effective solutions. Therefore, it has been concluded that it falls within the competence and responsibility of the respective cabildos to effectuate the “restructuration”³⁰ of the lands which traditionally have been the property of the local communities. (Acta de Bogotá, 23-III-72; cited in Findji & Rojas 1985: 110 note)

Even though immediate government action failed to materialize, the Acta de Bogotá – which can be seen as a first step towards official recognition for CRIC – for the first time underlined the authority and responsibility of the cabildos with regard to the restructuring of tenure in resguardos, including those areas where non-indigenous colonists had settled over the previous decades. The indigenous communities saw it as an important legitimization to continue their land struggle (CRIC 1981).

3.6 THE RECUPERATION OF THE CABILDO AND DISAPPOINTING NEGOTIATIONS

Now that the government had acknowledged the land claims of the tenant farmers in the usurped parts of the resguardos, it was important to win the support of the cabildos. Some cabildos in CRIC were already wholeheartedly supporting the land struggle, but in many resguardos this was not yet the case. To a certain extent this was also the situation in Jambaló, where many resguardo inhabitants continued to be very reserved with regard to the “revolt” of the tenant farmers. Here the cabildo, despite its involvement in CRIC, was still very strongly influenced by the Church and by local politicians. In addition, the *cabildantes* (cabildo members) who did support an enhancement of the cabildo’s authority in the middle and northern sections of the resguardo were unsure how to move into action.

After the CRIC delegation’s return from Bogotá, indigenous leaders from Zumbico and the veredas of the neighboring haciendas (Loma Gorda, Barondillo, Bateas, El Maco) started to make a concerted effort to influence the cabildo by informing the members about the latest developments and by making them aware of the relevant legal sources (Juan Tama’s colonial land title, Law 89 of 1890, and Law 135 of 1961).

To recover the lands, the cabildo didn’t know where to begin. So we told them we were leaders. We reunited in order to make appeals, to give directions and explain the laws to the cabildo. (Venancio Tombé, CNU 2000: 12)

30. This term is taken from INCORA’s policy towards indigenous communities of the time, pursuant to Decree 2117 of 1969, the so-called program for the “restructuring of (land) tenure in resguardos”, also known as the Cauca Project (Jimeno & Triana 1985).

Meanwhile, the tenant farmers and cooperative members (*socios*) were also addressing the resguardo population. Despite the fact that many, often older, people condemned their cause – they initially called the land fighters “intruders” (*invasores*) and “incorists” (*incoristas*, meaning INCORA-philes) (CNU 2002a: 3) – they also managed to win the support of a big group of sympathizers. Late in 1972, these likeminded community members ran their own candidate for the 1973 cabildo elections. This man, called Lisandro Campo, was a community member from the “free” part of the resguardo (Loma Pueblito vereda) but at the same time he was also a tenant farmer on the El Maco hacienda. Hence, he strongly identified with the struggle of the tenant communities. When the resguardo inhabitants elected him with an overwhelming majority as cabildo governor, he pronounced Jambaló’s cabildo a fighting cabildo (*cabildo luchador*), (CNU 2002b; see also Findji 1992; Vasco 2002c).

The next step was to find a suitable approach to make progress with the actual restitution of the haciendas. Soon the land fighters and the new cabildo reached an agreement and decided to adopt an approach based on the model/cultural principle of Juan Tama, the legendary erstwhile Páez chief (Findji & Rojas 1985; see also Rappaport 1985). Anticipating the forthcoming land restitutions – promised by INCORA in the Acta de Bogotá – the cabildo visited the militant tenant communities one by one; after tracing on foot the outer boundaries of the hacienda, the cabildo solemnly read aloud the colonial title of Juan Tama to the local community, thus allocating the territory symbolically to all tenants/the tenant community. These so-called global adjudications (*adjudicaciones globales* – i.e. collective) were “not an attempt to define units of production – as was the case in the free part of the resguardo when the cabildo allocated usufruct rights to individual families – [but rather] to reconfirm the indigenous right on the part of the ancestral territory that was being contested by the owner of the landlord hacienda. That right belonged to a community, and not to an individual. The problem of the definition of the most suitable unit of production was not yet on the agenda” (Findji & Rojas 1985: 111, my translation).

However, a problem soon arose. Law 89 of 1890 stated that land adjudications made by the cabildo – either to individuals or to collectivities – had to be authorized by the local authorities in the person of the *alcalde* (mayor) (Law 89 of 1890 art. 7.4).³¹ When Lisandro Campo’s cabildo submitted the global adjudications concerning the lands included in the landlord haciendas to the mayor, Ramiro Fernández (1972-1974), the latter refused to sign them on the grounds that, according to the mayor, the land in question was the legal property of the hacienda owners and hence not part of the resguardo (CNU 2002a). Although the local authorities had displayed an unyielding attitude towards the cabildo, the incident did apparently alarm them, as becomes clear from a

31. Later further regulated by Decree 74 of 1898 (art. 79) and Decree 162 of 1920 (arts. 11-12).

letter sent to Congress in Bogotá, in which the mayor mentions the cabildo's assertive behavior:

For more than a year, we have been recording invasions of private property affecting the unhindered possession of the landowners [...]. The indigenous cabildo of this municipality's parcialidad declares that it has ownership titles, which according to them include all of the municipal territory, and that on account of this the Indian peasants continuously show disregard for the property of those who have title, resulting in daily problems of invasion. (Ramiro Fernandez, Official Note no. 819, 13-XI-73; cited in Roldan 1974: 62)

Despite the denial of the cabildo's jurisdiction in the middle and lower sections of the resguardo, the cabildo continued to carry out global adjudications in the communities on the landlord haciendas. In a renewed effort to put the local authorities under pressure and urge them to recognize their authority in these territories, the cabildo decided, by the end of 1973, for the first time to allow the tenants of the landlord haciendas also to take part in the 1974 cabildo elections. This election was won by Isidro Dagua from Zumbico who became the new governor. But once again the mayor opposed the will of the indigenous community. Authorized by Law 89 of 1890 (art. 3), he declared the election void on the same grounds he had previously used, i.e. that the tenant farming communities were not part of the resguardo. He then called a new (fake) election that was won by a candidate, Isaías Cuetia (from the Paletón vereda), whom he had personally nominated and who became the new governor. This situation led to the first open conflict between the cabildo and the local authorities:

I had always participated quietly amongst community members, but this time I let my tongue free to say to Ramiro [Fernández – the mayor] that if he installed his governor [Isaías Cuetia], he would install him for the urban center (town) only, not for the communities of the veredas, because “for the communities we have elected Isidro [Dagua], and Isidro is the governor of the community” – thus I told him. Then Ramiro reacted: “Yes, but what happens is that you are going about naming governors at your convenience so that you can idle about and eat stolen cattle during the community meetings.” To this I in turn responded: “Obviously you are also naming governors at your convenience so that you can keep control and not the communities.” (Emiliano Guejía, CNU 2002a: 4)

In order to break this deadlock, the cabildo appealed to the board of DAI in Popayán, which sent an investigative mission to Jambaló to look into the issue. The director of DAI, Marcos Aurelio Paz, eventually confirmed that the Indians were in the right: both elections were declared void due to “irregularities”, and the community was given permission to hold a new election, with the participation of the tenant farmers. When Isidro Dagua was elected governor again – in

March 1974, three months after the first election – the mayor was finally forced to acknowledge the authority of the cabildo (Emiliano Guejía, CNU 2002a).

Assured by the support of DAI and the Acta de Bogotá, the cabildo now dared to visit hacienda owners and request them to transfer their property to the indigenous community, through INCORA's intervention. In most cases their request fell on deaf ears: the hacienda owners either rejected the cabildo's proposal or reacted angrily and chased the Indians off their property. Others were more accommodating, such as, for example, the owner of the La Floresta hacienda in Barondillo:

I spoke to him [Emilio Salazar] about the Agrarian Reform, about what a resguardo is. I made him understand and he agreed. He said: "I will sell to you, but only if you have money and pay me directly." So I said: "We are poor people and the government has organized the program of Agrarian Reform, INCORA, and we want to work with this program. INCORA will pay you and afterwards the community will start paying INCORA." This what we did, and he said okay. (Luciano Quiguanás, CNU 2001a: 8)

Meanwhile, INCORA had replaced its policy of individual land allocations (*parcelación*) of resguardos (in UAFs), partly due to indigenous resistance, with a scheme aimed at promoting the development of associative forms of production. This new policy, under which land was collectively allocated to so-called community enterprises (*empresas comunitarias*: ECs) – also called agricultural multifamily units (*unidades agrícolas multifamiliares*: UAMFs) (Londoño, Mohr, Morales, Parra & Valenzuela 1975) – had been used since 1970 for land reform issues in peasant communities elsewhere in the country. Because of its “distinctively communitarian character”, it also seemed a suitable alternative way to involve indigenous communities in the modernization of the countryside (Jimeno & Triana 1985: 118; Zamosc 1986). This new land allocation model was used for the first time in indigenous territories in Silvia, Totoró and Toribío between 1971 and 1973 (CRIC 1981; personal comment, Salomón Soscué Puyo, INCORA Popayán, January 20, 2001). In these places, INCORA had selected a number of families as members of an EC – usually bypassing the cabildo – and granted them joint private ownership of land recovered through negotiation. In exchange, these former tenant farmers had to sign a contract that included a code of internal organization (statute) stating that the land of the EC would remain undividable for a number of years, that individual plots for subsistence production could be allocated, and that financial income was to come mainly from commercial production as collectively undertaken by the members. They were expected to use these profits to eventually pay back the – state (INCO-RA)-financed – purchase price of the land. The EC could then be retrospectively legalized by means of a collective land title (cf. Zamosc 1986).³²

32. The (coercive) legal framework for the community enterprises was spelled out in Decree 2073

In 1974, after long and painful negotiations, the Jambaló cabildo succeeded in convincing two owners to sell their land: the La Floresta hacienda (460 ha) owned by Emilio Salazar in Barondillo-Loma Gorda and the El Epiro hacienda (290 ha), part of the property of Alfonso Medina in the vereda of the same name. After INCORA had purchased the land and the titles had reverted to the state,³³ the EC program could start. The cabildo transferred the authority over these haciendas to the local communities – in both cases comprising only between five and ten families – through a global adjudication. Both former tenant groups accepted INCORA's conditions; they organized themselves in ECs that were set up as extensive cattle ranches, using an additional loan (Findji & Rojas 1985). They basically continued the same style of farming as their former boss.

Apart from these two successful negotiated land restitutions at the end of 1974 however, the cabildo had not made a lot of headway with the negotiations regarding the other lower lying “occupied” territories (in the middle and lower sections), comprising more than 20 haciendas each covering between 100 and 1,000 ha. Some owners kept the Indians dangling by making empty promises; others refused to budge and categorically rejected all negotiation proposals. Many landowners in the latter category had started to mount a full-blown counter-attack against the land reform and used all their political and economic influence (corruption) to keep their tenure. INCORA, for its part, was legally powerless to force these people to sell their land. It justified this to the indigenous community with the argument that many of the lands they wanted to recover were unsuitable for (commercial) agrarian production (Jimeno & Triana 1985; see also CNU 2001c). Increasingly frustrated by the slow pace of the repossessions, but determined to pursue the struggle for a complete restoration of the resguardo, the cabildo of Marcelino Pilcué (from Zumbico) in 1975 eventually came to the conclusion that recovery through recourse to the law (the *vía legal*) was going down a dead-end track (CNU 2002b). At that point it was decided, in agreement with the militant tenant farmer communities of the middle and lower sections of the resguardo, to continue the struggle acting on their own authority (no longer waiting for legitimation by the state): they decided to start organizing and carrying out collective land invasions.

Finally, the [vereda] communities reckoned that in some cases there was no way of negotiating based on the Agrarian Reform, INCORA that is. The landowners did not agree to sell. At that point, the community came to the decision to struggle on its own author-

of 1973 (part of the larger counter-reformist package agreed upon at a meeting in Chicoral). The Chicoral Pact was the result of consultation between the government, representatives of the traditional parties (Conservative and Liberal) and the private sector (federations of large landowners) in the town of the same name in the department of Tolima (Zamosc 1986); for the exact legal definition of the community enterprise (taken from Law 4 of 1973), see Vargas 1985 (p. 90).

33. This means that the lands and its improvements (*mejoras*) were acquired by the state through the National Agrarian Fund (Fondo Agrario Nacional).

ity, because there was no possibility of using the law. Then the community decisively began to take on the repossession, to move in and start to hassle the cattle farmers [by bringing pastures into cultivation: *picar potreros*]. (Marcelino Pilcué, CNU 2001a: 14)

3.7 CONTACTS WITH ANUC AND THE CONSOLIDATION OF CRIC

The decision made by the Páez in Jambaló to use land occupations as a new strategy in the land struggle, as well as the moment this decision was made, cannot be solely explained by the local situation, but must also be considered in the light of a number of crucial developments in the broader context of the land struggle in indigenous territories in Cauca and outside. In particular: (1) the growing involvement of CRIC in the peasants' struggle as elsewhere led by ANUC, (2) the consolidation of CRIC as an indigenous social movement, and (3) the polarization of the land struggle in a number of neighboring indigenous communities.

The columns of peasants who in August 1972 left Popayán, Silvia and northern Cauca to take part in the great peasant protest march (*Marcha Campesina*) to Bogotá, organized by the radical wing of the ANUC (ANUC-Sincelejo), consisted in large part of members of militant indigenous communities (CRIC 1981; see also Zamosc 1986). These indigenous peasants were protesting, together with tens of thousands of other peasants from all points of the compass, against the abandonment of redistributive agrarian reform by the Conservative Pastrana government (1970-1974). The government had made this decision when, in 1971, peasants in several places in the country had started to carry out large-scale land occupations in an attempt to speed up the slow process of land expropriation and redistribution (Zamosc 1986).³⁴ Even though the Indians from Cauca may have known about these developments for some time, for many indigenous participants in the protest march it was the first time they personally met peasants' groups from departments where these land occupations were taking place – experiences they took back to their own communities after the march. After this encounter, CRIC and ANUC decided to strengthen their mutual support. The indigenous organization was given its own department within the structure of the peasants' organization: the Indigenous Secretariat (*Secretaría Indígena*) (Gros 1991a; Corry 1976).

The following year, on July 15 1973, the indigenous communities of Cauca organized their own protest march on the occasion of the third CRIC congress that was held in Silvia. Despite opposition and harassment by the local authorities during the preparations – the meeting was initially to be held in the Huila resguardo in Tierradentro, but at the instigation of local landowners, the mayor and the Apostolic Prefect of Belalcázar had blocked the gathering – on the day more than four thousand Indians from more than fifteen different res-

34. This government decision had been taken between January and July 1971 as an outcome of the Chicoral Pact (Zamosc 1986), see note 35.

guardos publicly stood up for their legitimate rights as original inhabitants of America. The event received broad national press coverage and was attended by many sympathizing mestizo peasants, students and intellectuals. It was striking that the largely successful campaign to stop land rent payments in resguardos had now made the struggle for land the central theme of the talks (CRIC 1973; Colombres 1977).

The Regional Indigenous Council of Cauca agreed during its first assembly not to pay land rent, and many communities have rejected this slavery [while] others are in the process of rejecting it. But the struggle of the tenant farmers, and that of the resguardo members (comuneros), the farm laborers (peones) and the plot holders (parceleros),³⁵ should not stop there. It must continue in order to get hold of more land, work and ways to improve our lives. [...] This struggle is not only that of the Indian peasants, but of all the exploited peasants in Colombia. (CRIC 1973)³⁶

Compared with many other indigenous communities, the Jambaló cabildo had decided at an early stage to adopt a militant land struggle strategy. However, it was not the first community in Cauca that had turned to land occupations. As described above, impatient indigenous inhabitants of certain landlord haciendas in communities with an acute land shortage had occupied land previously, with or without the explicit approval of, or active support from, their cabildos. The example of the communities in El Credo and El Chimán was followed between 1971 and 1973 by the Indians on the haciendas La Concordia and San Antonio in Paniquitá (municipality of Totoró), Cobaló in Cocunuco (Puracé) and La Aurora in Munchique (Santander de Quilichao) (Antonil 1978; CRIC 1981; Gros 1991a). Around 1971-1972, the tenant farmers from the Jambaló veredas Vitoyó (in the lower section) and Bateas (in the middle section) had started spontaneously (i.e. without prior coordination) to work the land of their former boss illegally (CNU 2001a,b). The hacienda owners reacted to the invasions as they had always reacted to rebellious Indians: they condemned these actions as vio-

35. The term *peon* was used to denote an Indian farm laborer who is forced to work for a creditor until a debt was paid off. *Parcelero* was the common name used to refer to the members of INCORA's community enterprises (*empresas comunitarias*) in indigenous communities (see Zamosc 1986).

36. This expression of solidarity with peasant struggles elsewhere in the country was uttered not only by the Indians of Cauca, but also by several representatives of other indigenous groups who had been invited for the occasion – such as the Arhuacos, Uwa, Kamsá, Inga and the Indians of the departments Tolima (Coyaima-Natagaima), Nariño (Cumbal) and Caldas (Riosucio-Supía); therefore, the assembly was at the same time the First National Indigenous Encounter of Colombians (*Primer Encuentro Popular de Indígenas Colombianos*) (Corry 1976; Colombres 1977). Three months later, in October 1973, the same indigenous groups met again in Medellín (Antioquia University), where they participated in the Week of Solidarity with the Indigenous Struggles (*Semana de Solidaridad con las Luchas Indígenas*), organized by leftist intellectuals in collaboration with peasant associations and labor unions of Antioquia (Findji 1992; CRIC 1973, 1978). The contacts and support that CRIC obtained with these information campaigns would prove very useful to the militant Páez communities – like Jambaló – in 1974 and subsequent years.

lations of property rights and public order and secured interventions by police and security forces. However, faced with determined indigenous communities who persistently continued to refer to Law 89 of 1890 – with an increasing success rate, like for example in Coconuco (see CRIC 1981) –, several landowners in north and east Cauca resorted to armed retaliation, a measure with which they were familiar. On March 1 1974, Gustavo Mejía, the peasant organizer who had been at the cradle of CRIC (Antonil 1978; see also CRIC 1978), was dramatically assassinated in Corinto (northern Cauca). Despite this warning, several indigenous communities in Toribío and Corinto seemed to consider this crime a motive to start a new series of land occupations (Zamosc 1986).

3.8 FIRST LAND OCCUPATIONS IN THE MIDDLE SECTION

From the available information (interviews and secondary sources), it is not possible to deduce with certainty either which tenant farming community in Jambaló was the first to actually carry out a coordinated land occupation, or when this precisely happened. In any case, the communities of the haciendas in the Bateas, El Maco and Guayope veredas (middle section, on the left bank of the river) were among the first, soon followed by those of Loma Gorda and Buenavista (on the right bank); they all started occupying their former boss's hacienda at the latest in 1975-1976 (CNU 2001b; CNU 2002a).

Prior to the land occupation, the situation in these communities had been as follows. As described above, as far back as 1973-1974 the cabildo had formally transferred the power of authority over the to-be-repossessed haciendas to the local tenant families through a global adjudication that was recorded in the register of adjudications (*registro de adjudicaciones*). Around the time the land occupations started, the new (Liberal) mayor of Jambaló, Hernando de Téllez (1975-1977), had ratified these allocations, in spite of objections made by the landowners. His (Conservative) predecessor, Ramiro Fernández, had refused to ratify them right until the end of his term in office (CNU 2002b). The tenant farming communities, for their part, had sent a handwritten letter to INCORA and the landowners in which they declared that they needed the land badly. They claimed that it was, in fact, theirs by law (Law 89 of 1890) – (cf. Corry 1976: compare with Zamosc 1986). After the negotiated recoveries of Barondillo and El Epiro, the petitions of the other communities had been ignored for a long time. Everything pointed to a deadlock in the negotiations between INCORA and the landowners.³⁷ At that time, indigenous leaders had contacted INCORA

37. This might very well have been the case since, apart from the political influence of the reluctant landowners, legislation passed under the counter-reformist agrarian policy of the Pastrana administration (Laws 4 and 5 of 1973) had considerably tightened INCORA's criteria to define landed estates as liable to expropriation and redistribution and considerably cut its budget for paying compensation to potentially affected landowners. In Cauca as elsewhere, these measures had caused a virtual standstill in the Institute's redistributive actions (Zamosc 1986).

field officers, some of whom had been openly sympathizing with the struggle of the indigenous communities since 1972 when they conducted the first indigenous population count (*censo indígena del Cauca*) together with CRIC (Findji 1993). According to some interviewees, these people had advised the tenant farming communities – probably by referring to the land struggle in progress elsewhere in Colombia – not to wait any longer for an expropriation decision or a change in attitude on the part of the landowners but to retake the initiative by putting the landowners under pressure.

We had notified INCORA. At that moment, the field officer was a somewhat broad-shouldered guy by the name of Londoño; the other one was called Yepes; those two came to advise us [...] and they said that we should put pressure on the rich man (*que teníamos que presionar al rico*).³⁸ (Lisandro Menzucué, CNU 2001b: 24)

These INCORA officials had basically encouraged the tenant farmers to occupy the haciendas in order to reopen talks between the owner and INCORA.³⁹ This was a clear message: soon after that, the aforementioned tenant farming communities started to invade the haciendas of their former boss.

In essence, the indigenous land occupations meant that the tenant farmers started again to “exercise [...] their rights over their usurped ancestral territory, working the land at the start of the agricultural cycle. [...] The Indians worked in the same way as they had done under the *terraje* system, i.e. jointly – but this time the fruits of their labor would not accrue to the hacienda owner” (Findji 1993: 56, my translation). The land occupations in Jambaló in 1975 and later were carefully planned, in contrast to the earlier spontaneous invasions (in Bateas and Vitoyó) that generally had taken place without any preparatory coordination (CNU 2001a, 2002a; see also Pinzón 1972). Furthermore, they were now also taking place with the active and moral support of the *cabildo* (which between 1974 and 1978 was uninterruptedly headed by governors from Zumbico!). Nevertheless, the responsibility for the initiative and the organization of similar undertakings lay primarily with the local community, i.e. a group comprising between fifteen and thirty likeminded families, often related through kinship, working and living on the same hacienda.

A land occupation usually started with the tenant families, led by one or several local leaders, setting up a militant committee (*comité de lucha*) entrusted with the task of carefully taking all possible measures needed to carry out the actual land occupation (CNU 2001b). The attitude of other community members first having been cautiously sounded out, secret meetings were organized

38. The INCORA official mentioned probably was Edgar Londoño, one of the authors of the 1975 socio-economic and legal study on Jambaló, which called for an “immediate solution to the distressing situation of minifundia (smallholding) that affects the Indians” (Roldán et al. 1975: 1).

39. Zamosc (1986: 70), in his description of the ANUC-organized land occupations of 1971-1972, also mentions the “complicity” of INCORA officials.

during which issues such as the date of the occupation, the coordination of the activities, and which part of the hacienda to occupy, were discussed. During these meetings, the initially inexperienced tenant farming communities in Jambaló often received support and advice, through their CRIC contacts, from indigenous leaders from resguardos where land occupations had been going on for some time.

Seeing that some communities were beginning to [occupy], other leaders came, such as Domingo Rivera, who was directing the repossession in La Aurora, Munchique resguardo. Then they got in touch with the other leaders, and this is how we began in Guayope [...]. (Taurino Guejía, CNU 2001b: 10)

Usually, the date chosen as being suitable for a land occupation was a day when the hacienda owner and his administrators (*mayordomos*) would definitely be absent, so that the tenant families would have more time before the occupation would be noticed. In the meantime, they made sure that there were enough seeds and plants to transfer to the new area. They also tried, often in collaboration with the *cabildo*, to mobilize contacts in other veredas and neighboring resguardos to help them with the occupation. On the eve of the land occupation, the militant community organized a communal work party (*minga*) at which the members of the assisting communities were welcomed with food and the customary *guarapo* (a homebrewed alcoholic drink) (CNU 2001b). After a short night, they would meet the following morning at dawn at the agreed location. While both the men and women tried to clear and plant as much land as possible in a short period, a number of other people would stand guard to warn them if the landowner was coming. When the latter discovered a group of land occupiers, he would usually immediately call for police assistance (from La Mina) or an army patrol. Once the police or army were on their way, the occupiers helped the helpers from other veredas escape via pre-planned escape routes, because, at the moment of confrontation it was up to the local community – “those who had the right” – to face the situation (cf. Findji 1993). The police and army generally acted severely against land occupations: the Indians were chased from the land in a heavy-handed manner, and the men who were believed to have been the leaders of the initiative were arrested and imprisoned – an approach legitimized by the national policy of repression of the peasant movement (Zamosc 1986). The remaining men and women, for their part, put up peaceful resistance, accepting their eviction amid heated discussion on indigenous legislation and the Juan Tama colonial land title (cf. Zamosc 1986; see also Findji & Rojas 1985). After the police had pulled out and the hacienda owner had destroyed the new plantings, the Indians adopted an attitude of aloofness for an indefinite period. However, this was not the end of the story: the militant communities would sooner or later regroup and reorganize them-

selves, if needed with new leaders, and conduct a new land occupation. Thus, the first land occupations in the middle section of Jambaló were just the beginning of a long sequence of evictions and reoccupations (Zamosc 1986).⁴⁰

3.9 REPRESSION IN LOMA REDONDA, FIRST SUCCESSFUL RECUPERATIONS

In reaction to the ongoing land occupations, the hacienda owners hardened their stance towards the indigenous population and increasingly sought open confrontation with the land repossession movement. In their aim to crush the indigenous organization and restore the old situation, they used all their political influence to secure continuous support from the public authorities. After the Cauca senators Victor Mosquera Chauz (Liberal) and Mario S. Vivas (Conservative) had unanimously described CRIC as “a threat to property and the rule of law and order” (Antonil 1978), police and army were authorized, under a special decree (Decree 1533), to act freely against the land occupiers. While many local and regional indigenous leaders were being arbitrarily arrested and subjected to ill-treatment and abuse, their communities were harassed with all sorts of restrictions and intimidations, such as a ban on meetings, control on personal movement, and harsher evictions (Gros 1991a). In the shadow of the official repression, some hacienda owners even contracted hit-men to retaliate against the Indians with impunity, assisted by a judicial system that was entirely on their side (Gros 1991a; Findji 1993). In order to coordinate their actions against the communities, the landowners had set up the action group Regional Agrarian Committee of Cauca (Comité Regional Agropecuario del Cauca: CRAC) in 1975. This organization, supported by the religious authorities, the Minister of Government and the Society of Colombian Agriculturists

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40. The way the land occupations were carried out in Jambaló – as fragmentarily described in the 2001 CNU interviews – bears strong resemblance to the organization of the land invasions by the peasant communities under the coordination of ANUC-Sincelejo in 1971 and later years (extensively described by Zamosc 1986); this gives evidence of the strong influence of the peasant organization over CRIC during the first years of the indigenous land struggle. Very similar tactics were used in other communities on the western Cordillera slopes, as is testified by a description of community leader Arquímedes Vitonás from Toribío: “It is a long process. First, there are community meetings. These happen between 1 and 4 am as they are prohibited during the day. They are as secret as possible. There is no writing, since to the authorities and landowners in those days having a typewriter was far worse than having a gun. During the meetings, 200 to 500 workers would get involved through coming to agreements about decisions. The next step is the occupation itself, which we do at dawn, taking over the territory with the people by simply starting to work the land. There are already set escape routes and people watching, however. So when the police and army come, as they always do, we run and hide. The police stay for three or four days and leave – at which point the people return. After months of this, maybe years of this, during which there are assassinations, attempts to single out leaders, etcetera, the owner sees that he has to negotiate” (interview for the Canada-Colombia Solidarity Campaign, September 20 2002, published on www.zmag.org — “Direct democracy in Colombia”, accessed March 2004).

(Sociedad de Agricultores de Colombia: SAC), was responsible for the surge in violence in indigenous communities in the years that followed (Gros 1991a). As a result, many people were killed in Jambaló and elsewhere: on December 10 1976 three militant tenant farmers were shot dead in Buenavista (Antonil 1978; CNU 2002b); many more attacks would follow in the succeeding years.⁴¹

But the resistance against the land occupations did not only come from outside the indigenous community; it also came from within. Although the – often elder – leaders who tended to conform to the existing power relations had already been replaced at an early stage by new leaders who were more devoted to the land struggle (CNU 2001b, 2002a), the militant communities and the *cabildo* failed to win the support of the entire indigenous population. Community members who enjoyed special privileges from the landowner and/or who were involved with him via (spi)ritual kinship relations (*compadrazgo*⁴²) often remained against the land repossession movement. Some of these opponents (*contrarios*) put the communities in an awkward position because they acted as the eyes and ears of the hacienda owners.

The squealers (sapos, lit.: toads) were often the administrators or foremen. They always grabbed all the meat left over after the minga (work party); that's why they used to say that the boss was a good person. "Why are you robbing my boss's land? He doesn't deny us anything!" – that sort of stories they had. — The opponents were mostly persons working with the landowner [...]; they informed about who were coming together and going places, so that he would accuse them before the authorities and arrest them. (Lisandro Menzucué & Jaime Dagua, 2001b: 14, 17)

Hence, these opponents who actively collaborated with the landowner were partly responsible for the escalating repression of the indigenous organization (see, for example, CNU 2001a).⁴³

Despite the repression, the indigenous communities continued the land occupations unwearingly. However, due to opposition from different sides, the land fighters were forced to keep inventing increasingly innovative strategies to resist the enemy and to be able to continue pursuing the land occupations successfully. In order to circumvent the ban on passenger travel, the Indians used a

41. Between 1976 and 1978, nine land fighters were gunned down by either *pájaros* or the landowners themselves; in Buenavista (1976), Belarmino Ipiá, Luciano Ramos and Antonio Yule; in Carrizal (1977), Daniel Conda and María Transito Ipiá; in Guayope (1978), Lisandro and Marco Tulio Casso; and again in Carrizal (1978), Marcelino and Felix Conda (CNU 2001a).

42. Co-parenthood; a system in which adults contract fictive or spiritual kinship through ritual sponsorship of a child or object.

43. There were also passive *contrarios*, such as groups of Protestant (Evangelical) tenant farmers, who out of religious convictions kept aloof from the land struggle, and persons who were simply afraid to get involved in the land occupations (CNU 2001a,b).

widespread network of paths and short cuts inside and between the veredas to avoid military checkpoints (and hit-men) (CNU 2001a,b). Furthermore, important community leaders never traveled through the resguardo on their own; they were always accompanied by someone who preceded them and would act as scout and decoy (CNU 2001c). The preparatory meetings for a land occupation increasingly took place in extreme secrecy. They were either held under the lee of the higher lying uncultivated land (*monte*) or organized under false pretences. It is worth mentioning here how some indigenous communities used existing state-imposed institutions such as the community action juntas (*juntas de acción comunal*: JACs) in the land struggle. These self-help committees were part of a program – a result of Law 81 of 1958 – aimed at promoting social participation in local development and bringing isolated rural communities closer to the government (i.e. traditional political parties) (Bagley 1989). Despite the fact that in the 1970s the JACs were the main funding source for public works (building schools, field hospitals, roads, etc.) in indigenous communities, the initiative was criticized at an early stage by CRIC as being a government attempt to deny the *cabildos* by creating parallel authorities and by internally dividing communities through clientelism and traditional party politics (CNU 2001b; see also Jimeno & Triana 1985). During the course of the land struggle, however, the JACs in Jambaló's middle section were co-opted by the land repossession movement and cleverly used as a cover-up for their clandestine political activities.⁴⁴

We had to invent strategies. [...] To be able to meet, we asked for the assistance of the community action juntas, not to repossess the land, but under the pretext that “we don't know how to give injections to some of the companions that are ill” or “we have some people who don't know how to read or sign [a letter]”. Thus, in literacy classes, during study [hours], the instructors set aside some time for a meeting, but very secretly. (Lisandro Menzucué, CNU 2001b: 13)

In due course, the communities had set up a sophisticated warning system and intelligence service, including secret language and passwords. Young land fighters and children were used as scouts and couriers (CNU 2001b). Sometimes opponents were plied with alcohol in order to discover the landowner's plans (CNU 2001c). The communities tried to involve as many sympathizing fighters from other veredas as possible in the land occupations in order to increase the pressure on the hacienda owner (CNU 2001b). During expulsions by law enforcers or confrontations with hit-men, the women set up human shields to protect the men who were busy clearing the land (CNU 2001a,b). When indigenous leaders were imprisoned or unjustly or brutally treated, people appealed to non-indigenous supporters of the indigenous movement for legal assistance. These so-called *solidarios* – headed in Jambaló by Victor Daniel Bonilla and his

44. This happened at least in Chamicueto and in Carrizal (CNU 2001a,b).

wife María Teresa Findji, both working for the University of Cali⁴⁵ – often also played an important supportive role in the devising of new land struggle tactics (CNU 2001a, 2002b).

The solidaríos [...] helped us with the repossession; not so much in a practical way, but on a theoretical level, for the defense of the Indians in the struggle. The role of the supporters was that, with all the problems there were in the community, they helped to denounce them nationally and internationally. When some of our companions were in prison, they made visits to the courts and to lawyers, to look for ways to have them released. Also they contributed some ideas, what we could do with regard to the struggle that was going on. (Jaime Dagua, CNU 2001b: 8)

At all times the Indians used the protective witchcraft (*medicina tradicional*) of traditional healers (*medicos tradicionales*, or *the'walas*), who protected the land fighters against calamities and threats with a refreshment of the body (*refrescamiento*) consisting of water with herbs (CNU 2001a,b).

The shaman was the main thing, which at no time could we afford to neglect. [...] We were being persecuted, investigated. So we had to be constantly consulting, refreshing [ourselves with water and herbs]. (Taurino Guejía, CNU 2001b: 16)

As the conflict with the landowners stepped up, the Indians started to use other methods of direct action, in addition to the land occupations, to disturb the functioning of the haciendas. For example, they broke down fences to let the cattle escape (CNU 2001b; cf. Zamosc 1986), or harvested the coffee without permission (CNU 2001b). These actions – referred to by the Indians by the expression *aburrir el patrón* (lit.: getting on the boss's nerves) – were carried out in the hope that this continuous harassment would eventually force the landowner to start negotiations with INCORA about the sale of the land.

In extreme cases, some communities even went as far as deciding to actually remove the properties from the landowner. This happened, for example, in Guayope in the battle for the La Platina hacienda. After the landowner, Don Isidoro Cifuentes, had ordered his paid gunmen to kill two land fighters on August 31 1978 (CNU 2001a),⁴⁶ the local community, in consultation with the

45. Víctor Daniel Bonilla is the author of the controversial book: *Servos de Dios y amos de indios – el Estado y la Misión Capuchina en el Putumayo* (Bogotá: Stella), published in 1969, presenting a historical account and denouncement of the exploitation by the Church of the Indians of the Sibundoy valley. He also was one of the authors of the Barbados Declaration (Bartolomé et al. 1971). María Teresa Findji became involved with the Páez during the mid-1970s while conducting a sociological survey of the socio-economic situation of Cauca's indigenous communities (*Elementos para el estudio de los resguardos indígenas del Cauca*. Bogotá: DANE). Bonilla and Findji both have been active promoters of so-called action anthropology (Bonilla & Findji 1986).

46. The victims of this brutal assault were the brothers Lisandro and Marco Tulio Casso (CNU 2001a).

cabildo and sympathizing land fighters from Corinto, razed the house of their former patron – who was absent at that time – to the ground (*tumbar la casa*). An eyewitness account, recorded by María Teresa Findji, shows very clearly how this operation was carried out:

The communities knew they were exercising a right. They even recognized that other existing rights should be respected, and they did, indeed, respect them. [...] The occupants' removal [i.e. of the Cifuentes family] was carefully organized. Community members came and dismantled the house, roof tile by roof tile, window by window, door by door. They piled everything up outside, and nothing was destroyed. Finally, the occupants were told: "Take with you what you brought in, but the land is ours". (Findji 1992: 118-119)

According to Luciano Quiguanás, the then governor, this initiative by the community of Guayope forced the dumbstruck owner to give up his land, making it the first successful repossession in Jambaló (CNU 2001a).

Although the indigenous communities in the middle section of Jambaló won their first spectacular victory, elsewhere in the resguardo the land struggle was advancing with much more difficulty. This was particularly the case in the vereda and *corregimiento* (municipal subdistrict) of Loma Redonda, the center of the lower section. As it was one of the veredas with the oldest history of non-indigenous landownership, in the 1970s the area around this small settlement was mainly inhabited by mestizos (mestizo-identifying families) – their indigenous surnames betrayed their descent – who owned medium-sized landholdings (with deeds of sale) and who primarily identified themselves as *finqueros* (landed peasants). These landed peasants were, like the few local large landowners, very loyal to the Conservative Party, as opposed to the predominantly Liberal population of the middle and upper section. Through political patronage, patronage/godparenthood relations (*compadrazgo*) and mixed marriages, this group had consolidated its social position and secured the support of large groups of indigenous tenant farmers. As a result, many indigenous families in this vereda and some of the surrounding veredas (El Porvenir and La Esperanza) had little affinity with the revolutionary discourse of the land repossession movement and the cabildo, whose authority they hardly, if at all, acknowledged. This was enhanced by the fact that the landowners here had taken particularly tough action against those Indians who did have the courage to rebel against them.

In Loma Redonda too, people were beginning to fight for land, but there were few of them. The one who was most at the head of things was the deceased Mario Ul. But since in Loma Redonda there were many hit-men, he got killed soon. The other was Elias, who used to help us a lot. Realizing that they were going to kill him too, he flinched and left. In Pedregal (El Porvenir), I would like to remember the deceased Misael Passú [who

was also assassinated]. Those were the ones. [...] Those who stayed, couldn't do anything anymore. They had to keep quiet because they were under threat. They did not continue the fight, [...] they were too few. (Arturo Zapata, CNU 2001b: 54)

This state of affairs put the community of Vitoyó – the only vereda in the lower section where the ideology of the land struggle had taken root at an early stage – in a tricky situation, as they had become a revolutionary enclave in a reactionary area, geographically cut off from the other militant communities in Jambaló. Despite continuous support from CRIC and land fighters from the neighboring resguardos (San Francisco and Toribío), the population of this vereda suffered more than others from the repression, due to the abovementioned circumstances. This violence, combined with sharp ideological differences, created an explosive situation in the lower section that would escalate even further with the arrival of the guerrillas (M-19 and FARC)⁴⁷ in the area, a few years later.

3.10 INCORA'S ECS VS. COMMUNITARIAN ECONOMIC ORGANIZATION

After the successful expulsion of non-indigenous landowners from several veredas – first in 1978 from Guayope, quickly followed by its neighboring veredas, Bateas and El Maco – the handover of the repossessed haciendas to the communities and the economic organization of these lands became an important issue (CNU 2002b). In the end, INCORA had mediated in the land conflict and bought the land from the owner. It now tried to convince the land fighters to constitute community enterprises (ECS), as had been done after previously negotiated repossessions (El Epiro and Barondillo). This was an obvious proposal, as it was the most common (and quickest) way within the existing legal framework to hand over land to the community as a whole (cf. Zamosc 1986).⁴⁸

47. The Revolutionary Armed Forces of Colombia–People's Army, known as the FARC, is Colombia's oldest and largest revolutionary guerrilla group, established in 1964–1966 as the military wing of the Colombian Communist Party. It is present in 35–40 percent of Colombia's territory, most strongly in southeastern jungles and in plains at the base of the Andes Mountains. A self-proclaimed politico-military Marxist-Leninist organization of Bolivarian inspiration, it claims to represent the rural poor against Colombia's wealthy classes and opposes US influence in Colombia, privatization of natural resources, multinational corporations, and paramilitary violence. It funds itself principally through extortion, kidnapping and participation in the illegal drug trade.

The M-19 (Movimiento 19 de Abril) traced its origins to the allegedly fraudulent presidential elections of April 19, 1970. The ideology of the M-19 was a mixture of populism and nationalistic revolutionary socialism. The M-19 eventually gave up its weapons, received pardons and became a political party in the late 1980s, the M-19 Democratic Alliance ("Alianza Democrática M-19", or AD/M-19), which renounced the armed struggle.

48. The only alternative offered was individual allocation, against which almost all resguardo communities were fervently opposed (see above). Although, technically, there also was the possibility of establishing an agricultural cooperative, as INCORA had been promoting previously, particularly in the 1960s (Findji 1993; see also Vargas 1985), in the late 1970s this policy was practically superseded – at least in indigenous communities – by that of constituting ECSs.

The indigenous communities, however, rejected the proposal because their experience with ECs so far had taught them that “INCORA’s sense of the communal did not coincide with the communities’ own sense of it” (Findji 1992: 120; see also Gros 1991b). This was not just the experience of the community in Jambaló. As early as July 1976, CRIC had organized a special meeting in Coconuco during which representatives of different communities had looked into the issue of indigenous economic organization (CRIC 1976 in Colombres 1977). The meeting revealed that in many communities there was mounting criticism of INCORA’s EC model.⁴⁹

The first point of discord concerned the fact that, by accepting the EC model, the indigenous communities would be forced to pay for the land. After all, when constituting an EC INCORA forced the families partaking in it to draw up internal regulations including a debt repayment scheme, usually with a 15-year repayment term (Corry 1976; Zamosc 1986). Many cabildos and tenant farming communities had resigned themselves to this demand during the first negotiated repossessions, but since the land occupations the communities had started to see the conflict with their former patrons as a struggle not only for land, but also for the restoration of their rights to ancestral territory (Findji 1992).⁵⁰ Because the presence of non-indigenous landowners was now generally considered as illegal, they were no longer prepared to pay for the land, especially after having met their land rent commitments to non-indigenous landowners for years:

We were not in accord with INCORA [...]. We had been repossessing land in various veredas, and these communities from the times of their grandfathers, from way back, had been paying for those lands and thus there was no reason for us to pay even a peso to the landowner – they just had to vacate (desocupar). That was our idea and so we did not agree with INCORA. (Emiliano Guejia, CNU 2002a: 10)

A second point of criticism of the EC policy had to do with INCORA’s far-reaching interference in the planning and management of the economic activities (CRIC 1981; CRIC 1976 in Colombres 1977). In order to stimulate the capitalization process in the ECs, the land reform institute had ordered the Indians to accept credits that were to be used to finance off-the-shelf commercial productive projects, usually extensive cattle raising. However, the economic results of most ECs were disappointing and this created financial problems. This was also the case in Jambaló (Findji & Rojas 1985). On the one hand, the blame for this lay in the fact that the families involved were only familiar with subsistence agriculture

49. The meeting on economic organization was convened at the request of the struggling communities pursuant to criticism expressed earlier during the IV Congress of CRIC in Tóez (Tierradentro) in August 1975 (see CRIC 1981).

50. As others have noted (Vasco 2002b), this position refers to a fundamental difference between Indian and peasant struggles for land: while peasants fight for the land, the Indians fight for their land (by virtue of their principal or preceding right as first Americans).

and lacked basic knowledge about market-oriented production. On the other hand, it was caused by a lack of sufficient institutional support (training and technical assistance) to the ECS by INCORA, due to a limited budget (CRIC 1981; a problem that was shared by peasant communities in other parts of Colombia, (see Zamosc 1986).⁵¹ After several years, a significant portion of the gains resulting from the efforts made by the members (*socios*) was lost to debt and interest payments to INCORA;⁵² a commitment many Indians saw as a new form of *terraje* (Findji 1993). Furthermore, the imposed orientation towards commercial agrarian activities, exacerbated by the debt peonage, meant that many ECS were hardly able to be self-sufficient in their food security, let alone provide economic support to the communities who were still engaged in the land struggle.

When INCORA came to deliver the haciendas, they proposed to lend money and see if the repossessed farms (fincas) could advance the development of those communities. But it was said that it shouldn't be so, that is was like having yet another boss. [...] They had to pay back the money with interest and this was very expensive. So the objection was raised that it was impossible to pay back the money, because the Indian did not have the capacity to do so [...] and with the community we were not able to manage all those concerns. (Luciano Quiguanás, CNU 2001a: 33)

The indigenous communities' criticism of INCORA's EC-program was reflected in CRIC's policy on communitarian economic organization as it emerged between 1975 and 1978.

In August 1975, with many communities (including Jambaló) still fully engaged in the land struggle, at the IV Congress in Tóez (Tierradentro) for the first time CRIC underlined the need for economic organization for the strengthening of the indigenous communities and economic reconstruction of the repossessed territories. In its search for suitable forms of productive organization, CRIC was initially inclined to adopt the EC model, albeit with a number of adjustments.

In each resguardo, the cabildo is to promote economic organizations, but to the extent possible independent of the government. [...] It is recommended to continue with the

51. The restricted budget for the transfer of resources to the ECS was directly the result of the change in agrarian policy (counter-reform measures) as decided upon in the Chicoral accords between the landowner federations and the government (Zamosc 1986) (see note 35).

52. I am not familiar with the magnitude of these debt payments, at least not in the case of the ECS of Barondillo and El Epiro in Jambaló. However, if we take the example of the El Chimán EC (Guambía) – established early in 1971 on 680 ha of negotiated land owned by Maurelio Mosquera (Perafán et al. 2000) – these may have been quite high. INCORA had bought this land at a price of 370,000 Colombian Pesos (CP) (at the time about 16,000 USD), after which the institute resold it to the Indians on credit over a 15-year period. In June 1974, the Guambianos had still only repaid 20,000 CP (Corry 1976). Note that this example does not take account of the debts related to the additional loans for commercial projects!

formation of autonomous community enterprises. [...] Lands recovered should not be divided, yet can be worked in mixed forms: small plots for household needs and working the rest of the repossession in a communitarian way. This with the aim of modifying, little by little, the individualist form of production and to familiarize ourselves with collective production. (CRIC 1981: 34, 36)

There were several reasons why CRIC thought it desirable to introduce forms of collective production in repossessed territories because, traditionally, the Páez (Nasa) had never worked in a collective fashion. First of all there were strategic motives. Even after a successful land recovery, local communities were often faced with attempts at retaliation by their former landlord. There were also attempts by neighboring hacienda owners to kill important leaders, and so it seemed wise to unite groups of families in associations like the EC; this way it became more difficult for hired gunmen to single out community members. Furthermore, it had turned out that the first indigenous ECs acted as a sort of safe haven where other militant communities could withdraw and freely discuss the preparation of new land occupations. In this way, the ECs played an important role in the logistic support of the land struggle. Secondly, there were economic reasons. CRIC apparently gave credence to the assumed productive advantages of the ECs conjured up by INCORA and other agrarian institutions. It was generally assumed that large-scale cooperative farming would provide a more efficient (“rational”) use of labor and other resources, as well as easier access to credits and services, and that this would lead to increased production faster than traditional individual forms of land use (Zamosc 1986). These advantages appeared to suit the communities in the repossessed territories in particular, because their production had come to a virtual standstill during the years of active fighting and because they had to contend with a manpower shortage (many men were still in prison) (personal comment José Domingo Caldón and Luis Alfredo Muelas, executive committee CRIC, January 18 2001).

Initially, CRIC had not taken a principled stance with regard to payment for the land by the to-be-constituted EC. In its reply to INCORA’s payment demand, the indigenous organization stated: “in repossessed lands we only pay for the improvements to the lands” (CRIC 1981: 36); this in practice meant that communities would pay for perennial crops, enclosures, cowsheds and farmhouses, the combined value of which often exceeded the price of the land. CRIC worried about INCORA’s patronage over the ECs. The organization warned its members that officials of governmental institutions (INCORA) “very rarely [...] represent the authentic interests of the communities” and often “work to restrain the struggle of the peasant” (CRIC 1981: 34, 39). It therefore encouraged them to act autonomously from INCORA when it came to making decisions about the running of the EC. CRIC did not disapprove of the loans offered by INCORA, but it did state that they were “neither sufficient nor appropriate” (CRIC 1981: 40).

At any rate, in the heat of the land struggle in 1975, CRIC appeared to be more focused on the “liberation” of the indigenous communities from local (more day-to-day) dependency relations with non-indigenous landowners and other economic actors (middlemen, shopkeepers, etc.) than on institutional independence from INCORA. For example, CRIC summoned the communities to engage in far-reaching economic collaboration between the various ECs, and it stimulated (complementarily) the development of an autonomous economic infrastructure in the form of a network of community shops (*tiendas comunales*). This network was intended to operate as a marketing and supply cooperative responsible for, on the one hand, the collection and sale of the products (mainly market crops) of ECs and, on the other, the direct purchase of industrialized goods (food and tools), which used to be only obtainable from the non-indigenous shop-owners. The achieved scale advantages would allow the communities to make a maximum profit when marketing their produce. At the same time, it would enable them to circumvent the retail distribution system of the non-indigenous shop-owners. Furthermore, the community shops would also be able to play a role in the exchange of products (food) between the communities (CRIC 1981; see also Antonil 1978 and Gros 1991a,b).

In line with this “economic recovery” policy, CRIC also encouraged the communities to continue practicing the use of local (traditional) institutions of communal labor within the context of the EC: for example the *minga* or *cuesnmi*, the communal work party ordered by a larger kin group, and the *mano prestado* or *pitay-nasa*, the system of reciprocal labor sharing between families. The continuation of these practices would not only express the cultural-specific character of the communities (contrasting it with the individual production method of the large landowners), but also contribute to the further strengthening of the ties within and between the ECs of the different communities, something that was deemed favorable for the further development of the land struggle (CRIC 1981).

In other words, CRIC proposed an economy that would be consolidated, locally (in repossessed territories), by cautiously appropriating and reformulating external organizational models. At the same time, it would seek to fulfill the “ideal of the communitarian resguardo community” (Antonil 1978: 268).

In the years following 1975, CRIC became more and more recalcitrant in regard to INCORA and its EC-program following criticism from the increasingly frustrated communities, expressed in regional seminars in 1976 and 1977 (CRIC 1981). During the V Congress in Coconuco in March 1978, CRIC presented new guidelines concerning the constitution of ECs in indigenous resguardos. On this occasion, the indigenous variant of the EC and the cooperative community shops were primarily described as an instrument of struggle. The EC’s official legal framework was explicitly rejected. INCORA’s EC-program was now even being referred to in ideologically charged words as a “demagogical

instrument” intended to demobilize the indigenous communities and subject them to the “capitalist system” (CRIC 1981: 117-118).⁵³ The regional organization rejected all imposed interference in the indigenous ECs, particularly concerning the internal regulations; from now on, the communities would draw up the statutes themselves in line with the specific circumstances and the needs of the local community. The demand for payments for repossessed land was also resolutely rejected by stating that “the acceptance of deeds of purchase (titles) would [ipso facto] imply the denial of the resguardo titles” (CRIC 1981: 129). With regard to credits, the communities were warned “not to take credits they are not capable of managing” and advised “to [first] seek credit with like organizations of struggle and not with official entities” (CRIC 1981: 110-111).

In the end, CRIC defined a formula for an autonomous indigenous EC that was based on INCORA’s technocratic model, but which was, at the same time, clearly different, particularly by virtue of their assigned partisan role in the ongoing land struggle.

