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**INDIGENOUS PEOPLES AND THE NATION STATE:
TOWARDS SELF-DETERMINATION IN COLOMBIA?**

by

Kimberley L. Rogers, B.A. (Hon.)

**A thesis submitted to
The Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of**

Master of Arts

The Norman Paterson School of International Affairs

Carleton University

Ottawa, Ontario

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Maureen Appel Molot

Maureen Appel Molot, Director
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of International Affairs

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ABSTRACT

As the United Nations Year of the World's Indigenous People has drawn to a close, world attention has focused on the relationships between indigenous peoples around the globe and the nation states which they inhabit. In Colombia, the orientation of the national government's policies in relation to indigenous peoples has undergone a dramatic shift in the last decade. This thesis explores the conceptual issues which arise in indigenous politics and attempts to determine what factors are at the root of the policy shift in Colombia. On one hand, Colombia is an unexpected venue for dramatic and progressive policy changes. On the other hand, there may be limits to the significance of the shift due to the incorporationist nature of the policies and the political context in which they have taken place.

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TABLE OF CONTENTS

INTRODUCTION.....	1
-------------------	---

PART ONE: ISSUES IN INDIGENOUS POLITICS

CHAPTER ONE: Indigenous Peoples and Nation States.....	7
--	---

CHAPTER TWO: Indigenous Peoples and Development.....	30
--	----

PART TWO: INDIGENOUS POLITICS IN COLOMBIA

CHAPTER THREE: The Policy Change.....	56
---------------------------------------	----

CHAPTER FOUR: The Policy Context.....	84
---------------------------------------	----

CONCLUSION.....	117
-----------------	-----

BIBLIOGRAPHY.....	127
-------------------	-----

INTRODUCTION

"I bring you my greetings. I have come to give you a piece of good news, a word of truth. At last your land is yours."¹

With these words Colombian President Virgilio Barco opened the historic April 1988 meeting to sign the Act of Transfer of the *Predio Putamayo*. The formal transfer of the Putamayo property increased the amount of land under the Indigenous Reservations and National Parks in the Colombian Amazon from less than 5 million hectares to more than 12 million in total.² This Act of Transfer exemplifies a new orientation in Colombian policies in relation to indigenous peoples. Between 1968 and 1989 the government instituted 242 Indigenous *resguardos*³ and 19 Indigenous reservations which together comprise 25.7 million hectares throughout

¹Translated from Witoto language, in "Speech Given by the President of the Republic, Virgilio Barco, in the Jurisdiction of La Chorrera...23 April 1988," Policy of the National Government in Defense of the Rights of Indigenous Peoples and the Ecological Conservation of the Amazon Basin, (Bogotá, Colombia: Ministry of Indigenous Affairs, 1990), p. 18.

²Ibid, p. 23.

³Gonzalo Castillo-Cárdenas defines *resguardos* as "Lands received by the Indians during the colonial period by decision of the crown, by gift, distribution or purchase. They were intended to be a sanctuary... On them, ownership was collective..." See Castillo-Cárdenas, "The Indian Struggle for Freedom in Colombia," in W. Dostal (ed.) The Situation of the Indian in South America, Geneva: World Council of Churches, 1972.

Colombia. The majority of transfers have been enacted since 1988.⁴

These recent transfers of land to indigenous control are evidence of a significant shift that has taken place in the Colombian government's policy towards indigenous peoples. Colombia, with its history of extreme violence and social fragmentation, seems an unlikely venue for dramatic and progressive policy changes. Since the mid-1980s, however, indigenist policy has been based on four central points: the preservation of lands traditionally inhabited by indigenous communities, the provision of basic social services, the protection of fundamental rights and, finally, mechanisms for enhanced participation in policies that affect them.⁵

These themes touch on two related issues that are at the very base of most indigenous struggles: land and the right to self-determination. The struggle for land and the quest for autonomy pose the most difficult challenge to relations between indigenous groups and national governments, because they question the predominant model of societal organization: the nation state. While the new policy approach of the Colombian government constitutes a remarkable departure from past policies which had been of a

⁴Peter Bunyard. The Colombian Amazon: Policies for the Protection of its Indigenous Peoples and their Environment. Lavellen Farm, Withiel, Cornwall: Ecological Press, 1989, p.5.

⁵Ministry of Indigenous Affairs, p. 20.

far more assimilationist nature, it is not immediately clear to what extent these new policies effectively answer the demands of indigenous groups.

This paper seeks to examine the recent policy changes in Colombia as they respond to indigenous demands. More broadly, however, it questions the extent to which the nation state as a political construct has thus far proved capable of meeting the needs of its citizens. Thus, key concepts explored in the paper are the nation state, sovereignty, self-determination, and citizenship. At the centre, however, are indigenous conceptions of political, social and cultural organization. Is it possible to recognize the rights of indigenous peoples not only to be treated as full members of society, but as societies in and of themselves, within the confines of the modern nation state? Or, is it possible to reconceptualize the notions of nation state and citizenship so that indigenous peoples may exercise autonomy within some form of a larger state?

Overview

Part One, "Issues in Indigenous Politics," consists of two chapters. Chapter One, "Indigenous Peoples and the Nation State: Conceptual Issues," seeks to outline the conceptual issues which define indigenous politics. Emphasis is on relationships between indigenous peoples and states in recent history. In particular, the emergence of

indigenous peoples as a specific legal category, distinct from ethnic or religious categories, is of central importance to an exploration of indigenous claims to territory and autonomy. Interpretations of the concept of self-determination in international law have served to obstruct the pursuit of meaningful autonomy for indigenous peoples.

Chapter Two, "Indigenous Peoples and Development," assesses the ways that dominant development doctrines have shaped indigenous politics. It also looks at how indigenous relations within the nation state have been depicted theoretically, broadly from class versus ethnic perspectives.