Community enterprises are the associative forms used by indigenous communities to organize their communitarian production on repossessed lands; their associates (members) are the families that have directly participated in the land struggle. Their general objective is to strengthen the communities economically and organizationally, and to ensure the political orientation of their members. The executive committees (juntas directivas) representing the community enterprises are to work in close collaboration with the cabildo, the highest authority of the resguardo community, and at all times maintain their autonomy in relation to official agencies (i.e. INCORA). Community enterprises should act in solidarity with and actively support the struggles of other communities. (Based on excerpts taken from CRIC 1981: 126-130)

In Jambaló, the CRIC directives were loyally implemented by the militant communities, with the approval of the cabildo. In 1978, governor Luciano Quiguanás organized the first meeting in Zumbico concerning the economic organization of the repossessed lands. On this occasion, the families present (land fighters) set up committees (juntas directivas) for the as yet to-be-formed ECs del cabildo

53. “The organizations of communitarian production and commercialization for the rural sector (cooperatives and community enterprises) were promoted by the State by the end of the 1960s as part of its project of Agrarian Reform, with which the bourgeoisie seeks to further the capitalist modernization of the Colombian countryside. [...] Their sponsoring depends on the State: financial resources, technology, administration, orientation, etc., are dictated by the official agencies that are charged with those programs. The associated peasants are considered as mere recipients of the schemes they get imposed on them. Despite the demagogy that every government performs with those organizations, its results in favor of the poor agrarian class have really been insignificant, and the peasants have once again remained frustrated, paying for the consequences of plans that are foreign to their own reality, the inefficiency of government agencies and the inaptitude of many of officials, who convert themselves into their new patrons” (CRIC 1981: 117-118).

(CNU 2002a), which were only open to those community members who had actively taken part in the land struggle – the *contrarios* were definitively excluded from joining. Soon after the meeting, the first autonomous ECSs were set up. “While the member families retained their rights to their former enclosures (*encierros*) and were allowed to extend them according to the possibility of clearing and burning in the remaining uncultivated lands (commons) of the *vereda*, the more fertile lands of the former *hacienda* (i.e. *fincas*) were kept intact as a single undivided piece of land that was exploited collectively with one or two days of work under supervision of the *junta directiva*” (Findji & Rojas 1985: 113). Via the new community shop network, the ECSs took part in the exchange of goods with the other community organizations (other ECSs, the “free” part of the *resguardo* and the militant communities) and maintained relations with economic actors in the outside world (Findji 1993).

However much the decision of the communities was defensible in terms of indigenous autonomy, their adversarial attitude towards INCORA also had clear disadvantages. Although the refusal to pay for the land was legitimate on the grounds of Law 89, the government was not prepared to guarantee the property to the community in another way; this meant that the legal transfer of the repossessed land to the *cabildo* – i.e. as a recognized part of the *resguardo* – was adjourned indefinitely. Under these circumstances, the problem was no longer that INCORA was overloading the communities with culturally inappropriate development projects, but rather that the institute was denying them access to credits and technical assistance – privileges they could only claim if they owned a title to land (CRIC 1981).⁵⁴

However, CRIC was aware of the fact that INCORA’s ongoing economic “blackmailing” of the communities, who were striving after economic prosperity, would undermine the political conviction (revolutionary orientation) of its members in the long term. Although the organization did not have an immediate solution to this problem, it stated that:

It is important to emphasize that the mere fact of exploiting land [...] in a communitarian way under capitalist conditions creates a whole series of internal contradictions, which, without any clear orientation and political education, will furtively do away with the organization. [...] The most we can strive for with respect to our economic organizations is to maintain the struggle between the two spheres of interest [i.e. revolutionary development vs. economic consolidation], making a permanent effort so that these enterprises neither run short nor are absorbed by the capitalist system. (CRIC 1981: 131-132)

54. CRIC analyzed the situation: “The principal problem is no longer that INCORA has planned against the will of the (community) members but the lack of credit”. (CRIC 1981: 127)

3.11 CRIC'S INTERNAL CRISIS AND THE BARONDILLO MEETING

In the first months of 1978, certain contrasts started to emerge within CRIC. Leaders from a number of militant communities – including Jambaló – felt that the organization's executive committee (*comité ejecutivo*) had developed a bureaucratic leadership style and that it had started to have a diminished interest in the initiatives and viewpoints of the *cabildos* – even though the *junta directiva*, the council of *cabildo* representatives, was formally the highest authority within the organization (Vasco 2002b). Furthermore, objections were being raised against the ideological orientation developed by the executive committee in collaboration with its left-wing political advisors. During the V Congress in Coconuco, the communities had been presented a political platform on which the indigenous struggle was interpreted as, essentially, “a struggle between indigenous peasants and large landowners” and, as such, part of the “broader class struggle between the oppressed and exploited people against the bourgeoisie and its imperialistic capitalism” (CRIC 1981: 66-67). This interpretation of the situation was met with resistance from critical community leaders, influenced by non-indigenous, external, supportive anthropologists (*solidarios*), who wanted to use the cultural specificity of indigenous communities as the basis and starting point for the strengthening of the organization (Vasco 2002b).⁵⁵ However, instead of taking the criticism seriously, the executive committee brushed aside the viewpoint claiming it was unsuitably traditionalistic (*indigenista*) and an attempt to create internal discord among their own ranks (cf. CRIC 1981). The consequence of this clash was that several communities distanced themselves from the regional organization and started to coordinate their repossessions themselves.

Many people accused us of having divided the organization. What we did was make ourselves independent; we kept aloof, but not to cause a rift. [...] There were certain problems. In the executive committee, they started to disaccredit our companion Victor Daniel Bonilla [one of the solidarios]. They declared themselves against him, so later he came to work here with our communities. (Marcelino Pilcué, CNU 2001a: 29)

The weakening of the indigenous organization coincided with an increase in the activities of several guerrilla groups in the country, M-19 in particular. In the late 1970s, this group extended its operations to the countryside of Northern Cauca and started to dispute military power over the indigenous territory with FARC (CNU 2002b; see also Safford & Palacios 2002). The increased revolutionary threat induced the newly elected (Liberal) president Julio César Turbay Ayala

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55. Although CRIC in its assembly proceedings and position papers generally ignored the disagreement, some hints as to the emerging ideological contradictions can be found in the proceedings of the V Congress (e.g. CRIC 1981).

(1978-1982) to issue a National Security Statute (*Estatuto de Seguridad Nacional*) that handed the army more power to combat the guerrillas. However, the statute – which had significantly broadened the legal definition of “disturbance of public order”, “rebellion” and “unlawful association” – was also used to suppress many, if not all, social organizations in the country. This was done by systematically branding their activities as subversive or even by accusing them of having active links with the guerrillas (Zamosc 1986; Bagley 1989). CRIC, which had profiled itself as explicitly anti-capitalistic in its political program, also walked into this trap. When, on January 2 1979, M-19 raided the weapons depot of the Canton del Norte in Bogotá stealing more than 5,000 guns, the indigenous organization was accused of having received some of these weapons. The entire executive committee was promptly arrested – and tortured in prison– and the head office in Popayán was closed indefinitely. A state of emergency (*estado de sitio*) was declared in northern Cauca and Tierradentro and, under the National Security Statute, the area was placed under military command.⁵⁶ The large landowners in the region (united in CRAC) seized on these new circumstances to further intensify the persecution of the land repossession movement. With support from the military police, the army, and the intelligence services (DAS and F-2), they started to round up important indigenous leaders, many of whom were arrested. In the shadow of official repression, the hit-men also became more active; in a short period several people were killed (CRIC 1981; CNU 2002b; see also Bagley 1989). In this precarious situation, the communities saw the possibilities to organize themselves significantly reduced. A complete sense of dejection among the land fighters led to a suspension of all land occupations (Vasco 2002b).

It was not until the autumn of 1979 that the impasse was resolved, when the community of Jambaló, headed by governor Bautista Guejía, took the initiative in organizing a public rally against the repression of the indigenous organization and its leaders. This rally, which was held in Barondillo (one of Jambaló’s veredas), grew into the first large-scale indigenous mobilization since the issue of the National Security Statute (September 1978). In the presence of local authorities, journalists, and some of the non-indigenous, external supporters who had helped make the meeting possible, more than 400 Indians from several communities (including Corinto, San Francisco, Tierradentro and El Chimán) raised their voices to declare, as one, “CRIC is not dead; we are CRIC, the communities that are organized and fighting (*El CRIC no ha muerto; el CRIC somos las comunidades organizadas y en lucha*)” (Emiliano Guejía, CNU 2002a: 5;

56. Bagley (1989) shows that the government’s frontal attack on CRIC actually became a self-fulfilling prophecy. The accusation of complicity with the guerrillas and the ensuing events led some Indian activists to believe that within the existing political structure it was impossible to organize or to seek redress for their grievances, prompting several of the most radical CRIC members to create the Quintín Lame guerrilla organization. However, this small armed group, which developed close ties to the M-19, remained basically dormant until 1984.

Vasco 2002b); a sentiment that was both a declaration of support to the regional organization and a repetition of the previously voiced criticism of the executive committee. They also shouted: “The weapons of the Indian are the shovel and the pickaxe” (*Las armas de los indígenas son el palo y el barretón*), an expression with which the participants distanced themselves from the accusation of complicity with the guerrillas (CNU 2002b: 6). After the rally in Barondillo, the land repossession movement cautiously started to reshape itself from the ground up. In February 1980, a second meeting was organized in Jambaló, this time to commemorate the successful repossession of Guayope (in 1978), but also in commemoration of the Casso brothers who were killed in this battle. On this occasion, delegations from as many as twelve resguardos were present, including the cabildo of Guambía, which paid its first visit to the community of Jambaló (CNU 2002a; Vasco 2002b); the event marked the beginning of a remarkable intensification of the relations between the Páez of Jambaló and the Guambianos in Silvia (Guambía). Those present declared themselves in favor of a renewed commitment to support each other in strengthening the cabildos and the community organization, and at the closure of the meeting the slogan “Long live the indigenous authority (*Viva la autoridad indígena!*)” was raised for the first time (Findji 1993: 58). Soon after that, land occupations were taking place again in Jambaló and in neighboring Páez resguardos, and some time later the land struggle also started in Guambía.

3.12 RELATIONS WITH GUAMBÍA

AND THE FORMULATION OF THE DERECHO MAYOR

Until 1979, Guambía had not been involved in the land repossession movement. Although the Guambianos from Las Delicias and El Chimán were part of the first militant tenant farming communities and had stood at the cradle of the regional indigenous organization (CRIC), the repossession of these two haciendas (in 1963 and 1971, respectively) had basically failed – the Guambianos had had to pay for the land and had failed to win the support of the cabildo and the resguardo inhabitants, and this had led to an early standstill of the land struggle in Guambía. Thus concluded the former fighters, who had come together in Las Delicias in 1978 to evaluate their experiences. In order to revive the land struggle, they would have to unite with the larger community and secure the support of the cabildo.⁵⁷ Around the same time, the colonial land title of Gran Chimán was discovered. It showed that the land of many haciendas bordering Guambía previously belonged to the Guambianos. This discovery convinced many community members of the justness of, and the need for, the land struggle. In 1979, Javier Morales was elected governor; now Guambía at long last had a militant

57. The conclusions of this meeting were set down in the pamphlet: “Las Delicias: 15 años de experiencias”, *Despertar Guambiano* No. 1, 1978.

cabildo (like in Jambaló six years earlier). He agreed to make the land problem in Guambía an issue for discussion and allowed community members to give assistance to the ongoing land occupations in neighboring resguardos (Vasco 2002c). Using old ties with Jambaló (Zumbico), the Guambianos went to Barondillo and Guayope in 1979-1980. Here they found inspiration to revive their own struggle. After numerous internal meetings and discussions, governor Segundo Tunubalá decided in 1980 to organize the First Assembly of the Guambiano People (*Primera Asamblea del Pueblo Guambiano*) with the symbolic goal of uniting all Guambianos under one single authority and, on a more practical level, to win broad social support for the forthcoming repossession of the occupied parts of their resguardo. On this occasion, which took place in June and was attended by representatives of 32 different resguardo communities and more than a thousand invited supporters (*solidarios* and *colaboradores*)⁵⁸ from unions, universities and social organizations, the Guambiano authorities presented to the outside world a manifest – the *Manifiesto Guambiano* – in which they had laid down a number of ideas to legitimate their position in the land struggle (Vasco 2002b). Central to this declaration was the concept of *Derecho Mayor* (Greater Right), a legal concept founded on the fact that the Indians are the original inhabitants of America and are, inherently, entitled to their own authority and territory – in the Guambiano language expressed by the word *mayelé*, which translates as “self-ruled communal land” (Vasco 2002b) – and the right to keep existing as a distinct community within Colombian society.

Mayelé, mayelé, mayelé! The world was created for everybody but from us they are taking it away. That is why we started remembering and thinking that, from time immemorial, we indigenous people have inhabited these lands – and many more. [...] This is the truth, the greatest truth, because nobody in the world can deny that this continent was occupied, inhabited and worked before anyone else by our ancestors, later by our fathers and today by ourselves. From there, this major truth, our Derecho Mayor (Greater Right) is born. That is why, now that we have our eyes opened, we have this idea of struggle: that every piece of American land where native indígenas live and work belongs to us: because it is our territory, because it is our mother country. This is our Derecho Mayor, above all our enemies, above their titles, above their laws, above their weapons, above their power. Because of Derecho Mayor: by right of being first, by right of being authentic Americans. This great truth contains all of our rights and all of our strength. That is why we have to remember, transmit and defend it [...] to repossess our lands, but [as] communal lands [under the] indigenous cabildo. Because we have the right to organize in a distinct way, to govern ourselves, to have control over

58. Rappaport 2005 and Laurent 2005, in describing the genesis of Colombian indigenous political organizations, make a clear distinction between *solidarios* and *colaboradores*. The latter are non-indigenous collaborators working inside CRIC (as organization members); the former are non-indigenous supporters sympathetic to the indigenous struggle, but mostly working from the outside.

our lands. Because the *cabildo* is the highest authority, we are organizing by way of the *cabildo* with our own idea (*nuestra propia idea*). (Taken from *Manifiesto Guambiano*⁵⁹, Guambía 1980 in Roldán 1990: 801-805)

In addition to the Greater Right, the Guambianos also introduced, for the first time, the word “people” (*pueblo*) in relation to the protection of their rights, a self-identification which was underlined by the presentation of a Guambiano flag especially created for this occasion – an example that was soon followed by the Páez and other peoples. In this way, the Guambianos definitively renounced their identification as peasants (as a class), as championed by CRIC (CRIC 1981), putting their own indigenous identity to the forefront. Despite this ethnically centered viewpoint, the organization of the Guambianos was based on the indigenous notion of reciprocity, as expressed in the title of the manifest: “This belongs to us, but it’s for you too (*Ibe namuyguen y ñimmereay gucha; De nosotros y para ustedes también*)”. It sounded like an expression of hope for a broader society based on solidarity and mutual respect for each other’s rights (Findji 1992).

Soon after the assembly, 3,000 Guambianos started the occupation of Las Mercedes, a hacienda that reared thoroughbred cattle and that was owned by Ernesto González Caicedo, a senator of the republic. The owner’s family and the local authorities put up a lot of resistance. However, thanks to the perseverance of the Guambianos, supported on several occasions by the Páez from Jambaló and the Pastos from Cumbal (Nariño), and the moral support of external supporters from various Colombian cities,⁶⁰ they eventually managed to force the landowner to move his cattle; this meant that the hacienda now effectively belonged to them. On July 20 1981, a festive ceremony was organized to rename the hacienda vereda Santiago – after a former land fighter. The governors of Jambaló and Cumbal were appointed “godfathers” of this repossession (Findji 1992; Vasco 2002b, 2002c).

The belated, but timely, initiatives of the Guambianos, as well as the ideas on which they based them, gave the land repossession movement in southwest Colombia (particularly in Cauca and Nariño) new momentum and signaled the start of new land occupations in Jambaló (Barondillo-La Cruz and Loma Gorda), Guambía (the Tranal hacienda) and in other Páez *resguardos* (including Munchique).

59. The *solidarios* who were present at the assembly later widely diffused the Guambiano Manifesto, which was published as the pamphlet “Para proclamar nuestro derecho”, *Despertar Guambiano* No. 2, 1980.

60. At one time during the repossession of Las Mercedes, the solidarity movement (*solidarios*) organized a public meeting in Popayán to hand over to the *cabildo* a document titled “Reconocimiento al derecho del pueblo guambiano”, which was signed by 300 different organizations and persons throughout Colombia (Vasco 2002b; Findji 1992).

3.13 THE NATIONAL SECURITY STATUTE AND THE MARCHA DE GOBERNADORES

The continuous land occupations by the indigenous communities increasingly embarrassed the government of Turbay Ayala, which sought to contain the rural unrest and curb the activities of critical social organizations. As the Indians successfully defended their actions with Law 89 of 1890, the government started to think about a legal counter-attack. In 1979, the president announced his plan to breathe new life into an old proposal (submitted in 1973 by the missionary organization, ASCOIN)⁶¹ aimed at reforming the indigenous legislation. He consequently asked Congress for extra power to be able to prepare an Indigenous Statute, following the National Security Statute. A few months later, a bill was presented that proposed to hand the government more control over indigenous communities – e.g. by giving DAI the power to decide over the legal existence of communities and to check their relations with third persons⁶² – and that created the possibility in land cases to de facto legitimize occupation of parts of resguardos by non-indigenous landowners. Several indigenous representatives and organizations, as well as numerous non-indigenous, supportive social movements, immediately interpreted the bill as an attack on the wish of the indigenous communities to repossess the land of the resguardos and increase their autonomy. The opposition managed to have the bill dismissed after pointing out that the communities concerned had not been consulted about the project. But the government persisted, and in the spring of 1980 it presented a new bill that argued that Law 89 had become hopelessly obsolete and in which the representativeness of the indigenous organizations was explicitly called into question. At the same time, the government launched an information campaign to secure the support of the indigenous communities (Gros 1991b; Jimeno & Triana 1985).

But the efforts made by the government to press forward its plans on the indigenous communities had the opposite effect; they turned out to be a catalyst for the indigenous movement that toughened its opposition and mobilized itself on a national level in an attempt to bring the progress of the project to a halt (Gros 1991b). In their resistance, the indigenous organization and communities used two different strategies. CRIC and related indigenous organizations arranged a National Indigenous Meeting, held in Lomas de Ilarco (in the neighboring department Tolima) in October 1980, to demand that the government show respect for the rights of indigenous communities – in terms

61. In 1976, Minister of Government Cornelio Reyes also presented in Congress a proposal to revise the existing indigenous legislation (Jimeno & Triana 1985).

62. As has been noted by Gros (1991b: 224), this constituted an attempt by the State to reserve to itself the power to decide “who is Indian and who is not” and to determine “who can represent [indigenous communities] and with what kind of persons or organizations they can enter into contact”.

of territory and autonomy – as laid down in the existing national legislation, in particular Law 89 of 1890. The indigenous communities who had turned their backs on CRIC (thus constituting an independent rival organization that later came to be known as MAISO, Movimiento de Autoridades Indígenas del Sur Occidente – later AICO, Autoridades Indígenas de Colombia [see also footnote 27]) went one step further in their criticism and rejected the government's project by contrasting the national legislation with their own legal conception, based on the *Derecho Mayor* as publicized by the Guambianos earlier on in June. To this end, the communities of Guambía, Jambaló, Novirao and Jebalá, followed by the Pasto in Cumbal (Nariño) and the Kamsá in Sibundoy (Putumayo), decided to organize a *Marcha de Gobernadores* (Governors' March) from Cumbal, on the border with Ecuador, to Bogotá. During this three-week march, which saw the Indians pass through many towns and rural villages, they explained the concept of *Derecho Mayor* to social organizations and authorities and asked the Colombian people for solidarity with their struggle (Vasco 2002b).

With this march, we were going to have the workers and popular masses understand that we were coming for a [particular] law; we were speaking of the Greater Right (Derecho Mayor). We were speaking of a law that wasn't like the one the government was making; instead we showed that we were first, before the whites. This is what we did, and we went to the Senate of the Republic and the Chamber of Representatives (Camara de Representantes) to discuss this. (Emiliano Guejía – indigenous governor of Jambaló in 1981 – CNU 2002a: 6-7)

Although the indigenous authorities only garnered little attention from the congressional commission in Bogotá, they did manage to bring the position of their communities into the limelight and increase social support for the indigenous cause. In this way, the march partly contributed to the temporary (indefinite) freezing of the Indigenous Statute project. On their return to their respective communities, the march was positively evaluated. The participants decided to set up an action group, the *Gobernadores en Marcha* (Governors on the March), which shortly thereafter was renamed *Autoridades Indígenas del Suroccidente* (Southwest Indigenous Authorities: AISO) (Findji 1992).

3.14 THE CULMINATION OF THE LAND STRUGGLE IN LOMA GORDA AND ALTA LA CRUZ

In Loma Gorda and Barondillo, the local communities were involved in a very fierce battle with Julian López and Saulo Medina, the owners of two extensive cattle ranches: La Bártola and Alta La Cruz (both measuring approximately 450 hectares). Earlier land occupations, in 1978 and 1979, had not lasted here, mainly because the groups of ex-tenant farmers and family members from

the neighboring veredas were too small to stand up against the persecution by the landowner. So, in 1980, governor Aparicio Quiguanás decided to give this repossession a new impetus. Using the new contacts with Guambía, the cabildo managed to reinforce the local community with as many as one thousand Guambianos, and with united efforts they again converted a large portion of the pasture land into arable land. But once again the landowners refused to budge. Immediately after the actions of the Indians in Barondillo, Saulo Medina released his 400-strong animal herd on the newly cultivated area to destroy the new plantings. Julian López's supervisors (*mayordomos*) in Loma Gorda even killed one of the land fighters (CNU 2001a; CNU 2002a).

After this setback, indigenous governor Emiliano Guejia decided in 1981 to take more drastic measures. In the wake of the successful repossession in Guayope, the cabildo eventually decided, in consultation with the local community, to actually remove the landowner's assets, i.e. chase away the cattle from the hacienda. A special date was chosen for this action that was carried out for the first time in Barondillo: July 20, Independence Day. On this day, the landowner and his supervisors would not be on the hacienda. The local community had also secured the support from a large group of sympathizing fighters from the neighboring resguardo of San Francisco. On the appointed day, 300 determined Indians – including the cabildo – chased the entire herd from Alta La Cruz down to the opposite valley to deliver the animals personally to Saulo Medina's farm (CNU 2001a; CNU 2002a). When they were called to account for their deeds, the group used the same tactics they and the Guambianos had used during the repossession of Las Mercedes: all fighters rallied firmly around the cabildo defending themselves as a community.

Coming down with the cattle, we encountered the landowner, his son and some police officers, who had come to ask for the governor, saying that they wanted to search for an amicable arrangement. But the people, not wanting to betray their governor, protected him by saying that we were all governors. [...] The landowner's son asked me personally who was the governor; but I said no, that we all together were governor. He said that at any rate he wanted to reach a settlement with the community. But we didn't let ourselves be taken in; instead we kept on going down to enclose the cattle in San Francisco, and going back uphill we blocked the road with sticks and stones. (Emiliano Guejia, CNU 2002: 7-8)

The following day the Indians did the same with Julian López's cattle that they chased from La Bártola down the road to La Mina (CNU 2001a; CNU 2002a). But the landowners refused to give in: while the Indians continued to successfully block the access roads to the higher lying haciendas, they decided to sue Emiliano Guejia's cabildo. Although the Jambaló police were time after time unable to arrest the cabildo, due to the massive intervention by the indige-

nous community, governor Emiliano Guejia received a summons from a judge in Santander de Quilichao two months after the clearing of the haciendas. However, by this time the actions of the community of Jambaló had already caught the attention of INCORA and the non-indigenous, external supporters, who came to the aid of the Indians.

In Santander I received help from a solidario, a man named Alonso Muñoz from Popayán. He assisted me as legal representative, and I told him what I said before, “that our criminal offense was that we were repossessing that which was already ours”. And in this way they couldn’t do anything – they left it at that. In the end they set me free again and we continued [...]. (Emiliano Guejia, CNU 2002a: 8)

Surprisingly enough, the indigenous community was eventually declared right, and both landowners were forced to sell their landholdings in Jambaló to INCORA. Therefore, at the end of 1981 a final breakthrough in the repossessions was forced through in Loma Gorda and Barondillo. This positive denouement raised the cabildo’s prestige and the self-awareness of the community significantly, and it boosted the ongoing repossessions in other veredas, including Chamicueto, El Tablón, Picacho and Vitoyó (CNU 2001b; CNU 2002b).

But the protracted and laborious repossession came at a price. The presence of the guerrillas (FARC and M-19) and the National Security Statute, which was still in force, were a justification for the landowners to continue with the persecution of indigenous land fighters. In the years 1981-1982, at least six indigenous leaders were killed by hired gunmen (in Vitoyó, Loma Gorda and El Tablón) – crimes that went unpunished by the Colombian justice system – and many other fighters were detained in prisons in Popayán, Santander and Cali (CNU 2001a,b).⁶³ The communities also suffered badly because of the physical hardships and the disruption of agrarian production, a consequence of the land occupations. A study into the socio-economic situation, conducted in 1981-1982 by two *solidarios* from the Universidad del Valle (Cali) – María Teresa Findji and Victor Daniel Bonilla – in collaboration with the cabildo, revealed that many households were no longer able to reproduce themselves economically and biologically due to the situation of misery and poverty and hence concluded that the situation in Jambaló was extremely critical (CNU 2002a,b; Findji & Rojas 1985; see also Vasco 1988).⁶⁴

63. In this period, there were also victims among the *pájaros* (in Chamicueto, for example) and landowners (four members of the Penagos family in Buenavista), probably at the hands of the guerrillas, who aimed to win over the indigenous population to their cause, or possibly at the hands of vengeful Indians (five years before, in Buenavista, three indigenous leaders were killed by their former patron) (CNU 2001a).

64. In 1982, the infant mortality rate recorded for Jambaló was 300 per thousand births, while the average life expectancy was only 32 years (Vasco 1988).

3.15 THE VISIT OF PRESIDENT BELISARIO BETANCUR AND FINAL RECOGNITION

Halfway through 1982, the political tide in Colombia finally turned in favor of the militant indigenous communities. At the presidential elections in July, the reform-minded Conservative presidential candidate, Belisario Betancur, gained a narrow victory over the Liberal candidate and former president, Alfonso López Michelsen. In response to the failing security policy of his predecessor, Turbay Ayala, whose objective of beating the guerrillas with military means had only led to a surge in political violence, the new president had promised his voters to abolish the National Security Statute and to seek a negotiated peace agreement with the various armed groups. Furthermore, he had promised a program for moderate socio-economic and political reforms, intended to increase social participation in the political process (Bagley 1989). The indigenous leaders affiliated to AISO decided to avail themselves of this political opening to bring the repression and the urgent problems of the indigenous communities to the attention of national politics. Hence they invited the president to attend the closure of the Third Meeting of Indigenous Authorities in Silvia in November that year. Betancur's acceptance of this invitation and the meeting that ensued marked a high point in the history of the indigenous movement in Colombia, in more than one respect.

The idea was to talk about the Greater Right (Derecho Mayor) and to strengthen our autonomy as authorities. [...] We had these forms of recognizing our right. [...] We said Greater Right because we were natives from our territory; that is why we had to strengthen our autonomy. There were these ideas to relate "from authority to authority, from government to government", that is, like when today we speak of "having dialogue". This is how we got this idea, to talk with President Belisario Betancur, directly between the various governors of the resguardos and the president. We invited him over here to Cauca, and he accepted, [thereby] recognizing all those marches, recognizing all those slogans of our communities. (Marcelino Pilcué, CNU 2002a: 27-28)

On Thursday November 11 1982, the president's helicopter landed directly on the repossessed hacienda Santiago (formerly called Las Mercedes) in the Guambía resguardo (Silvia), where he was received by a select company of indigenous governors, without the intervention of local or regional government representatives who had not been invited to the event – a sign that was swiftly interpreted by supporters and opponents as a legitimization of the indigenous land struggle (cf. Findji 1992). During this personal meeting, protected by the indigenous *guardia cívica* and not the army, Betancur delivered a carefully prepared speech to a crowd of more than one thousand Indians in which he recognized the injustice inflicted on them by his predecessors and

announced his decision to definitively cancel the Indigenous Statute project. In response to the call made by indigenous leaders to start treating them “as an equal authority”, the president formally recognized the cabildos as legitimate interlocutors (*interlocutores*) – a decision that was symbolically underlined by his position on the podium between the governors of Guambía (Abelino Dagua) and Jambaló (Marcelino Pilcué) – and he called attention to the need for dialogue (*interlocución*) and participation for the development of a new policy concerning the socio-economic situation in indigenous communities.⁶⁵ He then spoke the following words:

Almost 100 years after [Law 89 of 1890] it is impossible to maintain without action and without real validity the legal order that has been conceived for the recognition of the autonomy of the authorities and the organization of the cabildos. And I know that in the end – señores gobernadores and señores members of indigenous communities – in the end, the essential problem is that of lands. Now then, the State will take measures under consideration to return them, according to the law, to the legitimate owners through the intervention of the State agency in whose charge and under whose responsibility remains the fulfillment of this task. (Belisario Betancur during the Third Encounter of Indigenous Authorities in Silvia, Cauca, November 11 1982; cited in Gros 1991c: 263)

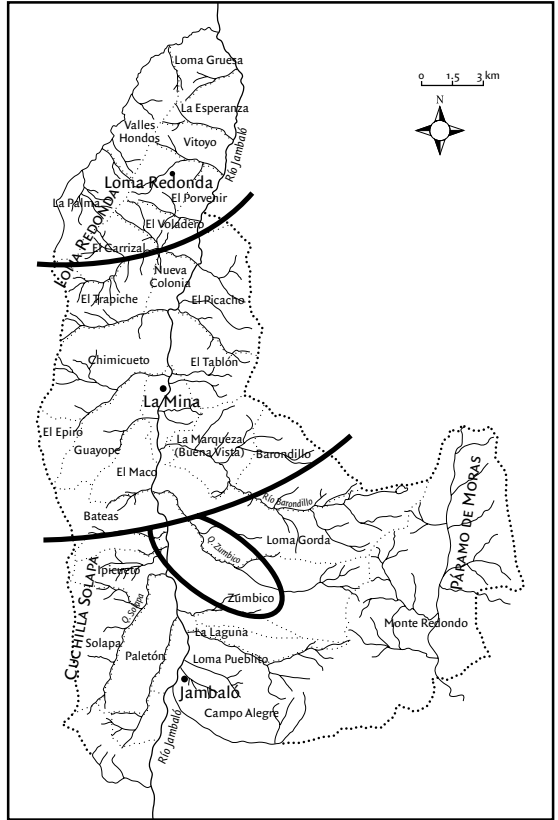
The announced change in the indigenous policy of course represented a complete rehabilitation of the rights of indigenous communities in respect of territory and autonomy, as laid down in Law 89 of 1890, or, as Roldán (1990: vi) puts it, “the acceptance by the Colombian State” of – “the right of indigenous communities to possess and inhabit a territory and, by application of this right, to have the State guarantee them the full ownership of the spaces they have traditionally occupied as well as the devolution of the lands they have lost and need for maintaining the complete enjoyment of their family and communitarian lives” – and of – “the competence of indigenous communities to develop their own forms of government and enjoy a high degree of autonomy in the definition of their own internal models of economic and administrative organization”. The tenor of this message was not lost on the representatives of the indigenous communities present:

65. “Al considerar los pueblos indígenas como interlocutores validos, capaces y responsables de su propio devenir, la política del estado se orienta entonces a reforzar la legitimidad legal y la participación decisoria de las autoridades indígenas, garantizar sus *derechos específicos como minorías étnicas* y crear un contexto de apoyo y cooperación fructífera en todos los aspectos que atañen a la vida de estas comunidades, a fin de permitirles un *etnodesarrollo autogestionado y autosostenido*” (Belisario Betancur during the Third Encounter of Indigenous Authorities in Silvia, Cauca, November 11 1982; cited in Roldán 1990: 758). Note that indigenous authorities are not recognized as representatives of “indigenous peoples” or “nations”, as AISO had been proposing, but as those of “ethnic minorities” (see also Findji 1993).

So the president [...] at that moment agreed to preserve the indigenous legislation. He said “if you have this legislation covered in dust, wipe it down, shake it off!” (“Si la tienen empolvada, desempólvenla, sacúdanla”). And we were being recognized from then on, since the arrival of Belisario Betancur. (Marcelino Pilcué, CNU 2002a: 27-28)

map 3
Resguardo of Jambaló, sections

The resguardo of Jambaló, indicating the upper section (south), Zumbico, middle section and lower section (north), with their respective population centers (towns): Jambaló, La Mina and Loma Redonda



Source: Muñoz/Soscué 2001,
Jambaló 2001a
Illustration/reproduction:
A.C. van Litsenburg
& R. van Dorst



Jambaló, vereda Ipicueto (upper section), January 2001. A Nasa family performing agricultural tasks on their family plot on the offshoots of the Cuchilla de Solapa ridge.
Photographer: Joris van de Sandt

4 COMMUNAL MANAGEMENT OF RESOURCES IN JAMBALÓ

The previous chapter dealt with the ways in which the Páez of Jambaló (in the 1970s and 1980s) defended their territory vis-à-vis the outside world by using direct action methods and state law, depending on the situation. This chapter describes the ways in which they regulate and organize the use and management of the natural environment and resources within their territory. As several authors have noted, land/resource use by an indigenous community, and the way it organizes this within itself, can also be considered territorial defense, in one of its most elemental forms, because territorial rights are ultimately asserted through the concrete and continuous use of the resources contained within that territory (cf. Rappaport 1982; Sanabria 2005).

The description of Páez resource use and management focuses on the diverse communal (community-based) institutions that influence – at multiple levels: individual, group, community and *resguardo* – “who has access to and control over what resources, and arbitrate contested resource claims” (Leach, Mearns & Scoones 1999: 226). Besides (regularized) practices of resource management, by necessity it also deals with local or indigenous rules/norms – i.e. that have their legal basis in the community, regardless of whether they also have a legal basis in state laws – that have emerged as products of these practices and form a point of orientation in the reproduction and renewal of these management institutions. Particular attention is given to alterations in resource management practices/institutions in the period from 1985 to 2000 in response to various internal/external factors.

In their 1985 ethnography of Jambaló, *Territory and economy in Páez society*, Findji and Rojas included a brief (9-page) section on *Land tenure in 1982*, providing a concise description of land tenure practices and types of tenure existing throughout the territory at the end of the land struggle (pp. 109-118). They register a pluriformity of tenure types, some of which are old and some only recently instituted: individual adjudication (usufruct), global adjudication (commu-

nity enterprise), private property, *terraje* and lease. The last two types of tenure are mainly found in the north of Jambaló, which is still classified as “foreign land”: not yet reintegrated into the territory. The following account picks up where Findji and Rojas left off, describing communal resource management in each of the three sections into which the Páez of Jambaló currently divide their territory; all three sections have a clearly distinguishing character in terms of topography/climate/ecology and recent socio-cultural history.

4.1 COMMUNAL MANAGEMENT OF RESOURCES IN THE UPPER SECTION

The upper section of Jambaló is the area on both sides of the valley of the upper Jambaló River (2,100m), mostly rough, uneven terrain with steep slopes intersected by various streams, on the right bank originating on the marshy and inhospitable Páramo de Moras highlands (3,800m), and on the left bank coming down from the Cuchillo de Solapa ridge (3,000m).

This part of the *resguardo* originally comprised seven *veredas* (resguardo divisions and sub-communities), Campo Alegre, Loma Pueblito, La Laguna, and Monte Redondo on the right bank, and Paletón, Solapa and Ipicueto on the left bank; the other *veredas* (La Odisea, Nueva Jerusalén, and Pitalito) are later split-offs of the aforesaid. Together they encompass roughly one third of the *resguardo* territory, an area that is home to around 4,150 people (in 2001). This does not include the inhabitants of the – mostly non-indigenous – town of Jambaló, situated in the middle of the upper section, with around 900 inhabitants the largest settlement in the *resguardo* and administrative center of both the *cabildo* and the municipality. See Map 4.

In this rugged territory, members of the predominant Cuetia, Guejia, Tombé, and Dagua families commonly inhabit and cultivate stretches of flat or uneven terrain. Besides a mixture of typical, high-altitude subsistence crops, they principally produce sisal – the fibers of which are used in the production of packaging materials – as a cash crop that they sell in nearby regional market centers like Silvia, 25 km to the south and accessible by dirt road.

4.1.1 LAND TENURE HISTORY

The upper section of Jambaló has the oldest history of habitation by the Páez. When in the last quarter of the sixteenth century a first group of families under the leadership of their *cacique* (chief) crossed the Páramo de Moras highlands – which served as a crossing between Tierradentro and the western slopes of the Cordillera Central – these 700 to 800 Páez settled on the Llano de Calambas plain, situated near the ravine of the stream that today bears the same name (Sendoya n.d. in Findji & Rojas 1985). In the next century, these families expanded their habitation from the indigenous settlement (*pueblo de indios* or

reducción) of Jambaló – a first population count in 1720 recorded 178 inhabitants, of which 39 paid tribute (Findji & Rojas 1985) – to the relatively even and open terrain which today constitutes the La Laguna vereda: its current agrarian landscape reveals prolonged and intense cultivation. The southern veredas on the right bank of the river Jambaló – Campo Alegre, Loma Pueblito, and La Laguna – can thus be considered the oldest part of the resguardo. On the other side of the river and opposite the settlement, which was under Spanish control and constituted by *guaycos* (small enclosures surrounded by fallows), other Páez lived in dispersed homesteads hidden in the then abundant forests on the foothills of the Cuchillo de Solapa ridge. The actual population density (relatively low) and kinship relations in the veredas of Paletón, Solapa, and Ipicueto give grounds to assume that this area could have corresponded with the part of the territory that was occupied by families who during colonial times evaded population counts, thus escaping tribute obligations and instruction by the missionary priest (Findji & Rojas 1985).

This settlement pattern seems to have remained more or less the same in the next two hundred years – only very slow population increase was recorded in this period (Roldán 1975) – despite the nineteenth-century independence and civil wars that blazed through the region, although there was some disturbance during the quinine boom between 1850 and 1880 (Cuervo Marquez 1956 [1893]). Mainly because these cold and rugged lands were for the most part unsuitable for commercial agriculture, the upper section veredas of Jambaló managed to stay free from land encroachment by non-indigenous landowners and the Church. Thus, the upper section (in the main) has always remained under the statute of the resguardo, including its land tenure regime, which was partly codified in the (still valid) Law 89 of 1890. The land being defined as inalienable collective property, that is, “property owned and defended by the local community” (cf. Schlager & Ostrom 1992: 249), the annually elected cabildo adjudicates usufruct rights to individual families – which cannot be sold, mortgaged or taken – while retaining some control over the land, mainly with regard to its redistribution; the cabildo also carries responsibility for the mediation of land disputes.¹ This communal regime does not extend to the lands in the vicinity of the town of Jambaló, which as municipal capital was declared a colonization area for white and mestizo settlers at the beginning of the twentieth century (Law 55 of 1905) and is subject to private individual property rights.

To the east of the old veredas, the cold and windy Monte Redondo, including the marshy plains of the Páramo de Moras, the place where according to myth the colonial chiefs of the Páez were born and disappeared at the end of their life, for a long time remained uninhabited. Families from the lower veredas only occasionally cleared agricultural fields in these parts to make use of the verti-

1. Until 1991, these cabildo functions were under the supervision of the non-Indian (white) municipal government.

cal complementarity of microclimates (with three ecological levels, the altitude of Jambaló ranges from 3,800-1,600m).. In the 1930s, the more hospitable part of this extensive area – called La María – was colonized by a small group of Guambiano Indians who as *terrajeros* (tenant farmers) had been expelled from the hacienda of El Chimán in Silvia (Guambía). Seeking refuge in Jambaló, they were allowed by the then cabildo to settle permanently in the Páez resguardo by buying usufruct rights (Findji & Rojas 1985). The Guambianos of Monte Redondo, although forming a clearly distinct group (currently 3-5 percent of the resguardo population), have since integrated into the framework of the larger resguardo community.

4.1.2 PATCHWORK LANDSCAPE OF INDIVIDUAL FAMILY PLOTS

In 1890, the year Law 89 was promulgated, land was still abundant on the western slopes of the Cordillera Central. In those days, the whole of the resguardo was populated by about 500 Páez families (Roldán 1975), living in groups of dispersed homesteads on stretches of flat or uneven terrain, each of these veredas being separated from the others by some natural barrier – the ravine of a stream or a wall of high hills. Between the homesteads – comprising agricultural fields as well as fallows of varying ages – were still some unoccupied lands where people could collect firewood or graze cattle, and where new families could settle (e.g. Cuervo Marquez 1956 [1893]). Today, according to latest counts (Jambaló 2001a), there are more than 600 families living in the upper section alone. Everyone is feeling the consequences of this population explosion that has been taking place especially since the 1980s. Land shortage is becoming acute as all the arable land in the area has been distributed; family fields are becoming smaller with every new generation.

In spite of population increase, *comuneros* (resguardo inhabitants, community members) in the upper section have persisted in their dispersed mode of settlement, which has been analyzed by various authors as one of the Páez' more enduring cultural features (Bernal 1968; Ortiz 1973; Rappaport 1982, 1990).² Few families live permanently in nucleated settlements – in the upper section, the town of Jambaló, the municipality's administrative center – rather, they prefer to live on separated farms in the rough mountain lands. “Standing on one of the higher ridges one can see the roof tops scattered over the slopes, ridges and mountain crevices like little hidden specks. They are connected only by a network of narrow paths, often impassable except on foot” (Ortiz 1973: 50). Although nowadays most veredas are connected by a dirt road that for most of the year is passable by car, still the main consideration in house location seems

.....
2. Governmental attempts, both in the colonial and republican periods, by civil as well as church authorities, to bring the natives together in nucleated settlements have consistently failed (Bernal 1968).

to be closeness to the family's land and proximity to a source of water (Ortiz 1973). For the resguardo inhabitants, the town of Jambaló – most inhabitants of which are whites or mestizos – is a meeting place where people come together when they go to the market or attend festivals or community meetings.

The dispersed pattern of settlement is of special significance for land tenure and forms of agricultural exploitation (Bernal 1968). In the upper section of Jambaló, the nuclear family forms the center of agricultural activity. Households use most of their land for the cultivation of subsistence crops, mainly maize, beans, and tubers. This land is tilled by means of slash-and-burn techniques (*rocería*). A slash-and-burn plot (*roza / é, tsavi-é*) will generally not yield more than two consecutive harvests. Therefore each year a family burns and plants only part of its land, usually no more than one or two hectares; the rest is kept fallow (*rastrojo / é posta*) as a reserve for future cultivation. Besides areas under cultivation and fallows, most households have a small plot where they cultivate more permanent crops, such as sisal (*fique*) and, to a lesser degree, coffee and sugar cane. All of these crops, which are re-harvested annually, are destined for sale on the market. Traditionally, the Páez often also maintain a house garden (*huerta / yac tul*) where they grow a wide range of vegetables and medicinal plants, amongst which coca. Usually, families do not have all their land in one location, but divided into several separate plots scattered across the vereda – though mostly not very far from their farmhouse. Therefore, the green hills of the upper section have the appearance of “a patchwork of cultivated plots, fallow lands and recently burned areas” (Rappaport 1982: 49).

4.1.3 SOCIAL ORGANIZATION AND THE VEREDA

To adequately describe and analyze the ways the Páez in the upper section of Jambaló have organized and regulated their day-to-day land use and resource management activities, one needs to understand the social entities and communal organizations involved in this management (cf. Contreras 1996).

Until recently, anthropologists (Ortiz 1973; Rappaport 1982; Pachón 1987) claimed that the household, usually consisting of the nuclear family, is the only significant social and economic unit in Páez society. Pachón described their social relations as being generally restricted to the domestic group. “Contacts with different persons are scarce; the dispersed pattern of settlement, the distances between the different houses and the bad state of the roads that connect them do not facilitate an active social life. Therefore, visits to family members or friends are rarely made, only during *mingas* [communal work parties], misfortunes, and days of famine and abundance, as well as, obviously, during the rare feasts” (Pachón: 228, my translation). In this way, the Páez were depicted as conforming to what has been called “the individualism of the household” (Ventura 1996), having no corporate group beyond the nuclear family, except

for the (central) land-controlling body of the *cabildo* (cf. Ortiz 1973).

However, the *resguardo* as a community of nuclear households and individuals is a simplistic representation of the socio-economic organization of the Páez. As was seen in the foregoing account of the land struggle, there is a secondary social unit that can be seen as having agency, acting between the nuclear family and the *cabildo*. This is the *vereda* community or, as it has been termed by Perafán (1995a: 101), the “residential unit of neighbors”. The cohesion of this group – which at least at times acts as a collectivity – is partly based on kinship. New households generally construct their house on land adjacent to the dwelling of the husband’s family, this being ceded by his father. Each *vereda* therefore is inhabited by one or several extended patrilineal and patrilocal families, and there is no full correspondence between kin groups and the local community (compare with Pachón 1987). Although lacking clear leadership, the *vereda* in the upper section has been traditionally involved in resolving minor conflicts and disputes among its members, independently from the *cabildo* (Perafán 1995a). There is no historical evidence to suggest that in these parts the *vereda* as such ever played a significant role in local resource management, for example with regard to the management of grazing lands or fallow succession (e.g. Contreras 1996). Collective economic activities and forms of work revolved around the institutions of the *minga* (*cues-nmi*), a working party organized to perform specific agricultural tasks (clearing, weeding, harvesting), and the simple reciprocal labor exchange (*mano prestada / nmi-cambio*). These temporary labor collectives were not initiated at the *vereda* level but by a particular individual household, and based on already existing ties and networks of kinship and friendship. *Mingas* in particular often involved matrimonial alliances between families from different *veredas*, thus enhancing the solidarity of the larger community (Ortiz 1973; Perafán 1995a; compare with Field 1996).

This contrasted with the situation in the middle and lower sections, where the *vereda* boundaries often coincided with the jurisdiction of the *hacienda de terraje* (landlord *hacienda*), and where the local community was driven back on itself and had become more socially coherent as a result of their collective work obligations (*terraje*: land rent). Although in these parts the institutions of the *minga* and labor exchange were also upheld, the *hacienda* owner had furthermore appointed a captain (*capitán*)³ from amongst the local community – in some cases the community was allowed to choose this person for itself (Zumbico) – who usually held the office for an extended period and was responsible for overseeing the distribution of the family enclosures (*encierros*) and the coordination

3. The upper section, like other Páez communities (Ortiz 1973; Rappaport 1982), also had a *capitán*, but this person fulfilled a different function than the captain of the landlord *hacienda*. Having inherited his title and being confirmed in office by the parish priest, he fulfilled an advisory role to the *cabildo* and was responsible for coordinating *resguardo*-wide community projects. In Jambaló, the position of this captain disappeared – like the captain of the *hacienda* – when the *cabildo* assumed more authority in the course of the land struggle.

of the collective workforce on the farms (*fincas*) of the landlord (Findji 1993).⁴

In the upper section, the vereda – as a social unit – only started to play a role in the communal management of resources after the introduction of two new community institutions in the late 1970s: the communal action juntas (*juntas de acción communal*: JACs) and the community shop (*tienda comunal*). With the vereda as the basic unit of social organization, the JACs were created by the Colombian government as self-help committees responsible for the promotion of local economic development. Initially, the JACs' execution of small public works projects (schools, roads, etc.), as well as the distribution of matching funds, was placed under the supervision of local (non-Indian) politicians. In time, however, the JACs managed to achieve greater autonomy and were successfully co-opted by the cabildo and incorporated as an integral part of its indigenous government. Today, the indigenous (or indianized) JACs are frequently mobilized – in the upper as well as in the middle and lower sections – to perform a wide range of collective works in each respective vereda. The community shop emerged in the course of the land struggle as a result of CRIC's efforts to promote the development of an autonomous economic infrastructure. Also organized at the vereda level and with a rotating board, the shops were to function as a supply and marketing cooperative responsible for, on the one hand, the central collection and marketing of the agricultural produce of individual households and, on the other, the collective purchase and sale of processed foods and basic needs, thus circumventing the trade monopoly of the non-Indian shopkeepers and landlords. Community shops often also have a fiduciary function, providing emergency loans and food rations to community members in times of need.

In section 4.1.5, the role of these “modern” Páez institutions in communal economic administration will be treated in more detail. First it is necessary to provide a description of the regime – i.e. complex of rules, principles, and procedures – and practices of communal tenure as it presently determines land use activities and resource management, or “Páez territorial maintenance” (Rappaport 1985: 29), in the upper section.

4.1.4 REGIME OF COMMUNAL LAND (RESOURCE) TENURE

Any account of land tenure must be cognizant of the fact that one walks a thin line between describing a system of rules on the one hand and a set of existing practices on the other, both of which do not always or necessarily cor-

4. The particular social dynamics of the vereda in the parts of the Páez resguardos that were occupied by non-indigenous landlords, prevailing particularly on the western slopes of the Cordillera Central, have been little studied, since anthropologists of the day preferred to focus on the more traditional or socially intact communities of the Páez heartland, Tierradentro, with the exception of Findji (1977, 1985 [& Rojas], 1993), who as an action anthropologist acquired intimate knowledge of these tenant farming communities in the 1970s and 1980s.

respond. It is generally assumed that Law 89 of 1890 (and Decree 74 of 1898) was in the main a codification of tenure practices at the time existing in southern Colombian Andean *resguardos* (Rappaport 1982, 1990, 1994). It cannot be said with certainty to what extent Páez tenure – as a set of practices – throughout the twentieth century has corresponded with Law 89, parts of which were wholly new to the Páez, particularly the provisions on land registration and inheritance. Ortiz (1973: 41), for example, noted with regard to the Páez of Tierradentro in the late 1960s that *cabildos* on the whole were rather sluggish in carrying out their legal obligations, particularly with regard to “keeping all documents concerning land allocation”. This may also have been true for Jambaló, where *cabildo* authority and effectiveness was relatively weak in the period between 1930 and 1970. However, since the land struggle and the subsequent reconstitution of *cabildo* authority, which was further reinforced by the 1991 Constitution, there has been a notable revival of Law 89, and tenure practices have tended to increasingly converge with the pertinent normativity – insofar as this has not been overtaken by new realities of land scarcity. The following description presents Páez tenure as practice to the degree that it is justified, while making reference to Law 89 and other legislation when appropriate (mostly in the footnotes).

Usufruct rights to land

Every adult member of the community (*comunero*) has the right to cultivate a plot to support self and family.⁵ In order to claim a certain plot, all a community member has to do is start cultivating it and subsequently report his intentions to the *cabildo*.⁶ Once the latter has approved the request and registered the rights, then the community member can use the plot for as long as he (or she) wants. However, once the land is no longer being cultivated, the rights expire and return to the community. Usufruct rights thus acquired are exclusive and, as parents can pass them on to their children, in effect permanent, but conditional considering the requirement to cultivate the plot, unless it is in the fallow stage of the agricultural cycle. In other words, communal land tenure becomes individualized by families cultivating it, but the relationship between the community and the land always remains.

Although families have usufruct rights to land, the crops that are cultivated on the land are considered to be the property of the person who planted them. Therefore, families are free to protect them by building a stone wall or a provisional enclosure. Although the usufruct rights do not expire during fallow periods, the use of natural resources on and in the soil during this period does not lie exclusively with the person who holds the rights (and his/her family).

5. Law 89 of 1890, art. 7.4 & 20; Decree 74 of 1898 (Cauca), art. 25.4 & 76; Decree 50 of 1937 (Cauca), art. 6.

6. A principle that is also generally known as “right of first occupation”.

Members of other families are allowed to collect dead wood, divert water and take away soil to be used for construction activities.⁷ In the past, when more land was available and fallow periods were still relatively long, people used the fallow land to pasture their own and other people's sheep and cows that freely roamed the area. These practices of communal use of fallow land has fallen into disuse in large parts of the upper section over the past decades as the steep decline in available land has seen a rise in the number of conflicts between neighboring families. Today, they keep the few cattle they own inside the family's domain, on the premises, or in some cases, inside a designated fenced plot (*potrero*), usually of a very small size.

The gathering and pasturing rights indicate that the individual claim of a community member on his land weakens during fallow periods. That is why the user has to keep on expressing his intention to pursue the usufruct right, which happens each time he (or she) clears a plot, cultivates it and harvests its produce (Rappaport 1982). When a plot has been left unused for a long period and has apparently been abandoned, the cabildo has the authority to reallocate it to another household. In general, this happens after an abandonment of more than ten years;⁸ however, these reallocations always take into account the personal circumstances of the original user.

Limitations and scope of usufruct rights

As we have seen above, usufruct rights to land are restricted by the cabildo's latent (or residual) tenure – that manifests itself when a plot that has been left unused for a long period is being redistributed – and by the gathering and pasturing rights of other community members during fallow periods. Usufruct rights are also restricted by a number of other factors, all related to the alienation of land rights (synchronic transfer). As the *resguardo* is defined as the inalienable property of an indigenous community as a whole, single families cannot sell, farm out or mortgage land to people from outside the community,⁹

7. In principle, other people can also hunt or fish here; however, because of the depletion of the reserve of wild animals and fish within the *resguardo*, over the past century these activities have significantly decreased in importance.

8. This criterion was first included as legal norm, regionally, in Decree 357 of 1920 (Cauca), art. 2 (see also Decree 162 of 1920 [Cauca], art. 5), and was later sanctioned nationally in Decree 2117 of 1969, art 11.

9. Law 89 of 1890, art. 7.7 & 40; Decree 74 of 1898 (Cauca), art. 25.7, 80 & 104; Decree 50 of 1937 (Cauca), art. 1-3, 10 & 11; Decree 2001 of 1988. There is one exception to the general restriction on negotiating *resguardo* lands: article 7.6 of Law 89 makes provision for the cabildo to lease uncultivated parts of the *resguardo* for periods up to three years to outside parties, allowing them to harvest timber or other natural resources from indigenous territory. As far as I am aware, over the past decades Jambaló has not entered into such contracts. This has, on the other hand, occurred in neighboring *resguardos* in Toribío, where between 1975 and 1980 paper company *Cartón de Colombia* operated timber-harvesting concessions (Perafán 1995a), and in some *resguardos* in Tierradentro (Togoima and Calderas), where until fairly recently laurel wax (*Ceroxylon andicola*) was collected (Rappaport 1982).

for this would jeopardize the territorial integrity of the community. Violation of this rule partly explains, according to the Jambalueños, how at the beginning of the twentieth century large parts of the resguardo in the middle and upper section ended up in the hands of non-indigenous colonists. Since the rise of the indigenous movement in the 1970s, this rule is being very strictly adhered to, and there are no more violations. In the internal relations between community members, there are similar restrictions of usufruct rights. The reason behind these restrictions are cultural values that reject price speculation and accumulation of riches in relation to land as this clashes with the socio-economic order of the Páez (see also Perafán 1995a).

However, there are some exceptions to these restrictions. The sale of usufruct rights among community members is permitted under certain conditions. When a community member decides to definitively break away from the community, e.g. in the case of (permanent) migration to the city,¹⁰ his land rights can be taken over by an interested family member or a neighboring user, but only if this is approved and supervised by the cabildo. The latter will always look into the personal circumstances of the person interested. Despite the general rhetoric in Jambaló that land is priceless, people do use the word “sale” (*compraventa*), and the cabildo even has a set land price for such transactions.¹¹ However, most of the time the price the buyer eventually pays does not exceed, or just barely exceeds, the value of the crops that are still on the land. It is more a sign of recognition of the rights of the original user. This type of sale of usufruct rights occurs between neighbors (*colindantes*) or brothers within the same family, or sometimes when a landless man “buys himself” into his wife’s vereda. In the past, when the cabildo enjoyed less authority than today, the sale of usufruct rights often took place without the knowledge of the cabildo. In these cases, prices were sometimes driven up excessively, something that clashed with the abovementioned cultural values. Furthermore, these illegal agreements later often gave rise to conflicts between the families of the parties involved in the sale. Theoretically, the cabildo has the right to intervene in the illegal sale of land and declare these transactions void.¹² In practice, this would also mean that the cabildo would ban the buyer in question from possible future allocations. However, as the cabildo has seen its authority rise significantly over the past few years, at least in the upper section, this form of violation appears to be on the wane.

Even though community members are not allowed to lease land to each other,

10. In exceptional cases, the cabildo forces a member to leave the community permanently, e.g. when the cabildo, in a judicial case involving murder, pronounces banishment from the collective territory, the capital punishment among the Páez.

11. In the year 2000, this price amounted to 700,000 Colombian Pesos per hectare, which at the time equaled 375 Euro. Member families and the cabildo must also use this set price in financially compensating unequal inheritance shares among sons and daughters.

12. Decree 74 of 1898 (Cauca), art. 104; Decree 50 of 1937 (Cauca), art. 3.

it is still possible to acquire limited temporary rights on other people's land. Community members who do not have sufficient land, or who do not have land situated at an altitude that allows them to cultivate certain crops, can get permission from a friend or *compadre* to cultivate a part of his plot that he is not using at that time, during the growing season (for maize the timeframe is 10 to 11 months). Although this arrangement is, in principle, renewable, it cannot be continued for too long as this would result in the lender losing his usufruct rights to the borrower; after all, he would not be able to claim anymore that he needs the land for himself! This use, styled "loan" (*prestamo*) by the Páez, does not involve money payments. However, there is an implicit obligation whereby the borrower gives the lender part of his harvest as a sign of recognition of the latter's rights (reciprocity). Even though similar arrangements are generally accepted, loan arrangements have to be made in the presence of the *cabildo* in order to avoid possible future conflicts between the parties in question; it is unknown to what extent this is common practice. Due to the growing land shortage in the upper section, the practice of land loans has lost considerable importance over the past few years.

box 4.1 Don Rafael Ulcué (Paletón)

Don Rafael Ulcué – is 45 years old and lives in Paletón. He is married with six children, including four sons (25, 18, 14, 4 years old). Rafael owns 16 hectares of land distributed over three parcels. Two smaller parcels are located in the higher part of the vereda (2,400m), the other parcel is situated in the warmer, lower lying part (in the valley of the river Paletón, 2,200m). His father gave him two parcels (higher and lower) as an inheritance when he started his own family (in around 1970). He built his house in the lower part. Later, he personally acquired his third parcel (higher). He claims he did so by clearing an uncultivated plot, with the approval of the cabildo. Furthermore, he also inherited a small piece of land from his father located outside his own vereda in the mountains of Monte Redondo (3,000m) on the other side of the river (Jambaló). However, a few years ago he sold his rights on this parcel to a local Guambiano family. Rafael says that his brothers (three) inherited about the same amount of land as he because his father owned 40 hectares of land, although not all of it was equally suitable; some parts were too steep or rocky. His father had acquired so much land “because he had always been a hard worker”. In the past, there was more land available and the fallow periods were longer – then 7-10 years, now just 4-5 years. Some other people in Paletón also had plots outside their own vereda, for example in Solapa, and people from Solapa had plots in Paletón.

Even today, Rafael works his land together with his sons (*en global*) as they still live at home and do not have other commitments (they are all unmarried). Only his eldest son has taken some of the land for his own use. In spite of this, his family burned and planted only about one hectare of land last year (2000). This is because the two eldest sons are currently working for the cabildo, the third is studying and the fourth son is too small to assist him. In previous years, he worked a considerably larger amount of land. When he could afford it, he would organize a *minga*, just like his father used to do. That way he was able to cultivate two to three hectares of land at the same time. In meager years, like now, he lends part of his land to a *compadre*, in exchange for which he receives, as a form of payment, one or two bags of maize after the harvest. He currently grows maize and small amounts of coffee in the lower lying part and maize, beans (*frijol*), and a type of carrot/parsnip (*arracacha*) in the higher lying part. There he also has sisal, but he has not harvested the fibers of these plants for years because of the low prices he gets for them. Despite the fact that his land has high yields, Rafael does not sell a lot of produce to the market because prices are low prices due to the economic crisis. It is not clear if he, like many others in the upper sector, grows poppy (*amapola*) to compensate for his household's recent drop in financial income.

Acquisition of usufruct rights

Formally, Jambalueños in the upper section can only acquire usufruct rights through allocations by the cabildo (*adjudicación*), whether it is land that is being cultivated for the first time or land passed on by the original user to his heirs. As a rule, land can only be allocated to someone who is adult, usually married,¹³

13. According to Decree 50 of 1937 (Cauca), art. 6, adult means married and older than 18 years or, in the case of a single (unmarried) person, older than 21 years. Earlier legislation – Law 89 of 1890, art. 20, and Decree 74 of 1898 (Cauca), art. 75 – defined this criterion differently, that is, everybody married or older than 18 years.

and a member of the community in which he (or she) resides. One becomes a member of the *resguardo* by birth and residence, and the Páez adhere very strictly to this principle. It can only be circumvented by being adopted by the community or through marriage.¹⁴ In addition to that, membership has to be “activated” before it is recognized (Ortiz 1973). This means that the person is expected to actively take part in community life, i.e. participate in communal activities organized at set times by the *cabildo* (meetings and communal work) (compare with Hernández de Alba 1946).

A community member lays claim to a plot of land first and foremost by starting to cultivate it, by clearing it; this is the basic principle that applies to the acquisition of usufruct rights (see Rappaport 1982, 1985).¹⁵ Once a community member has thus expressed his intention to the others, he has to invite the *cabildo*, in writing, to come and view the plot he has cleared.¹⁶ Generally, the *cabildo* is required to respond to such a request within ten days.¹⁷ When a *cabildo* officer (*cabildante*) in charge visits the plot, he will first walk along the borders of the requested parcel accompanied by the applicant and neighboring landowners – just like in the past when Chief Don Juan Tama determined the borders of the *resguardo* (see Chapter 2). In Jambaló this procedure is called inspection visit (*inspección ocular*). The intended user subsequently needs to make a reasonable case for his land claim and for his ability to use the land productively. If permission to use the land is granted, then the *cabildo* is legally bound to register the allocated parcel.¹⁸ At registration, the borders of the parcel and the names of the neighboring landowners are recorded in the land register (*registro de adjudicación*). The new land user will receive a signed copy of this, the so-called act of adjudication (*acta de adjudicación*).¹⁹ The fact that the land is registered under the name of the head of the household does not imply that he can exclude his

14. Decree 162 of 1920 (Cauca), art. 3, stipulates that “an indigenous woman entering into marriage with a non-indigenous man or an indigenous man from another territorial community (lit. *parcialidad*, i.e. *resguardo*) retains the prerogatives and rights she enjoyed in her community of birth before marriage”. In practice, this means that her father is legally entitled to give his daughter a share of his land when she marries a non-indigenous man from outside the *resguardo*. This situation only rarely occurs, however, given the widely observed cultural norm – presumably established by *cacique* Don Juan Tama – of ethnic endogamy (Pachón 1987) and the tendency of the Páez to marry within the same *resguardo*.

15. In this regard, Rappaport (1985: 33) states that: “the most concrete form of claiming a plot is to cultivate it”. According to Rappaport, this basic principle of (territorial) appropriation is encompassed in the word for agricultural labor in Nasa Yuwe language, *mahín*, which is specifically understood as: “labor which is consistently focused on a particular location”, that is, labor “in terms of territory, the space worked upon and thus claimed and reclaimed as one’s own” (Rappaport 1982: 52). In Nasa Yuwe there is no general word for labor; other forms of labor, like livestock keeping, weaving, or trading, are defined in their own context.

16. Decree 162 of 1920 (Cauca), art. 6.

17. Decree 162 of 1920 (Cauca), art. 7.

18. Law 89 of 1890, art. 7.3 & 19; Decree 74 of 1898 (Cauca), art. 25.3 & 59.

19. Decree 162 of 1920 (Cauca), art. 8-9.

wife and children from using the land.²⁰ Law 89 of 1890 states that the adjudication granted by the cabildo needs to be authorized by the local authorities.²¹ Although it is doubtful whether the cabildo, under the new constitution of 1991, is still legally placed under this form of state supervision,²² the Jambalueños are very attached to the old legislation and still have their adjudications stamped with a seal of the local authorities; even though this is, people claim, a mere formality.²³ The whole procedure of adjudication needs to be completed within a few days after the inspection visit.²⁴ In practice, the claimant often receives this act long after he has received permission to cultivate the land.

Today, there are hardly any cases of land allocations concerning virgin plots of land, like in the past. Nowadays, the usufruct rights allocated by the cabildo to community members mainly involve plots that have already been individualized, i.e. land that is being passed on from previous users to direct descendants. In a certain sense, this had been the case for a long time, because only when proof could be given that a plot, acquired by transfer from parents to children, was insufficient to support the family, was the cabildo allowed to allocate land from the communal reserve.²⁵ The only way a household can get hold of additional land is by obtaining an allocation of the rights on land that has been left unused for a long period, or land that has been put up for sale (redistribution) by families who no longer need it. However, these possibilities are also quickly decreasing due to the growing land shortage.

Inheritance of usufruct rights

As stated earlier, the usufruct rights to land among the Páez can be transferred from one generation to the next (diachronic transfer), either during the parents' lifetime (*pre-mortem*) or after both parents have died. This is not a direct transfer, but again involves the intervention of the cabildo. Formally, the usufruct rights first return to the community, after which the cabildo redistributes

20. Decree 74 of 1898 (Cauca), art. 78.

21. Law 89 of 1890, art. 7.4; Decree 74 of 1898 (Cauca), art. 25.4 & 79; Decree 162 of 1920 (Cauca), art. 11-12; compare with Decree 127 of 1911 (Nariño), art. 2.

22. As a matter of fact, this seems to be at variance with the constitutional provisions with reference to indigenous territorial autonomy (Political Constitution 1991, art. 287-288) and Law 21 of 1991, which ratifies ILO Convention 169 of 1989. Even so, the concept version of CRIC's New Legislative Compendium (Carta Legislativa) of 1997 – that has not been published since – still makes mention of this supposedly legal obligation.

23. Legally, the possibilities for municipal authorities to revoke cabildo adjudications are extremely limited.

24. Decree 162 of 1920, art. 11.

25. The cabildo is legally obligated to reserve part of the resguardo territory for future adjudications (see Law 89 of 1890, art. 7.4 & 7.5; Decree 74 of 1898 [Cauca], art. 25.4 & 25.5). Yet, as far back as 1920, the Caucan legislature for the first time noted that in some resguardos such a reserve no longer existed (i.e. all lands were occupied); an observation that was made again in 1937 (Decree 50, art. 4).

these rights allocating them to the children of the original user.²⁶ The Páez call this form of transfer “inheritance” (*dejar en herencia*).

In order to obtain an inheritance portion, certain conditions have to be met. First, the child in question has to be in the *resguardo* at the time of the distribution of rights.²⁷ This means that young community members who work as temporary wage laborers outside the *resguardo* have to return when their parents’ land is being made available to them. If they fail to do so, then they lose their right to claim their inheritance portion. Second, they are expected to reactivate their participation in the community after their return; this means that they cannot leave the community immediately after the transfer. Third, at the time of distribution, children should not already have sufficient land to support their own family.²⁸ Most of the time, this will be the case because it is very difficult for young households to start cultivating land that has never been allocated to other families before, unless land is being reallocated following a long absence of the owner. In Jambaló, where land shortage has become a pressing problem, this condition has two consequences. On the one hand, it means that the land owned by the longest living parent at the time of death can only be allocated to the children who have not received an inheritance portion before. On the other, it usually means that women – as the family domain is seldom sufficient for all the children – are denied an inheritance portion either because their husband already owns (enough) land or because it is assumed that a future husband will obtain it in due course.

Although Law 89 of 1890 (like the regulatory decrees) does not rule out inheritance for women,²⁹ until recently the Páez’s inheritance structure was solely patrilineal, i.e. from father to sons. In Jambaló this changed in the 1970s when the *cabildo* decided to reinterpret the heretofore accepted rules regarding land inheritance. This revision was prompted by the (then ongoing) land struggle, in which the Páez and Guambianos used this law to justify their claims to the outside world. A former indigenous governor of Jambaló recalls how:

People used to say that women have no rights when it comes to the distribution of land, but according to the law everyone has equal rights, whether they are men or women. [...] This law had disappeared from sight, meaning that people did not know it anymore. But the law started to function again in 1971 when the organization [CRIC] was set up. Then the law was rediscovered and dusted off and people started to apply it in

26. Decree 74 of 1898 (Cauca), art. 93.

27. Decree 162 of 1920 (Cauca), art. 5.

28. Decree 74 of 1898 (Cauca), art. 92.

29. The legal text does not explicitly state that women can inherit, but neither does it say that they cannot. Perafán (1995a: 50n8) claims that Law 89 of 1890 and later indigenous legislation subscribes to “Napoleonic rules of inheritance”. The only legal text that makes the legal equality of man and woman explicit is Decree 162 of 1920 (Cauca), though not specifically in relation to inheritance.

the communities. (Rafael Cuetia, interview, November 19, 2000)

Since then, cognatic (or non-unlinear) inheritance, i.e. from father to sons and/ or daughters, occasionally occurs. In Jambaló, for instance, it hardly ever occurs that husband and wife both bring in an equally large inheritance portion; generally, a woman only inherits land if she is the only child or if she does not have any brothers, or when she marries a landless or land-poor man. More frequently, parents give expression to the equal legal status of men and women with the common practice of compensating women by giving them animals or money.

The succession/inheritance of usufruct rights, be it pre-mortem or post-mortem, usually follows a fixed set of rules. In an average family (parents with more than one child), an inheritance authorized by the cabildo occurs for the first time when the eldest son reaches manhood and needs some of his father's land in order to set up an independent household. Before calling on the cabildo to formalize the transfer of the land through adjudication, father and sons normally have a long family discussion in which they go through the distribution of the family domain in great detail. The land that, for the moment, will not pass to the children has to be of sufficient size for the future inheritances of the sons who are still minors at the time.³⁰ The father also reserves a small piece of land for himself and his wife. He needs this to be able to support himself. In principle, all children are entitled to an equal inheritance portion³¹ – equality of inheritance does not necessarily mean equality in the size of the inheritance portions, but rather the potential productivity to the land (cf. Ortiz 1973). However, personal and family-related circumstances can lead to this rule being broken. Although the father has the final say in the distribution, sons who do not agree with his decision can file a protest with the cabildo. It is unknown how often this actually happens; however, it is certain that the cabildo in Jambaló nowadays has sufficient effective authority to actively intervene when necessary. At the final formalization of the inheritance – i.e. allocation of the inheritance portion – the cabildo follows the procedure as described in the previous section.

30. Decree 74 of 1898 (Cauca) art. 90. In the original text, “sufficient” was undoubtedly understood as “sufficient for family subsistence needs”, as the article goes on to read: “In the event of the parent's land being insufficient [for all sons/children], allocations to the children that first marry or reach adulthood will be made from the (collective) land reserve of the community”. Due to land scarcity, this last proviso no longer applies to the situation in Jambaló, as a result of which “sufficient” nowadays can only be taken to mean “as much [in economic value] as was made to the first and other sons”.

31. Law 89 of 1890, art. 7.4; Decree 74 of 1898 (Cauca), art. 25.4.

box 4.2 Alejandro Cuetia (Solapa)

Alejandro Cuetia – is 31 years old and was born and raised in Solapa. He has one older and one younger brother and three sisters. Alejandro owns eight hectares of land. He inherited four hectares from his father and “bought” the other four from a man from the neighboring vereda, Ipicueto. This man, called Antonio, had acquired the rights to the land through his wife, a native of Solapa who had inherited the land from her father. Because the married couple remained childless, Antonio was unable to cultivate their inheritance portions in both veredas. When they found Alejandro willing to take over the land in Solapa, they decided to submit the case to the cabildo. Since Alejandro was able to show that he needed the land in the future (he has three sons) and because the cabildo’s policy in these cases is to limit landownership of community members preferably to their own vereda, the transaction was eventually approved. Although Alejandro did not mention the exact figure he paid for the land, he did stress that it was a minor sum as it was strictly related to the price of the produce (*mejoras*). Alejandro lives in Solapa with his two brothers. They do not all have the same amount of land. When the inheritance was discussed in the family, in the traditional way, round the fireplace (*tulpa*), Alejandro’s father decided to give his eldest son a smaller inheritance portion than that of Alejandro. The reason for this was “because as a young man he often ‘roamed about’ in Caloto and had not always been there for the family in times of need”. The eldest son received three hectares. The youngest was still a minor at that time and continued to cultivate the remaining two hectares with his father. Although the father has died in the meantime, the land has yet to be officially allocated by the cabildo to this youngest son. He recently bought half a hectare of land from a woman called Carmel. The land borders his own parcel. Carmel married in Bateas but inherited in Solapa. She did not sell all her land to Alejandro’s brother. Every other year she, her husband, and her children come over from Bateas to cultivate the remaining land. According to Alejandro, not all women inherit land. “Although men and women are legally entitled to the same inheritance portion, in practice men have a greater chance of receiving land; they have priority. If a family does not have a lot of land and if there are many children, then the women do not get anything if their husbands have sufficient land. In such cases, women leave their parents’ house with money or animals; then they go ‘*economicamente*’.”

When a married man dies, his widow receives in usufruct the land that has not been transferred as inheritance before his death. She will continue to cultivate this land with the help of her sons (or children) who still live in the parental home, until they are also old enough to claim their own inheritance portion.³² Young women who lose their husband often remarry. In such cases, the land of the late husband is placed in the trust of the second husband, who can cultivate the land for as long as the children from his wife’s first marriage, the designated heirs of the land, are still minors. When both parents die, the land still owned by the longest living parent is allocated to the sons (or children), if any, who were still under parental protection. If these children are very young, then

32. Decree 74 of 1898 (Cauca), art. 89-90. In fact, the widow administers the rights of her deceased husband until her children are old enough for them to be handed over to them.

their land will be placed in the trust of their elder brothers until they become independent. If all the children become orphans at a (very) young age – a rare case – then this task is fulfilled by another close relative, for example, the grandfather (father’s father) or an uncle.

There are special rules for childless and single persons. Referring to the Páez in Tierradentro (San Andrés de Pisimbalá resguardo), Ortiz claims (1973: 129) that “a man can transfer land to his own children, and through them to his grandchildren, but never to his brothers, the children of his brothers (nephews) or to the children of his father’s brother (cousins)”. In other words, inheritance could only take place between relatives in a direct line of descent (linear descendants), never indirect (collateral relatives). In the case of a childless married couple this would mean – as stated in the relevant legislation (Decree 74 of 1898)³³ – that usufruct rights of the rightful claimant after his death (after the death of the longest living of the couple) always return to the community, to be subsequently allocated by the cabildo to another family. However, this conclusion does not correspond to the inheritance rules as applied in Jambaló – and other Páez resguardos on the western slopes of the Cordillera, such as Toribío (see Perafán 1995a). Here, the rule is that, if a man remains unmarried or childless, his land can be passed on to the descendants of his brothers or of his cousins (i.e. second cousins), on condition that they have not yet received sufficient land from their own fathers. In this way, inheritance amongst collateral relatives does occur in Jambaló, albeit on a very small scale. Finally, there is one more possibility of diachronic transfer of the usufruct rights of unmarried men or childless households. If a friend or member of the family has been looking after the deceased during the last years of his or her life, then the cabildo may allocate the land of the claimant to this person.³⁴

33. Decree 74 of 1898 (Cauca), art. 94.

34. Decree 74 of 1898 (Cauca), art. 94, addendum.

box 4.3 María Luisa Dagua (La Laguna)

María Luisa Dagua – was born in La Laguna. She is 32 years old and is the eldest of three brothers and four sisters. Four years ago, she became a widow and was left with five children. Her husband came from a poor family from outside the vereda (he did not inherit any land). In La Laguna he was able to buy one *plaza*¹; this, together with the house, was all he left to María Luisa. Her parents sometimes help her with the children, even though this is not easy because they live far away from her, right at the top (*arriba*). Her father owns five hectares of land in total, one hectare in the vereda and four in Monte Redondo. Her grandfather on her father's side already lived in Monte Redondo because at the time there was more land available there. Nevertheless, he retained his rights in the vereda because the soil in Monte Redondo is too cold to cultivate maize and *arracacha*. That is also why her father inherited part of both properties. Today, he works this land together (*en global*) with his three sons – none of his children have received their own plots yet. Sometimes María Luisa works with them, but she also accepts work from other people. She thinks the situation in La Laguna is difficult. All the available land has been under cultivation for a long time, and the people work the same plots every other year. Because of this, the soil becomes exhausted and yields drop. She is nevertheless negative about the rise of poppy (*amapola*). “People do grow it here, but I don't want to have anything to do with it. It sets a bad example for my children. People say it is not good and that the young only cultivate the land for ‘easy money’ [consumption].”

1. The *plaza* is an old Hispano-American square measure of 80x80 meters (1 plaza = 0.64 hectare).

4.1.5 ECONOMIC ADMINISTRATION UNDER NEW REALITIES: LAND SHORTAGE

As we have clearly seen in the above descriptions, the growing land shortage in Jambaló – like in other Páez resguardos on the western slopes of the Cordillera Central (and for a number of decades also in Tierradentro; see Ortiz 1973; Rappaport 1982) – has had a radical impact on the administration of the area's natural resources. Since all the arable land is divided amongst community members, almost nobody has the possibility of expanding their family properties. The acquisition of usufruct rights to land by cultivating it for the first time has become a purely theoretical affair: there are not many possibilities to take over (“buy”) usufruct rights and the colonization of the Páramo highlands (3,000-3,400m) is culturally prohibited.³⁵ Due to the advancing population growth, the amount of land parents pass on to young adults, i.e. that is allocated by the

35. According to the Páez, the Páramo is a sacred space (see also Perafán 1995a). Cultivation of these lands is also legally prohibited. In general in Colombia –as also in indigenous resguardos – land at altitudes above 3,000m is considered a “protected area” (Law 373 of 1997, art. 16, with antecedents in earlier legislation). As constitutionally recognized public authorities, since 1991 cabildos have been responsible for upholding this law in indigenous resguardos.

cabildo, becomes unavoidably smaller and smaller with each generation.

With regard to tenure practices, the land shortage has resulted in a rise in the “sale” (synchronic transfer) of usufruct rights among community members, compared to the past. In the current situation, the “contingent interests” of community members in each other’s landownership are on the rise (cf. Moore 1973: 736). Today, young and ambitious households anxiously follow neighboring childless households or departing households who are possibly willing to “sell” part of their usufruct rights to the land, i.e. submit it to the cabildo for redistribution. Since the cabildo attaches great importance to limiting land disintegration as much as possible, in order to prevent conflicting land claims, in these cases neighboring families, either related or un-related, from the same vereda have first choice. At the same time, as already stated, the practice of “lending” parts of land (rights) has diminished.

Furthermore, the cabildo has recently started to attach increasing importance to the time-consuming process of registering allocations, via either a diachronic or a synchronic transfer. This was prompted by a rise in the number of land-related conflicts, caused by land shortage and the unavoidable disintegration of land (families seldom have all their land in one location). Despite the shorter fallow periods and an increase in the visibility of recent cultivation, “land grab” cases and border manipulations still regularly occur between neighbors from different extended families (or kin groups) and between close relatives. To be able to resolve these conflicts at an early stage before they escalate, the land commission of the cabildo uses the act of adjudication to reconcile the arguing parties while checking the borders of the parcels (interview, Crispulo Fernández, November 13, 2000). The cabildo often resorts to similar border inspections to clear the backlog of “overdue maintenance” of the registrations that dates back to before the 1980s when the cabildo was often negligent in this respect.

Since land occupation (in Jambaló as in other Páez resguardos; see Perafán 1995a) has been largely “fixed” for quite some time – i.e. most usufruct rights to land have been in the hands of the same line of descendants for at least two generations – some authors have argued that the Páez have increasingly started to consider their land allocations as personal property (individual ownership), a development that would (according to these authors) explain the current occurrence of sales of usufruct right to land (Rappaport 1982). Whether this observation is valid for the situation in the upper section of Jambaló remains very questionable. Since the 1970s, land rights are only sold to community members, never to outsiders. Although this was not always the case in the past, today the cabildo, being the highest communal authority, is involved in almost every synchronic and diachronic usufruct rights transfer. Furthermore, most families are acquainted with, and respectful of, the guidelines of the cabildo regarding the conservation of important natural resources on their land, such

as the ban on clearing woods and undergrowth near springs and on steep slopes. Despite the high level of individualization of natural resources in the upper section, the communal character of the Páez property regime is still intact.

Simultaneously with the individualization of natural resources, there has been a decrease in the traditional communal labor arrangements, a development which is also noticeable elsewhere in the Páez territory (e.g. Toribío, Tierradentro). Rappaport (1982) supposes that the role of these indigenous institutions broke down due to the rise of the government-imposed JACs. However, it is more likely that the disappearance of the work party and reciprocal exchange of labor is more directly linked to land shortage. After all, organizing a *minga* is not worth the effort – and particularly not the cost – when a household is unable to cultivate a bigger land acreage with it. Reciprocal exchange of labor, in turn, appears to be on the wane in the upper section due to growing landlessness, especially among young families, and also due to the recent involvement of many households in the cultivation of illegal drug crops (poppy and coca) that yield a high income in a short period from a relatively small plot. Although members of landless families can no longer take part in reciprocal exchange of labor (because they have no land), families with land, even if they do not own much, nowadays make enough money to hire the landless as farm laborers.

With growing land shortage due to population growth and without the possibility of expanding the *resguardo* because of the fact that Jambaló is completely locked in by other *resguardos*, there are only two ways to resolve a situation of decreasing livelihood security: households can either intensify their land use – either legally or illegally (drug crops) – or focus on non-land-related productive activities. In this respect, both the *cabildo* and modern institutions such as JACs and community shops play an important role. Whereas the cultivation of drug crops by individual households, which do not require large investments, can be considered as a “suitable” – albeit illegal – form of intensification of land use, the setting up of new, non-land-related productive activities usually requires large sums of money (as well as technical assistance). Since individual households do not have access to credit facilities because credit institutions generally do not accept their land usufruct rights as pledges for loans, these innovations are mostly initiated at the *vereda* level. Unlike individual families, JACs, which have a legal status, can obtain credit and, with a *cabildo* guarantee, conclude contracts with private or government organizations. Over the past ten years, the *cabildo* has encouraged *vereda*-communities to experiment with micro enterprises (*micro empresas*), such as bakeries, arts and crafts projects, and trout farms. These projects have been partly financed with funds raised by the *cabildo* – being a recognized public authority with a status that is comparable to that of the municipality – from tax revenue transfers (*transferencias*) since 1991. There are also community shops that have registered themselves, i.e. they have a legal status and are focusing on productive activities. An example of this

is the community shop in La Odisea, which started with the creation of a fruit orchard (interview, Arcadio Ulcué, December 12, 2000).

Many micro enterprises have not so far been very successful. This can be ascribed to lack of experience, but also to a lack of interest among community members, who still often seem to hedge their bets on the more readily available benefits of individual poppy and coca growing (van de Sandt 2003). Whatever the case may be, both new institutions – JACS and community shops – provide for communal labor arrangements and communal economic management in a new context, thus expressing and re-enacting community, and in the future they may play an important role in community development – together with individual initiatives.

4.2 COMMUNAL MANAGEMENT OF RESOURCES IN THE MIDDLE SECTION – THE COMMUNITY ENTERPRISE OF CHIMICUETO

The middle section is the part of the Jambaló Valley situated in between the offshoots of the Cuchilla de Solapa and the La Cruz-Ullucos Ridges (both 2,600m). This part of the resguardo includes no less than ten vereda communities that share many characteristics with regard to recent history of non-indigenous landownership and present occurrence of mixed, collective, and individual forms of landholding. The town of La Mina (1,600m) is historically the main point of orientation for the communities of this section. See Map 4. The following paragraphs take the vereda of Chemicueto – and its community enterprise (*empresa comunitaria*: EC) – as a typical example of land tenure and resource management in the middle section. In conclusion, the situation in Chemicueto is analyzed and compared, in general terms, with that in other parts (ECs) of the middle section.

The Chemicueto vereda is named after the small stream that marks its southern boundary and, with an area of nearly 1,100 hectares and a population of 550 (in 2001), it is one of the largest veredas in the resguardo. Whereas most of the local families – with typical names like Tróchez, Dizú, and Menzucué – live on the gently sloping terrain between 2,000 and 2,200 meters, the more fertile and semi-permanently cultivated areas are situated in the lower areas along the Chemicueto valley and the connecting unpaved road between Jambaló and Santander de Quilichao (distance: 25-30 km). The rocky and cold lands high on the mountain range are still primarily covered with Andean forest and as yet remain uninhabited.

4.2.1 LAND TENURE HISTORY

As in all communities of the middle section of Jambaló, social organization and tenure relations in Chemicueto are the outcome of a particular historical

process, especially marked by, firstly, the consolidation of the landlord hacienda in the first half of the twentieth century and, secondly, the land struggle of the 1970s and 1980s.

In the early 1970s, the lands in Chamicueto were in the hands of hacienda owner, Rafael Penagos, eldest son of Apolinar Penagos, who had established himself in Jambaló somewhere in the first half of the twentieth century. Chamicueto has, however, a much older history of non-indigenous landownership that can be traced back to the famous nineteenth-century poet-soldier and Conservative politician, Julio Arboleda (1817-1862). This member of the Popayán elite acquired rights in Jambaló in 1857 when he, in the company of another aristocrat landowner (*terratiente*) by the name of Francisco José Chau, purchased the property of María Ignacia Fernández de Navia, a woman who, according to the sale deed, had bought the land “at public auction” in 1844 (Roldán 1975).³⁶ Chamicueto’s history of occupancy makes it the vereda with the oldest presence of non-indigenous landownership in Jambaló (with the exception of Vitojó and Zumbico, which in part were Church possessions). On close scrutiny it moreover also testifies to the unlawfulness of the transfers of these lands ever since the late nineteenth century, since it must be recalled that in 1863 the Federalist General Tomás Cipriano de Mosquera, who with the help of the Páez of Jambaló and Pitayó gained victory over the national government in the war of 1859-1862, ceded the lands of Julio Arboleda, his all-time adversary, back to these communities (Decree 30 of 1863).³⁷ Yet, notwithstanding this presidential order, Julio Arboleda’s companion Francisco José Chau was able to maintain his presence in Jambaló and subsequently became involved in the extraction of quinine from the cinchona forests of Zumbico (Findji & Rojas 1985). It was only after the quinine boom that the Chau family left Jambaló. In 1911, Primitivo Chau sold his possessions in Chamicueto to several members of the Navia family, who were the first to start to commercially farm the land and were responsible for the introduction of coffee and cattle raising. When in 1950 Eliseo Navia put his property up for sale to Rafael Penagos, most likely in reaction to the rural aggression of La Violencia (1948-1958), in Chamicueto as in other parts of Jambaló the regime of the landlord hacienda was already well established.

When the land repossession movement took root in Jambaló, the tenant farmers of Chamicueto – or *agregados* as they were also called in reflection of the fact that hacienda owners considered the tenants as an integral part of the property: aggregates (giving vivid expression to their condition of semi-slav-

36. There are no older title deeds. Findji and Rojas (1985) maintain that the claim of Sra. Fernández de Navia was carried over from colonial times and based on false certificates suggesting the purchase of the land from Jambaló’s former *encomendero* – technically an impossibility since the *encomienda* did not entail property rights over indigenous lands.

37. Decree 30 of 1863 moreover also explicitly recognizes Jambaló and Pitayó’s continued ancestral ownership claims over these lands (Roldán 1975).

ery) – had already been working the land of non-indigenous landlords for at least three generations. Rafael Penagos in particular exercised a harsh regime of exploitation over his tenants, even in the eyes of some of the other hacienda owners (CNU 2001a). In the late-1950s, Penagos had been active in expanding his coffee plantations and cattle ranches and, claiming possession over the whole of the vereda, demanded three days of labor duty per month in return for his permission to each tenant farmer to clear a small subsistence plot (*encierrro*) on the little land that remained around his farms. The local families were not allowed to freely extend these plots, and therefore it was impossible to continue using traditional techniques of slash-and-burn cultivation or to keep animals themselves. Thus, in Chemicueto the tenant farmers' decision to revolt against their landlord was motivated by feelings of being exploited, but also by their wish to again work their land in "the Páez way" (cf. Findji 1992: 116n13), by burning and fallowing.

We had to repossess the land to see to it that it could rest a little bit, because the terrateniente did not let us rest it. He claimed all the land that we were working; that is how the rich man was. (Lisandro Menzucué, CNU 2001b: 26)

As in other veredas before them, in 1972-1973 a large section of the tenant farming community of Chemicueto stopped meeting their land rent (labor) obligations on the hacienda; several families moreover started to rebel by clearing new lands without the consent of their landlord. Penagos immediately reacted by bringing legal action against the "land invaders" and by prohibiting the organization of meetings. To circumvent the restriction of assembly, the land fighters solicited the creation of a JAC in their vereda, which was authorized by the mayor of Jambaló in 1975, (despite opposition from the landowner). Later that same year, leaders in Chemicueto asked cabildo governor Marcelino Pilcué to grant the local community global adjudication over the lands included in Penagos' hacienda – i.e. to (symbolically) allocate the area to all the tenant farmers conjointly – and to invite the landlord to convey his property to the indigenous community through the intervention of INCORA. When Penagos and his lawyer adopted the tactic of stalling the land negotiations, two INCORA officials sympathizing with the indigenous struggle urged the families to pressure their landlord. On two occasions this is what they did. With land fighters from various other veredas, in 1979-1980 they decided, uninvited, to harvest the coffee from the landowner's extensive plantations. Penagos remained unyielding, however, and retaliated by having people imprisoned and hiring assassins to terrorize the local community. The next year (1981), the ex-tenant farmers regrouped and threatened to seize his livestock. This time, Penagos left helter-skelter with his cattle, leaving his house with the keys in the door – a decision that was possibly also prompted by the upsurge of guerrilla activity in Jambaló

(CNU 2001b; see Chapter 3).³⁸

After the successful de facto repossession of Chimicueto, the indigenous community, comprising around 20 families, took possession of their former landowner's land and the improvements (*mejoras*) attached to it. Due to the collapse of the negotiations between Rafael Penagos and INCORA concerning the price of the land and its properties, it was eventually acquired compulsorily following a court order. Penagos received damages totaling almost 10 million Colombian Pesos (in the collective memory of the ex-tenant farmers in Chimicueto he had bought the land, back in 1951, for 70,000 Colombian Pesos).³⁹

As per previous agreements made in 1978 between the fighting communities and the cabildo, the land fighters in Chimicueto decided to maintain as one unit Rafael Penagos' farms (*fincas*) – that included a large area of pastureland and a coffee plantation with thousands of plants – and integrate them in a new (mixed) community enterprise. The EC was above all considered a symbol of unity and a vehicle for the indigenous cause. In addition, it would allow the community to improve its standard of living.

Our vision was to work as a community in the reposessed lands to produce for the benefit of the community as a whole. (Taurino Guejía, CNU 2001b: 27)

Chimicueto's EC was set up at a time when CRIC, like the fighting cabildos (*cabildos luchadores*) including the cabildo of Jambaló, had already explicitly rejected the conditions of INCORA's EC model that included external involvement, through a statute (internal regulations) and payment for the land. CRIC was advising the communities to choose the autonomous EC model developed by the cabildo and/or the vereda (see Findji & Rojas 1985; Findji 1993) that would be better suited to local circumstances. In Jambaló, the ECs were based on verbal agreements between the cabildo and the respective communities (*veredas*), without written statutes or regulations. The management of day-to-day affairs, particularly the organization of the collective undertakings, would fall to a to-be-appointed independent executive junta (*junta directiva*). The rejection of INCORA involvement meant that Chimicueto, just like the other autonomous ECs, could not and did not obtain a legal status (as Zumbico had; see Chapter 2), and hence it was denied access to agricultural credits and could not negotiate contracts with third parties. This problem, however, was partly solved by the powers of the JAC that had been set up previously and that did have a legal status.

After the constitution of the EC, its members, under the leadership of their

38. Around this time in the Buenavista vereda, on the opposite side of the Jambaló, guerrillas (M-19), presumably coming to the rescue of the struggling Indians, killed several non-Indian landowners, some of whom were relatives of Rafael Penagos (CNU 2002a).

39. In comparing these land prices, community members – of course – did not take account of inflation; even so, the considerable discrepancy between the initial purchase price and the eventual price paid gave rise to scorn on the part of the Indians.

executive junta, started to work the collective farms together one or two days a week on specifically designated days, the so-called days of weekly communal labor (*días de trabajo comunitario semanal*), “apparently reminiscent of the times of *terraje*” (Findji 1993: 65). This communal labor was prompted by a logic distinct from that of returns on invested capital; in addition to being a productive activity, it was also a rite of community “in which the (social unity of the) community is ratified, a community which vouches for the rights of every member” (Findji 1993: 65). The families also maintained their rights on the individual family plots, which were initially mainly used for subsistence. They worked these plots individually or through old institutions such as the communal work party (*minga / cues-nmi*) and reciprocal labor sharing (*mano prestada / nmi-cambio*). As in other Jambaló veredas, a community shop was set up in Chemicueto. Just as in other parts of the resguardo, its aim was to act as a marketing and supply cooperative for the collection and marketing of individual surplus produce and the joint purchase of industrialized goods (processed foods, tools, and other basic needs).

Figure 4 is a diagrammatic representation of the community enterprise in Chemicueto and shows the relationships between its constituent parts.

4.2.2 LAND USE ACTIVITIES AND RESOURCE MANAGEMENT IN CHIMICUETO

Subsistence agriculture

In the first years after the repossessions, cabildo leaders started to reflect on the future of their communities, in particular on the issue of how to raise the level of food supply in the communities, which had suffered from the repossessions, to a normal level again (this was referred to as “economic and social reconstruction”).

In reaction to the local economic crisis caused by a sharp drop in the price of the cash crop sisal (*fique*) – the cultivation of which had been actively promoted by the government and private sector during the 1960s and 70s and, in consequence, had expanded enormously among indigenous communities in northern Cauca – leaders in and around the cabildo started to worry about loss of economic autonomy and culturally distinctive forms of production.

After extensive consideration and historical analysis, assisted by a couple of non-indigenous, supportive anthropologists (*solidarios*) from the University of Cali (María Teresa Findji and Victor Daniel Bonilla), the 1981 cabildo of governor Emiliano Guejia decided to set up a campaign for food security and the introduction of economic principles and work forms that were deemed traditional, such as large, community-initiated communal labor parties and inter-community barter trade (to profit from the vertical complementarity of microclimates).

We thought about how we used to work the land and how we used to have an economy. [...] We came to realize that we were importing a lot of things that we were able to produce here ourselves. [...] We were thinking not only of producing sisal, but rather of economic and social reconstruction; not to depend solely on one [cash] crop, but rather on food crops to continue strengthening the communities. (Emiliano Guejia, CNU 2002a: 9-10)

At that time, we said to ourselves, those repossessions have to produce! With every vereda, we summoned all the other veredas and that is how we worked collectively. [...] All this gave us the idea that this was the economy that we were looking for: not so much to live with money, but rather to live with food. (Laurentino Rivera, CNU 2002a: 35)

For community enterprises like the one in Chamicueto, this meant that parts of the collective land (pastureland) were being used for the collective production of crops such as maize, beans, yucca, Peruvian carrot/parsnip (*arracacha*), and sugar cane. These products were exchanged for other crops, such as wheat, from veredas with another microclimate (vertical complementarity) (CNU 2002a,b). In addition to the cultivation of traditional crops, the idea was also to diversify food production and introduce new crops. The *solidario* anthropologists set up exchange programs for community leaders so they could meet with people from indigenous resguardos from Nariño (Pasto Indians from Cumbal) and learn how to cultivate new crops. Thus, people in Chamicueto started to experiment with the cultivation of potatoes (CNU 2002a). Responsibility for the collection and coordination of the inter-community crop barter system fell to the executive junta of the community enterprise and the community shop committee. Initially, Zumbico's community vehicle (*chiva*, a multi-colored, open-sided workhorse bus for personnel and goods) – purchased with a loan in 1978 – served as the local means of transport.

After a few years, the inter-community crop barter trade quite abruptly stopped. This was partly caused by the criticism expressed by (other) community leaders, who stood up for the interests of the sisal growers (many of whom were seriously indebted). They labeled the policy of the cabildos between 1981 and 1983 as traditionalistic and advocated a more modernistic development of the community. This faction proposed to start focusing more on new commercial agricultural projects in order to remain connected with the regional (non-indigenous) economy.

They caused us problems, [exclaiming]: “how could we be such brutes, to want to go backwards!” — They said that we were against the credit the government provided by way of INCORA, and that they wanted to receive those credits, because they said they

needed the money to work. [...] The fault they accused us of was that the *cabildo* supported neither the sisal committee nor the programs [of INCORA]. (Emiliano Guejía, CNU 2002a: 10)

Furthermore, from 1986 onwards the importance of local subsistence food production diminished as a result of the National Rehabilitation Plan (*Plan Nacional de Rehabilitación: PNR*), a government program for areas affected by the armed conflict. In collaboration with the World Food Program (WFP) of the United Nations, PNR (in 1986-1990) made use of so-called food-for-work projects in indigenous communities, whereby resguardo inhabitants received food rations in exchange for their labor contribution to sponsored development projects, mainly for the improvement of infrastructure (roads, bridges, etc.) (Presidencia de la República 1990). Although Jambaló did need this support at the time, it also undermined local subsistence production of food crops and changed traditional consumption patterns, creating more dependence (CNU 2002a).

Commercial agriculture

COFFEE

In the second half of the 1980s, after modernistic leaders had taken over the more traditionalistic *cabildos*, partly due to the availability of food provided under the PNR/WFP program, the attention started to shift from subsistence farming (“*para vivir*: to survive”) to commercial forms of agrarian production (“*para echar adelante*: to leap forwards, to become developed”), (CNU 2002a: 49, Marcelino Pilcué).

The Chimicuetto community started to focus on coffee growing. There was a renewed interest in Rafael Penagos’s old and neglected coffee plantations that used to be harvested but that had not been properly maintained after the departure of the former landowner. People started to shift food production to the individual family plots and use the communal labor days more and more for cleaning up fallen foliage and lopping trees that cast shadow on the land. Despite the maintenance, the coffee harvest (per hectare) was relatively low because the coffee was being grown in a way that was not very scientific (*poco tecnificado*), without the use of chemical herbicides. The coffee plants were also relatively old (20 years). Initially, the harvest was sold to middlemen in the city (Santander de Quilichao), (Jambaló 1995).

The revenue from the coffee plantations was used for various purposes. Some of it was used to pay for renewal and repair works on community infrastructure, including tools, fences, farms, and construction materials. Some was spent on advanced training and specific technical training for promising youth. Some of the money was needed to buy food to prepare meals on communal labor days. The remaining money was distributed evenly among the individual families. In the late 1980s, the community raised money among its families and/or

members to buy its own *chiva* vehicle (CNU 2001b), an object of prestige for the Chamicueto community (see Findji 1993). Apart from people's transportation, the vehicle was mainly used to transport agrarian products from the farms and to supply the community with industrialized goods from the city, i.e. the stock of the community shop. The community vehicle also played an important role in the transportation of products and market goods to and from the surrounding *veredas*.

Through the JAC, which had a legal status, the Chamicueto community managed to negotiate a contract with the national federation of coffee growers (FEDECAFE) in the late 1980s, early 1990s. The federation was running a rural extension program that invested in small community works and in the renovation and modernization of the coffee plantations (interview, Edi Tróchez, November 22, 2000). Coffee production was expanded and production rose significantly (from a maximum of 45 *arrobos* [11 kilos] per hectare to a maximum of 60 *arrobos* per ha), (see Jambaló 1995; compare with Ortiz 1973 and Findji 1977). During the mid 1990s, Chamicueto's community enterprise, with its coffee plantation comprising around 10,000 plants, had become one of the biggest coffee producers in Jambaló. The community earned substantial income from the plantation (interview, Bautista Dizu, September 17, 2003).

CATTLE RAISING

After the repossession, in the mid 1980s, Chamicueto had more than 100 hectares of pastureland, but neither the executive committee of the community enterprise nor its members had sufficient financial means to start experimenting with commercial cattle raising. As people were generally averse to the big financial risks attached to loans given by government institutions like Caja Agraria or FINAGRO – with interest rates of 20 to 30 percent (Jambaló 1995) – the Chamicueto community, like many other ECS in northern Cauca, thought it was a good idea to “borrow” cattle from the (non-indigenous) landowners they had previously chased away from the indigenous territory and who had settled near Santander de Quilichao. Under this practice, the cattle-owner could rent pastureland from the community enterprise for a set period of time. In return, the enterprise was given the opportunity to “make a profit” from the borrowed cattle – i.e. by selling milk and breeding. At the end of the rental period (usually two years), the cows and the bull were carefully weighed and evaluated. The owner demanded to be given back the same number of animals (of the same age and weight) and a share of the profits, usually half of the animals raised. However, the communities soon realized that this arrangement would rarely be to their advantage, as they had to bear all the production costs (fences, vaccinations, medicine) and the responsibility for business risks (illnesses and losses). This type of arrangement came to be known as “cattle borrowing” or more tellingly as “cattle *terraje*” (*terraje ganadero*), and the *cabildo* started to advise the

community enterprises against entering into such arrangements:

This way, the former landowner maintains his economic power over the community and over the supposedly repossessed lands, only now at minor expense, since he does not pay laborers or for the care of the cattle; yet he continues to make a profit from the work and the land. (Jambaló 1995: 10)

In order to combat this new form of exploitation, CRIC used its own means to set up, in the late 1980s, an indigenous rotating credit fund (*Fondo Rotatorio Indígena*: FRI) to reinvigorate the community enterprises (CRIC 1993). The FRI funds – made available thanks to an agreement between CRIC, the Federation of Cattle Farmers (FEDEGAN), and regional development programs from the government, such as PNR (duration: 1984-1994), (interview CRIC, January 18, 2001) – were predominantly used to finance similar cattle borrowing arrangements, but under more favorable conditions: if a community enterprise borrowed ten cows for milk and breeding it had to give back eleven cows after a three-year period; if the animals were used for meat production, then they had to repay the purchase price of the fattened animal plus 45 percent of its market value. The fund's revenue was used for the promotion of cattle raising in other community enterprises (CRIC 1993). The problem of this alternative to the “cattle borrowing” was that CRIC's rotating credit fund had so little finance that it could only invest in a very limited number of ECs at the same time. Hence, Chamicueto never got the chance to use the FRI, and its community enterprise was unable to build up significant livestock herds in the 1980s. It had to make do with the few animals owned by individual families (EC members).