Part Two of this paper, "Indigenous Politics in Colombia," is an analysis of Colombian indigenist policy. Chapter Three, "The Policy Change," outlines the development of policy in the country with particular emphasis on how the integrationist approach dominated policy until the change of the 1980s. Chapter Four, "The Policy Context," outlines the various factors which contributed to the change of the 1980s, including the existence of strong indigenous movements as well as violence and political unrest which ultimately led to a crisis of the Colombian state.

The central questions of the essay, however, concern to what extent the Colombian response of the 1980s is an appropriate response to indigenous demands for autonomy. In

this sense, the most important questions are raised in the first part of this paper; the Colombian case is meant to provide a context in which to further examine the issues. Few of the questions which are raised here are easily answerable. However, the visionary politics of indigenous peoples are a compelling avenue through which to question some of the institutions of the modern world.

PART ONE:
ISSUES IN INDIGENOUS POLITICS

CHAPTER ONE
INDIGENOUS PEOPLES AND THE NATION STATE:
CONCEPTUAL ISSUES

In recent years, the concerns of indigenous peoples have received significantly more attention in international fora than they commanded in the past. The United Nations' designation of 1993 as Year of the World's Indigenous People has been interpreted as an expression of this new attention and a symbol, perhaps, of a new approach to indigenous peoples and their concerns, both internationally and at the domestic level. At the same time, it is possible to recognize a growing resurgence of ethnic claims and conflicts world-wide. Myron Weiner argues that as a result of this resurgence, ethnic movements are no longer regarded as being merely peripheral to international relations. In his view, "'Peoples' – however they identify themselves by race, religion, language, tribe or shared history – want new political institutions or new relationships within existing institutions."⁶ Within the broader framework of ethnic demands, the aspirations of indigenous peoples have acquired a special salience.

It is the purpose of this chapter to outline the conceptual issues which are at the centre of contemporary

⁶Myron Weiner, "People and States in a New Ethnic Order?" Third World Quarterly, Vol. 13, No. 2, '99'.

indigenous struggles. While indigenous questions have been on the agenda of the United Nations for over three decades,⁷ the overall approach to the issues has undergone a significant transformation in recent years. As Douglas Sanders has observed,

The problem of indigenous enclave populations within national boundaries has been seen in terms of economic exploitation, racial discrimination and human rights. It is not widely accepted that it should be understood in terms of de-colonization and self-determination.⁸

The central tenets of virtually all contemporary indigenous struggles are land claims and the demand for autonomy. Noel Dyck posits that: "To appreciate why these particular objectives are being pursued we must direct our attention to the political, economic and ideological relations that bind indigenous peoples to the nation-state."⁹ Implicit in Dyck's approach is the view that the problems of indigenous peoples, whether political, social or economic, can be properly understood only in relation to the existing nation state. Certainly land claims and the quest

⁷The International Labour Organisation drafted Convention 107 on Indigenous and Tribal Peoples in 1957. The Convention was the outcome of a study commissioned by the ILO in 1953 on the violations of human rights of indigenous groups.

⁸Douglas Sanders, "The Re-emergence of Indigenous Questions in International Law," in Canadian Human Rights Yearbook (Toronto: Casswell, 1983), p. 4.

⁹Noel Dyck, "Aboriginal Peoples and Nation States: An Introduction to the Analytical Issues," in Noel Dyck (ed.) Indigenous Peoples and the Nation-State: "Fourth World" Politics in Canada, Australia and Norway, Social and Economic Papers No. 14. (St. John's: Memorial University of Newfoundland, 1985), p. 6.

for political autonomy pose serious challenges to the structure and unity of the modern nation state.

A number of central issues which characterize the situations of indigenous peoples within nation states will be explored. First, indigenous politics have been plagued by definitional problems. The greatest difficulties concern whether indigenous populations are ethnic minorities or "peoples." An examination of these categories will reveal the differences between these labels and the implications of applying them to indigenous peoples. Second, an understanding of how the political demands of indigenous peoples relate to those of minorities will help to clarify relations between indigenous peoples and nation states. Finally, the issue of self-determination is at the heart of most indigenous concerns today. An examination of the international legal interpretations of the concept will reveal many of the obstacles which indigenous peoples have faced in their aspirations for self-determination.

Indigenous Peoples¹⁰: Carving Out a Definition

¹⁰The term "indigenous peoples" is by no means universally accepted, however, it is used here because it tends to be the most commonly accepted term in United Nations fora and is also considered applicable to Latin America. The term "Indian" has also commonly been used in reference to Latin America and regularly appears in the literature of Latin American indigenous movements; thus, it appears in this paper, however, generally in reference to specific historical contexts.

One of the great difficulties in addressing indigenous questions in national and international politics is the lack of consensus regarding terminology. There is some conceptual overlap among the words "minority," "ethnicity" and "indigenous." The growth of an international indigenous movement, however, suggests that the concept of "indigenous" is believed – at the very least by those who would label themselves as indigenous, but also by a growing body of non-indigenous scholars and activists – to be a phenomenon separate from "ethnic" or "minority."

The conceptual distinctions are important for a number of reasons. First, they explain different types of social identity which, it will be argued, determine the types of demands that are expressed by members of certain groups. Second, the categorical distinctions being discussed also have different legal and political consequences; that is, different sets of attitudes and rules are attached to the claims made by members of these categories.

In Indigenous Populations, Ethnic Minorities and Human Rights, Wolfgang Heinz illustrates the set of contiguous relationships that exist among the concepts of "minority," "ethnicity" and "indigenous." While the term minority most commonly refers to a group which is numerically smaller than the dominant group in a society, it may also be interpreted

in terms of lack of power or status in relation to that dominant group.¹¹

However, the following definition proposed by Francesco Capotorti in the United Nations Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, emphasizes relative numerical size:

...an ethnic, religious or linguistic minority is a group numerically smaller than the rest of the population of the state to which it belongs and possessing cultural, physical or historical characteristics, a religion or a language different from those of the rest of the population.¹²

Heinz argues that ethnicity – if present – will be the strongest factor; indeed, "language, religion and other specific traditions flow from ethnic origin..."¹³

Ethnicity has been defined as "...the sense of ethnic identity felt by the members of an ethnic community."¹⁴ The basic question concerns identity, a concept which itself presents enormous difficulties.¹⁵ The focus on ethnicity as

¹¹The Minority Rights Group has taken this interpretation. See, for example, Ben Whitaker, "Foreword" to Gérard Chaliand (ed.), Minority Peoples in the Age of Nation-States (London: Pluto Press, 1989), pp. vii-xii.