In 1993, Chamicueto was selected to take part in the Productive Program for Indigenous Communities (*Programa de Producción en Comunidades Indígenas*: PPCI)⁴⁰, a development project, financed with Canadian development money, aimed at promoting arable farming and cattle raising in northern Cauca, in order to combat drug crop cultivation (MAR 1996; see also DNP-UDT 1997). The community enterprise was offered a 3 million Peso “associative credit” for cattle raising, consisting of the supply of means of production, in kind, and 60 head of cattle; the required infrastructure was also taken care of. Aided by an agricultural extension worker who trained the EC members in livestock administration (*Proyecto Global* [#27], 1993⁴¹), the community as early as 1995 was able to repay a quarter of the loan (Jambaló 1995). In spite of this, the community was unable to expand its livestock in the following years; it even decreased (interview, Bautista Dizu, September 17, 2003).

40. Project for Promotion of Farm Products and Cooperative Development of Indigenous Communities of Northeast Cauca.

41. This series of booklets is not widely available but is in the possession of the present author.

4.2.3 AGRICULTURE ON INDIVIDUALLY PARTITIONED LANDS (FAMILY PLOTS)

While the Chimicueto community started to experiment with collective forms of arable farming, families also continued to invest a considerable amount of their effort in the individual production on their family plots; with this difference, that after the repossession for the first time in a long time they were able again to increase their plots, making it possible to recover soil fertility through fallowing (Findji 1993). The land occupation of parts of the former haciendas that had not been cleared yet was spontaneous (i.e. unregulated) and without the intervention of the *cabildo* (i.e. unregistered) – this was *de facto* land occupation. Nevertheless, everybody knew the location and borders of the various family plots, also because, apart from collective labor on the farms, families were in close contact through communal work parties and labor exchanges initiated at the household level.

Although this individual production was mainly destined for subsistence, families soon started to produce periodical surpluses on their enlarged plots again. In the past, the scanty surpluses were sold to non-indigenous middlemen, who paid the Indians unfair prices. After the repossession, they were marketed by the community shop, which offered central crop collection and direct sale to commercial centers such as Santander de Quilichao. The shop also obtained crops through bartering with other *veredas*, using the internal marketing scheme promoted by the *cabildo*. However, after only a few years this role of the community shop (i.e. central collection and marketing) in Chimicueto – and in other *veredas* – had already started to lose importance. Mainly due to dissatisfaction with the poor financial and organizational management of the shops, individual producers started to take their crop surpluses to the markets in La Mina and Jambaló themselves again, in spite of the loss of (possible) scale advantages. Soon the role of the community shop was mainly confined to the purchase and supply of processed foods and other basic commodities (Jambaló 1995).

Just like on the collective farms (EC farms), there was also a partial shift, in the second half of the 1980s, in the production on the individual family plots from food crop cultivation to cash crop cultivation. In the “free” and previously repossessed parts of the *resguardo*, this development had already got underway with the widespread adoption (in the 1960s) of the sisal crop promoted in indigenous communities by external agencies, both state and private, and the introduction of cattle raising in the Zumbico Coop and the INCORA-initiated ECs in Barondillo and Loma Gorda (in the 1970s). In the middle section – where the landlord hacienda regime and the land struggle had hampered the development of the domestic economy – the process did not start properly until the 1980s, stimulated by the influence exerted by the commercial projects in the

ECs and the aforementioned PNR/WFP food aid program (which supplied the communities with all sorts of non-traditional food products). Many families in Chamicueto started to plant coffee saplings, which grew wild in the EC coffee plantations, to create their own private coffee groves. The market-oriented production on the individual plots contributed to the advancing monetarization of the indigenous economy as a whole and, consequently, to the declining importance of communal labor forms. “There has been an emergence of the practice of paying money [wage labor] where formerly (labor) exchanges took place in other ways or people simply helped each other out” (Findji 1993: 62, my translation).

As a result of natural population increase and immigration – due to the return, immediately after the recovery of the land, of community members that had resided outside the resguardo, presumably to avoid land rent obligations – Chamicueto, like other repossessions, in the early 1990s started to face land scarcity again. As all the lands outside the collective farms had been brought into cultivation, family plots again started to diminish due to inheritance. This situation led to a new tenure form, the joint family plot, which to this day is still relatively common in the repossessed areas of the middle section. An extended family, consisting of parents and children, decides to create a joint family plot in order to prevent further disintegration of their property. They decide not to pass on the land to the next generation in inheritance portions, but to keep and work it together. Members of these families claim this is the only way they are able to continue using slash-and-burn techniques in the long term (interviews, Bautista Dizú & Andrés Pilcué, September 17, 2003). Possibly, they take advantage of the constant availability of a large work force that allows them to organize the work on the land more efficiently – without having to organize a costly *minga* – and increase production. Another explanation is that it is a way to prevent interfamily inheritance conflicts.

Changing to farming a joint family plot, however, does not offer a solution for all land-poor families. Over the past few years, an increasing number of young households are in danger of becoming landless, and some families have already decided to give up their life in Chamicueto’s EC and seek an uncertain future outside the resguardo (CNU 2002a).

box 4.4 Seferino Dizu

Seferino Dizu – is a young man with his own household (25, wife, two children). He and his next-of-kin (19 people divided over five households) together administer 12 hectares of contiguous land in the temperate parts of Chamicueto (between 2,000-2,200m). In the times of the landlord hacienda (before 1975), the landlord had allowed Seferino's grandfather – a hard worker – to lay claim to approximately eight hectares of land, including fallows. After the land recovery (1982), the grandfather and his only two sons continued to work their former enclosure together. Both Seferino's father and his uncle had four sons. Both men were able to convince their offspring, who live in separate houses in the same vicinity, to continue their strategy of jointly working their collective family land, which over the years they managed to extend by four more hectares. According to Seferino, they cultivate the land "in the old style", which means they never use all of their land at once but alternately burn parts of it, usually one or two *plazas* per household, and leave the rest fallow. Although a small amount of the land is affected by soil erosion (in steep areas), most of it is suitable for agriculture and is cultivated with maize, beans, yucca, and *arracacha*. Several of the houses are surrounded by a house garden (*huerta, yac tul*) planted with a variety of vegetables as well as medicinal plants.

4.2.4 INTERNAL CONTRADICTIONS WITHIN THE ECS

In many ways, the history and current situation of Chamicueto's mixed community enterprise is comparable to that of many neighboring vereda communities' ECSs. The following analysis is therefore expressed in general terms and pertains to the tenure situation in the middle section in general.

Since the late 1980s, there has been growing dissatisfaction in Jambaló, among common community members and the cabildo alike, with the disappointing economic performance of the community enterprises and with the reported lack of solidarity within these institutions. This emerges in the (self) criticism of the EC members, the mockery by community members from outside the middle section, and the numerous internal and public statements and documents issued by the cabildo. Particularly in times of rapidly increasing land shortage in all parts of the resguardo, the collective land use in the ECSs is being increasingly considered as decadent: it would be better to distribute the land among community members. Several participants in a resguardo meeting in October 2000 publicly questioned whether it was justifiable to maintain the ECSs in their current set-up.

In order to understand this dissatisfaction with the way the ECSs function, we should place these institutions in the broader context of the socio-economic situation in the middle section. We should particularly consider them in the light of the fundamental inequality in the Páez communities (Findji 1993; compare with Gros 1991a), the antagonistic relationship between the individual and col-

lective forms of production operating side-by-side (Londoño, Mohr, Morales, Parra & Valenzuela 1975), and, finally, the vagueness of the guidelines for the communitarian organization since its creation.

Unequal distribution of land

One of the causes of the lagging economic (and social) performance of the ECs – as is also the case in Chimicueto – can be found in the ownership relations and “social relations of production” in the individually distributed lands, which within these “ECs of mixed exploitation” (Londoño et al. 1975: 32 ff.) are inextricably bound up with the collective farms. With regard to these individually distributed lands, an old land fighter did admit that:

In our vereda, Chimicueto, the land is unequally distributed. Some people have more, and other less. In the future, this situation will increase poverty when our children grow up. (Lisandro Menzucué, CNU 2001b: 33)

This inequality of landownership – which has always existed in Páez communities, but has only recently (in a context of land shortage) become problematic (and substantially problematic within the EC) – in its current form has its origins in the former territorial organization of the landlord hacienda and in the subsequent land occupation process in the transition period immediately after the land recovery.

In former times, the landlord had always relied on a selected number of tenant farmers, usually his best workers, to coordinate the collective work (*terraje*) on his farms. In reward for their efforts, the families of these men, and frequently also those of other hardworking people, received permission to clear more uncultivated woodland than other families. The landowner sometimes even sold these lands to the tenant farmers with supposedly official documents⁴² (see Findji & Rojas 1985). Whether or not these people finally joined in the land struggle, after the land recovery they stood firm in holding onto their possessions. The other members of the community generally respected these claims, if only to avoid internal conflict and disunity. In cases where these families had kept aloof from the land repossession movement, they were generally only excluded from participation in the EC. Thus, the former family enclosures remained intact after the land repossession. Once the hacienda had been claimed back, new opportunities for land occupation arose, since substantial reserves of wasteland and forests (commons), which the landlord had previously reserved for his own future activities, now remained ownerless. As the EC was mainly preoccupied with collective organization, it failed to develop a clear vision on the impending colonization of these uncultivated lands. Consequently, the more enterprising

42. “Supposedly”, because these documents were not officially registered with the notary and the land registry, so they were in most cases false title deeds.

families, who were the first to venture into these areas, were able to lay claim to more land than others. The *cabildo*, which had delegated its authority in matters of land tenure to the local community (i.e. the newly constituted executive committee) by having granted it a global adjudication, at the time did not make corrections or otherwise interfere in the unregulated practices of land distribution in the recovered areas. According to some people, the fighting *cabildos* of the past were preoccupied with land struggle elsewhere in the *resguardo* and could not foresee the long-term consequences of this policy of non-interference. Yet others suggest that these individuals may have purposely refrained from interfering in local tenure practices out of plain self-interest, since many *cabildos* of those years were comprised of leader figures who themselves originated from the middle section of the *resguardo*.

Summarizing, we can say that in the absence of a revision of the distribution of individually repartitioned lands – the former enclosures on the recovered haciendas – something that was mainly being avoided to prevent an increase in the internal divisions in the community (Gros 1991a), the formerly existing social relations of production (i.e. old inequalities and corresponding power relations between families) were largely reproduced in the new economic organization (Londoño et al. 1975).

Today, with all the land around the collective farms taken in production, unequal land distribution gives rise to increasing social unrest. Although all the individual parcels of all families have been reduced in size due to natural population growth, there are still families who own significantly more land than others. Land-poor families have reached a point – like their counterparts in the upper and lower section – where they are no longer able to give their children (sons) an inheritance plot that is big enough for subsistence. As they can only partly rely on the production of food crops on the collective farms – now that these have largely been replaced by market-oriented production – young families often continue to work their parents' plots, which become joint family plots. Moreover, as the Páez generally are strongly inclined to work individually, land-poor families often make an appeal to land-rich families for a temporary lease. However, this situation has already often led to conflicts, because many leasing families in time develop a permanent claim to the leased plots. This is why some families with fallow plots of above-average sizes refuse, a priori, to give land-poor families access to their land, an attitude that is generally labeled as egoistic.

Some people are truly egoistic. While many families have only little parcels, some claim up to 20 or even 30 hectares. These used to be hardworking people but now they leave the land lying fallow, yet they refuse to let other people work it. Even so, the other families respect this. (Felicano Medina, December 12, 2000)

Envy among families caused by inequality also regularly leads to disagreements about the borders of parcels and accusations of invasion, occasionally coupled with violent outbursts; this phenomenon has its origins not least in the fact that, since the land repossession, the various successive executive juntas have never maintained a land register (i.e. recorded/issued acts of adjudication), something the cabildo in the upper section has been doing for years (and that moreover is required by Law 89 of 1890).

Despite growing tension, the theme of unequal distribution of individual lands – i.e. the theme of internal redistribution – has so far never got onto the agenda of the annual EC meeting that elects the new executive junta. Well-informed outsiders, mostly ex-cabildo members from the upper and lower sections, claim this is because in many ECs the families with most land, and who hence benefit from a continuation of the status quo, are also those whose members enjoy most prestige and influence in the executive junta.⁴³

In the community enterprises there are always people that command more than others. They [the ECs] work with their own criteria. Hence, the quietest ones remain with very little or nothing, whereas they are the ones that have to work hardest. (Interviews, Crispulo Fernandez, September 19, 2003; Luis Alberto Passú, December 12, 2000)

The ongoing inequality, worsened by increasing land shortage, undermines the solidarity principle on which the functioning of the ECs is based.⁴⁴ This is reflected in the recent trend towards decreasing participation in days of communal labor. In an attempt to preserve the social cohesion of the community, the executive juntas of some ECs, including the one in Chemicueto, have decided, after consulting their communities, to make some of the collective pastureland available to a number of new families for the clearing of a small family parcel (measuring, on average, just 40 by 40 meters); people are aware that this approach is not a long-term solution to the problem of inequality. Many members from the very beginning (in particular the land fighters) have strongly opposed this development.

Problems of organization: antagonistic forms of production, unclear criteria (and goals)

Apart from the issue of solidarity and inequality, community members also often ascribe the disappointing production of the ECs, particularly of the col-

43. Londoño et al. (1975: 101) with regard to this kind of leadership state that: “One can see the pernicious influence of those leaders with social and economic power in the cooperative”; and (p. 132): “in the official structures participation can be feigned: ‘everyone has the right to speak’, but in actual fact only some [persons] intervene and direct the meetings”.

44. Compare with Londoño et al. (1975: 146) who contend that: “The degree to which this diversity [(i.e. in the group composition of the community, diversity with respect to possession and power)] is overcome will determine the degree of real unity/social cohesion of the group.” These authors only rarely use the word “solidarity”.

lective farms, to their lack of experience in managing a commercial enterprise and to the fact that EC members did not receive adequate training and external financial and technical support (from INCORA).

In certain respects, the ECs (collective farms) have served us well. [...] Nonetheless, production levels have not been that favorable so as to give the communities a jump start economically. [...] We haven't reaped more from the land because we have lacked the financial means to do so. To produce in large quantities, we need economic resources. [...] We on our part do not know how to use the land optimally; we lack technical skill. (Jaime Dagua, CNU 2001b: 28; Lisandro Menzucué, CNU 2001b: 30)

It is true that the autonomous ECs initially did not have access to credits and technical assistance, because they had refused to pay for the repossessed land and therefore they were not granted a legal status – a condition required by INCORA to be eligible for credit and support (see CRIC 1981). However, support from INCORA would not have been a guarantee of economic success, as can be seen in the example of the INCORA ECs (Barondillo and Loma Gorda) that had repayment problems caused by the credits and that are now even worse off than many autonomous ECs (such as Chemicueto). Subsequent programs aimed at supporting the “capitalization” of the ECs – most of them set up by their own regional organization (CRIC) and other private institutions (FEDECAFE, PPCI)⁴⁵ – were generally underfinanced and short-term (van de Sandt 2003). The problem of the low production of the collective farms therefore seems to lie in the structural problems of the overall internal organization of the ECs.

The ECs in indigenous areas were set up as enterprises of mixed exploitation, in which, after the repossession, the individual production on family parcels (the former *encierros*) continued alongside the collective production on the farms (the former landlord's *finca*). Since the start, there has been a certain antagonism of interests between these two forms of production. An early evaluation of these mixed community enterprises, which have also been set up in other parts of Colombia as part of the land reform (1968-1972), carried out by a group of independent agronomists in 1975 revealed: “The tenants that after the reform program continue to have a private family economy prove to have interests that in the long run come to contradict each other. On the one hand, their interests lie in the perceived proceeds of their work on the collective lands. On the other, they are interested in the maximum development of their private family economy” (Londoño et al. 1975: 37, my translation). In an internal review of the poor functioning of the community shops, the *cabildo* reached a similar conclusion in 1995:

.....
45. Later governments in the 1980s only offered the communities (economic) support in the form of the aforementioned WFP-financed food assistance program within the framework of the National Rehabilitation Plan.

The members do not share in the commitment toward these institutions; there is lack of will and interest because of their domestic occupations; in this case, as in other communitarian activities, there is a tension between what we have called the domestic economy and the communitarian economy. (Jambaló 1995: 12)

This contrast would be less problematic if there was a clear distinction between subsistence production on individual parcels and the market-oriented production on the collective farms,⁴⁶ but the consequences emerge more clearly when families start to grow cash crops in addition to food crops on their own parcels – as has been the case in Chamicueto since the mid 1980s. Under those circumstances, the “parasitical character” of the individual family parcels inexorably comes to the fore (Londoño et al. 1975: 38): families are starting to prefer to invest their labor and assets in the domestic economy, using the facilities and revenue provided by the collective production. Meanwhile, they increasingly place the responsibility for the development of the communal institutions in the hands of people appointed to this task by the community (the executive junta, the inspectors [*mayordomos*] and the shop manager). In other words, there is a tendency towards a maximization of the domestic (individual) economy at the expense of the communitarian economy.⁴⁷

The tendency towards individualization, or the lack of “collective appropriation of the ECS” as the *cabildo* describes this phenomenon (Jambaló 1995: 7), is further fuelled by the fact that the ECS operate without a clear internal structure, a consequence of the fact that the broad guidelines (verbal agreements) for the communal organization, formulated during the land struggle, have not been further specified at a later stage. There are, for example, no clear criteria for the use of profits made by the EC (e.g. percentage of (re)investment in collective production) or for the control over the financial management of the collective farms and the community shop. Neither have the goals of the EC been clearly defined. Over time, the primary goal, unity and logistic support of the land struggle, seems to have been made subordinate to the pursuit of more professional and, particularly, higher production.

The elders in former times had the idea of recovering and working the land, but they

46. Much as was the case, generally, on the landlord haciendas, except that in former days the profits obtained on the farms accrued solely to the landowner.

47. Londoño et al. (1975: 38) make a similar analysis: “The private family economy receives the benefits from the collective work and feeds itself on it since the costs of administration and management are generally borne by the collective. Although the growth of the collective and individual parts theoretically should be simultaneous, in practice there is an inverse relationship between the collective and the private growth; that is, the bigger the growth of the private part, the smaller the growth of the collective part, and vice versa”. In other words, whereas the hacienda sponged on the labor of the tenant farmers, today the individual families sponge on the proceeds of the collective farms.

hadn't thought of making progress in the time afterwards. This is why the communities are not improving. [...] They had a vision about struggle, but they were not thinking of how to make it produce so that it makes a profit. (Jaime Dagua, CNU 2001b: 33)

The inadequate organization is partly determined by the lack of effective mechanisms to evaluate leadership and the collective performances on the farms. At the annual EC meeting, which is often held in a rather ritualistic manner (see Findji 1993), the outgoing executive junta informs the members present about the results that have been achieved, but it often does not explicitly ask for their opinion. Due to the aforementioned factors, there is a lack of continuity in the agro-economic policy and a decreasing confidence in the functioning of the community enterprise among ordinary members.

For example, last year they gave us a good briefing (informe), saying that "the enterprise is doing fine", but then they elected another executive junta, which announced that "we are not doing well, and there are losses". So in this way one gets discouraged in the endeavor – I don't know, at least that's how I think about it. (Angel Quitumbo, CNU 2002a: 135)

Listening to the criticism about the functioning of the EC, one gets the impression that many, mainly young, community members want to amend the goals and criteria of the enterprises (i.e. professionalize them). These families seem to be particularly frustrated and disappointed by a lack of sense of individual ownership of the collective farms. They thus show a current trend of decreasing attachment to the old communitarian ideology that underpinned the functioning of the EC, but that is increasingly out of touch with current social realities in the communities. At the same time, a restructuring of the ECs is being thwarted by an older generation of former land fighters who obstinately cling to the original idea of the EC as a "fruit of the land struggle" that they consider sacrosanct.

4.2.5 COMPETITION BETWEEN CABILDO AUTHORITY AND ENTERPRISE AUTHORITY

Despite the growing dissatisfaction in the community with the functioning of the ECs, the cabildo has no plans to give up this institution and the underlying communitarian ideology. It seems as if the cabildo feels some sort of historical responsibility for, or loyalty to, the ECs and considers the enterprises of mixed (individual and collective) exploitation still as a possible and desirable way to promote the development of the local community. This means that, contrary to the preceding analysis, the cabildo itself does not perceive antagonism between individual and collective production.

The cabildo is, however, fully aware of the existing instabilities in the organization of the enterprises. That is why it wishes to increase its influence on the ECSs, build in external checks and balances. First, it wants to stimulate responsible, transparent leadership regarding economic management, mainly by providing specific training and courses to young members and facilitators. Second, it wants to urge the executive juntas to start recording the family parcels of the various families and/or members in order to prevent internal disagreements – land conflicts in particular – and so to forestall the decreasing sense of community. Under this second heading, the cabildo also aims to put the unequal distribution and the protracted following of land on the agenda.

In this pursuit, the cabildo risks running up against resistance from the executive juntas and influential families/members of the ECSs, who react defensively or are outspokenly dismissive of the cabildo's plans, which they consider as external interference in internal affairs. The juntas consider the management of the land inside the ECSs as their rightful task, referring to old (global adjudication) agreements made before the land repossession. New and younger cabildos (post-1995) reject these claims and believe that all ECSs should function according to the CRIC guidelines, namely, in close collaboration with and under supervision of the cabildo, the highest authority in the resguardo community. An ex-cabildante (cabildo member) articulated the situation as follows:

Have you noticed the difference in the way people from the recovered areas talk about land? They practically consider themselves the owner! [...] Generally speaking, they do accept the authority of the cabildo; they collaborate when it provides productive projects or health provision, but land ... that's a much more sensitive matter! (Luis Alberto Passú, December 6, 2000)

The ECSs' resistance to the cabildo's plans is fuelled by fear and persistent misunderstandings regarding the possible consequences of those plans, in particular for local land distribution. The cabildo is fully aware of the sensitivities of local families regarding the lands included in the EC for which they have fought during the land struggle. Interviews reveal that, for the time being at least, the cabildo is only concerned about the registration of the land; a possible land redistribution at a later stage would have to take place internally, between the inhabitants of each EC/vereda. Nevertheless, a much-heard conviction in the ECSs is that:

People say there is no need for interference from the cabildo, and that they are capable of solving their own problems. (Feliciano Medina, December 12, 2000)

4.3 COMMUNAL MANAGEMENT OF RESOURCES IN THE LOWER SECTION, WITH PARTICULAR REFERENCE TO LOMA REDONDA AND EL PORVENIR

The lower section is the area that is situated on both sides of the lower Loma Redonda ridge (2,200m), in the east sloping down towards the Jambaló Valley (1,400m), and in the west towards one of its major tributaries, the Valles Hondos (1,600m). The terrain has a varied relief, gently undulating in the veredas of El Carrizal, Voladero, La Palma, and Loma Redonda, and steeply inclining in the veredas of Vitoyó, Valles Hondos, La Esperanza, and Loma Gruesa. See Map 4.

This part of the resguardo is reputed for its history of *mestizaje* (race mixture, or miscegenation) and its only recent recovery of its indigenous cultural identity. Property tenure relations are marked by a relatively recent process of non-indigenous colonization and subsequent painful and uneven indigenous recovery. The following paragraphs depict the current tenure situation in the lower section but pay particular attention to the conflictive area around the adjoining veredas of Loma Redonda and El Porvenir.

Loma Redonda comprises the area between the small streams of El Chavío (north) and El Corral (south) and is one of the most densely populated veredas of Jambaló (around 800 inhabitants in 2001). With its administrative status of *corregimiento* (municipal subdivision), it can be considered as the center of the lower section. Although the area – first occupied by the indigenous families Passú, Ull and Conda – has always been considered as part of Jambaló, its inhabitants have also always been strongly oriented towards the nearby mestizo centers (*pueblos*) of Toribío, Caloto, and, more recently, Santander de Quilichao.

4.3.1 LAND TENURE HISTORY

Although the lower section has a history that distinguishes it from the middle and upper section, it is traditionally considered part of the Jambaló cabildo's sphere of influence. The oldest colonial reference to the area dates from 1638.⁴⁸ The local community was obedient to Chief Don Diego from Jambaló. At the time, Jambaló was not a resguardo, but a *parcialidad*, held in *encomienda* (under royal grant, see Chapter 2) by Doña Ana Tovar, who founded a *capellanía* (chaplaincy) here. In the days of Juan Tama, the founder of the Jambaló resguardo (1702), the entire lower section was known as *el país de Vitoyó*. Around this time, there were no indications of private non-indigenous landownership.⁴⁹ Little is known about the area in the period between 1700 and 1850, except for the fact that the political administration of Cauca issued a number of temporary mining contracts over the course of the nineteenth century (Findji & Rojas 1985).

48. Archivo Central del Cauca, Popayán (Sign. 1479) [1638] in Roldán (1975).

49. The text of the *Título de las tierras de Jambaló* does, however, make allusion to the existence of mines in the vicinity of Vitoyó and the neighboring *parcialidad* of San Francisco (NC/S 1914 [1702]).

The indigenous population was first confronted with colonization by non-indigenous farmers at the end of the nineteenth century and the beginning of the twentieth century, when members of the Navia (1886), Cifuentes (around 1905) and Sandoval (1911) families settled here (Roldán 1975).⁵⁰ According to the oldest indigenous inhabitants, these families had settled in the area with few possessions. They set up small enterprises, often mills or shops. They then quickly took possession of the land of neighboring indigenous families by having them enter into debt relations with them (through credits and mortgages). The indigenous families hence became their tenants (Findji & Rojas 1985). After some decades, it seemed to the local population as if the non-indigenous land-owners, who had their land registered and presented themselves as “owners”, “had always been there” (CNU 2001b: 36; interview, Andrés Betancur, January 11, 2001).⁵¹ Shortly before and during the period of La Violencia (1948-1958), the lower section witnessed a new influx of colonists; non-indigenous private property was expanded or passed into new hands. Between 1940 and 1950, the Navias, put off by the rising violence, sold all their property in Loma Redonda and Valles Hondos to Arcadio Gómez and Luciano Mestizo, two newcomers in the area (Roldán 1975). Other colonists arrived as laborers but gained access to land by marrying a daughter of one of the established families; Octavio Galvis, for example, married Raquel Sandoval in Vitoyó (CNU 2001b). By exploiting the unrest caused by La Violencia, Spaniard Arturo Silva managed to expand his property in the Caloto municipality towards La Esperanza and Loma Gruesa, Jambaló’s northernmost veredas (CNU 2001a,b). The Cifuentes was the only old family that retained substantial property in Voladero and Vitoyó.

Towards the end of the 1950s, the Loma Redonda municipal subdivision and the surrounding veredas were a close-knit local community, despite the usual discrimination between *blancos* and *indios* (whites and Indians). The work on the land, often organized in the form of communal work parties, was frequently

50. The colonization of the Páez resguardos around the turn of the century occurred as a result of national legislation, Law 55 of 1905, that authorized municipalities (then called *provincias*) to declare certain parts of indigenous territory as colonization area. In 1905, Jambaló (like the other Páez resguardos of Munchique, Pueblo Nuevo, Pioyá, Caldone, and La Aguada) was part of the province of Santander de Quilichao (Pitayó belonged to the province of Silvia), and it is therefore likely that the colonization of the lower and middle section of Jambaló was undertaken from there (Roldán 1975; Findji & Rojas 1985).

51. The Navias’ ownership of property in the lower section, in Loma Redonda and Valles Hondos, goes back to 1886. In 1911, the Navia family also acquired a considerable amount of land in Chamicueto (middle section) and until 1923 also had possessions in Buena Vista (middle section). The Cifuentes family for the first time acquired land in Voladero around 1905. Through inheritance and sale, their property passed into the hands of the Sandoval family, but in 1925 the Cifuentes bought these possessions back. The Cifuentes extended their family property to Trapiche (middle section) and to Vitoyó, and in 1951 bought land from the Sandovals in Guayope (middle section). The Sandovals expanded their possessions in Voladero (1911-1925) towards Guayope and, shortly after, to Vitoyó. All original title deeds are based on unclear or false certificates (Roldán 1975), the more so since according to Law 89 of 1890 resguardo lands are imprescriptible (Dindicué 1983).

interrupted by annual religious celebrations, such as Patron Saint's Day and the Procession of the Virgin and by indigenous rituals such as the sacrificial celebration of Los Chiguingos (CNU 2001b).⁵² Non-indigenous landowners had consolidated clientelistic relations with their tenants through extensive ties of *compadrazgo*⁵³ (co-paternity, co-godparenthood) that helped them to secure support from the local population for the Conservative party. In this period, the lower section was not really considered part of the *resguardo*, despite the fact that the majority of the population was of indigenous descent. The influence of Jambaló's – traditionally Liberal – *cabildo* was limited in this area (Findji & Rojas 1985). This situation can also be ascribed to the emergence, around the same time, of a local indigenous landowning class and the subsequent miscegenation process. In the 1940s, some white landowners (e.g. the Navias and Luciano Mestizo) had sold smaller parts of their landholdings to their closest *compadres* or, in some cases, to an indigenous family related by marriage, among others to Antonio Conda and Pacifico Passú (Roldán 1975; CNU 2001b). As they, in turn, sold parts of these landholdings to other families or passed them on to their children, a small group of indigenous landowners (landed peasants) had emerged around 1960. The families in this group soon started to see themselves as *finqueros* (farmers) and not anymore as primarily indigenous (Findji & Rojas 1985). This development spurred tenant farmers also to develop a certain inclination towards private property.

In Vitoyó, a stubborn community with vague memories of the times of the *resguardo*, indigenous families around this time started to rebel against their landlords (CNU 2001a) – increasingly so after CRIC's inaugural meeting in Toribío on February 24, 1971. When Isidoro Dagua's fighting *cabildo* descended from Jambaló in 1974 to make the local families – Escué, Secué, and Zapata – aware of their rights (Juan Tama's colonial land title and Law 89), they had already stopped paying land rent some time previously (CNU 2001b). In Loma Redonda, the indigenous landed peasants rejected the *cabildo*'s land repossession policy however.

We reckoned the cabildo was stealing land. They invaded the lands; that was the policy of the cabildo. People thought badly of it, because it wasn't a civilized course of action. There was no dialogue, they just ordered me to recover the lands of the rich. (Edelmiro Ull, CNU 2001b: 76)

52. Like all localities in Colombia, Loma Redonda has its own patron saint whose feast was celebrated for days with processions, games, food, music, and dancing; the *fiesta de los Chiguingos* was an indigenous planting feast (held in December), whereby families placed foods on an altar to placate the spirits of their deceased ancestors. Neither feast is observed any longer, at least not in Jambaló (CNU 2001b).

53. Co-parenthood; a system in which adults contract fictive or spiritual kinship through ritual sponsorship of a child or object.

The large, white landowners in Loma Redonda took ruthless action against tenant farmers who were attracted by the revolutionary discourse of the land repossession movement and the cabildo. In the early days of the land struggle, assassins hired by landowners had already killed two rebellious ex-tenant farmers. Many indigenous tenants and agricultural laborers in neighboring veredas were discouraged by this repression and resigned themselves to the existing situation (CNU 2001b).

When we started repossessing, some of the people in La Esperanza were not in accord. [...] They said that “we should leave alone the lands of the patron”, that “the patron was like a father”. They called us pendejos (bastards) and communists, said that we were robbing lands illegitimately and to no avail, because the army would come to take us away and get rid of us. (Elvira Escué & Romalda Zapata, CNU 2001b: 47)

Because the land fighters in the lower section were in a precarious situation, squeezed in between the reactionary (i.e. anti-revolutionary) veredas of Loma Redonda and La Esperanza, the cabildo had decided to delegate its authority in Vitoyó to specially appointed leaders, *gobernadores suplentes* (deputy governors), who were charged with leading the land struggle locally. Isolated from militant communities in the upper and middle section, they received direct support from CRIC and from the communities in Toribío (CNU 2001b).

Despite the harsh repression, the people in Vitoyó – both men and women – were unrelenting in their struggle. However, due to their numerical minority, they risked coming off worst; over a short period of time six people were killed (CNU 2001a).⁵⁴ At that point, the M-19 guerrillas and Quintín Lame, an indigenous self-defense command set up in 1979, came to the land fighters’ rescue. They supplied them with weapons and taught them how to defend themselves against the hired gunmen (CNU 2001b). The intensification of the confrontation in the lower section made some landowners decide to pack their bags, but only after realizing their capital by selling their land at auction to the indigenous population (CNU 2001b).

When they seriously started to recover land, bringing people from other parts [to assist] as well, just then in La Esperanza the landowner started to parcel out his land; that is, he started to sell parcels to all interested, to those who could afford the most. People with money generally succeeded in negotiating, but the ones that hadn’t, had to remain constricted, because they were unable to pay for the land the landowner was giving away [selling]. Many families were left with no land in these parts since people from other resguardos arrived to buy, most of them from Toribío, but also from Loma

54. José Gonzalo Escué, Julio Escué, Germán Escué, Marco Tulio Escué, Vicente Dagua, and Lisandro Passú (CNU 2001a,b).

Redonda. (Apolinar Fernández, CNU 2001b: 46)

The sale of land in La Esperanza and Loma Gruesa by Arturo Silva was a big setback for the repossession movement in the lower section. After all, it meant that many indigenous families, who had now become landowners, could no longer be counted on for the land struggle. In other veredas, the confrontation continued relentlessly. In 1981, there was a break in the situation after the guerrillas had carried out attacks on big landowners in Loma Redonda and Toribío. Shortly after that, the landowners in Vitoyó – Isidoro Cifuentes and Octavio Galvis – decided to give up their property and seek safety in flight to the city of Santander de Quilichao. Although the ex-tenant farmers from Vitoyó took possession of the haciendas and set up ECs on them, the land repossession movement was unable to oust the landowners in Loma Redonda and Voladero – Arcadio Gomez and Jorge Cifuentes – from the resguardo. In the early 1980s, the ongoing violence in the lower section also threatened to lead to armed conflict among the internally divided indigenous population; the guerrilla group (Quintín Lame) also threatened small, indigenous landowners. Only through the intervention of Padre Riascos of the Catholic mission in Toribío – who in 1988 organized reconciliation talks in Loma Redonda between the land fighters and the remaining landowners (indigenous landed peasants and non-indigenous landowners) – did peace return in the lower section (CNU 2001b).

4.3.2 RESTRUCTURATION AND RE-TITLING OF THE LOWER SECTION

The intermingling of the land struggle in Jambaló's lower section and the civil war in north Cauca led to a hopeless situation. Due to a surge in mutual violence (land fighters aided by guerrillas on the one hand, landowners and their hit-men on the other), it was becoming impossible for the tenant farmers to pursue the repossessions and bring them to a successful conclusion. Nevertheless, after promises made by President Betancur in 1983 during his visit to Guambia (Silvia) – i.e. a complete restoration of the colonial resguardos – and the subsequent legislation (Decree 2001 of 1988⁵⁵), the cabildo saw its position strengthen considerably. The fresh *entente* (understanding) between the militant cabildos and the state, however, also signaled the end of the land occupations,⁵⁶ and, as of that moment, the only remaining option was negotiation. For the cabildo this meant that, once again, just like before the start of the land occupations, it had to go through a complicated and long process which came to be known as

55. Decree 2001 of 1988 (Sept. 28): "... en lo relativo a la constitución de resguardos indígenas en el territorio nacional": "concerning the constitution of indigenous resguardos within the national territory"

56. Although not in Jambaló, land occupations still sporadically occurred in Northern Cauca after the mid-1980s, for example in Caloto in 1991 (Jimeno et al. 1998).

restructuration and re-titling (*saneamiento*) of indigenous resguardos.⁵⁷

In the early 1990s, having regained its authority in the lower section, the cabildo, strengthened in its authority by the new 1991 Constitution and assisted by INCORA, cautiously tried to make advances to the remaining non-indigenous landowners. Through this approach, it managed, in 1993, to reach an agreement with the heirs of Arcadio Gómez regarding the restitution of the Loma Redonda hacienda (located in the homonymous vereda) and the attendant compensation. During a field visit by INCORA officials, the size of the land was assessed (108 ha.). Two years later, on December 20, 1995, the land – including title/deeds registration – was purchased by INCORA for 48 million Colombian Pesos, provided by the Fondo Nacional Agrario. On August 22, 1996, the estate was officially handed over to the cabildo. This factual and juridical transfer of the land, however, did not mark the end of the resguardo's process of restructuration and re-titling. Although the cabildo had already assumed control of the land inside the hacienda, formally the proprietary rights to the hacienda were still in the hands of the Fondo Nacional Agrario. This meant that the area had not been legalized yet as part of the resguardo. Therefore, the next step was to re-title the land in the name of the resguardo. According to the procedure laid down in the legislation in force, Decree 2164 of 1995,⁵⁸ this could only take place after an update of the socio-economic and juridical study (Art. 4). This update was to ascertain the need for the enlargement (*ampliación*) and legalization of the resguardo. In Jambaló – as in neighboring resguardos – the update was delayed for a long time due to INCORA's lack of funds and staff (Jimeno et al. 1998). In order to speed up the process, INCORA and ACIN (Association of Indigenous Cabildos in Northern Cauca created pursuant to Law 1088 of 1993) agreed, in October 2000, to carry out the study together; ACIN assumed responsibility for conducting a census and INCORA for the legal and technical evaluation of agrarian files and geographic referencing) (Muñoz & Soscué 2000). Finally, on February 20, 2001, Loma Redonda – together with other remaining haciendas in the lower and middle section (882 ha in total) – was officially re-titled as falling within the title of the Jambaló resguardo (INCORA 2001).⁵⁹

57. In the literature on land titling in indigenous communities, the term *saneamiento* has also been translated as regularisation (Colchester 2001), clarification of title (Plant & Hvalkof 2001) or re-titling (Urioste 2003).

58. Decree 2164 of 1995, “...en lo relacionado con la dotación y titulación de tierras a las comunidades indígenas para la constitución, restructuración, ampliación y saneamiento de los Resguardos Indígenas...”.

59. INCORA Legal Secretariat, Resolution 010 of February 20, 2001. The re-titling of the haciendas in the middle section and in Vitojó, all repossessed between 1978 and 1982, was conducted following a similar procedure, as stipulated by Decree 2001 of 1988. These lands were together legalized in 1992, in total 4,809 ha (INCORA Legal Secretariat, Resolution 068 of October 22, 1992). The total costs involved with these re-titling procedures were 97.2 (in 1992) and 200.5 million Colombian Pesos (in 2001) (see also Mejía 1991).

4.3.3 THE CABILDO'S FARMS

Functioning and rationale

When, in 1996, control of the Loma Redonda hacienda was handed over to the community of Jambaló, the cabildo, meanwhile, had changed the policy it had followed during previous repossessions in the middle section. Although the local ex-tenant farmers were allowed to maintain a certain entitlement to their individual family plots, the farm – the part of the hacienda that was formerly commercially exploited by the landowner – now fell under the direct control of the cabildo, which did not set up a community enterprise, as had happened previously in the middle section. The cabildo was able to make this decision, as the repossession of the area, or rather its re-titling (*saneamiento*), had mainly been the responsibility of the indigenous authority and not of the local community. With regard to private family plots, the cabildo granted them only a limited level of control. Instead of a family allocation – as was customary in the upper section – they were given a *constancia* (written proof of occupation), a temporally restricted usufruct right (i.e. it cannot be passed on to children), with which the cabildo reserved for itself the right to review the allocation of family plots. The approach of the cabildo towards the adjudication of rights in the newly negotiated haciendas can partly be explained by the rise of criticism, around this time, about the functioning of the ECS in the middle section (i.e. in relation to unequal land distribution and decision-making power within these former haciendas). This criticism becomes evident when we ask young cabildo governors to look back at the course of things in the past with regard to repossessions, i.e. the procedure of making a global adjudication and the subsequent setting up of a community enterprise.

I consider this a mistake, but a mistake made by the governors of former times. That's why it is currently the policy of the cabildo not to hand over the lands of the haciendas directly to the people. Today, the farms are given to the cabildo and they remain in the name of the cabildo, not of the people that live there. This way it is much easier to make reorganizations. It is easier because then the cabildo has the sole responsibility of deciding. They cannot fight about it, they'll have to wait until the cabildo decides to whom to allocate. (Interview, Rafael Cuetia, December 15, 2000)

According to insiders, an issue of power also underlies the cabildo's current policy. In an area where the authority of the cabildo is relatively weak (from an historical viewpoint), the lands of the recently repossessed (re-titled) farms symbolize the authority of the cabildo.

You must know that the power of the *cacicazgo* – unilateral power – has always existed among the Páez. A [cabildo] that wants to exercise power needs to stake out its lands (*marca su tierra*)! (Interview, Andrés Betancur, September 16, 2003)

After the gradual completion of the restructuration and re-titling process in the lower section, for the first time in decades the cabildo could dispose of collective land reserves (commons) again – a situation described in Law 89 of 1890 (art. 20) when the cabildo still owned “lands to the common benefit of the community (*parcialidad*)” (see also Hernández de Alba 1946: 932; Rappaport 1982).⁶⁰

Land use on the cabildo's farms

In times of increasing land shortage (due to population growth), the cabildo is no longer able to justify to the communities the leaving idle of the land reserves in re-titled farms. Therefore, over the past few years this land has been put to use in a number of ways.

Some of these domains, like Loma Redonda and El Uvo (in La Mina, middle section), have been partly or entirely used for setting up cabildo-run model farms – *granjas demostrativas* (experimental farms). These farms use new, integrated, organic crop production systems as well as traditional systems of crop association that in many parts of the resguardo have fallen into disuse. Selected work collectives – generally made up of interested or land-poor individuals – are allowed to experiment with various agronomic practices, essentially rotations and associations of a large number of plants and animals. Apart from the educational role, the objective of the model farms is that ultimately they will contribute to the re-introduction and distribution of traditional and new crop varieties – seeds and plants – that are produced on the farms, as well as the offspring of the animals (cattle, pigs, and guinea pigs) to interested families elsewhere in the resguardo.

There are also cabildo-controlled landholdings where the former large landowner left behind a valuable stand of market crops, like for example the coffee plantation in El Uvo (middle section). After the abandonment of these plantations, the cabildo has resumed their exploitation with the help of day laborers from landless families. The cabildo also quite regularly puts to work people who have been sentenced to a number of days of community service by the indigenous judiciary for an offence they have committed. The profits generated on these farms are generally used for the good of the wider community, e.g.

60. Hernández de Alba, quoting a source from 1935, recorded the existence of “a tract called ‘comun del monte’ (common land on the hill), where all have the right to gather wood and graze their animals” (Hernández de Alba 1946: 932). Rappaport (1982: 47) writes: “In the past the cabildo held unoccupied lands and there were also common grazing lands on each reservation. Today with population increases, most reservations cannot afford the luxury of collective lands, but there are pastures set apart for cabildo use [...] and in many reservations special plots are tilled collectively, the fruits being sold in order to raise funds for community projects.”

by paying for unexpected expenses of the resguardo government (cabildo and its several committees) or by financing special activities, such as the annual three-day Sakhelu festival, a communal seed exchange ritual involving the participation, and consequently accommodation and feeding, of members of various resguardos (interview, Rafael Cuetia, September 18, 2003).⁶¹

In Trapiche, on the border between the upper and middle section, the cabildo re-appropriated a hacienda – the Loma Pelada farm of the Cifuentes family – that had previously been used for extensive cattle raising but had almost completely fallen into disuse at the moment of handover. In this case, the cabildo explicitly decided not to take the lands into use again, but to make it a nature reserve, to be used, among other things, as a sanctuary for shamanic ritual. Finally, there are some haciendas in the lower section where the re-titling process has not been formally concluded and for which the cabildo does not yet have a clear plan for the future, e.g. Jorge Cifuentes' La Fría holding on the border between Loma Redonda and Voladero.

In the areas where most of the cabildo's farms are situated, most particularly in the triangle of Loma Redonda, El Porvenir and Voladero, communities and nearby families tend to look extremely critically at the cabildo and its land use policy. Both amongst themselves and publicly, during general assemblies, people speculate out loud about the definitive allocation of these reserves. In view of the increasing land shortage, over the past years there has been a rising call for a subdivision of the farms. The cabildo's refusal to approve this has led to cynicism and scandal mongering among certain community members in Loma Redonda.

What happens is that they are hardly working those lands. There are fincas that have been bought by INCORA and have remained abandoned. Like with the finca of Arcadio Gomez here. That finca is utterly deserted. In former times, when he was still there, the pastures were clean; he had frijol (beans), yucca, and coffee for crops. But today it's a joke (vaya!), see, it is all abandoned. It's like they say, the Indian doesn't know how to administer. The lands are repossessed but he doesn't keep them like the landlord did. They are abandoned, there are only some horses over there, roaming around in the fallows. (Edelmiro Ull, CNU 2001b: 81-82)

The cabildo has been trying to avoid the discussion on the future of the re-titled haciendas in the lower and middle sections. During public meetings it continuously points out that the plans for these areas will not be finalized before the cabildo has been able to conclude its own socio-economic study in the lower/middle section so as to identify which families are most land needy and qualify for a permanent allocation on some of the farmland.

61. Colombia Week, March 22, 2004. "Southwestern group exercises sovereignty" (Nixon Yatacué).

4.3.4 TITLE CONVERSION

The successful re-titling of the last haciendas of non-indigenous landowners did not bring a solution to the problem of small private ownership among indigenous smallholders – a consequence of the historical process of colonization and (uneven) land recovery in the lower section. According to INCORA and the Agustín Codazzi Geographical Institute (IGAC: Instituto Geográfico Agustín Codazzi), in 2000 there were still several hundred indigenous smallholders in Jambaló, who together owned 2,149 hectares. By far the most of this privately owned land is in the hands of families in Loma Redonda, Valles Hondos, La Esperanza, and Loma Gruesa in the lower section.

These indigenous landowners, most of them ex-tenant farmers or agricultural laborers, acquired these lands with title deeds when they agreed with the former landlord to buy a share of his hacienda, and subsequently had their deeds of purchase registered with the notary and land registry (*cadastre*) in Santander de Quilichao. From the viewpoint of the hacienda owners, these land sales constituted a strategy to realize their land capital in the face of the upcoming repossession movement;⁶² for the tenant farmers, it was a way to steer clear of a (potentially) violent confrontation with non-indigenous hacienda owners (Findji & Rojas 1985). Although, *de facto*, the land had come again into the hands of the indigenous community, the practice of buying and selling had ensured the continuation of a contradictory situation. Law 89 of 1890 – valid to this day – states that lands that are covered by the *resguardo* title – thus forming part of the collective property of the indigenous community – “cannot be sold, mortgaged or taken”, i.e. they are “inalienable, imprescriptible, and unseizable” (Roldán 2000: 52; Political Constitution 1991, Art. 63).⁶³ However, after the land sale to indigenous families, a situation of “double-titling” – a legal condition that had already existed under the previous (non-indigenous) ownership – persisted, because once again titles had been issued in respect of lands that were already included in the colonial title of Jambaló (which had been legally renewed in 1914). That this situation could arise – even when the validity of the renewed *resguardo* title had been affirmed by state authorities in 1975 (Roldán 1975)⁶⁴ – can be explained by the likelihood that the land registry, like other national institutions, until the late 1980s was unaware of the official recognition of the indigenous territory and was more inclined to recognize the property rights of individual landowners than to acknowledge the superseding

62. The hacienda owners came out best from the situation because the money they gained from selling the land to local families was several times the amount they would have been compensated by INCORA in the event of a land occupation.

63. “... las tierras comunales de grupos étnicos, [y] las tierras de *resguardo* [...] son inalienables, imprescriptibles e inembargables.” See also article 95 of Decree 74 of 1898 (executive decree of Law 89 of 1890 for the Cauca department).

64. INCORA [Legal Secretariat], Resolution 035 of May 28, 1975.

right of collective indigenous property.

The situation of double titling is a troublesome issue for the cabildo in several respects. Individual ownership interferes with the cabildo's ability to exercise authority. Although within indigenous territory the cabildo formally is the highest authority, it has no effective control over the lands of indigenous titleholders. As double-titled lands are still treated as private individual property by state and private agencies, they might be sold to ignorant outsiders or be lost to the bank when used as collateral for a mortgage – they thus constitute a threat to the integrity of the resguardo. Moreover, although most of the indigenous owners are smallholders (less than 5 ha), there are a number of families with relatively large land holdings (up to 30 ha) that seem unable to bring all of their land into production and leave parts of it lying fallow for extended periods of time. While in times of land scarcity this situation leads to envy and resentment on the part of families with a shortage of land, as long as the land is still held in individual ownership the cabildo is incapable of re-allocating these fallows to others – a right the cabildo has exercised, and exercises, in areas under communal land tenure. Also, in a more general sense, individual ownership is a hindrance to the cabildo's policy of cultural reconstitution and unification; it constitutes a strain on its efforts to increase community participation and to promote the Páez custom and practice (*usos y costumbres*), of which communal resource tenure/management forms an integral part.

Maybe even more important, private individual property poses a fiscal problem for the cabildo – and for the municipality, with whom the indigenous authorities in recent years have intimately cooperated. This can be explained as follows. Pursuant to the Law on Taxation of Property (Law 44 of 1990), landowners are obliged to pay a yearly land tax. The funds thus collected accrue to the municipality and are allocated to small public works and development projects to the benefit of the local population. Historically, however, resguardo lands have been exempted from taxes.⁶⁵ The law therefore compensates municipalities with indigenous populations for the amount of funds they fail to collect by means of the land tax (art. 24). But this provision does not apply in the case of the indigenous titleholders. Although forming part of the more inclusive title of the resguardo, their lands are also registered with the land registry and, hence, remain taxable. The problem now lies in the fact that ever since the cabildo has again claimed the lower section of Jambaló as part of the resguardo, many indigenous landowners – mainly smallholders – have been erroneously assuming that they, like other resguardo inhabitants, could refrain from paying the land tax. For years they have not paid and so have accumulated a debt that is often quite considerable, and thus, over these years, the municipality has lost out on hundreds of millions of pesos in tax revenues that

65. Resolution of October 15, 1828 (Simón Bolívar), Article 15 (still in force). “[E]starán libres de pagar derechos parroquiales y de toda otra contribución nacional de cualquiera clase que sea.”

could have been used to fund local development.

It goes without saying that it is in the interest of both the cabildo and the municipality to solve the problem of indigenous landownership in Jambaló as soon as possible. However, although the problem ultimately originated from the outside (created by pre-constitutional state legislation), INCORA considers the matter to be an internal affair and refuses to offer assistance. It is therefore wholly up to the indigenous and municipal authorities to persuade the indigenous smallholding families to voluntarily convert their title into a family usufruct right. To do this, families first have to cancel their title with the land registry and have it transferred to the cabildo, the legitimate titleholder, by drawing up a contract of restitution (*escritura pública de dotación*). Subsequently, the cabildo can begin legalization procedures to have the land recognized as part of the resguardo – in a similar way as in the case of the haciendas of non-indigenous landowners. While awaiting the procedure, the cabildo adjudicates the families' usufruct rights over their former individual property. Only when it is re-titled as resguardo land will the municipality receive compensation for “lost” land tax revenues.

In 2000, the cabildo started a new campaign, with support from the municipality, to convince the often-suspicious indigenous individual landowners to give up their title deeds. During specially organized information meetings, it was pointed out that a usufruct right – just like private property – offers guaranteed security of tenure, that owners will be exempted from paying tax after the transfer, and that the municipality will invest increased tax compensations in better public facilities. The cabildo's efforts were partially successful. Many families – particularly indebted smallholders – were willing to convert their title deed into a usufruct right. However, formally families can only obtain a document of restitution once they have fully settled their arrears with the municipality's land registry. Many titleholders were unable to pay off their debts, often totaling several million pesos, in one payment. As a form of accommodation, the municipality and the land registry agreed that the municipality would take over part of the debts, and a flexible repayment scheme was set up for the families in question. In this way, over the past few years several dozen families in La Esperanza, Loma Gruesa, and Voladero have eventually been able to legally re-incorporate their lands into the resguardo.

The cabildo is experiencing more problems with a small group of indigenous landed peasants, mainly in and around Loma Redonda. These are families with considerable landed properties of between 20 and 30 hectares who have always dutifully met their obligation to pay land tax. Many of these families remain hostile towards the policy of the cabildo and municipality. They are afraid to “communalize” their land because they fear that the cabildo will take some of it away, and also because in the future they want to retain their access to commercial credit (i.e. use their title deed as a pledge for a loan). Although

most cabildos see an attitude change on the part of the stubborn indigenous landowners as a matter that just requires patience, in some circles around the cabildo there is growing impatience. More and more people are suggesting the revocation of these families' rights as resguardo members.

box 4.5 Sara Mestizo/Paulino Ull, Mariano Martínez/María Wilma Mestizo, Adelaide Martínez/Mario Tulio Passú (Loma Redonda-El Provenir)

Sara Mestizo (56) – is married to **Paulino Ull** (age unknown). Together they own a farm in Loma Redonda, on the border with Valles Hondos. When asked if they see themselves, like other local landowners, as indigenous, she replies that she does not know “whether we are white or indigenous, we were all born here.” Until the 1970s, they worked as wage laborers and did not own any land. They say that unidentified people killed the former owner of their current landed property in 1972. His widow was left behind on her own, but did not feel safe and left Loma Redonda. She sold the farm on installment credit to Paulino Ull. In 1975, Ull legalized his land with the notary in Santander. He has always paid his land registry tax. The *finca* basically comprises two parts; a large piece of land (20 ha) in the cool hills of Loma Redonda (*tierra fría*)

and a small plot (5 ha) in the warmer valley of El Porvenir (*tierra caliente*). The upper farm, where they live, is the least important from an economic viewpoint. Here they grow yucca, maize, and plantains on a *lote de pancoger* (for subsistence), and also have pastureland for their six cows and one horse; more than ten hectares are lying fallow. On the lower farm they grow mainly coffee. When asked about their position as landowners in an indigenous community, Sara answers evasively: “My husband has paid for this land and did not want to hand it over to the cabildo because then he would lose access to credit – that’s a good decision, isn’t it?” In the past, Paulino has taken out a number of loans from the Banco de Cafeteros in Santander. He has mainly invested this money in his coffee crop.

Mariano Martínez (45) and **María Wilma Mestizo** (40) – were born and raised in Loma Redonda. They have two sons. They claim they own eight hectares of land and have an official title deed. María inherited four hectares and Mariano bought four hectares with the profit of the coffee harvest – he actually bought it from his brother with whom he swapped land in the municipality of Santander. In the meantime, their two sons have received two hectares each

(in inheritance) to cultivate, but they do not have an official title deed yet, and so Mariano still has four hectares of land from which to earn a living. Asked at the end of the interview what his plans are regarding the conversion of his title deed into a cabildo adjudication, he contradicts himself: he says that the land is already in the name of his wife and that he has nothing to say about it.

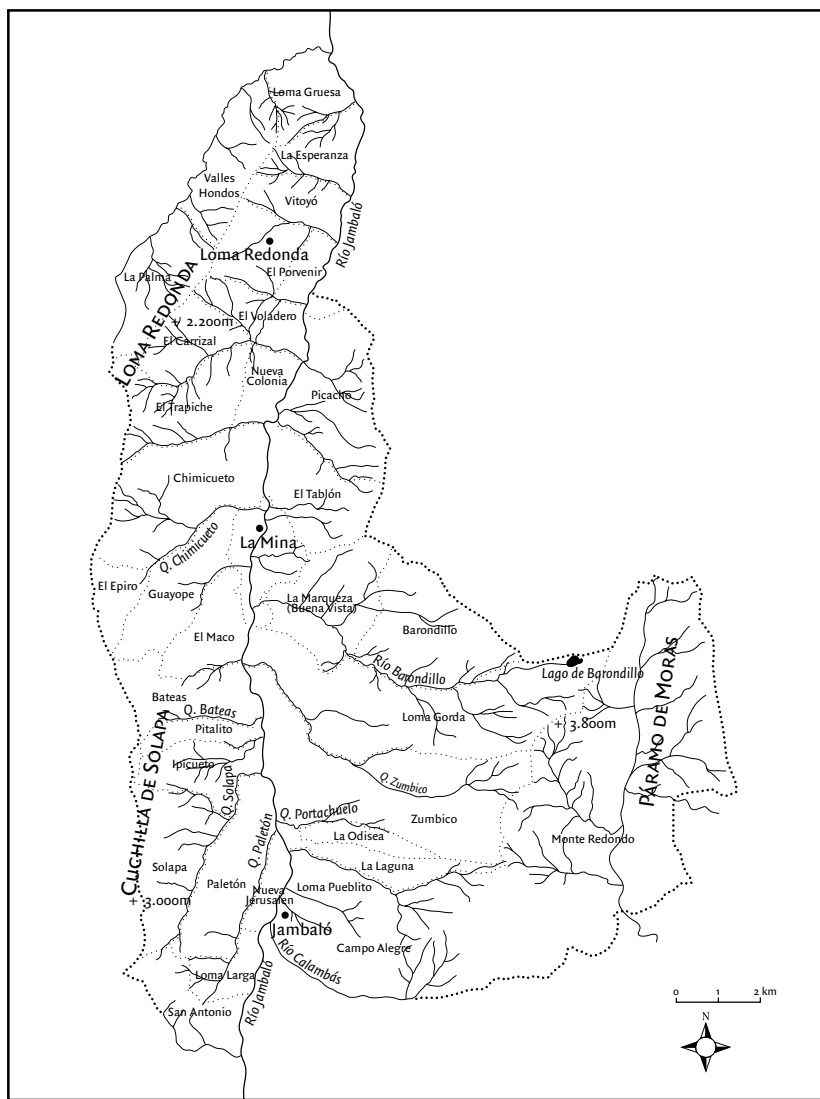
Adelaide Martínez (43) and **Mario Tulio Passú** (52) – have lived their whole life in the Loma Redonda and do not have any children. Adelaide inherited six *plazas* (3.8 ha) of land with an official title deed, whereas Mario did not inherit any land from his parents, for reasons that are unclear. Despite difficulties, Adelaide and Mario have always dutifully paid their annual land tax to the land registry in Jambaló up until 1999. That year they could no longer afford the 140 thousand Colombian Peso (75 Euro) tax and decided to hand over their title deed to the *cabildo*.

4.3.5 EXTREME MINIFUNDIA

One of the most striking features of the lower section is its high population growth and density (an extreme example is La Esperanza, a small *vereda* with a population that is as large as that of Zumbico, in the upper section, while its surface area is more than four times smaller). Combined with the unequal land distribution that originated in around 1980 after the sale of land by non-indigenous landowners to some of the indigenous population, today this causes – more than in the other sections – an acute land shortage. Jambaló's lower section has the largest number of landless families and families with extremely small possessions, known as “extreme minifundia” (<5 ha) and “microfundia” (< 1 ha). On top of that, soil conditions are not very good for arable farming: in the more prominent foothills and slopes that drop into creek channels and drainage ditches, the soil is steep and in some places rocky because of soil erosion. In the warmest months, moreover, cultivators in these areas have to contend with temporary water shortage – due to deforestation of water sources (*ojos de agua*) (Jambaló 2001a). Although some families still grow maize, plantains, and yucca – the lower section's typical crops – on their small subsistence plots (*lotes de pancoger*), over the past years other households have almost completely switched to market crop cultivation, mainly coffee. Consequently, there is an increasing dependence on imported food. In order to be able to support themselves, landless families are forced to seek wage labor in the cities (Santander and Cali) or from landowning families elsewhere in the *resguardo*. The difficult economic situation partly explains the rise in coca cultivation in large parts of the lower section. In principle, the *cabildo* rejects the cultivation of illegal drug crops, but it is not in the position to exert its authority to ban it because it is unable, for the time being, to offer an economic alternative. Although the coca cultivation among the lower section's population, who are disappointed in the *cabildo* for not coming up with alternative income-generating projects, results in a low level of community participation at *resguardo* level, at local level it leads to a new manifestation of traditional, communal forms of labor cooperation.

box 4.6 Apolinar Zapata (Coca work collective - La Esperanza)

Apolinar Zapata (33) – was born and raised in La Esperanza. Together with his household, he works two hectares of land that is fairly steep and rocky. They support themselves with the produce of a small coffee grove and coca production. According to Apolinar, over the past few years this crop has made an advance, due to growing land shortage and “because coca is about the only crop that thrives on these hills”. Initially he produced individually, but he recently set up a work collective with other coca growers. This collective is made up of 15 people who work on each other’s coca plots together in turns. In this way, a higher level of efficiency is reached, particularly when it comes to weeding, every two weeks, and harvesting, every three months, and hence higher yields/production. They make a lot of money from the coca (on average 600-800 USD a month per household), much more than from regular crops such as coffee. However, he believes that the income is not spent in a sensible way. People mainly spend the money on new clothes – “which they start using as working clothes after wearing them just three or four times” –, on food for the household – because coca growers rely almost entirely on food produced outside the resguardo –, and on alcohol. Some spend their money on a vehicle, which would be a good investment, according to Apolinar, “as long as it’s not for just driving around.” In general, the coca growers do not put any money aside. Nevertheless, there are voices in La Esperanza calling for the setting up of a fund into which each coca grower has to put a certain amount of money every three months. That way, says Apolinar, it would be possible to pay for health expenses or even save money for a small farm in the lowlands to the north outside the resguardo (i.e. colonize new lands). He is aware of the fact that coca growing is a real bonanza “that sooner or later will come to an end”.



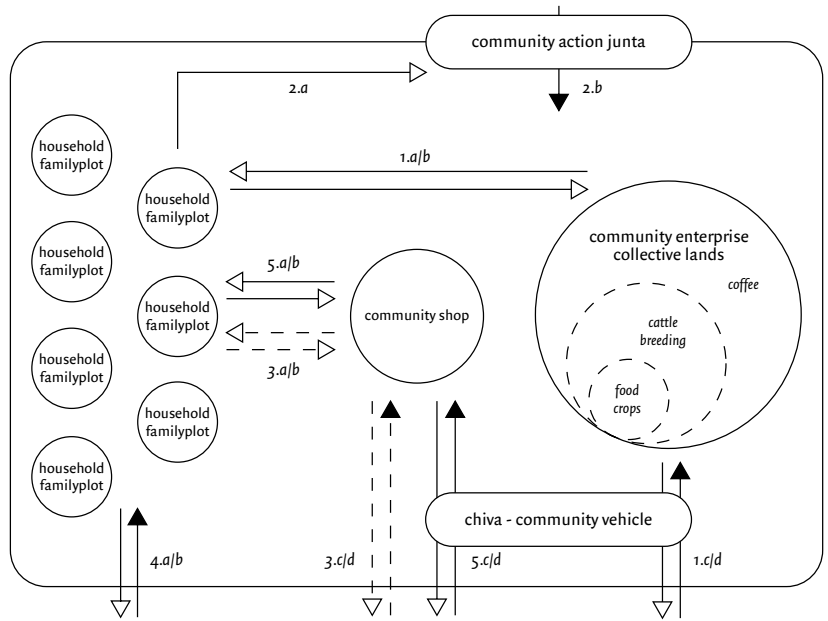
Map 4
Resguardo of Jambaló, detailed

Source: Muñoz/Soscué 2001,
Jambaló 2001a
Illustration/reproduction:
A.C. van Litsenburg
& R. van Dorst

Figure 4
Diagram EC

Diagrammatic representation of the community enterprise of mixed exploitation in Chamicueto, showing the relationships between its constituent parts

Illustration: Joris van de Sandt



1.a Labor contributions of the members of the community enterprise during days of weekly communal labor (cues-nmi, community-initiated minga); labor of members of the executive junta.

1.b Family shares in the profits of the community enterprise, either in cash or in kind (mainly deriving from coffee sales); tuition fees for the training of selected family members (communal fund); food donations (poverty alleviation) for underprivileged families.

1.c Production of the community enterprise, being sold locally in La Mina (milk, meat) and in Santander de Quilichao (coffee).

1.d Income (revenues) obtained through the sale of the production of the community enterprise and purchased means of production.

2.a Labor of the president and dignitaries of the communal action junta (JAC); occasional labor contribution of JAC affiliates (community members).

2.b Matching funds raised through negotiated contracts with public and private entities (e.g. municipality, NGOs, Federation of Coffee Growers) for financing rural investment pro-

jects (school, health dispensary, renovation of coffee plantations).

3.a Surplus production from individual family plots destined for other local communities (with different microclimates).

3.b Family shares of surplus production acquired in other local communities.

3.c Collective sale or bartering of accumulated family surplus production.

3.d Revenues or products obtained through the collective purchase or bartering of accumulated family surplus production of other communities.

4.a Individual sale of family surplus production.

4.b Revenues obtained through the individual sale of family surplus production.

5.a Household expenditures for processed foods and basic needs; repayment loans.

5.b Household purchases of processed foods and basic needs; emergency loans.

5.c Total expenditure for processed foods and basic needs (work capital of the shop).

5.d Total purchase of processed foods and basic needs (obtained in Santander warehouses).



Jambaló, town square, January 2001. Ceremony of taking office of the cabildo and alcaldía (municipal government). Gobernador Marcos Cuetia (indigenous cabildo) reads a formula by which the municipal government pledges to be loyal to the indigenous community of Jambaló
Photographer: Joris van de Sandt

5 NASA (PÁEZ) GOVERNANCE AND THE INDIGENOUS COMMUNITARIAN ECONOMY

The deliberation on the situation in which [the Páez] were handed over their haciendas is only just beginning. [...] Reinventing technologies of production and management for their own resources. Rethinking the forms of land use, redefining their occupation, redistributing; that is the new task awaiting the communities and their cabildos. [...] New generations have to confront a novel challenge: to reinvent the way to think big and on a large scale. [...] This implicates general internal reorganization, and not only the micro planning of fincas. Altogether a complex endeavor lies ahead.
(Findji: 67, my translation)

To the Nasa, economy is respectfully using the land and maintaining harmony with nature. For generations we have lived like this, depending on the land; she feeds us so that, as a culture, we do not disappear; with her spirit she protects us and zealously guards us from strangers that arrive on our territory. That is why we consider her our Mother. As a people, first we were foraging nomads, then agriculturalists, and, after the bitter recovery of our lands, with the communities we began to recreate our own forms and structures for production without disregarding our survival economy. Still we preserve a number of characteristic forms and structures for subsistence and for resistance in the face of the capitalist economic model. [...] This heritage together with our traditional practices and cultural values enable us to continue the process of reconstruction of an economy that is our own: communitarian, in solidarity with each other, more equitable, and in harmony with Mother Earth. [...] Therefore our efforts in the field of economy are oriented towards the consolidation of our own economy, which, starting from traditional forms, accommodates new forms in keeping with our Life Project.
(ACIN 2002 [2003]: 29, my translation).

5.1 WHAT ECONOMY DO WE WANT? – INTERNAL CRISIS

At the beginning of the 1980s, the indigenous movement in northern Cauca, following the largely successful land struggle, was forced to depart from its initial mission to restore ancestral territory and focus on “development as a means for carving out its economic autonomy” (Gow & Rappaport 2002: 65). That this was to become one of the most complicated challenges faced by the communities is to an important degree due to the fact that the traditional subsistence economy of the Nasa (Páez)¹ in the course of the twentieth century had become very dependent on the economy of the outside world.

In Jambaló, this dependence began with the introduction of coffee and sugarcane, a development that was directly related to the expansion of non-indigenous private property – the landlord haciendas (*haciendas de terraje*) – in indigenous territory. This was followed by a rise in the commercial cultivation of sisal, a crop traditionally cultivated by the Nasa, but actively promoted by government and private companies in the 1960s and 1970s (Iriarte 1977; Pachón 1987),² as a result of which it became the main source of income in a number of Nasa *resguardos* on the western slope of the Cordillera, including Jambaló (Findji 1977).³ The expansion of sisal in particular led to a drastic transformation of the traditional Nasa farming system and economy. Often, the better plots were reserved for sisal, at the expense of traditional food crops; increasingly more food products were purchased outside the community. In addition, agrarian banks persuaded the Nasa by offering them soft loans (and the prospect of prosperity) to purchase fertilizers and fiber-processing machinery (Findji & Rojas 1985; Pancho 2003). However, in the late 1970s – at the height of the land struggle – the economic prosperity of the indigenous communities came to a rather abrupt end due to the arrival of competing products, such as jute and synthetic fibers, that led to a significant drop in sisal demand and its market price (Iriarte 1977). Without any warning, many Nasa families were suddenly faced with an economy that had become extremely dependent of the vagaries of the market.

1. Páez and Nasa are the two names by which this ethnic group is known. In recent years, these people have tended to opt for Nasa, a name deriving from their own language, as the name Páez was in effect ascribed to them by the Spanish at the time of the conquistadores. For the purposes of this study, Páez is used in the earlier chapters as this was the name in common usage at that time, whereas later chapters revert to Nasa.

2. Specifically, these were: INCORA (Colombian Institute of Agrarian Reform), Caja Agraria (a state-owned agrarian bank), Federación de Cafeteros, Compañía de Empaques de Medellín, and Empresa de Empaques del Cauca (Iriarte 1977).

3. Among the Nasa, this was particularly the case in Pueblo Nuevo, Caldono, La Aguada, Jambaló, Quichayá, Jebalá, and Novirao – on the western slopes – and Vitoncó – in Tierradentro (Findji 1977). In the late 1970s in the northern and eastern parts of Cauca, predominantly indigenous areas inhabited by the Nasa, Guambiano, and Coconuco, no less than 16-20,000 families depended to a significant extent on the cultivation of sisal for their subsistence – 100,000 people having planted 9,000 hectares in this crop (Iriarte 1977).

The sisal crisis made the question of what economic orientation the Jambaló community had in mind – “*Qué es la economía que queremos?*” (Ulcué et al. 1980 in Gow 2005: 84) – more pressing than ever. It soon became increasingly clear that there were two conflicting views that were closely related to different indigenous-political affiliations (CRIC & MAISO/AICO, see Chapter 3) and convictions among the Jambaló communities.

Disillusioned by the market economy, one group of leaders, headed by cabildo governors Emiliano Guejia (1981) and Laurentino Rivera (1983), envisioned an economy that would be largely independent of market influences and market forces. To this end, they wanted to focus their attention primarily on increasing food production – which had been disrupted during the land struggle and had led to poverty and malnutrition in many communities – and on ensuring its distribution through a wide range of communal forms of work that were presumed to be traditional, and cabildo-coordinated mechanisms of reciprocity and redistribution. The ideas of these traditionalistic indigenous leaders, who had dissociated themselves from the regional organization CRIC in the late 1970s, were supported by a *solidario* (non-indigenous supporter), Victor Daniel Bonilla, who was involved with the new indigenous organization, AICO, and had assisted the Nasa of Jambaló during a process of critical reflection on their economic problems (Bonilla & Findji 1986; CNU 2002a; Vasco 2002d; Laurent 2005). The economic orientation launched by these leaders hence was part of a more encompassing policy of ongoing recovery of autonomy led by a strongly centralizing cabildo (cf. Findji 1993).

But this radical rejection of the market economy that entailed also a return to an economy of self-sufficiency was not easily achievable for everybody, because the livelihoods of some communities (and families), more than others, depended primarily on cash crops. These families, who often had outstanding debts with external agencies (banks), wanted to re-invigorate the production of cash crops on their family plots, or at least keep them, and they had the growing impression that their interests were being neglected by the cabildo. This group was represented by a number of leaders who felt more closely attached to CRIC – which in its economic policy had not abandoned the promotion of market-directed activities (i.e. had taken a less radical stance [than MAISO and its affiliates]) – and had grown increasingly supportive of the interests of sisal-growing families (CNU 2002a). In 1983, these modernistic leaders launched a campaign to discredit the AICO-affiliated cabildo of Laurentino Rivera and finally set up a parallel cabildo (CNU 2002a; Findji 1992).

The contrast between the rival factions in Jambaló – modernistic-legalistic (CRIC) versus traditionalistic-radical (AICO) – became increasingly polarized due to a rise in the activity of armed groups in northern Cauca – in addition to FARC there was M-19, Ricardo Franco and the indigenous self-defense group Quintín Lame (Movimiento Armado Quintín Lame: MAQL), named after the

leader of the indigenous revolt in the 1910s (see Chapter 2)⁴ – and resulted in the killing (by one of the armed groups), in late 1983, of AICO-affiliated ex-governor Bautista Guejía and his son (CNU 2001a; Findji 1992). In this way, the sisal crisis in Jambaló gave rise to a significant crisis of authority that would paralyze the community organization for years.

5.2 THE INHERITANCE OF FATHER ALVARO ULCUÉ AND THE PROYECTO GLOBAL

Towards the end of the 1980s, a small group of younger community leaders – who had grown up in the land struggle with promises of solidarity and progress – became increasingly frustrated with the enduring division of the community that hampered improvement of the standard of living of resguardo inhabitants. This group was supported by a number of elders who had always been worried about loss of language and cultural practices and, as a consequence, of cultural identity, the preservation of which required a strong sense of community. So a start was made by setting up a new community organization that could bridge the rupture within the community and lead to integrated and participative development.

They took their example from the works of Father Alvaro Ulcué, a Nasa priest from Pueblo Nuevo, who had worked in the Toribío parish and had played an important role in the indigenous movement of northern Cauca until he was killed on the order of large, local landowners in 1984 (Beltrán & Mejía 1989). Father Ulcué had tried to unify the three resguardo communities in Toribío that had become ideologically divided due to their support for different established political parties – Toribío was influenced by the Conservative party, Tacueyó had sided with the Liberal party and San Francisco was Communist (CNU 2002a [Toribío]; Rodríguez, Pulido, Prada & Rojas 2005) – by reconfirming their ethnic identity and by encouraging them to get more involved with the activities of their cabildos. His ideas were inspired by Liberation Theology,⁵ and he mixed Christian values with his knowledge of Nasa culture (Rappaport 2005). In his approach, he followed the example of Manuel Quintín Lame, who at the start

4. A minority sector among the Nasa in the late 1970s had become involved in the MAQL, which was considered as the armed branch of CRIC and mainly operated as a self-defense movement against the army, right-wing militias of landowners, and the FARC and Ricardo Franco guerrilla groups. However, MAQL was also held responsible for cases of armed robbery and the assassination of indigenous political opponents (Findji 1992; Podur & Santos 2004).

5. Liberation Theology is a form of radical Christian theology developed during the Second Latin American Bishops' Conference in Medellín, Colombia (1968) that endorsed greater direct efforts to improve the lot of the poor through a social doctrine called *preferential option for the poor*. "In the 1970s the central pastoral method [of Liberation Theology] was called 'See, Judge and Act'. This meant that the laity was encouraged first to observe their situation, then to decide whether this situation is right or wrong in the light of what God wants for man, and finally on the basis of this judgment to take action to change this reality" (Siebers 1996: 86).

of the century had organized meetings – so-called teaching *mingas*⁶ (*mingas indoctrinadoras*) – to mobilize the Nasa against the expropriation of their territory (Rappaport 1990, 2005; see Chapter 2); Ulcué used this institution again to train indigenous leaders and to encourage the community to think about local problems and possible solutions (compare with Field 1994b, 1996). Just before his death, he had thus managed to put into motion, with the help of community facilitators he had trained, an “organic program of evangelization” that had the objective to achieve the integrated promotion of the Nasa *resguardos* of Toribío, Tacueyó, and San Francisco, through the realization of evangelization, bilingual education, healthcare, housing, agricultural modernization (*tecnificación*), and communitarian work” (Roattino 1986 in Rodríguez et al. 2005: 76; my translation). This program was later renamed *Proyecto Nasa*.

After Ulcué’s assassination, the project (in the Toribío communities) was abandoned for a considerable time due to socio-political destabilization caused by an outburst of state-guerrilla violence in northern Cauca. But around 1986-1987 it was restarted by a group of missionaries belonging to an Italian religious order, the Consolata priests, and some pastoral workers from CENPRODES (Centro Nacional de Proyectos de Desarrollo Social) headed by one Ruben Darío Espinosa. Espinosa and Father Mauro Riascos had been persuaded by community leaders from Jambaló, who had assisted with the *Proyecto Nasa* meetings in Toribío, to set up a similar program in the community of Jambaló (Bonanomi in CNU 2002a [Toribío]). And so, in 1987 a start was made with organizing meetings and workshops for indigenous leaders who were interested in the situation and the problems in the *resguardo*; this new community development organization in Jambaló was soon renamed *Proyecto Global*, a name that expressed its focus on Jambaló’s community as a whole, irrespective of participants’ political or religious convictions (Rafael Cuetia, Interview, October 22, 2000). The first *Proyecto Global* sessions were small and focused mainly on health promotion and on adult education (literacy and vocational training) for leaders. At first, the project met resistance in a number of Conservative *veredas* in the middle and lower section (the communities in the upper and middle section were mostly Liberal). However, with the help of facilitators who visited the different *veredas* in the *resguardo* one by one to urge people to join the project, the number of people involved grew rapidly (CNU 2002a).

March 1988 saw the first *resguardo*-wide community meeting in the village of La Mina – a symbolic location because during the land struggle it was here that relations between Indians (*ex-tenant farmers* / *ex-terrajeros*) and mestizos (opponents / *contrarios*) had been very tense. Besides the recently appointed *agualciles*, *cabildo* representatives in the *veredas*, the meeting was also attend-

6. The *minga* or *cues-nmi* traditionally is a labor arrangement whereby a certain family invites the families of relatives or friends to help with work and subsequently partake in a meal or celebration (Ortiz 1973; Rappaport 1982).

ed by many interested ordinary community members (*comuneros*) from all parts of the resguardo. During this meeting, of several days duration, presided over by the cabildo of Angel Quitumbo and facilitated by Ruben Darío Espinosa of CENPRODES, the participants were asked to take stock of the problems and possible solutions, through drawings and discussions, by juxtaposing the bad side (*cara mala*) of the situation in the resguardo with the good side (*cara buena*).⁷ In order to allow everybody – in addition to a large number of, mostly male, elders/leaders, for the first time women and young people also took part – to express their views, the company was divided into breakout groups that reported to the plenary assembly after the discussion. High on the problem list were issues such as: party politics (*politiquería*: clientelism) and disunity, malnutrition and lack of skills, lack of economic resources, and the crisis in the community enterprises (ECs). Positively evaluated points were: an autonomous cabildo, availability of repossessed land and community members' interest in training. They then tried to set priorities for starting to change the bad side that saw two – apparently opposite – main and pressing concerns return time after time: on the one hand, the modernization of agrarian production and, on the other, the re-introduction of traditional medicine, culture, language, and custom and practice (*Proyecto Global* [#4] 1988).

This reference to traditional medicine and cultural custom and practice (*usos y costumbres*) shows that the locally shared history constitutes an important point of orientation in choosing the direction of communitarian development. By relating the past to the daily problems of the present, people may find answers to questions about a desired future vision. In developing such a vision or, as the Nasa also often call it, dream (*sueño*), they explicitly emphasize its relation/connection to what they perceive to be their cultural characteristics (*lo propio*) – a self-conscious reconstruction of cultural practices (Rappaport 2005).⁸

7. In fact, this approach of group modulation shows many similarities with the method of “historical picture maps” (*mapas parlantes*) that Victor Daniel Bonilla had used with the Nasa cabildos of Jambaló in 1981-1982 (Bonilla & Findji 1986), as was also noted by some of the elder community leaders (CNU 2002a).

8. In defining *lo propio*, an expression that is difficult to translate, Rappaport (2005: 142) contrasts this concept with *vivencias*, “unconscious everyday lived experience” (in communities, “on the ground”), the former being “a more self-conscious construct in the sense that it abstracts out of the latter [*vivencias*] a constellation of practices generated through research and reflection. These practices are foregrounded as emblematic of ‘Nasa culture’, constituting a bundle of cultural attributes worthy of use as political symbols or as vehicles for cultural revitalization.”

I believe that the Proyecto Global incorporates a vision for the future. We are preparing the road, we are looking ahead, or we are dreaming about what we're going to do in the course of time. In so doing, it seems important to analyse more slowly, to go over things with care, trying to rescue something that is characteristic of us (*algo propio*), something of the local culture, in this case particularly the values, because I am convinced that on this depends whether the Proyecto Global shall succeed in its aim. (Dora Cordoba, CNU 2002a: 90)

In order to bring about the desired changes, the community is willing to appropriate, in a careful manner, Western knowledge and techniques, insofar as these are expected to strengthen existing indigenous organizations and community institutions. If the community succeeds in this, these external elements of knowledge will be transformed in the process and will eventually become part of the community's own, distinct, indigenous world of experience (*life-world or vivencias*).

We need to recapture history (*recoger historia*) and combine it with modernity (*lo nuevo*). [...] History is the past, that which the others did before us. We have to look for the work done by the elders. Where did they reach? What progress did they make? What were they lacking? That which they lacked, for us is what to figure out in the present; how to improve it, what we should do to advance towards the future. (Marcos Yule, CNU 2002a [Toribío]: 22).

This methodology – as explained by one of the founders of the Proyecto Nasa and designated “intercultural planning” by some indigenous leaders and activists (Rappaport 2005)⁹ – is the driving logic behind the practice of Nasa community development projects, which are ultimately aimed at achieving a state of harmony and balance – the ultimate desired future condition (Espinoza 2000) – and thus greater cultural, political and economic autonomy (ACIN & CODACOP 2003; Gow 2005).

In Jambaló, the La Mina meeting became the model for successive regular (bimonthly) Proyecto Global sessions that were to be hosted by a different vereda each time in order to promote broad participation, and that invariably drew 400-500 community members, including representatives of all communal institutions¹⁰ that were thus actively involved in the realization of one

9. A form of planning revolving around a strategy of cultural revitalization “that involves the retrieval of local knowledge and its combination with Western techniques” (Gow & Rappaport 2002: 68) or that “strives to strengthen *lo propio* [...] through critical appropriations of theory and methodology from the dominant society” (Rappaport [n.d.], chapter outline for Rappaport 2005).

10. In general: teams of teachers from educational centers and health promoters; groups of lay catechists (“delegates of the word”), elders and traditional healers (shamans); executive committees (*juntas directivas*) of social and economic projects, communal action boards (JACS), community shops, community enterprises (ECs) and the cooperative of Zumbico; the *cabildo* and, depending

common goal/sphere of action: the development of a long-term plan for alternative development that is firmly based in their own shared local history and indigenous custom and practice – what in later discourse also came to be referred to as “cosmovision” (*cosmovisión*) or “Law of Origin” (*Ley de Origen*).¹¹ With this the community of Jambaló, like the community of Toribío, continued a development model, launched by CRIC in the 1970s and 1980s, that explicitly opposed the capitalistic development model and that therefore can be considered, in a certain sense, a form of “counter-development” (Gow 1997, 2005; Arce & Long 2000), or “place-based development” as opposed to development with “universalist pretensions” (Blaser 2004: 8). After some time, the community of Jambaló, like other indigenous communities in Cauca, also started to refer to its community development project as Life Project (*Plan de Vida*, CRIC 1997),¹² a concept that can be described as: “A project of alternative development [that is] embedded in local history and encompasses visions of the world

on the political situation, some functionaries of the *alcaldía* (municipal government).

11. Indigenous leaders operating inside communities are often unable to adequately put into words what *cosmovision*, as a concept, means. Joanne Rappaport (2005), in collaboration with Nasa indigenous activists and intellectuals, has defined *cosmovision* as a “worldview, an approach to everyday experience that inserts human beings into a broader cosmos peopled by other types of beings and fosters a concern for cosmic harmony and balance” (p. 147). As the term is nearly always used as part of a politicized indigenous discourse, she considers it “a modern conceptual category that incorporates secular and spiritual behavior, mythic charters, and historical experience into a politically effective whole” (p. 191). Being a politically charged concept, *cosmovision* – on a general level – “presents a critique of modernity as lacking spirituality and as disregarding the balance of the universe” (p. 192). Because *cosmovision* is constantly exposed to other, more dominant worldviews “it is not a hermetically sealed belief system, but a fluid habitus [...] that is at once communal and individual, learned and appropriated, researched and consciously deployed, a central concept of indigenous counter modernity” (p. 193). The concept of *Ley de Origen* is often used interchangeably with *cosmovision*, although the former term better conveys the historical nature of the indigenous (Nasa) worldview. Perhaps its meaning has been most adequately captured during the Congress of Indigenous Peoples of Colombia in Cota-Cundinamarca on Nov. 30, 2001, as “the millenarian cultural principles that guide and orient the concepts we have about development, territory, peace and coexistence (*convivencia*)” (ONIC 2001). Since then, the notion has also occurred in public statements by Nasa indigenous authorities and the zonal organization of northern Cauca (ACIN), i.e. by the Huellas-Caloto resguardo, Sept. 7, 2002, and ACIN, Feb. 19, 2004. This definition corresponds largely with the explanation that an assessor (Adriana Aguilar, a *colaboradora*, non-indigenous, but sympathetic to the Nasa cause working “from the inside”) to the Jambaló cabildo once gave me. “The *Ley de Origen* is the core of the identity of an indigenous people, the parameter, the mandate, the most essential. Some kind of guide for everything people, as a people, are undertaking, an instruction for how one should live. [...] It is the collective memory of the people, its outlook on the social world and its natural [and spiritual] surroundings, its mythology, its *cosmovision*. [...] This is why the *Ley de Origen* should inform the community’s communitarian project. If this is not the case, people have been misled by the dominant culture and are losing their identity/autonomy as a people” (pers. comm. Dec. 2000).

12. During the Xth CRIC Congress, the organization advised its member communities to speak of life projects instead of development projects (CRIC 1997). The term “life project” also seems to be gaining currency among indigenous communities and grassroots activists in other places, such as among the Yshiro in Paraguay and the James Bay Cree in Canada (see for example: Blaser et al. 2004).

and the future that are distinct from those embodied by projects promoted by the state and markets” (Blaser 2004: 1). Although the methods and procedures of Proyecto Global meetings were never laid down in written rules (i.e. statutes), the deliberations and conclusions of each session were always minutely recorded and published in a long series of booklets (*Proyecto Global* [#4] 1988, [#27] 1993, [#64] 2000), that would come to constitute, in time, a sort of “meta-narrative of indigenous planning” (cf. Roe 1994 in Gow and Rappaport 2002: 68).

5.3 FIRST PRODUCTIVE PROJECTS AND THE ADVENT OF THE DRUG CROPS

In order to realize the ambitious aim of the Proyecto Global and to keep the community permanently involved with it, the main priority was to give the local economy a new impetus, particularly in view of the economic crisis in the resguardo, and to give families the prospect of real improvements in their standard of living. However, like in neighboring communities, Jambaló’s families and communities lacked the financial means required to invest in goods and services needed to bring about the desired re-orientation and modernization of agrarian production, and of its market-oriented part in particular.

For individual families, the only possibility to gain access to capital was to take out a loan. Although resguardo inhabitants could not use usufruct rights to land – which is part of the community’s inalienable collective property – as collateral for loans, they had the possibility of resorting to the so-called *prenda agraria*, an arrangement by the Caja Agraria, a state bank that was willing to accept part of the harvest or cattle as guarantee (pursuant to Decree 2476 of 1953), upon submission of the act of adjudication (*acta de adjudicación*) granted to them by the cabildo. But most families were generally reluctant to do this, particularly after their negative experience with this system during the sisal crisis; many still had large debts outstanding. Furthermore, families from the repossessed territories (middle and lower section) did not have official adjudications issued by the cabildo for their individual plot – because as a sub-community (former tenant farmers) they were already included in a global adjudication (see Chapters 3 & 4) – that excluded them from the *prenda agraria*. Apart from these individual considerations and specific circumstances (in Jambaló), CRIC in the late 1980s had strongly advised against taking out individual credit because it considered this not in accordance with the indigenous culture, which was presumed to be based on a communitarian economic organization (Roque Roldán, personal comment, February 2001).

The families in the resguardo thus relied on financial support channeled through the cabildo. During the first years of the Proyecto Global, an important task of the indigenous authorities was the search for new benefactors. Initially, this was certainly no easy task, as most national rural development institutions

had pulled out of northern Cauca during the land struggle and the ensuing political unrest. The first financial injection into the Proyecto Global came from the Catholic mission (Consolata priests) in Jambaló and Toribío, which had managed, using their personal contacts in Italy and Europe, to secure development funds to implement a number of initial community projects. The cabildo invested the funds in, among other things, adult education and women empowerment projects and in a productive corn-growing project, including the construction of a mill, a handicrafts project, and a project to set up a carpentry workshop (CNU 2002a). The communities of Jambaló also received limited support from CRIC, which managed funds provided by Canadian and European governmental and non-governmental development agencies – including CIDA, Miserior, Cebemo, Terre des Hommes – in a rotating indigenous credit fund (Fondo Rotatorio Indígena: FRI), with which it supported projects in indigenous communities aimed primarily at setting up cattle raising in community enterprises, an orientation that was partly the result of a contract between CRIC and the regional department of the Federation of Cattle Farmers (FEDEGAN) (José Domingo Caldón & Luis Alfredo Muelas, CRIC executive committee members, personal comment, January 2001; see also Chapter 4, section 4.2).¹³ As the funds obtained from the private sector were mostly very limited, the cabildos of Jambaló and other Nasa resguardos strongly committed themselves to convince the government to fulfill promises it had made in the past and spend some of the very limited national budget for rural development on the social and economic reconstruction of indigenous communities (Rodríguez et al. 2005). In the late 1980s, they succeeded in this – partly thanks to mediation by CRIC and ONIC (National Indigenous Organization of Colombia). This signified the return (after several years of absence) of the State to northern Cauca.

The government's big flagship program at that time, the National Rehabilitation Plan (*Plan Nacional de Rehabilitación: PNR*), had an intervention strategy aimed at pacifying isolated areas (abandoned by government institutions) hit by poverty and violence – i.e. remove possible support to revolutionary groups – by creating favorable rural development conditions (Vargas del Valle 2003; see also Gros 1991a and Machado 2003). A special unit had been set up, as part of this program, to implement the national government policy on indigenous communities (National Program for the Development of Indigenous Communities: PRODEIN), with international support from the World Food Program (WFP) and United Nations Development Program (UNDP). This policy had been formulated in 1984 by the government of President Belisario Betancur (1982-1986) and focused on: “ethnic strengthening, the consolidation of com-

13. See Laurent (2005) for a detailed description of this CRIC-FEDEGAN agreement, which in the early 1980s had caused considerable controversy between the two regional indigenous organizations, CRIC and AISO (AICO), which basically had to do with different political positions and disagreement over relations between indigenous communities and their former landlords (*terratenientes*).

munitarian territorial links, and the free and participatory adoption of modern subsistence alternatives that permit communities to improve their productive systems and quality of life in such a way that they preserve and creatively rejuvenate their cultural identity and traditional forms of organization” (DNP 1984 in Gros 1991a: 279, my translation).¹⁴ The sub-program gradually took off during the term of office of President Virgilio Barco (1986-1990) with a dual approach. The first line of action consisted of implementing so-called food-for-work projects in indigenous communities, whereby participating resguardo inhabitants received food packages from WFP as payment for their voluntary participation in sponsored development projects for building public facilities and infrastructure works (roads, aqueducts, electricity network, etc.). The underlying idea was that this extra food supply would partly relieve families from subsistence activities freeing up more time to work on the development and strengthening of their community projects – in Jambaló, the Proyecto Global – in both socio-institutional and economic-productive terms (Presidencia 1990). The food-for-work projects were complemented by a second line of action in the PNR project that focused, through a UNDP small grants program, on the promotion of “demonstrative income-generating projects” and “small productive projects aimed at associative groups”, whether or not through associative credits, such as projects for reforestation, micro-irrigation, cattle-raising and fish farming (Presidencia 1990; CNU 2002a).

The productive projects that were set up during the first years of the Proyecto Global showed little cohesion and almost all of them were short-lived. There are numerous explanations for this. A number of projects – for example, cattle raising – had actually been proposed by external organizations (including CRIC) and, therefore, failed to meet the needs and experience of the community members involved. Projects often started with very limited capital and faced a lack of technical assistance or did not correspond to the market situation. The programs that funded the projects were of a temporary nature (PNR itself was terminated in 1994), and it was not possible to pursue them independently without external financial input (CNU 2002a). Nevertheless, together with a number of socio-cultural and education projects, they constituted a first learning experience with managing development projects independently, even though some researchers believe that it led to aid dependence (*asistencialismo*)

14. PRODEIN – which was laid down in a special policy document, CONPES 2082 – was the first indigenous policy that was elaborated with the participation of indigenous organizations (Gros 1991a), and can be considered as the policy translation of the promises that President Betancur had made to the indigenous communities of Cauca during his visit to the repossessed hacienda of Las Mercedes in Guambía (Silvia) in 1983, and the ensuing ruling of the Council of State, in November that same year, that recognized indigenous cabildos as “public authorities of a special nature” (Findji 1992: 124; see Chapter 3). The first government policy specifically directed at the indigenous population was CONPES 1726 of 1980. Before 1980, indigenous farmers and communities were generally referred to, for agrarian policy purposes, as peasants.

and a “culture of projects” (Cortés 1996 & personal comment, October 2003) among the Nasa resguardo residents. The side effects of the food-for-work projects were perhaps more damaging, in the sense that the distribution of food packages – which contained, among other things, rice, beans, and canned fish (Presidencia 1990) – resulted in many families gradually losing their interest in cultivating traditional food crops and developing new eating habits, which, as a consequence, led to greater food dependency (José Domingo Caldón & Luis Alfredo Muelas, CRIC executive committee members, personal comment, January 2001).¹⁵ Another consequence was the disappearance of traditional redistributive mechanisms, such as voluntary food contributions to communal labor parties (*mingas*) and other community gatherings (CNU 2002a).

Box 5.1 *The new constitution and temporary optimism*

The new constitution and temporary optimism indigenous delegates acquired considerable influence in the constitutional process and achieved unprecedented recognition of specific indigenous community rights and, to a lesser extent, the collective rights of black (Afro-Colombian) communities (Van Cott 2000a). Although the new constitution – proclaimed on July 4, 1991 – contributed to broaden the ongoing decentralization process in Colombia, it structurally avoided the question of major economic or agrarian reform. Moreover, FARC, ELN (Ejército de Liberación Nacional), and paramilitary groups had not been involved in its drafting (Reyes et al.). The initial euphoria and unrealistically high expectations about the constitution soon vanished as a result of “the return to pre-ANC levels of narco-terrorism and guerrilla violence and increased poverty and unemployment resulting from Gaviria’s [1990-1994] neo-liberal economic policies and a recession that continued into 1999” (Van Cott 2000a: 91). The Nasa in northern Cauca were already roused from their dreams by the massacre of 20 community members at the hands of narco-trafficking paramilitaries during the belated repossession of the El Nilo hacienda in Caloto on December 16, 1991 (Reyes et al. 1992; Jimeno et al. 1998).

15. In Jambaló, 4,068 resguardo inhabitants participated in WFP’s food-for-work projects, who together received more than fifty thousand food rations valued at 66 million Colombian Pesos (Presidencia 1990).

Although the mostly collective (associative) projects under the Proyecto Global failed to give the communities a viable alternative source of income to replace the loss of revenue from the cultivation of sisal and coffee (a crop whose prices had started to drop during the late 1980s), an increasing number of families started to become actively involved in a parallel illegal drug-crop economy. On individual family plots in the upper and middle section, people started to grow small-scale crops of opium poppies (*amapola*) – in association with traditional crops – a very lucrative plant that was introduced in the indigenous communities by the drugs mafia from Cali between 1987-1989 (Perafán 1999). At the same time, the lower section saw a rise in coca cultivation, a crop that was being cultivated in larger amounts than could be justified for traditional uses (as a medicinal plant) (CNU 2002a). This development, with far-reaching consequences for the local economy and, hence, for the Proyecto Global, was illustrative of the fact that: “at least some participation in illicit forms of agricultural development brings [brought] greater rewards more broadly distributed than any form of [communitarian] development” (Field 1996: 116). This development meant indigenous involvement in an economy of anti-state forces (i.e. narco-trafficking and guerrilla warfare) and would gradually lead to a weakening of the cabildo’s authority.

5.4 PARTICIPATION IN THE CURRENT REVENUES OF THE NATION AND THE CONQUEST OF THE ALCALDÍA

The development perspectives of the Nasa in Jambaló/northern Cauca changed drastically after the enactment of Law 60 of 1993 and the resultant regulatory Decree 1386 of 1994 that made provision for a relatively high level of fiscal autonomy for municipalities and indigenous resguardos, as mandated by the new constitution (art. 357).¹⁶ In fact, this law inaugurated an important new phase in the constitutionally legitimated process of democratic decentralization that had started with the introduction of the public election of municipal mayors in 1988 (pursuant to Law 78 of 1986).¹⁷ Law 60 made way for a considerable increase in yearly transfers of national current tax revenues (*transferencias*) to regional governments and for an extension of the responsibilities and decision-making authority of the municipalities, this with the aim to “close the gap between citizens and public administration” (Fiszbein 1997: 1030). The legislation also took account of the role of the traditional authorities of indigenous resguardos, the cabildos, which since 1988 (Law 30) were officially recognized as public authorities of a special nature. Article 25 endowed resguardos with

16. This law is commonly referred to as Law of Resources and Transfers (*Ley de Recursos y Transferencias*).

17. Law 78 of 1986 removed the power of departmental governors to appoint mayors (departmental governors continued to be appointed by the national government until the adoption of the Constitution of 1991). The first mayoral elections took place in 1988.

a status comparable to that of municipalities; this implied that indigenous authorities henceforth were entitled to their own share of resource transfers to provide for the basic needs of their communities in accordance with their uses and customs.

The law stipulates that the level of resources to be disbursed to *resguardos* is to be determined relative to the population of the indigenous community (population figure multiplied by the per capita resource transfer) and distributed independently from – i.e. complementary to – the funds transferred to the municipalities in which the *resguardo* is situated (Law 60, art. 25).¹⁸ Although revenue transfers to *resguardos* are defined as being their property (Decree 1386, art. 1), *cabildos* and their communities are not entirely free in the administration of these resources. In the first place, mayors have been appointed as intermediary recipients of the transfers to *resguardos* and, to gain access to them, indigenous authorities, like municipal governments, have to follow an institutionalized planning process (as broadly defined by Law 152 of 1994). The law leaves some room for culturally distinct planning methods – according to indigenous custom and practice (*usos y costumbres*) – and, unlike municipalities, *cabildos* are not obliged to make long-term development plans. They do, however, in consultation with their respective communities, have to devise plans for specific activities or projects (*perfiles de proyectos de inversion*) in five priority areas of social investment (*sectores de inversion*): education, healthcare, housing, drinking water supply, and discretionary investment on the part of the *cabildo* – this latter area including, among other things, agrarian development (Law 60, art. 21). However, whereas municipalities have to divide their budget over these sectors according to fixed percentages (Law 60, art. 22), indigenous communities are free to do this at their own discretion, depending on their priorities and cultural practices (Decree 1386, art. 5.2). Subsequently, *cabildos* have to conclude a written agreement with municipal authorities detailing how the funds will be spent – the latter, however, having a strictly advisory role, not a decisive or steering one. Finally, in administering these public funds, *cabildos* are obliged to render account not only to their communities but also, like their municipal counterparts, to the fiscal control agencies of the national government (DNP-UDT 1997). (DNP-UDT 1997; Raúl Arango, personal comment, February 19, 2001).

The “indigenous participation in the current revenues of the state”, as this arrangement was officially called, and which came into force in 1994, meant that the *cabildo* and the communities of Jambaló did not have to rely solely on external benefactors to fund their Life Project, as from that moment on they had a relatively constant amount of finance at their disposal that they could manage and spend as they saw fit. The tax transfers increased the legitimacy of the *cabildos* and gave new impetus to the process of development planning

18. In this respect, it is sometimes said that indigenous communities profit doubly from Colombia's fiscal decentralization process (Raúl Arango, pers. comm. Feb. 2001)

in the context the Proyecto Global. By organizing frequent community assemblies throughout different parts of the collective territory, community leaders convinced an ever-growing number of people to become actively involved in voicing demands, making choices, and implementing projects. As far as productive projects were concerned, they held on to the CRIC-propagated model of associative projects and micro-enterprise development (Espinosa 2000; see also Gow 2005). The aim of these projects was to generate high-quality production for internal and external marketing and to create employment in order to enable a growing number of young land-poor families to sustain themselves. In different veredas, the cabildos brought groups of 10-20 interested people together in so-called micro-enterprises to start experimenting with differing activities such as pig keeping, small animal husbandry (chickens, guinea pigs), trout farming (aquaculture), small-scale production of dairy products, and a bakery. They received technical assistance from experts and advisors hired by the cabildo (Jambaló 1995).