¹²Francesco Capotorti, Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities. United Nations Document E/CN.4/Sub.2/384 and Add. 1-7.

¹³Heinz, op. cit., p. 7.

¹⁴Paul R. Brass, "Ethnicity and Nationality Formation," Ethnicity, Vol. 3, 1976, p. 226.

¹⁵As Remo Guidieri and Francesco Pellizzi have noted, "The term
(continued...)

a factor in group or identity formation generally relates to race and culture as primary determinants. For example, a recent World Bank document identified ethnic minorities as "broadly encompassing all those races or groups not identifying with the dominant race."¹⁶

Thomas Hylland Eriksen has noted two basic groupings of theory which attempt to explain ethnicity: primordialist theories, which stress "the historical continuity of the ethnic community as a determining factor for personal identity" and instrumentalist theories, which view ethnicity primarily as a form of political organization.¹⁷ In the 1970s in particular, the instrumentalist theoretical approach to ethnicity gained popularity; ethnicity came increasingly to be seen not as a primordial attachment, but as "an identity that could be constantly created and

¹⁵(...continued)

'identity' has been used in many ways, but primarily as an operative notion, a concept having dynamic attributes, and an ideal tightly bound to individualist values." In "Introduction: 'Smoking Mirrors' — Modern Polity and Ethnicity," Guidieri et. al., Ethnicities and Nations: Processes of Interethnic Relations in Latin America, Southeast Asia and the Pacific. (Austin: University of Texas Press, 1988), p. 22.

¹⁶See Economic Development and Tribal Peoples: Human Ecological Considerations (Washington: World Bank, 1981).

¹⁷Thomas Hylland Eriksen, "Ethnicity and Nationalism: Definitions and Critical Reflections," Bulletin of Peace Proposals, Vol. 23, No. 2, June 1992, pp. 219-224. Eriksen refers to A.L. Epstein, Ethos and Identity (London: Tavistock, 1978) and Abner Cohen, Two-Dimensional Man (Berkeley: University of California Press, 1974) as writings which exemplify primordialist and instrumentalist theories, respectively.

recreated to suit particular goals."¹⁸ As Saul Newman notes:

This fungible interpretation of ethnicity had important ramifications. The careful definition of the characteristics of ethnic identity – cultural, religious, territorial, racial, and ancestral markers – became increasingly irrelevant because ethnic identification was viewed as changing to suit changing ends.¹⁹

Certainly the instrumentalist view of ethnicity would, if applied to indigenous peoples, seriously undermine claims for land or the right to self-determination.

How then, do concepts of minority and ethnicity relate to indigenous peoples? Minorities, as Heinz points out, is the broader category; minorities may be ethnic, linguistic or religious groups. Indigenous peoples are, with only a few exceptions, minorities in the states in which they live; however, not all minorities are indigenous. Further, many indigenous peoples are ethnic minorities; however, not all ethnic minorities are indigenous. The issue becomes more complicated when one looks to indigenous peoples' self-definition as groups quite distinct from ethnic and other minorities. As David Knight has observed, "...indigenous peoples are insistent that they are neither 'ethnics' nor

¹⁸Saul Newman, "Does Modernization Breed Ethnic Political Conflict?" World Politics, Vol. 43, No. 3, April 1991, p. 456.

¹⁹Newman, op. cit., p. 456.

'minorities' but 'peoples' and, as such, are to be regarded as 'nations.' ²⁰

Heinz makes an important distinction between indigenous or territorial minorities on the one hand, and ethnic minorities which are non-territorially based. In his analysis, the term "indigenous population" refers to "peoples who have lived throughout their known history, or at least for most of this time, in a recognizable geographical area."²¹ This geographical variable falls short in situations in which indigenous groups are forced from homelands or in which populations are scattered throughout their own or neighbouring countries. Heinz argues that cases of these types must be analyzed contextually, based on the level of resistance to cultural assimilation.

Some authors reject strict reliance on a geographic variable, and argue that indigenous identity is rooted not only in geography but in a specific mode of production and way of life. To this end, Julian Burger has drawn up a list of overlapping criteria to define indigenous peoples. In his view, indigenous peoples:

²⁰David B. Knight, "Self-Determination for Indigenous Peoples: The Context for Change," in Johnston, Knight and Kofman (eds.) Nationalism, Self-Determination and Political Geography. (London: Croom Helm, 1988), p. 11.

²¹Heinz, op. cit., p. 7.

1. are the descendants of the original inhabitants of a territory which has been overcome by conquest;
2. are nomadic and semi-nomadic peoples...;
3. do not have centralized political institutions and organize at the level of the community and make decisions on a consensus basis;
4. have all the characteristics of a national minority: they share a common language, religion, culture and other identifying characteristics and a relationship to a particular territory, but are subjugated by a dominant culture and society;
5. have a different world-view, consisting of a custodial and non-materialist attitude to land and natural resources, and want to pursue a separate development to that proffered by the dominant culture and society;
6. consist of individuals who subjectively consider themselves to be indigenous, and are accepted by the group as such.²²

Burger, in line with Heinz's view that cases which are not clearly indigenous on geographic terms can be decided on cultural terms, maintains that indigenous people do not necessarily have to exhibit all of the elements of the definition. That is, by virtue of being nomadic or semi-nomadic and having a certain world view, they may be considered indigenous without exhibiting the primary characteristic of being the descendants of inhabitants of a specific geographic area. Thus Burger – and others' – attribute specific characteristics to the meaning of the term indigenous. While this approach offers the advantage

²²Julian Burger, Report From the Frontier: The State of the World's Indigencus Peoples, (London: Zed Books, 1987), p. 9.

²³See, for example, John H. Bodley, Tribal Peoples and Development Issues: A Global Overview (California: Mayfield Publishing Company, 1988).

of being descriptive, it is more useful for outlining certain characteristics of indigenous groups than for analyzing what factors define membership in these groups.²⁴

For the purposes of this analysis, the territoriality of indigenous peoples is considered a crucial defining characteristic.²⁵ The importance of territoriality is underlined in the definition provided by the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities:

Indigenous populations are composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them, and by conquest, settlement or other means reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form a part, under a State structure which incorporates mainly the national, social and cultural characteristics of other segments of the population which are predominant.²⁶

²⁴Nevertheless, the definitional characteristics which Burger sets out are important to keep in mind. Not only do they set out certain commonalities among the world's various indigenous peoples, but they are often cited by indigenous peoples themselves both in a descriptive context as well as a rationale for the preservation of their societies, territories and way of life.

²⁵In the Americas, geographic definition of indigenous peoples is a more straightforward issue than in Africa or Asia where there are nomadic and tribal peoples who are not considered indigenous by governments of the states which they inhabit.

²⁶UN Document No. E/CN.4/Sub.2/L.566, June 29, 1972.

The United Nations definition emphasizes the status of indigenous peoples as prior inhabitants of specific territories expropriated by colonizing governments, as well as their current position as communities lacking control over their development within the state structure. Moreover, it differentiates indigenous peoples from states not only on the basis of territoriality, but also in terms of institutions as well as subjective identification." In contrast to the descriptive elements put forward by Burger, the above definition provides a stronger legal and political basis for the demands of indigenous peoples."

Nationalism and the Nation State

Key to the prior definitional discussion is the concept that indigenous peoples have a different group identity than the majority of inhabitants of the nation states in which they currently reside. As David Knight has commented, "Brushing over a complex set of processes that have occurred in different ways in different parts of the world over

²⁷Maivân Clech Lâm, "Making Room for Peoples at the United Nations: Thoughts Provoked by Indigenous Claims to Self-Determination," Cornell International Law Journal, Vol. 25, No. 3, Spring 1992, p. 610.

²⁸Note also the draft International Covenant on the Rights of Indigenous Peoples which was adopted for discussion at the Third General Assembly of the World Council of Indigenous Peoples in 1981: "The term Indigenous Peoples refers to a people (a) who lived in a territory before the entry of a colonizing population, which colonizing population has created a new state or states to include the territory, and (b) who continue to live as a people in the territory and who do not control the national government of the state or states within which they live." Cited in Dyck, p. 26.

several centuries, we can note that the concept of 'nation' has come to signify the dominant social grouping."²⁹ It is essential, therefore, to examine the phenomenon of the modern nation state in relation to alternative forms of identity.

The conceptual distinction between the terms "nation" and "state" must be noted. Whereas a nation denotes a single people who share a common ethnic and cultural identity, a state is a political unit defined by its territory, population and autonomous government. "The state provides a basis for political and legal jurisdiction in the form of citizenship, whereas the nation promotes an emotional relationship through which the individual gains a sense of cultural identity."³⁰

Nationalism is broadly defined by Ernest Gellner as "...primarily a principle which holds that the political and national unit should be congruent."³¹ Defined in this manner, nationalism is the critical link in the merger of the concepts of nation and state into the singular entity

²⁹David B. Knight, "Identity and Territory: Geographical Perspectives on Nationalism and Regionalism," Annals of the Association of American Geographers, Vol 72, No. 4, 1982, p. 516.

³⁰Theodore A. Coulombis and James H. Wolfe, "The Nation-State and Nationalism," Coulombis and Wolfe (eds.) Introduction to International Relations: Power and Justice Third ed. (New Jersey: Prentice-Hall, 1986), p. 65.

³¹Ernest Gellner, Nations and Nationalism (Oxford: Blackwell, 1983), p. 1.

now identified as the modern nation state. Indeed, it has been argued that

the contribution of the idea of the nation to the strengthening of the state was crucial in the development of modernity; conversely, the ideal of nation could only be fully implemented as the centralized structure of the bureaucratic state was developed.³²

However, while nationalism on the one hand provides the glue that has held nation states together, different expressions of nationalism, in the form of ethnic demands, threaten the structure and unity of the modern nation state. As Weiner observes, "An ethnic group is not a nation, but the decision by an ethnic group to call itself a nation represents a claim for statehood."³³ Hence the way that members of an ethnic group choose to express a collective identity through specific claims or demands becomes critically important to defining their relationship to the existing nation state.

As Weiner notes, the terms "nation," "nationalism" and "ethnicity" do not denote specific claims or demands. Thus he has outlined a typology of eight types of ethnic and religious demands.³⁴ Among these eight, "autonomy" and "nativism" are of particular relevance to this discussion. Nativism is used to describe "a claim by a group that by

³²Guidieri and Pellizzi, op. cit., p. 9.

³³Weiner, op. cit., p. 320.

³⁴Ibid., pp. 318-319. These are: irredentism, secession or separatism, autonomy, interest group claims, ethnic corporatism, nativism, hegemonic claims and fundamentalism.

virtue of its indigenous character, rooted in historical claims, it has rights upon land, employment, political power and cultural hegemony that are greater than those people who are not indigenous."³⁵

Autonomy, on the other hand, refers to "the claim of a territorially based group within a country that it should have greater self government within its territory, excluding only control over its foreign relations, defence and currency."³⁶ As Weiner notes, the categories that he has established are by no means mutually exclusive; for example, while the demand for autonomy as defined above is clearly distinct from secessionist demands, it is quite possible that a movement for autonomy will ultimately lead to demands for separation. Indeed, Weiner's categories of nativism and autonomy relate closely to two specific types of self-determination for indigenous peoples.