Despite many new technical and institutional-administrative challenges, this participatory methodology contributed to instituting transparent leadership and a general process of capacity building among community members (cf. Fiszbein 1997; Pancho 2003). The open indigenous management model, however, stood in sharp contrast to the closed and top-down (vertical) style of administration of the municipal apparatus, which was firmly in the hands of the traditional political parties. Municipal authorities – headed by a mayor (*alcalde*) appointed by his party and not a member of the local community – considered the preparation and implementation of the four-year municipal development plan as a task for municipal officials and experts whereby the local population was not, or hardly, consulted. As a result, the municipality's social investment projects usually did not link up with the projects proposed under the Proyecto Global. In addition, a disproportionately large amount of the municipality's budget was invested in projects aimed at the non-indigenous population of the villages (Jambaló, La Mina, and Loma Redonda), despite the fact that Decree 1386 (art. 8) clearly states that tax transfers to resguardos do not exempt municipalities from their obligation to invest also in indigenous rural areas. Meanwhile, communities were divided among themselves by virtue of their loyalty to the Liberal or Conservative party, which the latter secured with clientelistic practices (*politiquería*, *politicking*), mainly through the community action juntas (*juntas de acción comunal*: JACS) (CNU 2002a; Pancho 2003; compare with Beltrán 2003; Rodríguez et al. 2005).

Discontented with the old bipartisan political model (Liberals and Conservatives), educated indigenous leaders in Jambaló and in other communities in Cauca (e.g. Toribío and Guambía) had already started, in the early 1990s, to set up an alternative political project, the so-called civic movement, to increase their influence on municipal administration by participating in

local/municipal elections. Using this approach, the community had already succeeded in obtaining political representation on the municipal council and the departmental assembly in Popayán (Laurent 2005). In the run-up to the municipal elections of October 1994 (for the 1995-1997 term), the indigenous community organization in Jambaló forged an alliance with progressively minded mestizos and nominated their own candidate for mayor, Marden Betancur (from the lower section), who was backed by Alianza Social Indígena (ASI) – a national political party sprung from the indigenous self-defense group Quintín Lame, demobilized in 1991 (Avirama & Márquez 1994; Laurent 2005). When Betancur won the elections, it signaled a *de facto* taking over of the municipal government apparatus by the civic movement. Initially, this taking over of power by the indigenous organization met strong resistance from supporters of the established political parties – including some rival indigenous leaders – and culminated in the fatal shooting of Betancur on August 19, 1996.¹⁹ However, this setback fortified the *resguardo* community in its political conviction and, from that time on, the municipality of Jambaló has always remained in the hands of the civic movement.²⁰

The incorporation of the municipality in the indigenous organization of Jambaló can, in hindsight, be seen as an attempted subjection of the municipality to the cultural practice (normativity) of the indigenous community's Life Project (Proyecto Global) or, as verbalized by a community leader:

Making sure the people, once elected, have to accept criteria. People do not walk alone just because they are alcalde or gobernador, they cannot do as they please, no! Instead it is the community that votes (elige), but also watches over (vigila) and makes demands (exige). (María Eugenia Toconás, CNU 2002a: 91)

They had apparently succeeded in this in the sense that the planning, implementation and evaluation of the municipal development plan henceforth passed through community assemblies, which now moreover controlled a larger budget in tax transfers than was previously allocated to the *cabildo*. But some commentators see the success of the indigenous community as a Pyrrhic victory (e.g. Gow 1997, 2005; Rappaport 2003; see also Rodríguez et al. 2005). Soon, the indigenous leaders – in both the *cabildo* and the municipal government – and the community – through its Proyecto Global – were spending increasingly more time on preparing and evaluating the development plan instead of on the Life Project, following State rules and procedures, a process which in a

19. For a complete description of the facts of the murder, as well as the legal implications of the case (both the indigenous “intellectual author” of the murder and the ELN, the actual executors, have been accused and convicted on the basis of indigenous jurisdiction), see Sánchez Botero (1998), Van Cott (2000a), and Rappaport (2005).

20. In the 1990s, various indigenous communities won *alcaldías* through civic movements, but in Colombia in general this is still an exception rather than the rule.

sense can be considered as holding oneself accountable to something that “is imposed from the outside and principally deals with the necessities of the resguardo in the short term and in predetermined categories” (Gow 2005: 68). At the same time, the discussion on a long-term future vision on culturally appropriate communitarian development, rooted in the cosmovision of the Nasa, risked being pushed down the agenda.

Box 5.2 CONPES 2773

CONPES 2773 – In addition to fiscal autonomy legislation, the government of President Ernesto Samper (1994-1998) in 1995 launched a special four-year program of assistance and ethnic strengthening for Colombia’s indigenous peoples as part of the National Development Plan 1995-1998 that was elaborated in a document of the National Council for Economic and Social Policy (CONPES No. 2773). This program, which basically was a continuation of a line of indigenous policy initiated in the 1980s (PRODEIN), established that, for four years, two percent of the national budget for social and environmental spending was to be allocated to the indigenous population – including, however, the resources involved with transfers of state revenues and agrarian reform measures directed at resguardo communities. Among other things, it made provision for co-financing projects for increasing levels of agricultural production in indigenous communities by way of the Indigenous Rural Development Fund (DRI/FNCI), and signaled the need for alternative credit facilities to enable indigenous farmers to substitute illicit drug crops. Furthermore, the policy document assured indigenous participation in activities aimed at the exploitation, management, and conservation of natural resources in indigenous territories and promised training in public administration for indigenous authorities (Jimeno & Ministerio del Interior 1995; Arango & Sánchez 1998). Ambitious as it may have been, according to experts the CONPES program failed to produce any tangible results since it never went any further than merely enunciating vague and incoherent intentions, lacking a clear definition of responsibilities of the various ministries involved (Roldán 1997; see also Cortés 1996). CONPES 2773 was not continued or evaluated by the Pastrana administration (1998-2002) and was the last program of its kind that specifically dealt with the implementation of indigenous peoples’ economic rights. Increasingly distracted by continued economic crisis and increasing guerrilla violence, the State has largely withdrawn from anti-poverty and social investment programs in general. With the exception of their scant participation in drug-crop substitution programs (PLANTE), indigenous communities today have come to depend solely on resource transfers, which they must complement with self-sourced acquisitions of additional financing.

5.5 CONSEQUENCES OF THE OPIUM POPPY AND COCA – A NEW STANCE ON DRUG CROPS

Hindered by legal restrictions on the spending of tax transfers and due to pressure from the municipality to co-fund public works, the cabildo did not manage to use the tax transfers to make headway with boosting the local agricultural economy. In Jambaló, during the first years after the taking over of power by

the civic movement, the money from the tax transfers – now of both the cabildo and the municipality – was mainly spent on housing projects, on building an electricity network, on road construction works, and on aqueducts. Hardly any money was spent on economic (agricultural) projects (CNU 2002b).²¹ As a result, the prospects in this field did not improve noticeably. Meanwhile, the size and spread of drug-crop cultivation grew steadily.

As mentioned, the main reason why the Nasa in Jambaló had become involved in illegal drug-crop cultivation was the fact that they were looking for a new source of income to compensate for financial losses caused by the drop in prices of their traditional, legal cash crops, sisal and coffee. In view of the exceptionally high return per cultivated area, both poppy and coca are crops that are perfectly suitable for this purpose. According to poppy-growing farmers, each poppy plant produces about five grams of latex after three to four months. In the late 1990s, this latex yielded between three and five hundred Colombian Pesos per gram. In Jambaló, it was sold, like coca, to middlemen from Silvia or Santander. One square meter of land can accommodate about ten poppy plants, worth fifteen to twenty-five thousand Pesos. An added advantage is that poppy, unlike traditional crops, is not tied to a strict agricultural calendar and can hence be seeded all year round. Therefore, the crop, initially cultivated on a small scale, easily fits into normal agricultural activities. Because of these characteristics and because its cultivation does not require special techniques or inputs – fertilizers and fungicides – poppy was an alternative source of income within everybody's reach, including people with small plots. In this latter aspect, the crop's introduction, like the cultivation of coca elsewhere, contributed to a certain "relaxation of the tensions that are inherent in the scarcity of territorial space" (Gómez & Ruíz 1997: 86; see also Perafán 1999).

In the first few years after its rise, the indigenous authorities had taken a permissive stance on the cultivation of drug crops. Due to lack of a clear consensus on the new phenomenon, and perhaps also because *cabildantes* (cabildo members) were often themselves involved in drug-crop cultivation, the practice was tolerated as long as families made "rational use" of it, i.e. if they used it as a security factor in times of economic crisis. This approach, however, put the *cabildos* – as recognized public authorities – in a difficult situation because the government was actively campaigning against drug crops, and the indigenous authority did not want to appear to the outside world as an accomplice of narcotics organizations (Gómez & Ruíz 1997). For these reasons CRIC, on behalf of the *cabildos* of Jambaló and other communities, signed an agree-

21. The development priorities of Jambaló seem to coincide with those of other indigenous communities in Colombia. Laurent (2005: 344) draws the following image: in 1994-1995 communities on average invested 25.3% of their resource transfers on education, 21% on drinking water and basic sanitation, 16.6% on health care, and only 5% and 2.6% on agricultural development (mainly land acquisitions!) and protection of the environment, respectively – the rest in various other investment sectors.

ment with representatives of the national government in May 1992 in which the indigenous authorities declared themselves willing to cooperate on voluntary, manual drug-crop eradication in indigenous resguardos in return for financial and technical support from the government for alternative productive projects (Consejero Presidencial para la Seguridad Nacional et. al. 1992). This poppy eradication agreement was signed in Jambaló and is hence known as the Jambaló Agreement.²² Although the area used for the cultivation of illicit crops seemed to decrease slightly in the years following the agreement, the eradication effort was not sustained, primarily due to a lack of commitment on the part of the government. In the absence of viable alternatives, the drug-crop eradication policy became untenable to the community members and the cabildo's approach became, again, one of indifference.

This changed when the negative effects of drug-crop cultivation became increasingly apparent. Around the late 1990s, drug-crop cultivation had become a widespread phenomenon. Families cultivated the crops not merely out of economic necessity, but also for profit, in other words: "with a view to satisfy their consumption aspirations, which had hitherto remained unfulfilled" (Gómez & Ruíz 1997: 87, my translation). Poppy and coca had started to oust food crops (Jambaló 1998), and this led to an increase in food dependency – a process that had already started with the arrival of sisal. In 2001, the cabildo estimated that 70 to 80 percent of food was imported, whereas previously people used to grow it themselves (Jambaló 2001a). Easy money was also to blame for the advancing monetarization of the indigenous economy and a changing appreciation of communal labor forms (Gómez & Ruíz 1997; see also Field 1996). Drug-crop cultivation is, generally, an individual activity, and the large amount of time people dedicated to it came at the expense of participation in collective activities, including associative projects (the communitarian process) – behavior that runs counter to the cultural values of the Nasa (Perafán 1995ba). The environment also had to pay its price for drug-crop cultivation. Because of the favorable climatic circumstances for poppy cultivation and because of increasing land shortage, more and more virgin land was brought into cultivation, causing ecological damage to the water sources and mountain woods of the Páramo, areas that are culturally classified as sacred sites and considered protected areas in the national legislation (Law 373 of 1997).

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 22. According to Avirama and Márquez (1994), the Jambaló Agreement was the first such agreement signed with the Colombian government and served to legitimize CRIC as the legal interlocutor of the indigenous peoples of the department (see also Van Cott 2000a).

Box 5.3 Roadblock of the Pan-American highway and Decree 982 of 1999

Roadblock of the Pan-American highway and Decree 982 of 1999 – It was characteristic of the precarious situation in the indigenous communities that the regional indigenous organization (CRIC) organized a special congress between 30 May and 5 June 1999 in the village of Piendamó in the resguardo of La María. While a crowd of several thousand Indians blocked the Pan-American highway between Cali and Popayán, the organization issued a resolution that declared a “social, cultural and economic state of emergency of the indigenous communities of Cauca”. With this strategy that they had used before, they hoped to put pressure on the government forcing it to respect agreements previously made with the indigenous communities – including the Jambaló Agreement – after years of negligence. The core issues of these accords concerned the acquisition of land for the expansion of resguardos (i.e. observance of agrarian legislation, particularly Decree 2164 of 1995) and the development of special credit facilities and alternative productive projects for indigenous communities. According to indigenous leaders, earlier agreements about these issues had been complied with only minimally: 11 of the 22 proposed projects (on a departmental level) had been approved, but up until then only three had

been implemented.¹ On the fifth day, the Interior Minister attended the indigenous congress. On this occasion, he acknowledged that attention to the situation of the indigenous communities had been insufficient. He signed a declaration of intent in which the government expressed the political will to develop, with “speed and diligence”, specific policies and to make government budget allocations to improve the situation of the indigenous communities in terms of territoriality, environment, human rights, economy, and food security. On June 10, 1999, these promises became legally binding with the issue of Decree 982. However, four years later the National Ombudsman, appointed as observer of the new accord, reported that “the benefits promised by Decree 982 are not reflected in their fulfillment in practice” and expressed his concern as follows: “that in a State under the rule of law (*estado social de derecho*) public agencies repudiate their own normativity and do not effectuate the policies and functions to which they are assigned” (Defensoría del Pueblo 2003: 23)

1. In the documents at hand (CRIC 1999; Decree 982 of 1999; Defensoría del Pueblo 2003), it is difficult to discern the nature and approach of the proposed alternative productive projects.

For the resguardo community of Jambaló, drug-crop cultivation had become a threat not only to the indigenous communitarian economy and territoriality, but also to the indigenous authorities. During the first years of drug cultivation, the drug-crop harvest was bought up by narco-traffickers to be processed outside the resguardo, but in the late 1990s the narco-traffickers installed drug-producing labs in several communities, mainly in the lower section. The resultant significant rise in alcoholism, juvenile crime, and violence made it increasingly harder for the cabildo to exert its influence on social life in the territory. This situation also put the relationship between cabildo and government under stress again. After several years of shaky policies, the government launched a new anti-drug campaign, with help from the US, around the turn of the century (Jambaló 2001b).

Towards the end of the 1990s, the cabildo started to realize that it needed to adopt a different approach. In this it was supported, despite widespread drug-crop cultivation, by large sections of the community. The initially permissive policy was gradually replaced by a policy designed to at least lessen illegal crop cultivation. Before focusing on its own community, the cabildo decided to first make a clean sweep of the illegal cocaine labs that had been set up in the resguardo. When all dialogue attempts with the (nonindigenous) owners of the labs failed, the cabildo sought support among the communities for a forced dismantlement of these facilities – using a logic that very much resembled the logic that was used at the time of the reposessions of the *haciendas de terraje* (landlord haciendas). In July 2000, the cabildo organized a “big communal minga” “to restore harmony and balance in the indigenous territory”. More than two thousand community members and 600 *guardias indígenas* (unarmed indigenous civic guards) – 20 men from each vereda – went to the lab sites and removed all equipment and chemicals from the resguardo. The national army destroyed them later that same day. Thanks to the presence of observers from ACIN (Association of Indigenous Cabildos in Northern Cauca)²³, CRIC, and the National Ombudsman (*Defensoría del Pueblo*), the drug dealers hardly put up any resistance during the mobilization (Cabildo de Jambaló, Resolution No. 008, Jul. 20, 2000; Tamayo in *The Miami Herald*, August 21, 2001). The dismantlement of the drug labs, which had somewhat strengthened the position of the indigenous authority regarding the illegal crops issue, was also used by the cabildo to show the government what the indigenous position on the drugs problem was:

Aware that this is a social problem on a national and international level, we (hereby) clarify the situation we experience with reference to this plague, affirming that we indigenous communities are not narco-traffickers, even when some community members are involved in the cultivation of amounts of hallucinogenic and illicit crops to mitigate hunger. – Also we declare that we feel abandoned by the government, since it has not complied with the accords and agreements regarding the substitution of those crops, and that we are against the fumigation (aerial spraying) that has been proposed as national policy, considering this a crime against Mother Earth. (Jambaló, 2000: 1)

23. When CRIC (the Regional Indigenous Council of Cauca) was founded or shortly after, the various member resguardos for organizational-logistical reasons were grouped into various zones: Centro, Norte, Oriente, Nor-oriente, Tierradentro, Macizo, Pacífico, all according to geographical subdivisions of Cauca and not according to ethnic groups (zones can thus include different ethnic resguardos). After the promulgation of the 1991 Constitution, Decree 1088 of 1993 allowed zones to form zonal cabildo associations with legal status, these associations taking over some of CRIC's roles. This is how ACIN, coincidentally encompassing only Páez resguardos, acquired legal status in 1994. CRIC thus became de facto decentralized. This was probably much against the wish of CRIC, which had a “pan-indigenist” ideology (emphasizing common Indian identification beyond ethnic divisions), whereas many resguardos and associations wanted to place more emphasis on ethnicity.

However, the successful removal of the labs from the indigenous territory was a simple matter compared with combating poppy and coca cultivation by families in the communities. In the interest of the community's unity and social cohesion, the cabildo was forced to follow a diplomatic course, primarily aimed at increasing support. The precarious position of the cabildo in this respect became very evident later that same year when the cabildo visited the community of La Esperanza (lower section). On this occasion, the cabildo ventured to address the need to reduce coca cultivation – present in this community on a relatively large scale and carried out openly – in roundabout wordings that were, however, clear to everybody. During this visit, the local community did not overtly rise up against the cabildo, but the fact that the next Proyecto Global community assembly several weeks later was not attended by La Esperanza representatives sent out a clear signal to the cabildo and to the other communities. This incident highlighted, above all, that awareness alone was not enough and that the cabildo would only be able to bring about a change through solution-focused thinking and acting in terms of looking for new possibilities for alternative productive projects. In order to be able to finance the investments required for such projects it was first of all necessary to find additional sources of finance.

5.6 THE SOCIO-ECONOMIC STUDY AND ATTEMPT AT INTERNAL TERRITORIAL RE-ORDERING

An important starting point in respect of this socio-economic study was an update of the number of resguardo inhabitants (establishing this number was defined as one of the official tasks of the cabildo in Law 89 of 1890, art. 7, num. 1). A few years earlier, the cabildo and the municipal government had discovered that the calculation of the tax transfers allocated to the resguardo and the municipality was based on an outdated census (carried out in the year 1985). Whereas the cabildo estimated that in 2000 the resguardo had more than 10 thousand inhabitants,²⁴ the National Planning Department (DNP) – responsible for the calculation of the transfers using data supplied by the National Department of Statistics (DANE) – used a population figure of just 5,138. Population figures can be adjusted by DNP and DANE provided the censuses

24. A population count conducted by the municipal offices in 1993 had registered 9,812 inhabitants (Jambaló 1995). It is unclear why this population count was not initially used by DNP to calculate the resguardo's share of tax transfers. Possibly this is because it did not differentiate between the indigenous and non-indigenous population (the total resource transfer for resguardos is determined by multiplying the resguardo population by a per capita resource transfer). This distinction is especially relevant since many people in Jambaló that nowadays identify themselves as indigenous, at the time did not. In the 1985 population count, for example, 48 percent of the total municipality population identified themselves as mestizo; most of these people lived in the acculturated middle and lower sections of the resguardo (Findji & Rojas 1985).

have been carried out by a state entity (for example by INCORA); for bureaucratic-technical reasons, however, this takes at least two years (Raúl Arango, personal comment, February 19, 2001). In Jambaló, this update, repeatedly requested by the cabildo, had been delayed some time due to lack of funds and staff at INCORA. In the autumn of 2000, the institute was, however, able to come into action as part of the socio-economic study – legally required for the restructuration of indigenous resguardos – that had to be carried out at that time as part of the legalization (re-titling) of the last landlord haciendas in the lower section (see Chapter 4, section 4.3.2).²⁵ And so it was eventually established that the resguardo's population had grown significantly: Jambaló, including the village, now officially had a population of as many as 11,368 inhabitants,²⁶ more than twice the number included in the 1985 census (Muñoz & Soscué 2000). This result – and particularly its certification at DANE – would lead to a significant increase in the budget of both the cabildo and the municipal government in the near future. In 2003, the first year the population figure was used by DNP to calculate the resguardo's share of tax transfers, the cabildo and the municipal administration had access, respectively, to 1,037 and 4,072 million Colombian Pesos worth of transfers, compared with around 550 and 2,400 million in 2000 and 2001, respectively (CONPES 2000; Marino Tombé, interview, September 18, 2003).

INCORA's "socio-economic, legal, and land tenure study" was conducted by local researchers led by the cabildo and had the intention of establishing the land needs of the community and the required measures to be taken (i.e. restructuring and/or expansion of the resguardo). It not only provided the cabildo with a census, but also produced numerous other useful data that could be used to take stock of the economic situation in the resguardo, to prepare its policy, and to elaborate any concrete projects and programs that were deemed necessary. In order to get an idea of the size and influence of illegal drug-crop cultivation relative to the legitimate economic production, the cabildo had also instructed its research team to take stock, independently of INCORA, of the amount in hectares of illegal crops cultivated by families. This survey was conducted in strict anonymity in order not to compromise the respondents and to make sure that their answers would be as honest as possible. The results of the study, presented by the cabildo to the community during a Proyecto Global session in December 2000, were not surprising but they did clarify matters.

According to INCORA statistics, the resguardo of Jambaló has an overall size of 24,176 ha (241.8 km²). However, around 11,459 ha (47.4%) of this area must be declared protected (*reserva*) either because it lies above 3,000 meters

25. The study in Jambaló formed part of a more comprehensive socio-economic study by INCORA, which also carried out population updates in the three Toribío resguardos (Toribío, San Francisco, and Tacueyó).

26. These 11,368 were distributed over 2,570 families with an average household size of 4.42 members (Muñoz & Soscué 2000).

or because it has an inclination of more than 50%; thus calculated, 12,717 ha (52.6%) remains available for agricultural purposes. At the time of the survey, 3,873 ha (30.5%) of this total cultivated area were used for arable farming; this means that 69.5% was either being used as pastureland or lay fallow. Almost half (47.8%) of the total arable farming area was used for cash crops, particularly coffee and sisal; the rest (52.2%) was used for food crops, the main one being corn (Soscué 2000), in essence for self-sufficiency. A further 271 ha was taken up by traditional house gardens (*huerta / yac tul*). This scenario was subsequently juxtaposed against the results of the cabildo's shadow survey into illegal drug crops, divided per section. In the upper section, only poppy was cultivated, but, as became apparent, in large quantities and on a large scale: as many as 426 people were somehow involved in the cultivation of this crop that covered a total of 179 ha in the section. In the middle section, significantly fewer illegal crops were being cultivated than in the upper and lower section: a total of 221 people cultivated a mere 10.4 ha with one or both illegal crops. This is perhaps due to the fact that in large parts of the section the climate was unfavorable for both poppy and coca, and perhaps also because of the taboo on this practice in the repossessed areas: older people who had taken part in the repossessions say: "we didn't risk our lives recovering these lands in order to grow drug crops". In the lower section, a significant number of inhabitants were involved in widespread intensive coca cultivation: 567 people cultivated the crop on a total of 92.1 ha. From these data it could be concluded that 1,214 people in the resguardo were involved in illegal crop cultivation (10.7% of the population) on a total crop area of 302.5 ha (7.8% of the total arable farming area) (Jambaló 2000a). This may not seem much, but there was more to it than met the eye. It meant that in almost every family in the resguardo at least one person was involved in illegal crop cultivation. And the size of the problem became even more apparent when the economic importance of the illegal crops was taken into consideration. The cabildo estimated that the amount of money made from the drug crops was more than twice the value of the resguardo's total coffee harvest (in 1999): around 5 billion Colombian Pesos as against just under 2 billion (at the time, respectively, 2.4 and 1 million USD) (Jambaló 2001b).

What is more, the socio-economic study also produced a clear image of the problem of land shortage and unequal land distribution. According to INCORA's calculations, the total arable land in 2000 – on average 5 ha per family – was sufficient for the community to guarantee at least a short-term improvement in the standard of living.²⁷ However, the survey results also showed that the community of Jambaló was relatively young: 53.5% of the population was

27. Under situations encountered in 2000, INCORA calculated that an average family in Jambaló (i.e. working on 5 ha of land and with the usual production methods and crops – illicit crops not taken into account) would be able to produce twice the value of a minimum wage (Muñoz & Soscué 2000).

younger than 20.²⁸ With an expected population growth of more than 2% per year,²⁹ this rosy, optimistic future economic scenario turned out to be very limited. The average land availability also provided a distorted image: due to unbalanced land distribution, partly a legacy of the 1980s land repossessions, there was already land shortage among some families in 2000; this was relative in the case of a number of families who were no longer able to practice the usual *rocería* (slash-and-burn) farming system; it was absolute in the case of a growing number of young families who had hardly any land at all. At the same time, there were also *veredas* in the *resguardo*, particularly in the middle and lower section, where families possessed more land than they could cultivate, parts of which they left fallow for long periods. This land shortage, combined with unbalanced land distribution, led to mutual tensions. Furthermore, the situation was highly relevant in the discussions about the *resguardo*'s economic future and possible strategies to curb illegal crop cultivation. The increasing land shortage, which had already started to crop up in some parts of the *resguardo* in the early 1990s was, after all, one of the reasons – besides the lack of access to credit (see 5.3 above) – why people switched so easily to illegal crops (Gómez & Ruíz 1997; see also Perafán 1999).³⁰ A policy designed to reduce the cultivation of drug crops would also have to focus on a reduction of the number of people who were land-poor or landless. Having acknowledged this, energetic young leaders in the *cabildo* (of 2000) started to look at the possibilities for limited internal land redistribution. And so, during a *Proyecto Global* session in late 2000, they started up a discussion about this issue:

It's a delicate subject, because the land is our Mother, and when it concerns our Mother we can be very passionate (celoso). [...] But if we do not face this question now, we will be confronted with even bigger problems later. Then we'll see confrontations amongst our very selves, and it may happen that families with little or no land one day decide to invade the lands of the community enterprises (empresas comunitarias), the fincas of the cabildo or those of the small, indigenous latifundistas, something which in other resguardos [i.e. Guambía]³¹ has already occurred. (Marcos Cuetia, governor, during the Proyecto Global session, October 24, 2000)

28. In the range 0-9 years: 3,206 persons (28.2%), and in the range 10-19 years: 2,875 persons (25.3%) (Muñoz & Soscué 2000).

29. Based on the two most recent available population counts (9,812 in 1993 and 11,368 in 2000, respectively), the population increase rate is calculated at 2.1%. For more accurate population increase rate, calculate as follows: $1982-2000 - 5,138^*[x]^{18} = 11,368$ inh., and subsequently $(x+1.021)/2$.

30. Although Perafán (1999) emphasizes the role played by this credit vacuum, he also points to land shortage, especially in the case of the land-cramped Guambía *resguardo*, as a factor in the adoption of illegal crops; he moreover mentions *resguardo* expansion as one of an array of measures to reduce illicit crops.

31. See Perafán 1999.

After an exposition of the problem by the governor of the cabildo, the crowd present was asked to split up into three groups – mixed per section and vereda – and consider the following three questions: (1) What are our greatest worries in regard to the land tenure in the resguardo? (2) Is it necessary to carry out a redistribution of land? And, if so: (3) How do we carry out such a measure? The first question in particular was given most attention, and, although a number of participants kept scrupulously quiet, others seized the opportunity to speak out freely and express a number of deep-felt frustrations. Inevitably, deeper-lying questions of a more philosophical nature also cropped up: to what extent should an indigenous community be egalitarian and what is the difference between the terms equity and equality?

Are we going to have equality, or not? That's the question really. We have to take a decision instead of continuing this squabble. We have to say: "So many hectares for such number of families." We have to get to the root of the issue (vamos al grano)! [...] Because in the reposessed land (ECs) there are people that have one piece of land here and another there, and they don't let other people work. That's an obstacle!" (Community member during the Proyecto Global session, October 24, 2000)

Due to the issue of territorial re-ordering (*reordenamiento territorial*) tempers remained heated in Jambaló for some time, and not just during community meetings. Some realists claimed that its implementation would never have a sweeping effect.

Redistribution won't get us anywhere in this place. One or two families may have 10 hectares, but most of it is not productive and only suitable for grazing animals. [...] Besides, if there are veredas where some people have more land than others, then that land will be for the other families in that same community. [...] I see only one solution, and that is getting hold of more land in another municipality; maybe some day we'll have the opportunity to expand the resguardo. (Community member in Loma Gruesa, lower section, interview, November 22, 2000)

Although many people had become convinced of the need for internal land redistribution, questions about when, how and to what extent remained a divisive issue. As time passed, the window of opportunity closed with the start of a new political configuration following the election of President Alvaro Uribe in May 2002, and the reaction of the guerrilla group (FARC) who brought the Colombian armed conflict again close to the indigenous community's doorstep. Internal redistribution/territorial re-ordering was deemed increasingly inopportune under these circumstances. One evil would definitely be replaced by another evil.

Internal redistribution among the Páez is certain to produce a war (la redistribución interna entre los paeces es producir una guerra). [...] It would bring about a disequilibrium that totally goes against the principle of unity and could turn into one of the worst threats; even more so when there is an effect that divides and sucks people in, as with the armed conflict (Andrés Betancur, community leader, interview, September 16, 2003)

Although the cabildo did not want to rule out that, in the near future, it would carry out a less far-reaching land redistribution in some “poignant” cases (i.e. relatively land-rich indigenous *finqueros* or *latifundistas*) in the middle section (ECs) and upper section – by applying the old instrument of segregation, in conformity with Law 89 of 1890 (art. 7, num. 5; see also Chapter 4, section 4.1.4) – this different approach also resulted partly from the realization that a certain level of inequality in land possession had always been an integral aspect of every Páez/Nasa society (Findji & Rojas 1985; Findji 1993; Gros 1991a; Andrés Betancur, interview, September 16, 2003). Furthermore, community leaders realized that land reform would not offer a permanent solution to land shortage and that it would be better to focus on negotiating with the government about the allocation of land outside the borders of the current *resguardo*, and, at least equally important, on stimulating the indigenous communitarian economy.

5.7 ANALYSIS OF PAST ASSOCIATIVE PROJECTS AND ADMINISTRATIVE REFORM

However, before they could make a start on this, it was first necessary to look back at the experiences and results of the various productive projects developed autonomously by the indigenous community and funded with tax transfers since the mid 1990s. Recent evaluations of these projects – many of which were aimed at associative groups (*grupos asociativos*) or micro-enterprises (*microempresas*), and in terms of set-up were not much different from the projects that had been developed and financed by external institutions in the early 1990s – painfully showed that results had lagged far behind aims and expectations, in terms of production, provision of employment, and profitability (see also Gow 2005). A study of these evaluations (as included in the 1998 and 2001 Development Plans), and discussions with people involved in the projects and members of the cabildo’s economic committee clearly reveal a number of recurrent explanations for these disappointing results (not to say failures).

The main excuse of community members involved in the projects was that associative micro-enterprises are plagued by a lack of administrative and other practical skills (or by an unwillingness to develop these skills) among members of the management committees.³²

32. This problem is time and time again highlighted in documents of the cabildo and zonal or-

The problem is we don't have enough qualified personnel that know how to administrate, how to create work that generates profits. There is no vision. This is in part because by culture we Indians do not have much ambition for study. This causes problems in the development of the communities. In my case, I only have a baccalaureate. It is my dream to keep up my studies and continue working on the land at the same time. But one educated person will not be sufficient. This is a cultural weakness we Indians have. (Bautista Dizú, January, 2001)

Although in the late 1990s the zonal organization (ACIN) had set up two internal vocational training centers for integrated development,³³ the community facilitators produced by these centers were unable to immediately meet the large demand for specific practical skills among communities. Moreover, the curricula of the centers focused on specific courses about sustainable organic farming and not on the skills micro-enterprises mostly needed, such as small enterprise management and accounting. Because of this situation, economic projects had continued to rely on (expensive!) external experts and consultants.

On the other hand, the communities often stated that, from the outset, enterprises had not had a chance of succeeding because of the limited amount of capital allocated to productive projects. This was explained by the large number of sectors' among which the limited finances of the community had to be distributed – in addition to economy and environment, also education, health-care, and institutional development – and the cabildo's limited success thus far in negotiating additional funds for projects through co-financing agreements with external public and private institutions. Furthermore, according to some community members, the financial management style of the cabildo and the municipal government was too conservative (paternalistic).

If they are going to put money in a micro-enterprise, let them give it all at once, and not 25 percent today and another 25 percent the next year and so on, because then these projects fail. We need sufficient capital to kick off with. An example. One of the projects

ganization (ACIN), for example in Jambaló's 1998 Development Plan (pp. 13-14): "[there is] a lack of professionals from among the community in the field of agricultural production and environment, and a lack of sound experience and capacity in administration and bookkeeping in the community in general."

33. CECIDIC (Center for Education, Training, and Research for Integrated Community Development), created in 1995 in collaboration with SENA (National Learning Service) as a local branch of the Santos college in Toribío, provides practical courses for 190 Nasa students in sustainable development in areas such as agro-forestry, organic agriculture, small animal husbandry, aquaculture, medicinal plants, etc. The center receives financial support from the European Union (EU), the Italian Episcopal Conference (CEI), and the Colombian Institute of Family Welfare (ICBF), amongst others (University of Cauca website bulletin). CIAN: Indigenous Center for Agro-environmental Investigation, 'El Nilo', created on a land acquisition of the Caloto resguardo – following reparation payments for the El Nilo massacre of 20 land-repossessing Nasa Indians in the late 1990s – has the objective of recovering and promoting adequate and culturally appropriate technologies for agricultural production in the Cauca Valley lowlands of northern Cauca (ACIN website).

we're busy with here, a project involving about 20 associates, is the aquaculture (trout farm) project that was planned for the flat terrain over there, down by the riverbank (Jambaló). The tanks have already been dug out, ten of them already. But the project isn't progressing because until now we haven't had any financial support from the *cabildo*, or from the *alcaldía*. We've been working with only two million pesos (a thousand dollars) from the Ministry of Agriculture. I mean, those are minimal resources to work with! (Arceliano Medina, member of the executive board of the Zumbico cooperative, December 7, 2000)³⁴

On this issue, however, the *cabildo*, fully aware of its budgetary problems, put the ball back in the communities' court, i.e. the associative groups who were ultimately responsible for the implementation of projects. As long as participating families were spending their time on the drug-crop cultivation, they were showing insufficient dedication to community projects. Furthermore, once projects had started, their revenue was not re-invested and so it was not possible for the enterprises to grow and expand. In 1998, the *cabildo* had already noted in this regard that the community: "does not attribute much importance to concepts such as profitability, retrenchment, and reinvestment" (Jambaló 1998: 14; compare with *Cabildo Indígena de Tacueyó et al.* 1999 in Gow 2005).³⁵ Many micro-enterprises would time and again ask for new capital injections, and this led to a dependency relation with the *cabildo* (Jambaló 2001a). In this regard, the *cabildo's* economic committee was not afraid to point out that the considerable sums of money made by illegal drug-crop producing families were seldom, or never, invested in associative productive projects (José Miguel Cuetia, October 27, 2000).

However, the *cabildo* was also willing to acknowledge its own mistakes and admitted that its role in the management of economic projects – particularly concerning coordination and assistance – had left much to be desired. At an early stage, the *cabildo* had noted that projects became bogged down because of poor coordination of relations between the *cabildo*, the municipal agricultural extension unit (UMATA), and contracted external technical consultants. This was partly due to the complex procedures that the *cabildo* had to follow – pursuant to Decree 1386 of 1994 – to gain access to its share of tax transfers (of the *resguardo*) and delayed project implementation and assistance

34. Since Zumbico is a cooperative with legal status, it can negotiate investments from third (external) parties independently from the *cabildo*.

35. The situation in Jambaló in this regard is very similar to that in other *resguardos*. During an evaluation of a not-so-successful communitarian economic project in Toribío, for example, the difficulties mentioned ranged from "the obvious problems of defunct machinery, lack of qualified personnel and lack of money" to "references to lack of vision and entrepreneurial spirit on the part of the community members (involved in implementation), lack of conscience on the part of the three participating (administering) *cabildos* as well as opposition from some communities" (*Cabildo Indígena de Tacueyó et al.* 1999 in Gow 2005: 85).

(Jambaló 1998). But, more importantly, the indigenous authority often found itself hard pressed to carry out its tasks and responsibilities because of the increasing pressure of work at the cabildo's central administration (Jambaló 1998, 2001a). With the new 1991 constitution, the cabildo, whose structure had hardly changed since Law 89 of 1890, had to deal with an ongoing rise in the number of demands and complexity of self-governance and decentralization that appeared to have eventually overwhelmed it (see also Findji 1993; Padilla 1995; Gow 2005).

The analysis of the economic projects was on the agenda of the indigenous congress of the cabildos of northern Cauca (united under ACIN, the zonal cabildo association, see footnote 24) held in Jambaló in December 2002. Its aim was to indicate/discuss a number of internal shortcomings (*vacíos internos*) in the community's struggle for autonomy ("defending territory and the Life Project") in times of war and globalization (i.e. neo-liberalization). During the discussion of problems concerning production and the environment, a number of solutions were proposed, in both financial and administrative terms, to inject fresh life into the communitarian economy.

With regard to funding, it was decided that in the future cabildos would spend a higher percentage of tax transfers on productive projects, "to stimulate both family and communitarian production" (ACIN 2002 [2003]: 30). ACIN was able to make this decision because cabildos, unlike municipalities, are free to spend the transfers according to their own views and needs (Decree 1386 of 1994), but also because the joint investments made in the past by the municipal government and the cabildo in infrastructure (roads, electricity, water), education, and healthcare had in the meantime led to satisfactory facilities that already fulfilled a number of important basic needs in the communities (Edgar Ivan Ramos, personal comment, September 22, 2003). It was also agreed that, in the future, ACIN, as well as separate cabildos would have to concentrate more on entering into and managing co-financing agreements with government and private institutions in order to supplement the tax transfers (Decree 1386 of 1994, art. 5 num. 3).

In view of the cabildo's increased number of tasks and responsibilities – and with the prospect of bigger tax transfer budgets for the cabildo as a result of the census update – it was concluded that it had become necessary to reform the resguardos' administrative organization. This restructuring of the cabildo entailed the constitution of a special administrative council (*consejo administrativo*) as part of the larger cabildo structure – in imitation of the municipal government's planning council (*consejo de planeación*) – that would take on the tasks concerning the management and administration of the resguardo's finances. This would relieve the cabildo's central administration – i.e. the cabildo's original structure, consisting of five members (including a treasurer) – of these tasks, allowing it to spend more time on its basic tasks, i.e. giving

direction to the community and catering for its interests in the outside world or, as indigenous leaders expressed it: “political orientation and defending the Life Project (Plan de Vida)” (ACIN 2002 [2003]: 22).

Because, you see, there are cabildos that have been absorbed with assuming, implementing, and administering projects and institutional agreements, but with regard to exercising cultural autonomy and in connection with our cosmovision have shown negligence. [...] The idea of restructuring has been proposed to make sure that the cabildo, apart from administration – dealing with the money so to say – does not neglect its tasks with regard to organizational strengthening, and on the social and cultural plane. (Marcos Cuetia, indigenous mayor, September 17, 2003)

Henceforth, indigenous authorities would be able to schedule more time for the preparation of long-term policies and programs, for example concerning the realization of the communitarian economy, rooted in the cultural traditions (*usos y costumbres*) and cosmovision of the Nasa (compare with Findji 1993). The single projects – i.e. the micro-enterprises – would, in turn, receive more attention from the administrative council’s team in terms of assistance and timely supply of technical and administrative support, and this would have a capacity building effect on the community members involved in the projects.³⁶

36. This restructuring has one precedent, namely, in the installation of program coordinators heading the various sector-based committees or *nucleos* (education, healthcare, economy, etc.) that fulfill preparatory and coordinating roles (in meetings and deliberations). These tasks were likewise handed over by the cabildo to the coordinators to relieve the cabildo of some of its many tasks (see CNU 2002a).

Box 5.4 Change in indigenous participation in the current revenues of the state

Change in indigenous participation in the current revenues of the state (PICN) – By chance, the restructuring of the cabildo coincided with a change in the legislation in force concerning indigenous fiscal autonomy (participation in the tax transfers). In 2001, Law 60 of 1993 (and with it, executive Decree 1386 of 1994) was replaced by completely new legislation, Law 715 of 2001, which was used for the first time in 2002. The change concerned the system used to establish the size of the total number of transfers for resguardos, as well as the provisions, for municipalities, in regard to the sectors in which the funds were to be spent by law and their proportionate allocation. Initially, the introduction of Law 715 caused a lot of confusion and unrest in Jambaló and other indigenous communities. Ignoring the spirit of the Constitution, the government had

not involved the indigenous population in the drafting process of the new law. A careful study of the law text revealed that the government was now suddenly imposing the same spending obligations of municipalities – set percentages divided per sector – on resguardos also. When indigenous organizations contested this with the legislature, this part of the new legislation was corrected; this meant that the old situation was maintained, in the sense that budget items and percentages remained indicative and not prescriptive for resguardos. All in all, the new regulation also even meant a certain simplification, compared with Law 60, particularly concerning the submission procedures of project proposals by the indigenous community to municipalities: now on a single, fiscal year basis where previously it had been 6 two-month terms.

5.8 THE TUL HOME GARDEN PROJECT AND VISIONS OF AN INDIGENOUS ECONOMY

For some time, the Jambaló cabildo had been wanting to set up a project for agricultural production in the resguardo in order to fight the decrease in food security (*seguridad alimentaria*), and the ensuing malnutrition, caused by the rise in drug crop production. Due to the recent intensification of the armed conflict in the region that constituted a threat to the population's freedom of movement and, hence, to its access to critical food items and other products from outside markets, the urgency of such a project had become progressively more intense for the indigenous authorities (Luis Alberto Passú, September 2003). And so, in the course of (the year) 2000, the Jambaló cabildo launched a plan, together with other communities in northern Cauca, for the re-introduction of house gardens (*huerta / yac tul*) that had tended to fall in disuse among the Nasa (Jambaló 2001a,b). House gardens could still be sporadically found in the resguardo, but, in general, they were primarily maintained by the more traditional, elder households in the upper and middle sections; it had already become very uncommon among the youth in large parts of the resguardo. The re-introduction of the tul was aimed at providing families with constant availability of a broad range of crops and small animals for their own food supply.

Furthermore, the plan fitted into the cabildo's strategy for bringing distinctive cultural elements (*lo propio*) back into the local economy.³⁷ It so happens that, alongside the *rocería* system, i.e. slash-and-burn farming, the *tul* is generally considered the traditional agricultural system of the Nasa. Finally, the re-introduction of the house garden would also make an important contribution to a more sustainable and harmonious interaction with the environment. *Tuls* would make the use of chemical fertilizers unnecessary, while the permanent vegetation cover would contribute to water and soil conservation.³⁸ In her study into traditional agro-ecosystems in Tierradentro, Sanabria (2001: 67, my translation) gives a clear description of this system:

The house garden (*huerta / yac tul*) is a permanent space under the care of a family that is cultivated with a variety of useful plants, generally herbaceous and woody (shrubs and trees), which, situated around the house, together may take up an area of around 0.5-1 ha. Families cultivate a great variety of consumable subsistence products (*de pan-coger*), such as fruit trees, aromatic plants (herbs), medicinal and ornamental plants, principally, besides keeping some small domestic animals. [...] In the traditional Nasa house garden one can find woody plants, cultivated semi-woody plants, principally fruit trees,³⁹ also providing valuable wood or fibers, as well as medicinal plants, magical-religious and consumable, and other useful plants. The structure of the Nasa house garden includes small parts that are used for the cultivation of various associations of vegetable crops, depending on the respective thermal level (e.g. maize-broad beans-pumpkin or cabbage-peas-pumpkin at medium altitudes, potato-garlic-arracacha⁴⁰ at high altitudes, with types of sugar cane at lower altitudes).⁴¹ [...] House gardens form an intrinsic part of the homestead and are usually delimited by dead stems of sugarcane, maize or bamboo (*esterilla*⁴²), or with living fences of plants such as sisal (*fique*⁴³), and in some cases with barbed wire, this to prevent the entry of such domestic animals as chickens, dogs or horses that may damage the crops. [...] If we consider all species including their different varieties, it is possible to approximate a maximum of 150 different crops per house garden, of which 35 will be cultivated or semi-cultivated. The total stand of plants and trees

37. For a description of the *tul* as a cultural-political project, see Rappaport (2005).

38. The *tul* project was therefore in line with the recommendation made by Perafán (2000: 29) in the context of mitigation of illegal drug cultivation in Páez (Nasa) *resguardos*: "to seek for the establishment of a correspondence between, on the one hand, the agro-ecological potential of the soil and, on the other, the cultural forms of land use in indigenous territories." (my translation).

39. Common fruit trees are: *durazno* (*Prunus persica*), *manzano* (*Prunus malus*), *lulo* (*Solanum quitoense*), *mora de castilla* (*Rubus glaucus*), *tomate de arbol* (*Cyphomandra betaceae*), passion fruit and papaya (Perafán 2000).

40. *Arracacia xanthorrhiza*, Peruvian carrot/parsnip.

41. Other crops are: at high altitudes, onion, *majua* (*Oxalis tuberosa*) and *ulluco* (*Ullucus tuberosus*); at medium altitudes: *rascadera* (*Xanthosoma sagittifolium*), chili pepper, tomato, plantain, *mejicano* (*Cucurbita ficifolia*), sweet potato and *achira* (*Canna edulis*); at lower altitudes: maize, beans, yucca, avocado, guavas, and coffee (Perafán 2000).

42. *Guadua angustifolia*.

43. *Furcraea cabuya*.

in a house garden may amount to 300-350 useful plants in various stages of development, with different sowing/harvesting periods and intended for multiple purposes.

In 2002, PLANTE's alternative development program, the social face of the government's anti-drug campaign, provided the Jambaló cabildo an opportunity to make a start with the implementation of a tul program. PLANTE was willing to mediate between the cabildo and USAID-Chemonics, an organization that funded the voluntary eradication and substitution of drug crops. Through community assemblies, the cabildo had meanwhile found 156 families from three veredas willing to take part in a project to jointly eradicate, on a voluntary basis, 60 hectares of coca and poppy in exchange for the physical items necessary to build a tul. The manual removal of the drug crops started in May 2002 in the vereda of Nueva Colonia (middle section) in the form of a *minga* (communal work party), joined by all families involved and headed by the local JAC. The families then started to build their house gardens with assistance from the cabildo and UMATA. The 30 by 30 meter tuls were seeded and planted with more than 30 different crops, and they also provided accommodation for a number of small animals – rabbits/chickens – to a total value of 3 million Colombian Pesos per family. Initially, the project seemed fairly successful: soon the three veredas were declared “drug-crop free,” and in the following year the participating families saw a significant improvement in their food supply.

The tul project was not designed as an isolated project, however. It formed part of a broader, more encompassing program for the revitalization of the indigenous economy as formulated by the Nasa cabildos of northern Cauca (under the ACIN umbrella) – after lengthy discussions within their (respective) communities – and which was presented to the outside world in 2003 on ACIN's website and in a publication called *Communitarian territoriality*. This presentation envisioned a model for regional development based on a (so-called) “inward-oriented economy” (*economía hacia dentro*). The Nasa understand this as an economy that is primarily focused on agricultural self-sufficiency and the sustainable use of natural resources based on local needs, and in which external technologies and innovations, including market-oriented activities, are integrated only insofar as these build on and strengthen local knowledge and practices. It furthermore aims to bring back values of solidarity in the sense that it should ideally be based on the dynamics of reciprocal exchanges and cooperative relations within and between the various resguardo communities (ACIN & CODACOP 2003). This model shows striking similarities with other proposed ideas for “solidarity economy” economies (e.g. COLACOT [2002]; Reintjas [2004]), that might be partly explained by the influence of external advisors to indigenous communities and organizations. The independent expert Pedro Cortés, for example, recommended as far back as 1996: “[Their] articulation with the market should start from the principle of strengthening

indigenous peoples' own economic systems in such a manner that the market does not absorb or upset (break down) communitarian structures by subjecting their communities to the logic of free competition. Rather, the communitarian element should be consolidated as a stronghold for their participation in the market" (Cortés 1996: 3-4, my translation).

A central concept in ACIN's program is that of *food sovereignty*. Food sovereignty goes beyond food security, which just means: "having access to a balanced quantity of proteins, vitamins, and carbohydrates" – and can be interpreted, in general terms, as: "the economic strategies that certain groups of people develop [as regards] the way in which their societies relate to ecosystems in order to obtain the foods that are essential for their reproduction; it is a productive system oriented towards the internal satisfaction of basic needs in terms of nourishment [food, sustenance] for the social group" (Prada Ramírez 2005: III; my translation).⁴⁴ ACIN realizes that in order to achieve food sovereignty it has to come to a reevaluation of the traditional model of vertical economy that so typifies the Andean communities in South America (Sanabria 2001; see also Harris 1978; Murra 1984a). This system is based on the fact that communities at a certain altitude (thermal/ecological level: *piso termico/ecológico*) with a characteristic microclimate develop a certain productive specialization in their management of natural resources and agrarian production that complements that of communities who live at a different altitude with a different agro-ecosystem. It is based on the exchange of agrarian products via mechanisms of reciprocity and redistribution that are an integral part of kinship relations and institutions of communal labor such as labor exchanges and communal work parties (Sanabria 2001; Prada Ramírez 2005). In the example of Jambaló, a relatively large resguardo compared with other Nasa resguardos, comprising three ecological levels,⁴⁵ this vertical exchange of complementary resources could,

44. The food sovereignty concept was originally coined during the civil society shadow conference of the UN World Food Conference in Rome in 1996, where international NGOs and peasant organizations – such as Via Campesina – advocated for an alternative farming and food policy, as counterpart of the neo-liberal model that focuses the international food trade (Prada Ramírez 2005: 112). Another description of food sovereignty, one that was supported by 'The World Is Not For Sale', a coalition of international NGOs and peoples and farmers' movements, comes from the Final Declaration of the World Forum on Food Sovereignty in Havana, Cuba, held in September 2001, and reads as follows: "Food sovereignty recognizes agriculture involving peasants, indigenous peoples and fishing communities with links to the territory, primarily oriented towards the satisfaction of the needs of the local and national markets; agriculture whose central concern is human beings; agriculture which preserves, values and fosters the multifunctionality of peasant and indigenous forms of production and management of rural areas. Likewise, food sovereignty entails the recognition and appreciation of the economic, social and environmental and cultural advantages of small-scale, family-based, peasant and indigenous agriculture." (Bundell 2002: 13).

45. Sanabria (2001) maintains that the Nasa of Tierradentro differentiate between three broad ecological levels relating to the altitude of their territory, as follows: "high-mountainous" between 2,500-3,500m; "middle", between 2,000-2,500m; and "low" between 2,200-1,800m altitude. The territory of the Nasa in Jambaló runs from 3,800-1,600m altitude, and so includes all of these ecological levels.

in a sense, take place between the three thermal/ecological levels of the three sections of the resguardo – and to a certain extent it does still take place. This vertical complementarity would find an even better expression if the exchanges took place within a larger geographical area that also comprised the other resguardos of northern Cauca, some of which are situated in the Andean foothills (e.g. Corinto and Caloto). In that case, there could be an exchange between four or five agro-ecosystems, eventually possibly including those of the Afro-Colombian communities in the northern lowlands. Exchanges could take place either in kind (barter) or through monetarized relations (cash transactions) (Prada Ramírez 2005).⁴⁶ ACIN expressed its wish to start using this vertical complementarity in the document *Communitarian territoriality* in the following words:

In Nasa culture, there is only one territory, continuous, and all climates are essential for living; the culture is based on permanent relations between high places (snow-covered mountains, the páramo, lakes and mountains) and middle and lower places (foothills and valleys) and requires cold and warm [climate] foodstuffs, cold and warm [climate] medicinal plants; hence the Nasa need to “traverse the territory”, “inhabit everything”; hence the need for an ample territory. (ACIN & CODACOP 2003: 11, my translation)

Such practices could give the Nasa of northern Cauca more control over the different ecological levels, and thus lead to relative food sovereignty and economic autonomy. This inward-oriented economy, based on the complementarity between micro-climates, would possibly be able to make the role of the market (in respect of the food supply) as good as redundant. A secondary consideration is that could lead to a return to traditional eating patterns: as indigenous leaders are well aware, the cultural identity of a people is also defined by what it eats (see Sánchez Botrero 1990).