Self-Determination for Indigenous Peoples

What exactly is self-determination? According to Douglas Sanders, "Generally self-determination for indigenous peoples is assumed to mean a degree of autonomy involving cultural, economic and political rights within the

³⁵Ibid., p. 319.

³⁶Ibid.

structure of recognized states."'' Unfortunately, there is no consensus among governments or indigenous peoples as to what degree of autonomy is appropriate. The issue is a contentious one. In Weiner's words, "On the issue of self-determination the world is in a state of moral confusion."'' More and more, questions of self-determination are creating political waves for national governments and international organizations. Finding common ground between indigenous peoples and national governments on this issue has proved especially difficult. One of the central difficulties concerns the way in which self-determination has traditionally been applied in international law.

Gudmunder Alfredsson has outlined a number of different interpretations of self-determination." The primary distinction to be made is between internal and external self-determination. Internal self-determination may be understood as the right of a people to determine the form of government under which they will live and to participate in that government. External self-determination, on the other hand, refers to the right of a people to determine its

³⁷Douglas Sanders, "The United Nations Working Group on Indigenous Populations," Human Rights Quarterly, Vol. 11, No. 3, August 1989, p. 429.

³⁸Weiner, op. cit., p. 328.

³⁹Gudmunder Alfredsson, "International Law, International Organizations, and Indigenous Peoples," Journal of International Affairs, Vol. 36, No. 1, Spring/Summer 1982, pp. 113-124.

status internationally. This includes the right to independence, and is comparable to decolonization.

In addition to internal and external self-determination, Alfredsson notes three other meanings with which self-determination may be imbued. First, self-determination may be understood as the right of a state to territorial integrity and non-interference in domestic affairs. Second, he notes that self-determination has been used in reference to demands of minorities within state boundaries to special rights such as protection and non-discrimination as well as cultural, educational, social and economic autonomy. Land rights may be included. Finally, Alfredsson notes that self-determination may refer to the right of a state to cultural, social and economic development.

The interpretations outlined by Alfredsson illustrate clearly the range of meanings that can be applied to self-determination. Further examination of the concept as it has been discussed and applied in international law more fully illuminates the difficulties in applying the concept to indigenous claims. The fundamental issue concerns whether or not indigenous peoples have an internationally recognized right to self-determination. As Alfredsson notes, two concepts of self-determination have emerged as more or less binding: political decolonization and territorial integrity.

Both of these concepts, however, have in practice been applied to states rather than to peoples.

The classic United Nations reference to self-determination appears in the organization's Charter:

All people have the right to self-determination; by virtue of that right they may freely determine their political status and freely pursue their economic, social and cultural development.⁴⁰

Although the right to self-determination is stated quite clearly in this passage, Rupert Emerson has noted that later in the Charter "the small print takes over and becomes the big print which establishes the new and far more restricted guidelines."⁴¹ The guidelines to which Emerson refers have been widely noted for the limitations they place on Article 2. First:

every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

Second, the Resolution stipulates that:

nothing...shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and

⁴⁰"Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the United Nations," Resolution 2625 (XXV), 24 October, 1970. Cited in D.B. Knight, "Geographical Perspectives on Self-Determination," in Peter Taylor and John House (eds.), Political Geography: Recent Advances and Future Directions (London: Croom Helm, 1984), op cit., p. 185.

⁴¹Rupert Emerson, "Self-Determination," American Journal of International Law, Vol. 65, p. 459, cited in Knight, 1984, op. cit., p. 173.

self-determination of peoples... and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour."⁴²

Hence, the United Nations approach to the issue of self-determination is revealed to be somewhat more tepid than it may initially have appeared.

Thus the meaning of self-determination depends, inevitably, on the definition of a "people." The United Nations Charter, however, does not define "people;" as a result, the extent to which self-determination applies to indigenous peoples is unclear. In practice, the Charter's statement has been understood as referring to a people as the total population of a state. Minorities are not generally considered to fall within the definitional boundaries of "peoples." As a result, a concept has evolved which is often referred to as the "salt water" or "blue water" theory of self-determination:

The UN position...has been that whereas it is legitimate for peoples subjected to colonial rule to seek self-determination...it is not legitimate for people who form a minority within a national territory to seek self-determination, whether on their own initiative or with help from any outside power, for that would "dismember or impair, totally or in part" the existing state."

As Russel Barsh notes, General Assembly Resolution 1541 discusses territories which are geographically separate and

⁴²Supra note 41.

⁴³Knight, 1984, op. cit., p. 173.

distinct ethnically and/or culturally, "without specifying whether the separation must be liquid or solid."⁴⁴ Historically, the bias has tended towards the "liquid;" that is, overseas colonization.

The historical origins of self-determination partially explain this bias. Indeed, there is a paradox inherent in the role self-determination, nationalism and decolonization have played in the formation of the nation state. Gérard Chaliand has noted the role of the American Revolution in 1776 and the French Revolution in 1789 as key manifestations of the development of modern nationalism. "The Declaration of Independence proclaimed both the inalienable rights of man and the right of one people to throw off the political bonds that have attached it to another."⁴⁵ The paradox is in nationalism's role in the achievement of decolonization: while nationalism played a central role in the achievement of political autonomy of the colonies from the colonizers, their development into nation states has prevented minorities within their boundaries from achieving the same outcome of nationalistic claims for autonomy.

It is for this reason that indigenous peoples' demands for autonomy within existing nation states have been depicted as a kind of decolonization, not unrelated to the

⁴⁴Russel L. Barsh, "Indigenous Peoples: An Emerging Object of International Law," The American Journal of International Law, Vol. 80, No. 2, April 1986, p. 373.

⁴⁵Chaliand, op. cit., p. 1.

previous colonization by external powers. Moreover, the emerging school of thought which considers "indigenous" as a specific category distinct from minorities is of considerable importance to the issue of self-determination. Some members of the United Nations Working Group on Indigenous Populations have pointed out that the Working Group's mandate as defined by the United Nations Economic and Social Council presupposes a general acceptance of indigenous as "an evolving, albeit as yet undefined, legal category."⁴⁶

However, as the the Working Group attempts to draft a declaration on the rights of indigenous "populations," there continues to be serious disagreement on the question of what constitutes "a people."⁴⁷ At base, the issue is sovereignty. Simply stated:

Most states can accept that they have minorities within their boundaries, but none accepts that it has a people with rights to determine its own political status and freely dispose of its natural wealth and resources.... While most governments might readily accede to the less controversial items being recommended for the draft declaration — such as the rights to culture, language or education — they have resisted any unconditional agreement which would commit them to self-

⁴⁶Reference to statement from Miguel Alfonso Martínez, Cuban member, at the Fourth Session of the Working Group in August 1985, cited in Barsh, op. cit., p. 376.

⁴⁷It is for this reason that the United Nations named 1993 The Year of the World's Indigenous People — rather than 'Peoples,' — as desired by the World Council of Indigenous Peoples and other indigenous representatives.

determination and full land rights for indigenous peoples."⁴⁸

Thus, attempts to establish international standards concerning indigenous peoples have been tempered by the dominance of state interests. United Nations declarations and conventions must be ratified by member governments, and the interests of those governments have shaped the outcomes of these attempts. When terminology and content of standards are finally established at the Working Group, Sub-Commission and Commission levels, states still have the option of whether or not to ratify agreements."

What is not commonly understood or accepted is that self-determination — especially for indigenous peoples — need not be interpreted as secession. As the historical application of the concept in international law indicates, the right to self-determination is generally equated with the right to statehood. Indeed, the decision by many indigenous peoples to call themselves "First Nations" has to some degree fueled this assumption.⁵⁰ However, as Maivân Clech Lãm points out, the small size of many indigenous

⁴⁸Burger, op. cit., p. 267.

⁴⁹For example, ILO Convention 169 has only been ratified by 7 governments to date; Convention 107 was only ever ratified by 27. Colombia has ratified both Conventions. Rodrigo Contreras, WCIP/UNAC Roundtable discussion "What the United Nations is Doing for Indigenous Peoples," November 15, 1993.

⁵⁰The term "First Nations" is most widely used in Canada; however, it is becoming more common throughout the Americas. See, for example, "The First Nations: 1492-1992," (Special Issue) Report on the Americas, Vol. 25, No. 3, 1992.

groups alone makes the prospect of secession improbable; moreover, she notes that indigenous representatives to the United Nations repeatedly assert that they do not seek secession.⁵¹ What Lãm and others suggest is that self-determination, rather than a call for separation, is really indicative of "visions of simultaneously connected and distanced relationships between peoples and their surrounding states."⁵²

The development of a strong international indigenous movement and the new attention paid to establishing international standards are signs that perhaps a new era in indigenous development is on the horizon. The economic, social and political situations of indigenous peoples have been dominated by the asymmetrical relationship between the nation state as the dominant form of organization and indigenous peoples as communities residing within state boundaries. Moreover, the primacy of the sovereign state in the international system has exacerbated the difficulties faced by indigenous peoples in struggling for control over their development. The following chapter will examine the dominant interpretations of the "indigenous problem" in Latin America. It will also assess the ways in which

⁵¹Lãm, op. cit., p. 25.

⁵²Lãm, op. cit., p. 25. See also Craig Scott with Richard Falk, "Participating in Sovereignty," Paper prepared for presentation at York University Centre for International and Strategic Studies Second Annual Conference on "New Directions in Global Politics and Security," January, 1994.

changes in development thinking and practice have coincided with changes in indigenous politics, and try to forge an outline of the changing relationship of the modern state to indigenous aspirations for greater autonomy.

CHAPTER TWO: INDIGENOUS PEOPLES AND DEVELOPMENT

Historical Factors

The colonial encounter between the indigenous population of the Americas and the European powers in the late fifteenth century has been well-documented.⁵³ Debates over the question of colonial rights to the resources of the Americas date back to the conquest.⁵⁴ Early debates resulted in a Spanish doctrine of trusteeship, which justified Spanish rule over Indians and their resources on the grounds that it would be of benefit to the Indians.⁵⁵ Based on this doctrine, the Spanish Crown sought to exert a benevolent influence in the New World.⁵⁶ However, the weakness of the Crown's efforts to "protect" indigenous

⁵³For a broad and readable historical account accompanied by analysis of recent issues, see Thomas R. Berger, A Long and Terrible Shadow: White Values, Native Rights in the Americas, 1492-1992 (Toronto: Douglas and McIntyre, 1991). Also, John E. Kizca, (ed.) The Indian in Latin American History: Resistance, Resilience, and Acculturation, Jaguar Books on Latin America, No. 1 (Delaware: Scholarly Books, 1993).

⁵⁴The earliest and most well-known example is the famous debate at Valladolid, Spain, between Bartolomé de las Casas, a Dominican Priest and strong advocate for the rights of American Indians, and Juan Ginés de Sepúlveda, Spanish philosopher. The debate is recorded in Lewis Hanke, Aristotle and the American Indians: A Study in Race Prejudice in the Modern World (London: Hollis and Carter, 1959).

⁵⁵The greatest influences were Las Casas supra note 54 and Francisco de Vitoria, scholar, theologian and one of the founders of international law, who argued for the civil and political rights of the Indians of the Americas. Sanders, 1983, op. cit., p. 5.

⁵⁶For example, the New Laws of the Indies in 1542 were introduced for the protection of Indians as human beings, to be protected "in their liberty and property." Sanders 1983, op. cit., p. 5.

peoples was manifested in a single problem: "...the reforms at the center failed to be implemented in the distant colonies."⁵⁷ Although the doctrine of trusteeship was no substitute for the full autonomy enjoyed by indigenous peoples prior to the conquest, it was one of the few acknowledgements of Indian civil and political rights at the time. However, the criollo revolutions of the 19th century consolidated the power of locally-born Spanish elites, and thus "Any hope of benevolent intervention was gone."