Although the choice of words might suggest differently, an inward-oriented economy does not mean that the Nasa envision a localized form of indigenous autarky (cf. Gow 2005). After all, this would mean a total denial of the current economic relations and aspirations of families and communities. The new economic vision is therefore also expressly aimed at continuation of the sale of locally and regionally produced surpluses and cash crops, such as organic coffee and sisal, on the market. The regional organization recently even opened a limestone quarry in Toribío, for which it obtained the exploitation rights (it is declared a *zona minera indígena*: indigenous mining zone), and it is trying to exploit the quarry in a sustainable way and make it profitable through an agreement with a private mining company.⁴⁷

46. In the latter case, the role of money will respond to the logic of circulation of products between different ecological levels, rather than to the logic of profit making.

47. Although subsoil resources in indigenous territories are not defined as the property of the

We will also arrive at the external market with products such as coffee and goods such as marble and limestone, due to the high potential of the territory for mineral resources. We make use of comparative advantages vis-à-vis the market on the outside that have arisen from the right we have won to be exempted from paying national taxes in our territory⁴⁸ in exchange for communitarian work for the production of public goods. (ACIN & CODACOP 2003: 17, my translation)

In addition to selling the agricultural harvest – primary materials (*materias primas*) – in the near future the communities are also planning to produce increasingly more processed products, such as roasted coffee from their own factory as well as fruit juices made from lulo (quito-orange, *Solanum quitoense*) or *tomate de arbol* (tree tomato, *Cyphomandra betacea*) (ACIN & CODACOP 2003; see also Jambaló 2001b). This shows that the Nasa do wish to continue to combine their internal communitarian economy, based on mechanisms of reciprocity and solidarity, with market-oriented activities – i.e. pursuing a mixed economy (*economía mixta*) (Gow 2005). The core issue is that food sovereignty remains on the agenda. Once they have achieved a certain measure of self-reliance in terms of food supply, the Nasa will also have the possibility to exploit the market as long as the food supply of family production units does not become dependent upon it (cf. Prada Ramírez 2005).

community, i.e. remain the property of the State, the Mine Code (Law 685 of 2001, which replaces the old Mining Code, Decree 2655 of 1988) foresees indigenous mining zones where indigenous communities have a preferential right with regard to the exploration and exploitation of mineral deposits (arts. 122-128; see also Sánchez & Arango 2002). NB: National legislation relating to petroleum exploitation does not contain specific provisions on exploration/exploitation activities in indigenous territories (see for example the case of the U'wa).

48. As was mentioned in the text, *resguardos* are exempted from paying the land tax (*impuesto predial*), pursuant to Law 44 of 1990 (art. 24); municipalities with *resguardos* are compensated for this by extra tax transfers.

Box 5.5 Worsening political situation and increasing rural violence

Worsening political situation and increasing rural violence – The first half of the first decade of the twenty-first century saw a significant intensification of the armed conflict, in which the indigenous communities of Cauca have explicitly declared themselves neutral (CRIC 1999). Whereas Nasa communities of the lower Cordillera slopes between 2000 and 2002 suffered a growing number of kidnappings and assassinations at the hands of paramilitary groups – who are defending the interests of rich landowners and large agro-industrial companies in the northern Cauca lowlands and accuse the Indians of complicity with the guerrillas – the resguardos of Jambaló and Toribío in early 2002 experienced the increasing presence of the FARC, who attempted to convert this part of the southern Andean highlands into a guerrilla stronghold following the breaking off of peace negotiations by the Pastrana government. Conditions worsened after the election of rightwing President Alvaro Uribe (May 2002), who adopted a militaristic policy to defeat the revolutionaries that were now styled as

terrorists. This declaration of war resulted in a more aggressive attitude on the part of the FARC, who stepped up the pace and intensity of their attacks on government and military targets. Nasa communities were increasingly caught in the crossfire and bore the brunt of military confrontations in terms of damage to buildings and crops and, more generally, the disruption of community life (CRIC 2003; Centro de Investigación y Educación Popular [CINEP] various issues). In anticipation of escalating violence, in 2001 the Nasa had created an unarmed civic guard, the *guardia indígena* (recently renamed *Kiwe Thenza*, territorial guards), comprised of volunteers with the task of protecting the safety of community members within and outside indigenous territory. Meanwhile, indigenous authorities and organizations actively campaigned for a negotiated, peaceful solution to the conflict. In 2004, the *guardia indígena* of Jambaló was awarded the National Peace Prize for best peace initiative, a prize the Nasa also received in 2000 (Leon in *Semana*, December 9, 2004)

5.9 TWO VIEWS ON “LO COMUNITARIO” (COMMUNITARIANNESS)

The new vision of the communitarian economy as put forward in recent publications (public documents) (Jambaló 2001b; ACIN 2002; ACIN & CODACOP 2003; Pancho 2003) reflects the wish of the Nasa to make their economy more independent of the outside world. They intend to achieve this by promoting local agricultural production to feed people locally (food sovereignty) and a careful reorientation of market-directed activities. Expositions on these topics mainly deal with matters relating to the rearrangement of goods flows and distribution patterns. However, this is just one side of the story: the material base of any economy. The other side of the story consists of issues concerning the institutional framework on which the new Nasa economy is to be based, and these are dealt with less explicitly. On reading the documents, one gets the feeling that this latter theme is almost taken for granted, as a result of which it threatens to fade into the background. Yet, behind this apparent consensus lurks a growing opposition among leaders and communities regarding the

future of their communitarian economic organizations. The central question in this discussion is how supposedly indigenous key values such as solidarity, reciprocity, and spirituality can and should find expression in the various organizational forms that are being proposed.

Since the creation of the Proyecto Global (1987), the various successive cabildos have followed a policy line concerning the institutional development of the local economy that aims to realize the “ideal of the communitarian resguardo community” (Antonil 1978: 268). Inspired by the land reform movement of the 1970s, the regional organization, CRIC, urged the Nasa – and other indigenous communities – towards a careful appropriation of co-operativist forms of organization that were remodeled on the basis of existing indigenous institutions such as the communal labor party (*minga, cues-nmi*),⁴⁹ reciprocal labor exchange (*nmi-cambio*), and barter trade – institutions that traditionally revolved around the nuclear family. Thus, a model of economic organization took shape that sought to conduct market-oriented activities, i.e. the production and sale of cash crops and processed products as much as possible through associative institutions such as community enterprises (ECs), micro-enterprises (projects) and community shops, whereas self-sufficiency activities, i.e. the production and exchange of food crops, were considered the productive domain of individual families (CRIC 1997; Rodríguez et al. 2005).⁵⁰ In more recent years, this model has been generally kept intact, even after the 2002 Indigenous Congress in Jambaló organized to identify, among other things, a number of deficiencies (*vacíos*) in the organization of the indigenous communities.⁵¹ This is manifested by, among other things, the fact that investments made by the cabildo are still primarily aimed at stimulating market-oriented production through associative enterprises and not through families – a finding that Gow (2005) also reached in other resguardos. The only family-oriented project, the house garden (*tul*) re-introduction project, again confirms this impression, because it seeks to increase self-sufficiency production and not market-oriented production. In other words: ACIN’s model of the communitarian economy is still – in institutional terms – highly reminiscent of CRIC’s model for economic reconstruction of the mid 1980s, although the new formulation uses more culturally specific terms from the Nasa cosmovision (such as references to *tuls* and vertical economy). This adherence to the model is quite remarkable, considering the fact that the cultural experiments of the Nasa with associative institutions

49. The term *minga* is also used to denote collective work celebrations that are sometimes organized by a vereda or the cabildo and performed by a larger community, for example to work on a road or school.

50. This model was again underscored in the conclusions of the X Congress of CRIC held in March 1997 in Silvia (CRIC 1997).

51. The administrative reforms that were carried through as the outcome of the Indigenous Congress of Jambaló in December 2002 were initially limited to changes in the organizational structure of the cabildo (see section 5.7).

in the last 20 years have been negative or at least disappointing from a productive perspective (see also Gow 2005).

As stated earlier, the *cabildo* and many community members are inclined to blame the disappointing results (the *economic failure*) of the community enterprises and micro-enterprises on a lack of capital and technical support and on faulty planning, management, and coordination of activities. They assume that an administrative reorganization in this respect could improve things. But other, deeper-lying causes can also be identified. A previous analysis of the community enterprises (see Chapter 4, section 4. 2) has shown that the low production of associative institutions was also a result of the contradiction between associative and individual production.⁵² As the participating families are usually unwilling to commit themselves one hundred percent to associative enterprises and continue to maintain family parcels on which they produce not only food crops, but almost without exception also cash crops (coffee, sisal and finally also drug crops), they become caught in a conflict of interests, in which they often prefer to invest their time and labor in individual market-oriented production, at the cost of associative production. The reason why the balance of interests tilts that way in many families is – critical community members claim– because they experience a lack of control over the productive process in the associative economic institutions (Arceliano Medina, interview, December 7, 2000; Rafael Cuetia, interview, January 21, 2001). This is the result not only of the abovementioned administrative problems, but also of a lack of consensus, at community level, about the question as to what criteria associative institutions should meet. Micro-enterprises, for example, are expected to produce high yields, but they are also expected to express the cultural values of solidarity and redistribution by sharing the generated profits with the wider community or with its weaker sections. Due to these ambiguous criteria, members of the associations do not have the guarantee that their efforts will be proportionally rewarded according to the principle of return on personal investment (in time and labor), and this reduces their commitment to the enterprises. The *cabildo*, however, in turn defends the redistributive aim with the fact that micro-enterprises were initially started with an investment out of the *resguardo's* tax transfers, a gesture they are expected to reciprocate by sharing enterprise profits.⁵³

52. From the outset, CRIC (1981) had acknowledged the existence of this tension in its model of communitarian economic organization, and it has also occasionally been noted by the Jambaló *cabildo* (Jambaló 1995), but it seems that indigenous authorities always thought it could be overcome by political conviction.

53. It seems that the *cabildos* of northern Cauca have recently recognized this problem, given that the zonal organization is planning to transfer these “solidarity costs” from the ECS to the wider community. For this purpose, the *cabildos* have decided to spend, in the near future, some of their tax transfers to buy the agricultural produce of the ECS for its subsequent use in “nutritional complementation programs for vulnerable groups” in the community (ACIN & CODACOP 2003: 17). Thus, the members of the ECS will be paid, as a group, for their production, which will be distributed to

In spite of their loyalty to the zonal organization (ACIN), in the last few years northern Cauca has seen the rise of a new group of leaders who believe that the predominant focus on associative institutions actually worsens the economic situation of the families, because, so they say, families should form the basis of productive processes. In their criticism, expressed during recent meetings about this theme, the contours of an alternative institutional model are beginning to take shape. This more business-oriented model is based on the acknowledgment of the fact that families, being basic units of production (among the Nasa), want to produce not just to be self-sufficient but also, individually, for the market, and that the *cabildo* should support them in this. In this vision, the role of the associative institutions has been reviewed and geared towards specific functions. Community enterprises (*fincas*) can hive off their market-oriented production insofar as this can also be managed by families; the enterprises will not be dismantled as such and will continue to have a “solidarity function”. Micro-enterprises must focus more on the transformation from primary agricultural production to processed products for the market – for example in a coffee roasting factory – serving individual producers (i.e. suppliers), but will first have to be drastically reviewed in terms of set-up and organization. Fresh life can be injected into the community shops by using them for the collection, storage, and marketing of surpluses and/or the market-oriented production of families – in line with their original function in the 1980s – but this time within a more specific and centrally coordinated network, at *resguardo* (*cabildo*) level or even at regional level (zonal organization). Freed from these tasks, families can then fully concentrate on agricultural production, with the *cabildos* supporting them in market research and the negotiation of contracts with buyers, including, for example, organic fair trade coffee houses in Europe (Lucia Vasquez Celis, ECOFONDO, personal comment, December 20, 2005).⁵⁴ In order avoid the contradictions inherent in making private investments with public funds – in terms of profitability of the association vs. reciprocity towards the community – families and groups need to regain access to cheap credit. For this purpose, an indigenous fund or bank would have to be set up – an idea that has been a topic of discussion (and no more than that) in Jambaló for five years (José Miguel Cuetia, personal comment, various occasions) – that, ideally, would generate its equity from drug-crop substitution programs and international development.

However, this more pragmatic vision of the communitarian economy provoked strong reactions among another group of leaders who did not want to give up

the benefit of less well-off families. As may be clear from the above analysis, however, this measure would hardly be a wholesale solution to problematic functioning of the community enterprises.

54. In Jambaló, a group of coffee-producing families has on its own initiative with the mediation of a Colombian NGO entered into a contract with a French fair trade coffee house. This initiative, however, has not yet been taken up for *resguardo*-wide implementation by the *cabildo* (Lucia Vasquez Celis, pers. comm. Dec. 20, 2005).

the existing associative institutions in their current set-up just like that. These sometimes fierce reactions can be explained in at least two ways. First, to the people of this faction, the associative institutions are not just an economic and technical option but also a political and cultural one. They have an ideologically laden, politicized vision of the communitarian economy, in which community enterprises, community shops, and micro-enterprises are seen as symbols of indigenous resistance and as instruments in the struggle for autonomy (CRIC 1981) that offer an alternative to dominant (capitalistic) values of individualism and consumerism (cf. Gow 2005). As these indigenous leaders see it, over the years the institutions have become inextricably bound up with local custom and practice (*usos y costumbres*). Therefore they have grown into pillars of indigenous identity, and are, therefore, almost non-negotiable (cf. Gow & Rappaport 2002). This can be clearly seen in a description of the aim of the Juan Tama trout farm in Toribío:

The spirit that drives our aquaculture project strengthens our cultural identity as Indians, deepens our sense of community and solidarity, and thus our process of liberation, unity, and organization, in response to the dominant and individualist system. (Junta Directiva 1999 in Gow 2005: 86)

They fear that, if the market-oriented activities of individual families are encouraged, motivations such as profit maximization and wealth accumulation will dominate in the community and oust indigenous core values (such as solidarity, spirituality, and respectful land use). Although this political conviction should not be brushed aside, there is another, possibly more opportunistic reason why indigenous leaders want to continue to focus their economic policy (in respect of market-oriented production) on associative structures. Over the years, these institutions have always been able to rely on regular support from certain government institutes, NGOs, and church organizations (the Consolata priests being a good example) all projecting their own – sometimes politically and/or religiously colored – conceptions about community-based development onto indigenous communities. Indigenous authorities are undoubtedly aware of the fact that the associative organizations represent symbolic capital in the outside world that they can convert into cash in the form of (financial) development support. With a drastic reorientation – individualization – of the indigenous economic organization they might possibly lose this support.

The emotional appeal to hold on to the old communitarian economic organization and ideology seems to result, at least partly, from feelings of nostalgia and scaremongering about a scattered community of isolated families, as if cultural values of reciprocity, solidarity, and redistribution could only be guaranteed by associative institutions. However, if we take a critical look at the workings of Nasa community, we can see that these values are also expressed in and by

the economic and social relations based on kinship and friendship between families – these family-centered institutions have perhaps faded into the background of the politicized economic institutions coordinated by the *cabildo*, but they continue to be very much alive. These values are also being propagated in other institutions and collaborations: during Proyecto Global meetings, at ritual celebrations such as the Sakhelu communitarian seed exchange ritual, and during protest marches organized by the *cabildos* of the zonal organization. Furthermore, the new, more pragmatic model of the communitarian economy does not advocate a complete abolition of the associative institutions, but rather a reformulation of their aim and specific role in the broader economic organization. Perhaps community enterprises lose their economic significance (and their name) when production is placed mainly in the hands of individual families, but the weekly days of communal labor on collective farms (*fincas*) can continue to play an important social role in maintaining the community's social cohesion. In this economic organization, producing families continue to be connected to each other through a joint interest in new micro-enterprises and co-operative institutions for storage and marketing (the former community shops). Within this new institutional framework, families and associative relations no longer stand in each other's way, but complement each other.

With foresight (and as a warning) Findji and Rojas (1985), who carried out research in Jambaló precisely at the time when the Nasa were starting to experiment for the first time with associative economic institutions, seem to draw the same conclusion:

The Páez' domestic unit of production is neither opposed to nor incompatible with communitarian forms of production and commercialization. On the contrary, associative forms can express the dimension of territoriality and make up a second level of concrection of the deployment of the available workforce of the domestic unit, which we [...] have called the 'forces of socialization'. Postulating that the reproduction of the domestic unit of production and a particular socialized form of production is exclusionary and incompatible, as if it involves two conflicting options in the process of economic reconstruction, to us would seem to constitute a notable mistake. (Findji & Rojas 1985: 261, my translation)

In her later work, Findji (1993) also emphasizes that the strengthening of the unity of the Nasa community starts, in her view, with the improvement of the position of families:

Talking about communities and families, we need to consider the traditional basic unit [of organization], [...] convinced that this has been [...] the most valuable (social) capital of the Páez. [...] In Páez tradition, each house (family) is not "individual"; it is linked to a community that operates by mechanisms of reciprocity and solidarity, according

to specific norms. If one really wants to put in play the cultural resources of the Páez, it is important to strengthen each house in order to strengthen the community. (Findji 1993: 64, my translation)

Although the opposition within communities in respect of the desired organizational structure of the local economy has not been resolved, the achievement made so far consists in the important fact that both visions on a communitarian economy have at least been openly expressed. In the years to come, the success of the ambition of the Nasa to create economic autonomy will depend to a great extent on the creativity of the community leaders in using both visions to achieve an adaptation of their economic organization with broad support (i.e. by forging them), without putting the communities' cultural identity at risk in the process.



Japio hacienda, Caloto municipality, November 2005. Group of Nasa Indians prepare for their upcoming unarmed confrontation with the anti-riot police during the process of the 2005 land occupations (“Liberation of Mother Earth”) in northern Cauca. Source/photographer: Agence France Presse global news agency, on www.nadir.org

6 FACING UP TO PROBLEMS ORIGINATING FROM “THE WORLD DOWN BELOW”

The struggle for autonomy in the field of resource management, economy and development by the community of Jambaló goes further than internal ethnic reorganizations that aim to bring social organization (economic institutions/practices) back in line with Nasa cultural traditions and cosmovision (Chapters 4 and 5). In recent years, indigenous leaders of the resguardos of northern Cauca have increasingly come to the realization that it is imperative that their communities also respond to larger political and economic developments in the wider society that have far-reaching consequences on the local situation. Much of the organizing around these issues has taken place under the umbrella of ACIN, the zonal cabildo association that since its creation in 1994 (pursuant to Decree 1088 of 1994) has played a progressively more prominent role in the indigenous movement of Cauca.

It's not so much that they have given up tending to internal problems; rather, a sector (of leaders) is absolutely convinced that as long as fundamental, structural problems in “the world down below” are not being tackled, other problems [related to internal administration and economic autonomy] cannot in effect be resolved. (Lucía Vásques Celis, ECOFONDO, December 22, 2005)

Over the past five years, the ACIN leadership has undertaken successful attempts to mobilize their communities to engage in a process of dialogue and negotiation with the State on national issues that the Nasa consider as a outside threat to their communitarian Life Project and territorial autonomy. Most of the demands and alternative proposals that they have articulated are concerned with three main problems: finding a solution to the disturbing/destructive effects of the armed conflict in the region, countering the pernicious effects of the liberalization of the national economy (free trade policies),

and urging the government to comply with earlier promises of special support measures as a solution to the precarious economic situation and land scarcity in indigenous communities. This chapter describes two of the most recent Nasa mobilizations vis-à-vis the State.

6.1 DIRECT DEMOCRACY INDIAN STYLE:

A LOCAL REFERENDUM AGAINST FREE TRADE

Within a number of weeks in 2004, four resguardo inhabitants were killed by armed groups (paramilitary and guerrilla), a number of indigenous (Nasa) leaders – among whom the mayor of Toribío – were kidnapped by the FARC, and a member of ACIN's executive was arrested by the national intelligence on suspicion of embezzlement of public money and rebellion (collaboration with the guerrillas) (*Actualidad Étnica*, July 1, August 27 & September 3, 2004; *El País*, September 9, 2004). This period of agitation spurred the indigenous communities of Cauca to organize a large-scale protest march early in September 2004. This march along the Pan-Americana highway from Santander de Quilichao in northern Cauca to Cali, the capital of the neighboring department of Valle, was in preparation for several months and was dubbed the Great *Minga* for Life, Justice, Joy, Autonomy, and Freedom. President Uribe and the governors of the departments of Cauca and Valle attempted to ban the march right up to the start by accusing the Indians of party-political motives and by raising concerns about the possibility of infiltration by illegal groups. National and regional indigenous organizations, ONIC¹, CRIC, ACIN, who had assured the president that highway traffic would not be blocked, contested these allegations and appealed to the constitutional right to protest (ONIC, September 10, 2004; *El País/El Tiempo*, September 10-13, 2004). The march was eventually joined by 60,000 people – in addition to the Nasa and Guambianos, there were representatives of other indigenous groups and Afro-Colombians, peasants, union members and students – and took place without incident thanks to the presence of thousands of indigenous home guards (*guardia indígena*). The national and international media – who initially seemed to be more interested in the scale and immaculate organization of the event than in the motives behind it – labeled it as a protest against war violence and against Uribe's democratic security policy (*El País/El Tiempo*, September 13-19, 2004). In the final statement

1. ONIC was founded in 1982 on the initiative of CRIC and modeled as a national umbrella organization with member organizations per department. It had until recently the same pan-indigenous political orientation as CRIC but has also been influenced later by the regional organizations. ONIC is one of two national indigenous organizations, the other being AICO (Autoridades Indígenas de Colombia), which originates from the MAISO (Movimiento de Autoridades Indígenas del Sur-Occidente), the rival organization of CRIC (split-off) that was led by the Guambianos with some critical Paez communities including Jambalo between 1979 and 1982 (until internal divisions led to a parallel cabildo, as described in the prologue to Chapter 5).

– called an “Indigenous and Popular Mandate” – that was read out upon arrival in Cali, the Indians, however, focused on their disapproval of the government’s neo-liberal economic policy, which they regarded as the underlying cause of the violent situation in Colombia. In this regard, they particularly focused their criticism on government plans to sign a Free Trade Agreement (FTA) with the United States, something they described as “possibly the greatest threat in the history of indigenous resistance.”² In addition to this, the Indians stated that, unlike during previous mobilizations, they had marched to fight not only for their own rights, but also for those of other Colombians who had been and were suffering from the war and from poverty, and they made an appeal to fight together – in “minga” – with other communities, organizations, and social movements for an “alternative, fairer, democratic, respectful and peaceful world” (ACIN, September 18, 2004).

President Uribe’s government claims that a bilateral FTA between Colombia and the US – as a precursor to a future Free Trade Area of the Americas (FTAA) – is necessary in order to secure the privileges that have been laid down in a US-sponsored trade preferences act (Andean Trade Promotion and Drugs Eradication Act: ATPDEA). As a token of recognition of the efforts made by the Colombian government in the fight against the illegal drug trade, this piece of American legislation that dates back to 1991 and expires at the end of 2006, gives a large number of Colombian products unhindered access to the American market through the elimination of tariff barriers.³ An indefinite extension of these benefits would be favored because, reportedly, they had contributed significantly to Colombia’s exports and employment in the previous years. Moreover, a further deepening of the trade agreements between both countries through an FTA is deemed necessary to attract foreign investments and secure long-term economic growth (Christman et al. 2004; MinComercio, website). However, due to their negative experiences with the economic reforms in Colombia since 1990, the indigenous communities – as well as many other social sectors and movements in Colombia (RECALCA, 2004, 2005)⁴ – are extremely suspicious about these government statements. They fear that trade liberalization will

2. “El desafío que nos convoca.” Mandato Indígena y Popular de la Minga por la Vida, la Justicia, la Alegría, la Libertad y la Autonomía. Santiago de Cali, 2004-09-18 (www.nasaacin.net/mandato_indigena_popular.htm).

3. Trade preferences under ATPDEA mainly applied to products from the economic sectors of flowers, petroleum, minerals, and clothing manufacture, whereas the majority of agricultural products still faced trade barriers (RECALCA 2005).

4. These fears are grounded in communities’ recent experience with the emergence of agribusinesses and plantation agriculture and the ensuing arrival of paramilitary groups in nearby indigenous and Afro-Colombian territories. In northern Cauca, this occurred as a result of Law 218 of 1994, or *Ley Páez*, that had the objective of spurring the economic rehabilitation of the region with tax exemptions after the devastating June 6, 1994, earthquake and landslide that ruined 40,000 ha of land and left hundreds of mainly indigenous families displaced (Desastres & Sociedad 1995; Defensoría del Pueblo 2003).

prompt the government to adopt an economic policy that focuses exclusively on the promotion of large-scale manufacturing industries and on industrialized agriculture and livestock production, and that, at the same time, the continued elimination of trade barriers will see local markets flooded even more than before with the subsidized exports of foreign agricultural products from the US, with which they and other smallholder farmers cannot compete.⁵ Investments by big multinational companies will lead to an increase in large-scale economic projects – which they call mega-projects – in the vicinity of their territories, with a subsequent increased presence of armed groups.⁶ However much Uribe's government claims the opposite, the indigenous communities are equally stubborn in their conviction that the FTA will sooner or later force the national government to pass new laws that will interfere with the territorial integrity of the indigenous communities, allowing foreign companies to take possession of the natural resources inside the borders of their resguardos through privatizations, "bioprospecting" and intellectual property rights (IPR). In this regard, representatives of indigenous organizations point to a number of bills that were still circulating in Congress that year, such as the Páramo Law (*Ley de Páramos*) and Forestry Law (*Ley Forestal*).⁷ The assumption that an FTA has international law status and that it will, therefore, supersede the force of the national constitution and the indigenous rights described in it, has also taken root among indigenous communities (*Actualidad Étnica*, February 4 & 24, 2005). This explains why the protest march on Cali repeatedly expressed the fear that, in the long run, the government may remove the word "inalienable" from the constitution (*El País*, September 19, 2004). But the indigenous communities also reject the FTA as a matter of principle. The Nasa are morally indignant about practices such as genetically modifying plants and patenting life forms, not only because they threaten their food sovereignty – the communities' control over the use of crops and seeds – but also because they are in flagrant contradiction of their cultural values and convictions (cosmovision). "A model that puts a price tag on everything in the environment and which does

5. Between 1998 and 2002, the cultivated area (agricultural frontier) in Colombia diminished by more than a million hectares, according to critics of the neo-liberal economic policy of the government in part because of the imports of agricultural products from other countries (Garay 2002 in RECALCA 2005).

6. In Colombia, various other civil society and political organizations are also campaigning against government-led free trade negotiations, such as Recalca, Salvación Agropecuaria, and Gran Coalición Democrática.

7. The Páramos Bill would allegedly propose to shift rights to the control and management of páramo highlands – Andean marshlands at an altitude of more than 3,000m – from indigenous communities to the state in view of their "vital interests for the nation" (*El País*, September 16 & 19, 2004). The Forestry Bill proposed to relax legal norms for the commercial exploitation of forest resources and shift the responsibility for controlling and monitoring forest exploitations to private actors; the bill was signed into law in December 2005, despite strong opposition from indigenous and environmental organizations (*El País*, December 15, 2005; IPS, December 20, 2005).

not appear willing to leave the most isolated corners of the world outside the market sphere” (Carlsen 2002: 10) does not respect diversity and life, in the view of the indigenous communities. For this reason, organizations such as ACIN refer to the FTA, and the neo-liberal policy of which it is a symbol, as a “Christopher Columbus in disguise” (*Cristobal Colon disfrazado*) and as a “project of death” (*proyecto de muerte*) (ACIN, September 18, 2004 & February 1, 2005; *Actualidad Étnica*, February 24, 2005).

In mid October 2004, just three weeks after the Great Minga for Life and Justice, other large demonstrations against the FTA took place in a number of Colombian cities. They were organized by peasant organizations, unions, and other social organizations. The demonstrators’ main reproaches against the government were that it was deliberately withdrawing the FTA negotiations from the democratic process of people’s participation and that information disseminated about the issue was dominated by distorted government propaganda and “hermetism” (*El País/El Tiempo*, October 12-13, 2004). The demand to hold a referendum about the FTA was supported by the indigenous (Nasa) communities of northern Cauca, who had issued a letter in February 2005 in which they openly asked the question: “If free trade is such a good thing, then why are the peoples being misled and why is there such fear of a conscious and democratic popular decision?”, and in which they announced that, following the Indigenous and Popular Mandate of September 2004, they would organize a first referendum (*consulta*) on the FTA. This Indigenous and Popular Referendum was characterized as a “symbolic act, through the exertion of ‘direct democracy’, whereby citizens (*ciudadanía*) can freely express their views on the FTA in a democratic and transparent way”. In their letter, the indigenous organization points out that “the negotiations are not only about a trade treaty” but also about “a territorial, institutional, legal, political, economic, and cultural ‘re-ordering’ that allows companies to take possession of and exploit resources in countries that have been converted into colonies”, and that, therefore, the FTA imposes “a new transnational neo-liberal constitution” on the “Colombian communities” that constitutes a threat to the “sovereignty of communities and the country as a whole”. The referendum “is not a rejection of free trade per se, but of the government’s proposed FTA in particular”, and it starts from the conviction that it is also possible to reach “a social and democratic free trade agreement that is defined on the basis of, and contributes to, the defense of life, diversity, autonomy, and countries’ sovereignty” (ACIN, February 1, 2005). A month later, on March 6, 2005, the referendum was held in six municipalities of northern and eastern Cauca (Toribío, Jambaló, Caldono, Silvia, Páez, and Inza).⁸ The turnout for the event – described by ACIN as “a celebration of democracy” – was exceptionally high: out of a total of 68 thousand

8. Most of the municipalities that participated in the Indigenous and Popular Referendum in Cauca are governed by mayors, often indigenous, that are supported by politically independent civic movements.

voters – among the indigenous population those aged between 14 and 18 are also eligible to vote – more than 50 thousand people answered the question: “Do you approve of the Colombian government signing a Free Trade Agreement with the government of the United States? (yes or no)”. Under supervision of national and foreign monitors, 98 percent of the population voted against and 2 percent voted for the FTA. Government representatives, who had said beforehand that they would not act upon the outcome of the referendum, reacted indifferently to the outcome and qualified the indigenous and peasant population of Cauca as “badly informed and manipulated by political parties” (*Semana*, February 26, 2005; *Actualidad Étnica*, March 10 & 15, 2005). As a counterweight to the media publicity generated by the Cauca referendum, a month later the Ministry of Trade, Industry, and Tourism organized a series of informative – rather than consultative – meetings in cities and municipalities in other parts of the country. However, it was clear that these “spaces for participation” did not keep pace with the progression of the official FTA negotiations: the first of these informative meetings took place in April 2005, while the negotiation committee was wrapping up the ninth round of talks about the FTA and had announced that the negotiations about the environment and intellectual property were already at an advanced state (MinComercio 2005; Peralta González 2005).

6.2 THE INDIAN SUMMER OF 2005: NEW INDIGENOUS LAND OCCUPATIONS

In view of the growing land shortage in the indigenous resguardos of northern Cauca, for some years the Nasa had been discussing new land occupations in order to force the government to pass land redistribution legislation for the benefit of indigenous communities, pursuant to Decree 2164 of 1995.⁹ By mid 2005, the time was ripe for it: after a long siege of the villages of Toribío and Jambaló (April) and Caldono (July) by the army and the FARC, which was interpreted as a sign of manifest disrespect of indigenous territorial autonomy, the adversarial attitude of communities against the Uribe administration had taken on critical proportions. ACIN, however, remained cautious as they did not want to undermine the positive public opinion about the indigenous movement in northern Cauca. But on September 2 the organization was confronted with a *fait accompli*: a group of 500 community members of the Huellas resguardo (in Caloto) had taken the initiative to occupy the bordering La Emperatriz hacienda – a 300 ha estate – as they said “because they did not have enough fertile land” (*El Liberal*, September 3, 2005). ACIN immediately declared itself to be in solidarity with

9. Decree 2164 of 1995 further regulates Agrarian Reform Law 160 of 1994 specifically in relation to indigenous communities and obligates the state to enlarge resguardos in the event of the amount of arable land being insufficient for their economic and cultural development or the fulfillment of the social and ecological functions of their collective property (art. 1.2).

the Huellas community, and community leaders held emergency consultations about the question of how to justify this action to the outside world (Andres Betancur, personal comment, December 13, 2005).

In a press release of September 3, 2005, ACIN stated that the communities had felt forced to carry out this land occupation "because of the government's negligence in observing indigenous legislation and specific arrangements they had made with the indigenous communities". They particularly referred to an accord (the so-called El Nilo Accord, see Chapter 5) of 1991, in which the government had committed itself to buy, within a 3-year period, 15,663 ha of land in the lowlands and allocate it to nine communities in northern Cauca, as "integral reparation" for the killing of 20 (indigenous) men, women, and children who were involved in the unarmed land occupation of the El Nilo hacienda (in Caloto) on December 16, 1991. According to the indigenous organization, "after 14 years, the government had only allocated half of these lands – all situated in a mountainous, heavily eroded area". The press release also mentioned that the land occupation, which was relabeled Liberation of Mother Earth, would contribute to a reduction of the excessive use of crucial natural resources in resguardos – woods and springs in particular – and at the same time it would "free" the lowlands from "environmentally unfriendly sugarcane monocultures, by adding it to the collective property of communities who protect, respect, and inhabit it" (ACIN, September 3 & 5, 2005). Immediately after the land occupation, the authorities and landowners took up arms against this (in their view) "illegal invasion of farms". The governor of Cauca, Juan José Chaux, called on the Indians to immediately end the occupation, referring to the "right to property protection" (*El Liberal*, September 7, 2005). The Nasa refused to leave and demanded negotiations with top-level government representatives. Because of this, both parties became diametrically opposed to each other. Governor Chaux ordered forced eviction of the estate and the, by then, more than 1,000 land occupiers were stormed by army and police units. The unarmed Indians put up fierce resistance and managed to maintain control over the area. In order to support their "brothers" in La Emperatriz, another group of 1,500 Indians from Jambaló and Toribío decided the following day to occupy a second estate (also of about 300 ha): El Guayabal (*El Liberal/El País*, September 10-11, 2005). This time the occupiers were immediately attacked by the army with tear gas and rubber bullets and were beaten up. Several people, including women and children, had to be admitted to hospital. The refusal by the armed forces to allow relief workers access to the area is considered a human rights violation and a breach of international law (ACIN/*Actualidad Étnica*, September 10, 2005). After ten days of resistance by the Indians, the armed forces, under pressure from international media attention, agreed to a truce and shortly afterwards the parties sat down at the negotiation table. On September 13, thanks to mediation by a United Nations envoy, Spanish investigative judge Baltazar Garzón,

the National Ombudsman and church organizations (*El País*, September 10, 2005; *El Colombiano*, September 12, 2005), the indigenous communities and the government, represented by the Interior Minister, Sabas Pretelt de la Vega, came to an agreement. In exchange for the communities' promise to vacate the La Emperatriz and El Guayabal estates voluntarily, the government promised ACIN that it would allocate 20 billion Colombian Pesos for the full implementation of the El Nilo Accord, i.e. the acquisition of the remaining seven thousand hectares for the communities of northern Cauca, to be financed from the 2006 and 2007 government budgets. On top of that, the government also promised to allocate 4 billion Pesos for the follow-up of another accord, laid down in presidential Decree 982. INCODER, the Colombian Institute for Rural Development (successor of former land reform institute INCORA), was ordered to initiate land acquisition studies (*El Liberal/El País*, September 14, 2005). In reaction to this arrangement, a number of former land fighters raised their objections on ACIN's website: "Never before have we repossessed land to later give it up and leave it abandoned in exchange for a piece of paper that contains promises of a government that never complies." Still, they said they would give the government the benefit of the doubt one last time (*ACIN*, September 14, 2005).

But that did not resolve the issue. The success of the land occupation in La Emperatriz and El Guayabal by ACIN's communities acted as a wake-up call for other indigenous communities. October 12 is discovery day of the New World and the indigenous communities' preferred date for political manifestations. While elsewhere in Colombia indigenous communities, like the Embera in Risaralda, and unions were marching and striking in protest against the Free Trade Agreement (FTA), different indigenous communities in Cauca made a joint decision to continue the land occupation campaign (Liberation of Mother Earth), in some places with support from peasant groups. In Silvia, several hundred Guambianos occupied the Ambaló, La Gloria and Puerta de Hierro haciendas, while the Quizgó invaded the Los Remedios estate; in Puracé and Paletará, a large group of Indians (Coconuco) and peasants jointly occupied the four *fincas* (farms) that had been created after the subdivision of the old colonial Coconuco hacienda; in Miranda and Corinto around six hundred peasants, united in an association of agricultural producers, took possession of the Miraflores estate; and in Caloto the association of the six Nasa *cabillos* of Caldono claimed responsibility for the occupation, by a group of more than one thousand Indians, of the Japio hacienda – a large 900 ha estate, situated 50 kilometers in a straight line northeast of their own territory (*El Liberal/El País*, October 14-21, 2005).¹⁰ All land occupiers justified their actions on sim-

10. The Nasa of Caldono had decided to occupy (or repossess) a landholding outside their own, rather conflictive, municipality to avoid confrontations with non-indigenous (white) landowners of middle-sized properties and groups of mestizo smallholders (Mejía Arias, CRIC legal adviser, pers. comm. Dec. 14, 2005).

ilar grounds: they appealed to the “large-scale negligence of the Colombian state with regard to the implementation of earlier agreements”, particularly of Decree 982, issued by the government in 1999 in the context of the declaration of an economic, social, and cultural emergency situation (*emergencia*) among the indigenous communities of Cauca, that held out the prospect of enlargement and redevelopment of *resguardos* (see Box 5.3) (ACIN/CRIC, October 24, 2005). The Nasa of Caldono who had occupied Japio and who had felt excluded from the September 13 accord, stated that “money other than that promised as compensation for the *massacre del Nilo* does not suffice for the required expansion of our *resguardos*” and that they were hence forced to conduct new direct actions in order to “obtain larger concessions (*revindicaciones*)” (Equipo Nizkor [Radio]/Cabildos de Caldono, October 12, 2005; *El Liberal*, October 16, 2005). The new land occupations posed a dilemma in a certain sense for ACIN. The land occupation of La Emperatriz and El Guayabal had taken a heavy toll on the Nasa of northern Cauca in terms of finances and material goods, and they did not want to put the agreements with the government about the El Nilo Accord (the September Accord) on the line unnecessarily. That is why they initially stood aloof from the Japio land occupation (ACIN, Oct. 12, 2005). But as the implementation of Decree 982, which applies to all indigenous peoples in Cauca, had been chosen to legitimize the new land occupations, they soon felt called upon to help the Nasa of Caldono (“their brothers”) (Andres Betancur, personal comment, December 13, 2005). On October 14, ACIN endorsed “the necessity for a ‘popular agrarian reform’ that protects and guarantees the well-being of indigenous, Afro-Colombian, and peasant communities” (ACIN, October 14, 2005).

In response to the latest developments in Cauca, the government declared itself unwilling under any circumstances to bow to pressure from new land occupations and “reopen negotiations that had been concluded a month ago”,¹¹ and once again the “(security) forces” were ordered to immediately evacuate the occupied properties. The ensuing confrontations between land occupiers and special units of the anti-riot police led to dozens of injuries and arrests. While some groups were persuaded after some time to halt their actions, other occupations – like that of the Nasa in Japio – continued unabated. Meanwhile, an interesting war of words had started in the media. In the national dailies, the Minister of Agriculture, Arias, stated that “the Indians might be protesting, but they own 30 percent of the national territory”, although they account for just 2 percent of the population and that the Indians in Cauca should also “take the rights of others into account”. In the same papers, the governor of Cauca, Chaux – a large landowner and staunch opponent of the land occupations – discredited the indigenous communities by stating that “the indigenous actions serve as ‘camouflage’ for links with ‘terrorist’ groups and, hence, drug

11. Carlos Horacio Gómez, (Secretary of Government of the Cauca Department/Secretario de Gobierno del Departamento), in “Indígenas exigen más tierras”, *El Liberal* (Popayán), Oct. 16, 2005.

dealers”; he deduced this from the drug crop cultivation (coca and poppy) in resguardos (*El País/El Tiempo*, October 18 & 19, 2005). Furthermore, in a local paper, Cauca’s top authority stated that the indigenous issue “damages the rights of small peasants and Afro-descendants” (*El Liberal*, October 19, 2005). Indigenous organizations reacted furiously to these assertions. They qualified Chau’s insinuations as “dangerous and unbecoming an authority”, while accusing the national government and the media of using a “strategy of deception”, and of “inciting an ethnic conflict between Afro-Colombians, Indians, and small peasants” (ACIN, October 18 & 27, 2005). In respect of the alleged indigenous land possession, ACIN stated that “of the 27 percent – not 30 percent – of national territory owned by indigenous peoples, 67 percent is situated in the rain forests of the Amazon, in the deserts of Guajira, and in the forests of the Pacific coast”, and not in Cauca, where most of the land consists of “infertile steep slopes that are unsuitable for cultivation”.¹² In Cauca, “Indians, small peasants, and Afro-Colombians own a mere 14 percent of the land – while the majority, largely unused, is owned by a small number of well-off families.” In spite of this, “they cultivate 43 percent of their land and produce 60 percent of the food crops in the region (Cauca)” (ACIN, October 19, 2005).

In November, after more than two weeks of land occupations, the situation in Cauca had become increasingly heated. The confrontations between land occupiers and the riot police became more and more violent. The army sent special anti-guerrilla units to the estates to act against the alleged presence of the guerrillas among the land occupiers – at the end of October the guerrillas had openly expressed their support for the indigenous land occupations. In the streets of Silvia and Caloto, groups of worried villagers and small peasants demonstrated against “the ongoing threat posed to them by the indigenous communities”, and “to ask for respect for the activities of small peasants as well as for their landownership”¹³ – spurred on by local political leaders and Sociedad de Agricultores del Cauca (SAC), an association of large landowners. On November 10, during a violent eviction attempt by the military police in Japio, a young indigenous land occupier was shot dead. The incident made the Nasa furious and even more persistent. It also made other communities in

12. The statistics quoted are often inaccurate or incorrect, especially when used (rather tendentially) by government officials. According to the National Planning Department (2002), a reliable source, the indigenous peoples of Colombia altogether have property rights to 30,845,231 ha of the 114,175,800 ha that make up the country (i.e. 27% of the national territory) — the indigenous peoples of Cauca, together numbering roughly 200 thousand in a department of 1.3 million inhabitants (i.e. 15% of the population), together own 531,150 ha of the 2,930,800 ha comprising the department (18.2% of the departmental territory); all of Cauca’s resguardos combined, although containing 24.2% of the national indigenous population, make up only 1.7% of Colombia’s total (legally recognized) indigenous territory.

13. Reinel Sánchez Valencia, member of the federation of small landowners and rural farmers of Cauca/Federación Campesina de Pequeños Propietarios y Campesinos Rurales del Cauca in “Se tensiona conflictiva por la tierra”, *El Liberal* (Popayán), Oct. 22, 2005.

Cauca decide, out of solidarity, to resume the land occupations they had abandoned or even to start new occupations (in Piendamó and in Morales) (El Tiempo, November 10, 2005).¹⁴ While a solution to the conflict (“restoring public order in Cauca”) seemed more distant than ever, on November 16 indigenous senators in Bogotá succeeded, unexpectedly, in convincing President Uribe to sit down with the regional indigenous organizations, CRIC, AICO, and discuss the land issue, on condition that the communities would leave the occupied estates voluntarily (El País, November 16, 2005). After a long night of negotiations, the parties reached agreement in principle. The government promised to spend 17.6 billion Colombian Pesos (6 million US\$) on the execution of Decree 982 of 1999 concerning resguardo expansions. As the occupied estates are not available for sale, they will examine if the around 30 properties that have been seized over the past years by the National Drug Directorate (Dirección Nacional de Estupefacientes) – due to money laundering – can be handed over to indigenous and peasant communities. Furthermore, a Land Commission (Mesa de Tierras) is to be established, composed of representatives of the indigenous communities, peasant organizations, Afro-descendants, the Interior Ministry, INCODER, and the Government of Cauca, in order to follow the negotiation and land acquisition process (ONIC, November 18, 2005; El Tiempo, November 27, 2005).

The Nasa, who had reluctantly broken off their occupation of Japio pending the negotiations and had withdrawn to nearby “concentration centers”, celebrated the new agreement as a sound victory. But the September (El Nilo) Accord and November accords (Decree 982) are actually just the beginning of a process that is full of new challenges and possible obstacles. With the prospect of over 40 billion Pesos allocated to resguardo expansions, young, ambitious Nasa leaders have already started brainstorming about concrete solutions for a new situation. ACIN leaders, for example, have already formulated a plan – or dream – to use the future land acquisitions in the lowlands of northern Cauca to form a “zonal resguardo”, in which large groups of land-poor families from different resguardos can jointly build up a new life, possibly even with groups of Afro-Colombians and mestizo peasants.

A zonal resguardo will permit us to (learn to) live together among ourselves, and do away with the scheme of thinking in terms of “I belong to this resguardo and you belong to that resguardo.” No more of that! It should become a shared resguardo governed by a policy that transcends the merely local. (Andrés Betancur, governor of Jambaló, personal comment, December 13, 2005)

14. El Liberal, a local regional newspaper, gives a different reading of the motivation of farmers in Morales for staging new land occupations. According to the newspaper, a group of worried smallholders decided to invade a farm so as to prevent indigenous groups from occupying it (El Liberal, Nov. 12, 2005).

In other words, a resguardo designed as a means to territorial and social (inter-ethnic!) integration and organizational reinforcement, as a means to obtain more (political) autonomy. But this is a dream that, in the near future, will undoubtedly become an important topic of conversation in ACIN's resguardos – and that will also face a significant risk of disagreement. How will it be determined, both among and within resguardo communities, who is qualified to inhabit the new land (those with the greatest needs)? How will the land be put to use? Apart from questions of a more physical nature, such as limited water supply and poor soil fertility after many years of using chemical pesticides, the question arises again as to which forms of economic organization are the most appropriate, individual or associative? And these are just the most obvious questions that will have to be answered.

But before it is possible to address these questions, the communities must first gain actual access to new land. The problem now is where and at what price land can be bought. The Indians want to buy land in the lowlands. However, the availability of land is very limited there due to opposition from agro-industrialists caused by established interests and speculations concerning government plans to designate the Cauca lowlands as a production zone for sugar cane-based bio-fuels. According to CRIC, because of this speculation, the landowners association of Cauca (SAC) has forged an alliance with the agro-industrialists from the neighboring department of Valle not to sell land to indigenous communities in that area. These same analysts also say that, if INCODER does not actively mediate in land acquisitions in the lowlands, the Indians will be forced to buy the remaining land owned by small peasants in the pre-mountain range of the Andes. This is something ACIN definitely does not want because this land is not considered sufficiently productive, and also because it would lead to an intensification of social conflicts between peasants, Indians, and Afro-Colombians. It could also lead to a conflict between the indigenous communities and the FARC that will not tolerate resguardo expansions in this area because its main support base is found among small peasants. If it were possible to buy land in the lowlands, then it remains to be seen if, considering the high – and rising! – land prices, the promised 40 billion Colombian Pesos (13 million US\$) will be sufficient to buy enough land to satisfy the demand of the communities. Perhaps the expectations raised are too high. If the land acquisition negotiations end in stalemate, then the indigenous communities may possibly have to carry out new land occupations – a scenario that is quite possible (Mejía Arias, CRIC legal adviser, December 14, 2005).



Jambaló, Monte Redondo, January 2001. Páramo de Moras, Andean highland marshlands at an altitude of 3,000 (plus) meters, where according to myth the colonial chiefs of the Nasa were born and disappeared at the end of their life.
Photographer: Joris van de Sandt

7 DISCUSSION AND CONCLUSIONS

7.1 REPRISE

In 1991, Colombia recognized the autonomy of its indigenous peoples in a new constitution. The promulgation of this constitution was in part related to political-economic circumstances, but the recognition of cultural diversity resulted in particular from a long struggle of indigenous communities and organizations for recognition of the right to self-determination, i.e. the right to be different. This development, which was later adopted by other Latin American countries, was at first heralded as a fundamental change in the relation between indigenous peoples (and other ethnic minorities) and the State. It was claimed that Colombia had shifted from the political ideal of the homogeneous nation-state to one recognizing its multicultural foundations, and that it had developed from a state based on an ideology of “legal centralism” (Griffiths 1986: 3) to one based on political and legal pluralism. Over the following 15 years however, structural changes between the State and indigenous communities did not materialize, and indigenous autonomy in *resguardo* communities was only partially achieved; a complete realization was impeded by contradictory government policies and unresolved problems originating in the recent past.

Study of past processes of history shows that the discrepancy between legal recognition of autonomy and the everyday reality of its negation is not new – especially not in Colombia where the gap between law and practice is usually substantial. The following Latin American proverb is instructive in this regard: “what the State writes with the hand, it erases with the elbow” (*lo que el Estado escribe con la mano, lo borra con el codo*). It is not the first time that the Colombian State granted the right to autonomy to indigenous communities and then ignored or denied these rights, nor is it unique that indigenous communities have responded to this by rising up to defend their autonomy. The long history of indigenous struggle shows that this is a historical continuity that has

significantly changed indigenous social organization, traditions, customs, and identity. Nonetheless, in a process of resistance and accommodation, and ensuing ethnic reorganization, indigenous peoples have succeeded in surviving as distinct and semi-autonomous groups into the twenty-first century.

A recent publication about constitutional recognition of indigenous rights in Latin America signaled the need for “further study of the relations between new legislation and concrete practices” (Assies 2000: ix). The author referred to concrete practices in relation to the implementation of the recognition of cultural diversity, notably concrete policies and institutional reforms. In my opinion, as illustrated in this thesis, it is at least as important to take into account the social significance of recognition, i.e. its effects on everyday life in indigenous communities, particularly on their institutions of communal governance, and the social effect of constitutional recognition of self-determination. Historical ethnographies have shown that indigenous peoples, both in the Andes and in Central America, in the past repeatedly used aspects of state law that are in favor of indigenous rights as a legal resource for the defense of their territorial autonomy. This raises the question of how indigenous communities use the new, post-1991, juridical situation for the defense of their autonomy, how this process bears on indigenous cultural patterns, social institutions and legal systems, and how this dynamic of change differs from earlier processes of ethnic reorganization.