Decolonization took place in a world system premised on Westphalian logic, based on the primacy of sovereign, territorial states." This environment was essential in shaping the political position of the new nation states of the Americas. Moreover, the political, social and economic position of indigenous peoples within these nation states has been profoundly affected; the outcome has been fundamental asymmetry in the relationships between indigenous peoples and states. This asymmetry is manifested in a number of ways. First, there is a basic difference of scale

⁵⁷Sanders 1983, op. cit., p. 5.

⁵⁸Sanders 1983, op. cit., p. 5.

⁵⁹"The Westphalia approach...reflected the growing influence of secularising trends in economic and political domains, which wanted both to centralise internal authority at the state level, and to evade the broader sorts of authority claimed and exercised by the Roman Catholic Church in Feudal Europe. These secularising trends were reinforced by developments in scientific thought..., reconceptualised as political theory by Thomas Hobbes." Richard Falk, "Democratizing, Internationalizing, and Globalizing: A Collage of Blurred Images," Third World Quarterly, Vol.13, No. 4, 1993, p. 634.

force has had a tremendous impact. Moreover, the issues of collective versus individual rights, and participation versus autonomy are crucial dichotomies in indigenous-state relations.

The integrationist approach to indigenist policies throughout the new nation states of the Americas was intimately linked to the doctrine of modernization. In the period of nation-building with which modernization is associated, group autonomy within burgeoning nation-states was largely inconceivable. There is a growing sense, however, as group identities are increasingly asserted within states, that new means of association must be developed to ensure broader participation based on these identities. Thus the crisis of the modern nation state and the possibilities for reconfiguration are examined as they relate to the contemporary needs of indigenous peoples.

Characterizing the Indian "Problem"

Héctor Díaz-Polanco has approached the indigenous "problem" in Latin America in terms of what he views as three specific class outlooks: indigenism, populism and Marxism.⁶⁰ Although his categorization is necessarily an

⁶⁰ Héctor Díaz-Polanco (trans. Stephen M. Gorman), "Indigenismo, Populism and Marxism," Latin American Perspectives, Issue 33, vol. 9, No. 2, Spring 1982, pp. 42-61. In Marxist tradition, Díaz-Polanco equates the problems of indigenous peoples with those of the peasant population; for example, he refers to both Indians and campesinos as "socioeconomic groups."

between the state as a legal and political organization and indigenous peoples as an as yet undefined entity, generally conceived of as a community or minority. Also important, however, is the leading role which the state has played in the expropriation of lands and resources held by indigenous peoples prior to – and in many cases, since – the conquest. Today, indigenous peoples are considered to be at the social, political and economic margins of the nation-states which they inhabit.

Much discussion in Chapter One was devoted to the issue of the modern system of nation states and its impact, at a broad level, on indigenous questions. Here, however, an examination of the ways in which specific approaches to development view indigenist politics will be undertaken, with the expectation that a discussion of competing approaches will shed light on the direction indigenist policy has taken in Colombia and elsewhere.

A number of themes emerge from an examination of prevailing models for explaining the Indian "problem." First, there is a fundamental ideological rift between theorists who view class as the primary source of indigenous problems and those who view the problems as derived from ethnic or cultural characteristics of indigenous peoples. Second, changing approaches to development have contributed to the situations of indigenous peoples in the Americas in several ways. In particular, development as a modernizing

oversimplification of these viewpoints, his approach is very useful in uncovering certain basic points of dissent concerning indigenous politics. Accordingly, his theoretical distinctions are worth outlining at some length.

*Indigenismo*⁶¹, according to Díaz-Polanco, corresponds to "the capitalist project of integration." He defines the objectives of indigenista theory as follows:

Indigenismo proposes noncolonial integration of the Indian into the national society, but in a different fashion than the simple assimilationist policy that was promoted during the past century. Indigenismo seeks to realize integration while respecting cultural values...⁶²

Díaz-Polanco's strongest criticism of indigenismo is that it does not recognize the relations between Indians and the "national society" as based fundamentally on class. By proposing integration into capitalist society, indigenista theories reconstitute the evolutionism which justified colonial expansion in the first place.

Díaz-Polanco notes three fundamental elements which define the populist⁶³ approach to indigenous politics.

⁶¹Indigenismo as a body of theory originated in Mexico, generally parallel to the development of anthropology, ethnology and archaeology as academic disciplines. Although indigenismo grew out of the Indian advocacy movement which developed at time of the Mexican Revolution, it was criticized for its nationalist, integrationist approach. See Roxanne Dunbar Ortiz, Indians of the Americas: Human Rights and Self-Determination (New York: Praeger Publishers, 1984), pp. 79-87.

⁶²Díaz-Polanco, op. cit., p. 46.

⁶³Díaz-Polanco uses the terms 'populism' and 'populist' "...to define the ideology and program of modern neoindigenistas whose views
(continued...)

First, populists oppose indigenista integration of the indigenous communities into the capitalist system; they reject this solution "by pointing out the negative aspects of the capitalist industrial system." Second, populists tend to idealize indigenous communities; they focus on isolating the positive aspects of the communities, such as harmony or solidarity, for example. Thus the "solution" for populists rests in autonomous development: protection and preservation of indigenous groups and their identities, systems of internal organizations and customs.

Díaz-Polanco is critical of the populist approach; indeed, he refers to populism as "the romantic project." Its theories assume a critical stance toward capitalist integrationism, yet, he argues:

the populists do not realize that they desire to defend and conserve a system capitalism has already begun to affect profoundly. Societies such as those proposed to us by these anthropologists can only be conceived as Weberian 'ideal types;' reality marches on in another direction."

The Marxist approach to indigenist policies, on the other hand, views the problems of both Indians and campesinos as having the same source:

⁶³(...continued)

found their clearest expression in the Barbados I and II Declarations and whose ideological tradition [he argues] can be traced back to the populism of the Russian Narodniks. This is not necessarily how the neoindigenistas would categorize themselves..." Díaz-Polanco, op. cit., p. 42. Note that Díaz-Polanco's use of the term 'populism' is unrelated to the meaning traditionally attached to the term in Latin America.