This study investigated these questions from the vantage point of the indigenous Nasa (formerly called Páez) of the Jambaló resguardo, in the Cauca department in the southwest of Colombia, one of the more than thirty self-governing indigenous territories or resguardos of the Nasa people. In view of the topic and research problem of this study – essentially concerned with socio-legal change through time, particularly in relation to communal resource management – a historicized research perspective was adopted. The past plays an important role in Nasa social life, and, if we are to examine current indigenous struggles ethnographically, we must first delve into the ways in which they have defended their autonomy in the past, “for it is from the battles of the past that Indians fashion their dialogues with the State in the present” (Rappaport 1990b: 18).

7.2 DISCUSSION OF CHAPTERS

Chapter 2 provides a brief description of the historical emergence – or “ethnogenesis” (Hill 1996) – of the Nasa as a culturally distinct people in their resistance to colonial domination and national structures of power, focusing in particular on episodes of interaction – often through law – that have produced elements of cultural identity (Field 1998: 432).

After 100 years of warfare, the Nasa were forced to surrender to the Spanish

invaders in 1640. Within a colonial system, tribute collecting indigenous chiefs (*caciques*) acquired political power by presenting themselves as subjects of the Spanish colonial empire while at the same time asking for the recognition of their rights as first Americans. Taking advantage of power struggles between the Spanish Crown and the colonists (*conquistadores*), around 1700 they embraced existing (Spanish) *resguardo* legislation to acquire firm territorial rights over parts of their ancestral territory in several large *resguardo* chiefdoms (*cacicazgos*). Within their communities, these chiefs used their newly acquired powers to unite and reorganize their communities, establishing new structures of political rule and communal governance, delegating powers of communal allocation and management of land and natural resources to lower level leaders or *cabildos*. Although the organization of the colonial Nasa *resguardos* was new, it was also partially based on patterns that were familiar from pre-colonial chiefdoms.

In the two centuries that followed, Nasa leaders – chiefs and *cabildos* – had to constantly defend their territory and autonomy against powerful social forces from the dominant society that aimed to exploit indigenous resources of land and labor. In the eighteenth century, still under Spanish rule, they frequently and successfully invoked protective legislation to fight, in colonial courts, the abuses of regional administrators and entrepreneurs. Throughout the nineteenth century, in the context of the independent Federal State of Colombia, by making politico-military alliances with regional power holders they succeeded in averting national legislation aiming for the dissolution of indigenous *resguardo* lands. At the outset of the twentieth century, the Nasa mobilized again to resist the capitalist expansion encroaching onto their territory – a process that, despite protective legislation in place (Law 89 of 1890), was supported by contradictory laws under which uncultivated parts of the *resguardos* could be declared as colonization areas.

Apart from using elements of state law as resources in struggles with the State and the dominant society, safeguarding their autonomy has always also depended on the extent to which indigenous leaders succeeded in maintaining unity within their communities. This is well illustrated by the struggle of Manuel Quintín Lame. This charismatic indigenous leader of the early twentieth century for quite some time successfully used images of historical autonomy and modern adaptations of traditional institutions, such as teaching *mingas* (work parties), to raise indigenous consciousness among the Nasa and bring their communities together around a common cause.

In the course of two and a half centuries of struggle against the State and the dominant society, invoking state laws supportive of (indigenous) autonomy in mobilizations towards the outside world, as well as for conscience raising (community-building) inside communities, has become an important part of Nasa cultural repertoires for the defense of territory and autonomy. In the

process, this has gradually but inexorably led to the acceptance by the Nasa of the legal classification of indigenous identity as defined by the State. In the twentieth century, the institutions of *cabildo* and *resguardo* have become an indissoluble part of the social make-up and ethnic identity of the Nasa people.

Chapter 3 tells the history of indigenous resurgence and land struggle among the Nasa, starting at the end of the period of *La Violencia* (1948-1958), a time in which Nasa political autonomy had lost its significance, communities were socially isolated and *cabildo* authority weak. The 1960s saw the emergence of a reversionary movement for the recovery of indigenous territory and autonomy in which the Jambaló community played a prominent part.

In their growing resistance against the repressive landlord hacienda system (*hacienda de terraje*), indigenous communities started to reclaim lost lands by seeking recourse to colonial titles and backed up by still valid protective *resguardo* legislation, Law 89 of 1890. They furthermore made an appeal to the land reform legislation, Law 135 of 1961, which supported their land claims. This legislation marked a significant change in state-indigenous relations, whereby the focus of state/national policy in respect of indigenous communities shifted from crude assimilation to its more sophisticated variant, integration. State interference in internal *resguardo* affairs remained firm however: the proposed land reforms were to be implemented by the National Institute of Land Reform (INCORA), but without taking account of the distinctly communal characteristics of indigenous communities.

Although taking a novel organizational form, the ensuing land struggle waged by communities united in CRIC – the first pan-Indian federation in Colombia, established in 1971 – in many ways can be considered a continuation of the struggle of Manuel Quintín Lame with other legal means. When legal procedures did not produce the desired result, rebellious communities in Jambaló, formerly socio-politically divided but now united under the authority of a single, militant *cabildo*, decided to enforce their claims, acting on their own authority and no longer waiting for legitimation by the State, with centrally coordinated methods of direct action: non-violent land occupations. The reaction of the outside world to the actions of the communities was ambiguous: whereas locally coordinated security agencies criminalized their actions to protect the right to private property, INCORA and the Bureau of Indigenous Affairs (DAI) increasingly sided with the Nasa.

The land struggle in Jambaló gave rise to a double process of political and legal negotiation, both between the State and communities and among communities themselves. On the one hand, communities started opposing payment for the restitution of the recovered lands as well as the conditions imposed by INCORA for the economic organization of the former haciendas. On the other hand, the land reform program also led to an intense process of

critical reflection on supposedly traditional institutions of productive organization, and on their possible combination with institutional models offered by the state, notably the community enterprise (EC). Eventually, this process of cultural experimentation – showing the start of the articulation of a communitarian, explicitly anti-capitalistic ideology – resulted in the introduction of several new indigenous (“indianized”) institutions of communal resource management, which for many years to come would determine economic organization over large parts of the resguardo.

The combination of legal struggle, land occupations and public campaigning – supported by particular sections of the Colombian population and sympathizing non-indigenous individuals – eventually led in the early 1980s to an unprecedented success in convincing the State to positively re-evaluate the protectionist legislation and to reaffirm indigenous authority and autonomy. This actually meant the full restoration of Law 89 of 1890 by the Colombian State, only now with the difference that the *cabildo* was no longer considered as a backward institution, but as fully representative of indigenous communities vis-à-vis the government.

Chapter 4 describes the continuity and change in communal resource tenure and management practices in the lower, middle, and upper sections of the Jambaló resguardo in the aftermath of the land recovery process.

The first part of the chapter presents the setting, history, and social organization of the upper section, the region where the distinctive, traditional regime of Nasa land tenure historically has largely been maintained. This portrayal forms the background against which the more dynamic situation in the other two sections can be better understood.

In the upper section, the embracing of Law 89 of 1890 as a resource in the land struggle –referred to as the “bible” by some indigenous leaders of that time – also (as in other parts of Jambaló) gave rise to a re-evaluation of traditional communal management practices, particularly in relation to cognatic inheritance and the registration by the *cabildo* of land allocations to families (inherited usufruct), this being a sign of an increased convergence of state law and indigenous practice; this seems ironic, in view of the oppositional character of indigenous communities, yet can also be considered a sign of the cultural appropriation of state law and its being “indianized” (by the Nasa). There are other notable changes. The dwindling communal land reserves over the past three decades has limited the possibility of taking new lands into production. This has led to a decrease in the average size of inherited family parcels and to the gradual disappearance of common grazing practices on shortened fallow successions. Consequently, there is a notable “individualization” of land – i.e. a generalized situation in which the day-to-day use and exploitation of land has continuously been in the hands of the same line of direct descendants

for at least two generations. This may explain the increase in the “selling” of usufruct rights to land between families, albeit that this generally takes place under the supervision of the *cabildo*.

Notwithstanding the process of individualization of resources (and land use) in the upper section, Nasa forms of communal resource management have retained their distinctly communal character as a consequence of continuing *cabildo* involvement in the allocation of land (inheritance portions) and in resolving land disputes – as well as the conservation of ecologically important natural resources. The decreasing importance of temporary labor collectives such as the family-initiated work party (*cues-nmi*) and reciprocal labor exchange (*nmi-cambio*) – a further consequence of land scarcity, as well as of a reorientation of the local economy – has been compensated, since the late 1980s, by newly invented economic institutions such as the communal action juntas (JACS) and *cabildo*-initiated micro enterprises (self-styled development projects) that now ensure the maintenance of the social fabric of community within and between *veredas*.

The second part of the chapter describes the experiences over a 20-year period (1985-2005) of a typical *vereda* community in the middle section, Chemicueto, with culturally appropriated and/or invented indigenous institutions of communal economic production.

After extensive consultation between the *cabildo*, CRIC, and the *vereda*, a community enterprise of mixed exploitation was established – an institution that in the highly politicized context of the time was viewed as a symbol of unity and a vehicle for the indigenous cause. Although member families kept their formerly individual holdings for subsistence, it was decided to collectively cultivate the lands of their former landlord by means of weekly collective labor shifts. This was reminiscent of the *terraje* obligations for their former landlord, only now it benefited the community. After several years of experimentation with supposedly traditional economic principles and work forms, such as community-initiated communal labor parties and inter-*vereda* barter trade, the community became increasingly involved in collectively undertaken market-oriented activities, such as coffee cultivation and cattle breeding, in order to remain connected with the regional economy. State-sponsored food-for-work programs for war-affected zones reinforced this shift from subsistence to market-directed production. In the early 1990s, land scarcity led to a new tenure form in the (individually) partitioned parts of the EC, the joint family plot, that aimed to prevent further disintegration of the individual family plot and that to this day is still relatively common in the repossessed areas of the middle section. This development implies that a family will generally decide not to pass on the land to the next generation in inheritance portions, but to keep and work it together.

In the course of time, families also started producing for the market on their individual (family) plots, creating a certain antagonism within the commu-

nity enterprises between individual and collective production. This antagonism explains in part the disappointing economic performance of the community enterprise. The functioning of this communal institution is furthermore undermined by older social contradictions that already existed within the landlord haciendas and that were unresolved and carried over to the new situation. These contradictions – notably unequal distribution of individually partitioned lands and unequal participation in the management of the enterprise – challenge the cultural values of solidarity and reciprocity on which this institution is founded.

The cabildo's power to intervene in this situation is impeded by its own, self-invented legal procedure of global adjudication, developed in the land struggle, whereby the cabildo delegated its control over land-related matters to the executive committees of the community enterprise. Nowadays, this causes significant problems, especially regarding the redistribution of fallow land and the registration of shrinking family plots within the EC. This, in turn, threatens to propagate intra-community land conflicts and disputes between families.

The third part of the chapter discusses communal management in the lower section of Jambaló. This is an area with sharp social contrasts that originate from colonization by non-indigenous settlers, the emergence of a local indigenous landowning class, and conflicting political affiliations within local communities. In the late 1950s, the lower section was not really considered part of the resguardo despite the fact that the majority of the people were of indigenous descent. Compared to the upper and middle section, the revaluation of indigenous cultural identity and the ensuing struggle for the restoration of indigenous authority and communal resource management started relatively late, i.e. during the late 1980s.

Whereas land recovery was achieved quickly in some veredas (for example Vitoyó), a bitter fight raged in others. Landlords and indigenous landed peasants around Loma Redonda fiercely resisted the cabildo and the militant communities. Guerrilla bands interfered in this conflict, and this led in the 1980s to a violent situation prematurely ending the repossession of indigenous territory in the lower section. Only after the pacification of the area through the intervention by the Catholic mission and the reaffirmation of indigenous authority by the Colombian State, as established by Decree 2001 of 1988, could the cabildo resume its policy of recovering indigenous authority and territory, this time by following a strategy of dialogue and negotiation. First, it concentrated on the remaining non-indigenous landholdings. To retitle these lands as indigenous resguardo, the cabildo relied on new land reform legislation, Law 160 of 1994. This formal process implied a renewed and intense collaboration between the cabildo and INCORA. After the gradual completion of the restructuring and retitling process of a number of haciendas in the lower section, for the first time in decades, the cabildo could dispose of communal land reserves again – a situation described in Law 89 of 1890 when the cabildo still owned

lands to the common benefit of the community. Having learned from the problematic experiences with the community enterprises, the cabildo decided to keep central control over the recovered haciendas around Loma Redonda and decided to employ them, for the time being, for communal educational, ecological and social purposes – a decision that was not uncontested by the surrounding communities.

The painful and uneven recovery process in the lower section has led to an internally pluriform situation of indigenous and non-indigenous forms of land tenure, including *de facto* occupation (not registered by the cabildo), global adjudication (of community enterprises), written proof of occupation by ex-tenant families and, still widespread, registered individual ownership. This latter form in particular, which came into being as a result of land transactions between non-indigenous and indigenous families prior to and during the land struggle, is nowadays proving to be problematic. The “double titling” of land both as private and as *resguardo* constitutes a threat to the integrity of communal territory and to social cohesion in the community. It moreover leads to the loss of land tax compensations to the municipality, with whom the cabildo has recently cooperated closely in the field of community development. The title conversion of these lands again involves a cumbersome process of legal procedure and is being met by stubborn resistance on the part of a small group of indigenous landed peasants (*finqueros*).

The lower section also stands out for its acute and recent land shortage, in some parts leading to extreme smallholding of land (*microfundia*). This situation in large part explains the easy adoption and by now widespread cultivation of coca by land-poor families. In turn, this gives rise to a tense relation between a disapproving cabildo and the families involved in illicit drug crop production, resulting in their low level of community participation at *resguardo* level. At local level, however, it led to a new manifestation of traditional, communal forms of labor cooperation.

Chapter 5 deals with the quest of the Nasa in Jambaló for their own, distinct vision of “development with identity” – a process that is described against the backdrop of recent political and economic developments taking place in the wider society since the constitutional recognition of indigenous autonomy in 1991.

The increased integration of the Nasa into the regional market economy during the twentieth century, together with a crisis in the local economy during the late 1970s and the ensuing split within the community regarding the direction of economic development (whether it should be market or subsistence directed), made it more pressing than ever to arrive at a concerted answer to this matter during the late 1980s. Inspired by the work of Nasa priest Alvaro Ulcué and elements of Liberation Theology, the community, guided by a new

generation of community leaders, started a process of constructing a project of alternative development (called “Life Project”). In this participatory process, the Nasa developed a method to critically evaluate and appropriate elements of Western knowledge and techniques and to combine them with indigenous cultural values, principles, and practices. Nasa memory of locally shared history plays an important role in this process since it constitutes a point of orientation from which to choose the desired direction of communitarian development.

Opportunities to reinvigorate the local economy were initially limited, however, by lack of access to credit and financial services. Small projects financed by European NGOs were generally short-lived and lacked internal cohesion, while food-for-work projects of the national PNR/WFP program tended to disturb local food production, leading to increasing food dependency. The first community projects were not capable of providing communities (families) with a viable income alternative to replace the loss of revenue from the cultivation of sisal and coffee, commercial crops whose prices had plummeted. In the shadow of the cabildo-led communitarian economy, an increasing number of families therefore started becoming involved in the cultivation, on an individual basis, of illicit drug crops – poppy and coca. This development led to decreasing community participation, and indigenous involvement in the economy of anti-state forces (narco-trafficking and guerrilla warfare) constituted a new threat to indigenous autonomy, thus weakening the authority of the cabildo.

After 1991, prospects for community development changed considerably with the enactment of the Law on Resources and Transfers (Law 60 of 1993) that implemented the constitutionally mandated fiscal autonomy for indigenous communities (*resguardos*). Transfers of tax revenues distributed annually to indigenous *resguardos* increased the power base and legitimacy of the cabildo and gave new impetus to the process of development planning in the context of the communitarian Life Project. The participative and capacity-building characteristics of the autonomous management of these state funds contrasted sharply with the top-down and exclusionary management of decentralized tax revenues by the municipality, and in 1995 this prompted the indigenous community of Jambaló to become active in municipal politics and take over control of the *alcaldía* (municipal authority) through popular elections. Although this move considerably increased the indigenous organization’s budget for community development, the spending of a large part of these funds is constrained by state rules, and this threatens to undermine Nasa visions of culturally appropriate development.

In a context of increasing land shortage, burgeoning drug-crop cultivation in all parts of the *resguardo*, and mixed results achieved by cabildo-led associative productive projects and micro-enterprise development, the community of Jambaló in 2000 embarked on a process of critical self-analysis in matters of land tenure and economy. A proposal to undertake an internal land reform

to deal with inequalities in land distribution did not reach gestation due to an upsurge of political violence in northern Cauca around this time. In view of culturally disconcerting influences of drug-crop cultivation, the cabildo replaced its formerly permissive stance with a policy of voluntary eradication, and began to look actively for additional sources of finance for alternative productive projects. To counteract the growing workload of the cabildo, it was decided to undertake an administrative reform of the cabildo structure to improve planning capacity in community projects. Around this time, the cabildo managed to secure external funding for a first resguardo-wide drug-crop substitution project, namely, the re-introduction of the house garden, designed to promote subsistence security (food sovereignty) and resource conservation as well as bring distinctive cultural elements back into the local economy.

Over the past years, Jambaló and other Nasa communities working in the cabildo association of northern Cauca (ACIN) have elaborated a program for the revitalization of an indigenous economy that is primarily inward-oriented and combines a careful reorientation of market-directed activities with reviving traditional mechanisms of exchange of agricultural products between communities inhabiting the larger Nasa territory, making use of the vertical complementarity of microclimates. Although there is general agreement on the proposed direction of the economy, positions differ as to the institutional basis on which such an economy should be based. Two views have emerged in this respect: on the one hand, adherents of the old model want to continue to emphasize a strict division between individual subsistence and associative commercial production, whereas, on the other hand, proponents of a more pragmatic model give more attention to the position of households in both subsistence and commercial economic production and highlight the solidarity function of economic institutions such as the community enterprises. Both views on how *lo comunitario* (communitarianness) should come to expression in the organizational structure of the local economy continue to be actively discussed by the Nasa.

Chapter 6 gives an account of the community of Jambaló's recent participation in indigenous political mobilizations directed against policies of the Colombian State, which the Nasa and other communities feel are threatening their communitarian development project.

Frustration with the government's reluctance to engage with the critical economic situation in Cauca's indigenous communities had already been building up for some time, but mobilizations over the past years have been triggered by the local negative impact of President Alvaro Uribe's (2002) repressive counter-insurgency strategy and undemocratic neo-liberal agenda.

During a large-scale demonstration march on Cali, in which besides Indians (Nasa, Guambiano and other Indians were the organizers and large-

est group of participants) labor, peasant, and urban popular organizations took part, in September 2004, Nasa association ACIN and other indigenous organizations of southwest Colombia publicly declared their opposition to the government's neo-liberal economic policy, which they regard as the main underlying cause for the political violence (civil war) in Colombia. They criticized especially the planned signing of a free trade agreement (FTA) between Colombia and the United States, which they feared would damage their food sovereignty, increase levels of violence, and threaten the integrity of the constitutional framework on which their autonomy is based. In reaction to the government's refusal to subject its plans to a vigorous citizen review, the Nasa and Guambiano in Cauca organized a referendum on the issue in March 2005 in six predominantly indigenous municipalities. By an overwhelming majority, the popular vote rejected the planned signing of the FTA, thus explicitly challenging the legitimacy of the government's macro-economic policy.

In September 2005, impatient land-needy communities in northern Cauca again proceeded to undertake unarmed land occupations outside the borders of their (current) *resguardos*, thus forcing ACIN and CRIC to take a position against the State. Indigenous organizations justified their actions to point out the negligence of the government in the execution of post-constitutional legislation in relation to the enlargement of *resguardos* as well as its non-compliance with previous accords on the implementation of indigenous economic rights (in Cauca) – they also framed their land claims in terms of opposition to the environmentally destructive practices on nearby sugarcane plantations (labeling their action the “Liberation of Mother Earth”). The harshly repressive action of regional authorities led to a storm of arguments about the indigenous cause in the local and national media. In part due to lobbying by indigenous senators and to continuous support from international allies, the indigenous communities gained major concessions from the government, and this will undoubtedly reinvigorate ongoing discussions on economic organization within indigenous *resguardos*.

Both mobilizations show that Nasa indigenous communities in Colombia today are well aware that securing effective recognition of indigenous rights and greater social justice entails more than “localized autonomy” (cf. Sieder 2002: 8). They are a sign of increased indigenous engagement with, and assertiveness towards, national politics and lawmaking, and an illustration of their appropriation and re-signification of the notions of citizenship and solidarity in their search for counter-hegemonic political visions of a pluri-ethnic and multicultural democracy.

7.3 CONTINUITY AND CHANGE IN INDIGENOUS AUTONOMY REGIMES AND STRUGGLES

In Colombia, the adoption of the 1991 Constitution has not thus far produced a structural transformation of relations between indigenous peoples, the State and non-indigenous society. The prevailing political regime has basically retained its imbalanced and exclusionary characteristics, and in relation to the country's indigenous peoples has failed to provide the material and institutional basis for their communities' pursuit of a self-determined, autonomous cultural and economic development. This situation has enticed some observers to categorize Colombia as a "façade democracy" (Warren & Jackson 2002: 4) and to label the present recognition as mere cosmetic tinkering with the constitutional system. The current study, however, shows a more complex situation and this therefore raises the question as to whether or not, and to what extent, the 1991 Constitution has made a difference to the situation of indigenous peoples in Colombia. This question has both a legal-institutional and an empirical dimension, which will be further elaborated below.

Prior to the 1991 Constitution, indigenous communities had been granted autonomy as stipulated in Law 89 of 1890, but this autonomy was only recognized in ordinary legislation (laws and decrees), and therefore weak, in contrast to constitutionally recognized autonomy, which is much stronger, and was founded on a negative ideological basis. Autonomy for indigenous communities was only recognized for as long as they were unprepared to integrate into civilization. The underlying idea was that indigenous individuals needed to be collectively protected against themselves and the dominant society. Correspondingly, in Law 89 of 1890 indigenous persons were defined as legal minors. The government reserved to itself the right at all times – in the interests of these communities – to intervene in the local situation. It can thus be argued that, before 1991, recognition entailed a patronizing as well as a residual form of autonomy; an autonomy as a relict of former (colonial) times to be temporarily upheld for a category of people that was about to disappear.

In contrast, in the post-constitutional period, autonomy granted to indigenous communities is far less restricted. Recognition is the result of a positive evaluation – at least rhetorically – of cultural/ethnic diversity (as guaranteed in article 7 of the 1991 Constitution) and is based, at least implicitly, on the presumed capacity of indigenous communities to determine their own future. Recognition now implies the assignment of a broad legislative competence – or ample "normative and administrative space" (Jackson & Warren 2005: 554) – to indigenous authorities. The boundaries of this indigenous jurisdiction are fairly well demarcated, not least due to the efforts of the constitutional court, which has clarified numerous ambiguities in the constitutional text. In this way, indigenous communities today in principle are fairly well protected from

undue external interventions.

On a second level, we must ask whether the current recognition makes a difference in terms of its social significance in indigenous communities, i.e. in the effects it has on their social organization. Since the social situations of these communities (autonomy as a social process) is infinitely more complicated than the legal situation, the answer to such a question is much more indeterminate. On the one hand, the recognition of autonomy in itself did not bring a solution for many of the problems experienced by indigenous communities. Often these problems originate from previous autonomy struggles between communities and the State in the pre-constitutional situation. Previous state laws and policies and their outcomes in the process of such struggles have had a deep impact on the social organization of indigenous communities. These outside interventions have many lingering effects because “the previous [laws], once revoked, nevertheless leave their imprint on the social relations they used to regulate” (Sousa Santos 1987: 228). In many cases, the organizational problems and social contradictions generated by them have not yet been resolved. Yet not all problems experienced are related to past state or external interventions. They are also in large part caused by new (post-1991) political, economic, and social developments, both in the outside world and within the indigenous communities, that pose new challenges to indigenous organizations and peoples and demand a formulation of solutions; such developments include population growth and land scarcity, economic crisis, and dependence on both legal and illegal markets, and the constant threat of political violence.

On the other hand, the social significance should be understood in relation to the opportunities it engenders for the communities. The current legal framework for autonomy has been considerably expanded, and this provides potentially significant legal resources for the resolution of organizational and other concrete problems. Whether or not this potential materializes is dependent on the degree to which these new opportunities are captured and appropriated by indigenous communities. For instance, this study has shown how in Jambaló the affirmation and extension of the administrative, legislative, and jurisdictional powers of indigenous authorities has consolidated cabildo authority and has given new impetus to a process of participatory community organization. Moreover, it has shown that constitutional and legal rights, which in part have not materialized, are used by Jambaló and other Nasa communities as a referent in making proposals and claims to the State. Of course, this dual process of ethnic reorganization also carries in it potential drawbacks, such as internal fragmentation of indigenous communities and organizations – as a result of new economic incentives and political opportunities – and the intrusion of the State and its ideology into communities’ internal affairs. It is moreover clear that current autonomy struggles in Colombia continue to take place under a highly asymmetrical power relationship between indigenous

peoples and the State. All the same, the case of Jambaló, and of other communities in northern Cauca, has demonstrated several examples of promising constitutive or “culturally productive effects” of indigenous rights and legislation (Merry 1995: 14).

This study has looked at historical changes in the social organization of indigenous communities in the field of communal resource management. It has further looked at how these changes are shaped in interaction between these communities and the outside world. This study has repeatedly shown how institutions and practices of communal resource management are regulated by indigenous values and principles, or, put differently, by a “loosely shared body of [often internally heterogeneous] standards and norms” (Tamanaha 2000: 314). By considering the underlying normative ordering of the social organization of indigenous communities as a form of law, this study is set within the field of legal anthropology.

Since the 1970s, legal anthropology has been developing an interest in the way local or indigenous social and normative orders are shaped in interactions with larger social/normative configurations in which they are situated, and vice versa. Within the research field of legal pluralism – the study of the coexistence of more than one normative or legal order – this phenomenon has been described as the “dialectic of mutually constitutive legal orders” (see Henry 1985; Merry 1988, 1992). The past three decades have seen a flurry of studies that looked at changes in social practices and institutions in local communities – that can be considered to be “semi-autonomous social fields” (Moore 1973) – in interactions with the surrounding society. Most of these studies were concerned with dispute processing, and they investigated how local people involved in disputes orient their behavior towards law, both indigenous and state; these studies then analyzed how state law influences the local normative order. This study conversely departs from conflicts between communities and the State/dominant society and investigates how these conflicts are brought back to the communities where they lead to processes of cultural negotiation, in turn resulting in changes in structures of (local) indigenous governance. This focus, in combination with the historical methodology adopted, led to the insight that, as far as the Nasa are concerned, a certain oppositional cultural logic is involved in their (dialectical) interactions with the dominant society and legal order. The following section presents by way of conclusion four elements characterizing this oppositional culture.

Firstly, it is rooted in a history of resistance to structures of domination that are imposed by the outside world. This history stretches far back in time, yet it is most acutely remembered through the land struggle. The preceding chapters demonstrated that remembering the heroic past and critically reflecting on it are important guidance in the search for *lo propio* (that which is characteristic of a people). The way the Nasa understand history and historical processes

is crucial: they view them as the totality of their ancestors' experiences that, very much like a river (metaphorically speaking), directs and propels their actions in finding solutions to their problems and furthering their demands. These solutions are, however, adapted to contemporary conditions, whereby elements from the dominant society are critically appropriated by combining them with cultural values, principles and norms of social organization – imagined or real. Indigenous leaders (*caciques*) were instrumental in shaping these adaptations in the past, but since the land struggle they are shaped mainly by the community, structured and/or mediated by the *cabildo*.

Secondly, this culture of opposition is clearly manifest in the field of communal resource management, where interventions of the outside world have been most deeply felt in the recent past, evoking strong counter-reactions. This does not mean, however, that the logic of opposition has not been present in other patterns of social organization. In the sphere of politics, for instance, indigenous persons pride themselves that decision making takes place mainly by consensus, a process that they oppose to the decision making by majority that they associate with the dominant society. As another example, the stress in indigenous jurisdictions on harmony and reconciliation is seen as antithetic to punishment in the outside world. The culture of opposition therefore permeates most, if not all, aspects of indigenous life.

Thirdly, reviewing the previous chapters clearly shows that the oppositional logic is not totally coherent. The integrity of the indigenous legal order is in part dependent on recognition by state law. Indigenous communities like the Nasa therefore appeal to elements of state law to safeguard their autonomy. In the past, they embraced colonial land titles and protective republican legislation. Under current conditions, even while the Nasa are again adopting an increasingly adversarial attitude towards the government, there is also little opposition against favorable legal elements, such as the Constitution, secondary legislation giving certain privileges to indigenous communities, or political representation in the senate. In the process of these elements of state law being appropriated, they often become an indissoluble part of the indigenous (Nasa) legal order.

Finally, the culture of opposition is not without internal contestation. The *cabildo* depends in its quest for autonomy on building consensus among its members – indigenous autonomy in its processual dimension is determined by “the capacity of a community to control or impose its own normativity over the material and symbolic organization of the space it inhabits” (Zuñiga 1998: 11, my translation) – yet indigenous peoples do not always agree with the opposition-based solutions of the *cabildo*. Certain groups and individuals in indigenous communities are influenced by cultural patterns and values originating from the dominant society and have interests that go against the *cabildo*'s communitarian project. This tension is the main driving force behind the struggles

and negotiations within the community in the ongoing process of cultural and legal reformulation; this explains, from a historical point of view, these communities' continuously variable autonomy in relation to the outside world.

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ABBREVIATIONS

ACIN	Association of Indigenous Cabildos of Northern Cauca
AICO	Indigenous Authorities of Colombia (formerly MAISO)
ANUC	National Association of Peasant Users
ASI	<i>Alianza Social Indígena</i> , indigenous political party
ATPDEA	Andean Trade Promotion and Drugs Eradication Act
CRIC	Regional Indigenous Council of Cauca
DAI	Division of Indigenous Affairs, Ministry of Government
DANE	National Department of Statistics
DNP	National Planning Department
EC	<i>Empresa Comunitaria</i> , community enterprise
ECOFONDO	Consortium of Colombian Environmental NGOs
ELN	<i>Ejército de Liberación Nacional</i> , guerrilla group
FARC	Revolutionary Armed Forces of Colombia
FANAL	National Agrarian Federation
FEDECAFE	National Federation of Coffee Growers
FEDEGAN	National Federation of Cattle Farmers
FRESAGRO	<i>Frente Social Agrario</i> , independent peasant/labor organization
FTA	Free Trade Agreement
FTAA	Free Trade Area of the Americas
IGAC	Geographical Institute Agustín Codazzi
ILO	International Labor Organization
IMF	International Monetary Fund
INCODER	Colombian Institute for Rural Development
INCORA	Colombian Institute of Agrarian Reform (now INCODER)
JAC	<i>Junta de Acción Comunal</i> , communal action junta
M-19	<i>Movimiento 19 de Abril</i> , guerrilla group
MAISO	<i>Movimiento de Autoridades Indígenas del Sur-Occidente</i>
MAQL	<i>Movimiento Armado Quintín Lame</i> , indigenous self-defense group
ONIC	National Indigenous Organization of Colombia
PLANTE	National Drug Crop Substitution Program
PNR	National Rehabilitation Plan
SENA	National Learning Service
UMATA	Municipal agricultural extension unit
UNDP	United Nations Development Program
UTC	Union of Colombian Workers
WFP	World Food Program of the United Nations

SAMENVATTING

In 1991 verleende Colombia als een van de eerste landen in Latijns-Amerika in een nieuwe grondwet autonomie aan de verschillende inheemse volken in dit land. De uitvaardiging van de nieuwe grondwet was het gevolg van politieke en economische omstandigheden, maar de officiële erkenning van etnische en culturele diversiteit was ook, en vooral, het resultaat van een langdurige en moeizame strijd van inheemse gemeenschappen en organisaties voor het recht op zelfbeschikking. Voortaan zou Colombia niet langer streven naar het politieke ideaal van een homogene natiestaat, maar de inrichting van de nationale samenleving grondvesten op haar multiculturele wortels. In de 15 jaar die daarop volgden bleek deze omschakeling moeilijker dan men aanvankelijk dacht, en inheems zelfbestuur werd slechts ten dele in de praktijk gerealiseerd.

De lange geschiedenis van de inheemse strijd in Latijns-Amerika – zoals deze in hoofdstuk 1 wordt beschreven – laat zien dat overheden inheemse volken al vaker (beperkte) rechten op zelfbestuur verleenden, en dat deze rechten vervolgens door diezelfde overheden werden veronachtzaamd of ontkend. In reactie op deze situatie van discrepantie tussen recht en sociale werkelijkheid, kwamen gemeenschappen, en sinds de jaren 70 de opkomende inheemse beweging in Latijns-Amerika, steeds weer in het geweer om inheemse autonomie en het recht op zelfbeschikking te verdedigen. In dit proces waren gemeenschappen om cultureel te overleven vaak genoodzaakt om (ingrijpende) aanpassingen te maken in hun sociale organisatie, ofwel: zich etnisch te organiseren. Dergelijke processen, die worden gekenschetst door zowel verzet als accommodatie, verklaren voor een groot deel waaróm inheemse volken vandaag de dag aanzienlijk verschillen van de samenlevingen van waaruit zijn ontstonden.

Dit roept de vraag op hoe inheemse gemeenschappen in Colombia de nieuwe juridische situatie (na 1991) gebruiken voor de verdediging van hun autonomie, welke invloed dit proces heeft op inheemse culturele patronen, sociale instituties en rechtssystemen, en hoe deze veranderingsdynamiek verschilt van eerdere

processen van etnische reorganisatie (van voor 1991). In deze studie wordt bovenstaande vraag onderzocht vanuit het perspectief van de Nasa indianen – die vroeger de Páez werden genoemd – in het resguardo (inheemse reservaat) van Jambaló, een van de vele zelfbesturende inheemse territoria in het departement Cauca in het zuidwesten van Colombia. In het licht van de vraagstelling en thematiek van het onderwerp – dat voornamelijk gemoeid is met sociale en institutionele verandering – is gekozen voor een historisch onderzoeksperspectief. Daarbij richt de studie zich in het bijzonder op inheemse instituties van communaal beheer van (natuurlijke en andere) hulpbronnen, omdat deze een zeer belangrijke rol vervullen in het dagelijkse leven van inheemse gemeenschappen en bovendien de institutionele basis vormen voor een zelfgekozen autonome ontwikkeling.

Hoofdstuk 2 geeft in vogelvlucht een beschrijving van het ontstaan van de Nasa als een “distincte” etnische groep in hun historische verzet tegen koloniale overheersing en nationale machtsstructuren (periode: 1540-1940). In het bijzonder wordt gekeken naar de rol van het recht in een aantal episodes die voor de Nasa hebben bijgedragen aan hun culturele identiteit. Belangrijk was het moment waarop, omstreeks 1700, Nasa leiders erin slaagden om van de Spaanse Kroon een zekere mate van zelfbestuur verleend te krijgen, en landrechten verwierven over grote delen van hun voorouderlijk leefgebied, die erkend werden als inheems territorium, of resguardo. Deze erkenning bood geen garanties: de landtitels en autonomie van de Nasa werden in de daarop volgende 250 jaar continu betwist door lokale machthebbers en republikeinse overheden die over de arbeid en het land van de indianen wilden beschikken. Naast het aangaan van steeds wisselende politieke en militaire allianties, deden Nasa leiders in hun strijd tegen deze externe krachten ook vaak een beroep op erkennende elementen van statelijke wetgeving. Een van de belangrijkste in dit opzicht was Wet 89 van 1890. Deze beschermende wetgeving had als doel om de resguardos te behouden voor zolang de indianen nog niet “beschaafd” genoeg waren om in de dominante samenleving “op te gaan”. Het cabildo, een gekozen inheemse raad, werd aangewezen als hoogste inheemse autoriteit en het collectieve territorium van de indianen werd geclassificeerd als “onvervreemdbaar”. Desondanks konden de Nasa niet verhinderen dat zij in de daarop volgende decennia door kapitalistische expansie grote delen van hun territorium verloren aan grootgrondbezitters.

Hoofdstuk 3 beschrijft uitvoerig de sociale geschiedenis van de wederopstanding van de Nasa, na een periode waarin de gemeenschappen onderling verdeeld waren geraakt en de cabildos veel van hun autoriteit hadden verloren (periode: 1960-1980). In hun groeiende verzet tegen het systeem van uitbuiting van inheemse arbeid op de hacienda’s van grootgrondbezitters, begonnen

inheemse gemeenschappen in Cauca zich te beroepen op de nog steeds geldige resguardo-wetgeving, Wet 89 van 1890, om onrechtmatig afgenomen delen van hun territorium terug te eisen, en op de landhervormingswetgeving, Wet 135 van 1961, die in zekere mate voorzag in de restitutie van land aan inheemse gemeenschappen. Toen wettelijke procedures uitgeput raakten, besloten de Nasa in Jambaló – herenigd onder een strijdbaar cabildo – hun claims kracht bij te zetten met vreedzame landbezettingen. Deze leidden tot gewelddadige reacties van de grootgrondbezitters, maar ook tot een verandering in de houding van verschillende overheidsinstellingen, die aanvankelijk schoorvoetend, steeds vaker de kant van de indianen kozen. Na verloop van tijd begonnen de gemeenschappen zich ook steeds meer te verzetten tegen opdringerige elementen van het programma voor landhervorming, wat binnen de gemeenschappen aanleiding gaf tot kritische reflectie over als traditioneel beschouwde productieve organisatievormen en de mogelijke combinatie daarvan met institutionele modellen die door de staat werden aangeboden. Dit proces van juridische onderhandeling en cultureel experimenteren resulteerde uiteindelijk in de introductie van nieuwe inheemse instituties van communaal beheer van hulpbronnen, die de economische organisatie in grote delen van het resguardo nog lang zou bepalen.

Hoofdstuk 4 behandelt de continuïteit en verandering in communaal beheer van natuurlijke en andere hulpbronnen in drie deelgebieden van het Jambaló resguardo – ieder met een onderscheidend topografisch en ecologisch karakter en een andere sociale geschiedenis – na de landstrijd (periode: 1985-2000). In de bovensectie vindt men het meest terug van het traditionele, gedeeltelijk in Wet 89 van 1890 vastgelegde, Nasa systeem van communaal beschikkingsrecht op grond, waarbij het cabildo aan afzonderlijke families erfelijk overdraagbare gebruiksrechten op land toekent. Door toenemende landschaarste worden individuele familiepercelen echter steeds kleiner en meer permanent, en vindt begrazing van vee op gemeenschappelijke onbewerkte gronden (commons) nauwelijks nog plaats; ook tradities van mingas (gezamenlijke werkfeesten) en arbeidsuitwisseling tussen families zijn daardoor in belang afgenomen. De individualisering van het landgebruik wordt sinds de late jaren 80 echter ondervangen door betrokkenheid van gemeenschapsleden in nieuwe economische instituties, zoals cabildo-aangestuurde communale actiecomités en microbedrijfjes, die de gemeenschapsverbanden binnen en tussen deelgemeenschappen in stand houden.

De ontwikkelingen de middensectie worden beschreven aan de hand van de ervaringen van de leden van de deelgemeenschap Chimueto. Direct na de zwaar bevochten recuperatie van inheemse gronden, besloot deze gemeenschap een nieuwe economische organisatie op te richten: het gemeenschapsbedrijf. Terwijl families voor hun directe levensonderhoud kleine individuele akkers

behielden, besloten zij om de gronden van de voormalige hacienda van de landeigenaar intact te laten en collectief te bewerken. Aanvankelijk experimenteerde men hier enkele jaren met collectieve voedselproductie, maar al snel namen collectieve, en later ook individuele markgerichte activiteiten de overhand, met een toegenomen voedselafhankelijk van externe markten tot gevolg. In de laatste jaren is teleurstelling geuit over de tegenvallende economische resultaten van het gemeenschapsbedrijf. Deze lijken het gevolg te zijn van een zeker antagonisme tussen de individuele en collectieve commerciële productie, en van ongelijkheid van grondbezit binnen het bedrijf, tegenstellingen die de waarden van solidariteit en reciprociteit waarop het functioneren van deze sociale institutie is gegrondvest, ondergraven.

In de benedensectie – een gebied met grote sociale contrasten – kwam de strijd voor autonomie en herstel van het inheemse territorium, en de daarmee samenhangende herwaardering van inheemse identiteit, pas relatief laat op gang. Tegenwoordig bestaat er nog steeds een zeer pluriforme situatie van verschillende vormen van landbezit; wel en niet door het cabildo geregistreerde gronden, gemeenschappelijke toewijzingen en individueel eigendom van land in handen van zowel niet-inheemse grondbezitters als inheemse families. Ook houdt het cabildo hier land, dat het heeft verkregen na de onderhandelde teruggave van de hacienda's van voormalige grootgrondbezitters, in eigen beheer, om het te gebruiken voor diverse gemeenschappelijke doeleinden. Ondanks toegenomen gezag van het cabildo in het gebied, bestaat er nog steeds veel conflictstof. De weerstand van individuele (inheemse) eigenaren tegen het beleid om eigendomstitels te regulariseren (d.w.z. om te zetten naar een gebruiksrecht) vormt een bedreiging van de territoriale integriteit van het resguardo en zorgt, samen met de toegenomen verbouw van drugsgewassen (coca) onder invloed van landschaarste, voor een afwijzende houding naar het cabildo en een lage betrokkenheid van bepaalde groepen families bij het gemeenschappelijke proces in het resguardo.

Hoofdstuk 5 geeft een verhandeling van de zoektocht van de Nasa in Jambaló naar een eigen visie op “ontwikkeling met identiteit”, een proces dat wordt beschreven tegen de achtergrond van recente politieke en economische gebeurtenissen in Colombia sinds de grondwet van 1991. Na jaren van grote onenigheid in het resguardo over de inrichting van de lokale economie – gericht op de markt of op zelfvoorziening? – begon de resguardo-gemeenschap eind jaren 80 met een project voor geïntegreerde ontwikkeling, dat zij de naam “Levensproject” gaf. Geïnspireerd door het werk van Nasa priester Alvaro Ulcué en ideeën van de bevrijdingstheologie, werd een methode ontwikkeld waarbij de gemeenschap elementen van Westerse kennis kritisch evalueert, en combineert met inheemse culturele principes en praktijken. De herinnering aan de gedeelde geschiedenis speelt hierbij een belangrijke rol omdat zij de gemeenschap hou-

vast geeft bij het zoeken naar de gewenste richting van hun “communautaire” ontwikkelingsproject.

Door een chronisch gebrek aan financiële middelen slaagde het cabildo er aanvankelijk niet in om families een alternatieve inkomstenbron te bieden voor de afgenomen inkomsten uit traditionele marktgewassen (koffie en sisal); uit nood gingen steeds meer families daarom over tot de individuele verbouw van illegale drugsgewassen (papaver en coca). De betrokkenheid van gemeenschapsleden bij het Levensproject werd groter na de implementatie van nieuwe wetgeving (Wet 60 van 1993) die resguardos recht gaf op een vaste bijdrage uit de nationale belastinginkomsten van de staat, waardoor de financiële armslag en machtsbasis van het cabildo aanzienlijk werd vergroot. Ontevredenheid over het ondoorzichtige beheer van belastinggelden door de gemeente, zette de inheemse gemeenschap van Jambaló ertoe aan om actief te worden in gemeentepolitiek en door verkiezingen de macht over de alcaldía (gemeentebestuur) te veroveren. Ondanks deze overwinning, dreigden wettelijke restricties op de besteding van het gemeentebudget inheemse visies op cultuur-aangepaste ontwikkeling nu echter steeds meer te ondermijnen.

Toenemende landschaarste, wijdverbreide productie van drugsgewassen en gemengde resultaten van cabildo-geïnitieerde associatieve economische projecten leidden omstreeks de eeuwwisseling tot een hernieuwd evaluatieproces betreffende de territoriale inrichting en economie van het resguardo. Terwijl het cabildo besloot tot een administratieve hervorming voor een doelgerichter economisch bestuur, slaagde zij er ook voor het eerst in om externe financiering aan te trekken voor de bekostiging van een plan ter herintroductie van de traditionele moestuin, als vrijwillig alternatief voor de verbouw van drugsgewassen. Dit project was bedoeld om de voedselzekerheid in het resguardo te verhogen en daarnaast ecologisch verantwoorde vormen van economische productie te stimuleren. In de afgelopen jaren heeft de associatie van Nasa cabildos in noordelijk Cauca (ACIN) een programma bedacht voor de revitalisering van een naar binnen gerichte inheemse uitwisselingseconomie, die gecombineerd kan worden met weloverwogen marktgerichte activiteiten. Op welke institutionele basis een dergelijke economie zou moeten rusten, en hoe associatieve en individuele vormen van productie zich daarbij dienen te verhouden, zijn vragen waarover de Nasa tot op de dag van vandaag geen eenstemmigheid hebben bereikt.

Hoofdstuk 6 doet verslag van de betrokkenheid van Jambaló bij recente inheemse politieke mobilisaties gericht tegen overheidsbeleid dat de Nasa en andere inheemse gemeenschappen ervaren als een bedreiging van hun autonomie en ontwikkelingskansen. De oorlogspolitiek en de ondemocratische neoliberale agenda van de huidige regering (Uribe) hebben in de afgelopen jaren in rurale gebieden geleid tot meer geweld en grotere armoede. Deze situatie zette de Nasa in 2004 aan om, in samenwerking met andere sectoren van de

Colombiaanse bevolking, protestacties te organiseren die waren gericht tegen de ondertekening van een vrijhandelsakkoord tussen Colombia en de Verenigde Staten. In 2005 besloten de Nasa opnieuw tot de uitvoering van vreedzame landbezettingen – deze keer buiten *resguardos* – om op die manier aandacht te vragen voor de precaire economische situatie in inheemse gemeenschappen, en om de overheid te dwingen om eerder gemaakte beloften voor uitbreiding van inheemse territoria na te komen. De acties lokten hard ingrijpen van de overheid uit en veroorzaakten veel ophef in de media. Via onderhandeling van inheemse senatoren in Bogotá, en met continue steun van internationale bondgenoten, slaagden de Nasa erin om nieuwe toezeggingen van de regering te krijgen, welke in inheemse *resguardos* ongetwijfeld aanleiding zullen geven tot hernieuwde discussie over economische organisatie.

Hoofdstuk 7 komt terug op de centrale vraagstelling van dit werk: hoe hebben inheemse gemeenschappen in Colombia gebruik kunnen maken van de recente erkenning van inheemse autonomie, en hoe houden daaruit resulterende processen van etnische reorganisatie in inheemse gemeenschappen verband met de eerdere strijd voor autonomie en zelfbeschikking?

Geconcludeerd moet worden dat de erkenning van inheemse autonomie in de nieuwe grondwet van 1991 niet heeft geleid tot een structurele verandering in de relatie tussen inheemse volken en de overheid, en geen oplossing heeft gebracht voor de verschillende problemen waarvoor inheemse gemeenschappen zich geplaatst zien. Dit heeft sommige observatoren ertoe verleid om Colombia als een façade-democratie te bestempelen en de erkenning van inheemse autonomie te beschouwen als slechts een cosmetische ingreep. Deze laatste bewering is niet terecht. De sociale betekenis van erkenning moet ook beoordeeld worden op de mogelijkheden die deze voor de inheemse volken in Colombia biedt. Het huidige juridische kader voor autonomie (in de grondwet) is aanzienlijk verstevigd en uitgebreid in vergelijking met voorgaande erkenningen (in gewone wetgeving), en dit geeft inheemse gemeenschappen potentieel belangrijke juridische hulpbronnen bij het zoeken naar oplossingen voor organisatorische en andere concrete problemen. Of dit potentieel wordt benut, hangt voor een groot deel af van de mate waarin inheemse gemeenschappen erin slagen om deze nieuwe kansen aan te grijpen en zich weten deze toe te eigenen.

Alhoewel deze studie heeft laten zien dat er veel aspecten van historische continuïteit zijn waar te nemen in de strijd van inheemse gemeenschappen voor autonomie, hebben eerdere processen van etnische reorganisatie na de grondwet van 1991 ook een nieuwe dynamiek gekregen. De casus van de Nasa indianen in Jambaló, en andere inheemse *resguardos* in noordelijk Cauca, laat zien dat de bevestiging en uitbreiding van de bestuurlijke, wetgevende en rechtsprekende bevoegdheden van inheemse autoriteit het gezag en de legitimiteit van de

cabildos aanzienlijk heeft versterkt en een sterke nieuwe impuls heeft gegeven aan een proces van participatieve gemeenschapsontwikkeling. Voor zover de grondwettelijke inheemse rechten nog niet zijn verwezenlijkt, worden zij door de inheemse gemeenschappen gebruikt als oriëntatiepunt bij het maken van eigen voorstellen en het formuleren van claims naar de staat. Zonder de aandacht af te willen leiden van de mogelijke gevaren die dit proces van etnische reorganisatie in zich draagt, mag worden gesteld dat het symbool staat voor de toegenomen betrokkenheid en assertiviteit van inheemse gemeenschappen ten opzichte van nationale politieke en wetgevende processen. Ook is zij een illustratie van hun geslaagde toe-eigening en herdefiniëring van begrippen van burgerschap en solidariteit in een zoektocht naar anti-hegemonistische visies van een pluri-etnische en multiculturele samenleving.

CURRICULUM VITAE

Joris van de Sandt was born in Geldrop, on December 10, 1972. After completing high school (Atheneum, Strabrecht College in Geldrop) in 1991, he pursued his studies at Wageningen University. In 1998 he obtained his MSc degree in tropical land use (cum laude), with theses in both legal anthropology and sociology of rural development. Since 1999 he has been working at the Department of Sociology of Law (later: Department of General Jurisprudence) of the Law Faculty at the University of Amsterdam. Apart from his research on indigenous autonomy and communal management of resources in Colombia, he has been lecturer in sociology of law, giving tutorials to undergraduate third term students of Dutch law; he also gave guest lectures in legal anthropology and in research methods of social sciences (Erasmus University Rotterdam, Free University Amsterdam). In 2005 he worked as a consultant for the Netherlands Ministry of Foreign Affairs (DGIS), conducting an evaluation of the current state of affairs in the recognition of indigenous peoples' rights in DGIS-supported environmental projects and programs in Latin America, Africa and Asia. In 2006 he conducted an evaluation for IUCN National Committee of the Netherlands (IUCN NL) of projects in support of community mapping and biodiversity conservation in indigenous territories in Latin America and Asia. His current research interests are community-based natural resource management, interethnic relations and the situation of indigenous peoples in rural as well as urban settings.