⁶⁴Díaz-Polanco, op. cit., p. 49.

...[these] socioeconomic groups, because of the low development of their productive forces and the limited social structure within which they develop, lack an adequate setting for the resolution of their problems, much less an adequate structure within which to organize society in its totality. Therefore, the solution to the problems of the campesinos and indigenous groups can only come about through a complete restructuring of the entire society, that is to say, the campesinos and indigenous groups can only be freed from exploitation, discrimination, poverty, etc., by destroying the force which in the end is responsible for that situation: capital."⁶⁵

The Marxist view has been criticized by populists as ignoring the cultural factors which define indigenous politics. Díaz-Polanco responds that:

the fact that cultural particularities are noted in these groups does not justify considering them in actual circumstances as the bearers of an originality that would permit them to accede their own course, to realize their own schemes of development, outside the general laws of development of social formation in which they are already inserted. This is, of course, a grave point of disagreement between populists and Marxists, given that the former group not only conceives this course as a realizable possibility, but also as desirable."⁶⁶

A number of ideas about indigenous politics can be drawn from Díaz-Polanco's analysis. Key to the discussion is the illustration of the differing perspectives on the economic, political and social problems of indigenous peoples. Although Díaz-Polanco focuses on the issue of class relations, his argument highlights two broad

⁶⁵Díaz-Polanco, op. cit., p. 43.

⁶⁶Díaz-Polanco, op. cit., p. 52.

approaches to solving the "indigenous problem:" either through integration into the dominant society, or through cultural preservation. This dichotomy has been noted elsewhere; Roxanne Dunbar Ortiz distinguishes between integrationist ideology and "ethnic particularism." It is important to note, however, that these ideological currents do not exist merely in the theoretical perspectives which seek to explain indigenous politics; they are also at issue within many nationally-based indigenous organizations.

Stefano Varese contrasts these viewpoints:

The "peasant" and "proletarian" postures emphasize the class content of indigenous social reality and native struggle. The "Indianist" stance conceives of indigenous political struggle as a national liberation movement, seeking autonomy, self-determination, sovereignty, or limited or absolute independence for each specific ethnic group."

The integrationist or assimilationist approach, as Díaz-Polanco notes, has been the dominant view held by elites in Latin America; however, it is also the view that has historically dominated development thinking. Indigenismo, the classic liberal approach to the indigenous "problem," is manifested in the modernization or "dualist" approach to development. The dominance of the modernization paradigm in the post-World War II era of development emphasized nation-building and economic modernization and thus strengthened the emphasis on statism which grew out of

⁶⁷Stefano Varese, "Think Locally, Act Globally," in "The First Nations, 1492-1992," Report on the Americas, Special Issue, Vol. 25, No. 3, December 1991, p. 17.

the Peace of Westphalia and later decolonization. The hallmark of this approach was its emphasis on the transformation of post-colonial societies from traditional societies and economies; development is externally imposed.

Ashis Nandy describes the optimism which modernizing development held in the 1950s and 1960s.

It was widely believed in the modern world, and in the modern centres of the non-modern world, that every society had to pass through clear-cut historical stages to finally conform to the prevalent model of the proper nation-state — exactly as every economy had to go through fixed stages of growth to attain the beatitude of development. It was also believed that to go through these inescapable stages, each society had to restructure its culture, shed those parts that were retrogressive, and cultivate cultural traits more compatible with the needs of a modern nation-state."

Although modernization as a specific theory of development was eventually superseded by other theories, the effects of the era of modernization and nation building remain in the political and legal instruments that govern relations between indigenous peoples and governments. Moreover, the progressivist, evolutionist model of development has prevailed. For some critics⁶⁸, the very notion of

⁶⁸Ashis Nandy, "State," in Wolfgang Sachs (ed.), The Development Dictionary: A Guide to Knowledge as Power (London: Zed Books, 1992), p. 264.

⁶⁹See, in particular, Gustavo Esteva's critique of development, "Development," in Sachs, op. cit., pp. 6-25. In relation to specific indigenous concerns with regard to development, see Georg Henrikksen, "Introduction," in Indigenous Self-Development in the Americas: Proceedings of the IWGIA Symposium at the Congress of Americanists, Amsterdam, 1998, IWGIA Document No. 63, Copenhagen July 1989, pp. 13-18.

development suggests evolution or progress toward a specific end, which has, furthermore, historically been externally imposed. Development, thus understood, stands in opposition to the aspirations of indigenous peoples.

Marxist approaches to indigenist politics have also come under fire. In particular, indigenous peoples themselves have in many cases taken issue with the Marxist tendency to view the Indian situation as one defined primarily by class. North American Indian activist Russell Means likens Marxism, as another form of industrial society, to capitalism, and thus antithetical to indigenous ways of life.

Revolutionary Marxism is committed to even further perpetuation and perfection of the very industrial process which is destroying us all....It is offering to take the wealth from the capitalist and pass it around, but in order to do so, Marxism must maintain the industrial system. Once again, the power relations within European society will...be altered, but once again the effects upon American Indian peoples here... will be the same.... [Marxism] is a materialist doctrine which despises the American Indian spiritual tradition, our cultures, our lifeways. Marx himself called us 'precapitalists' and 'primitive.' Precapitalist simply means that, in his view we would eventually discover capitalism and become capitalists;The only manner in which American Indian People could participate in a Marxist revolution would be to join the industrial system, to become factory workers or proletarians...⁷⁰

⁷⁰Russell Means, "Indictment on Industrial Society," presentation on behalf of the International Indian Treaty Council to the International NGO Conference on Indigenous Peoples and the Land, Geneva, 15-18 September 1981. Cited in Burger, op. cit., p. 53-5.

Means' criticism aptly reflects the degree to which Marxist views of indigenist politics are perceived as integrationist. This is not to say, however, that class issues do not factor into analysis of indigenous problems. On the contrary, Latin American countries are characterized not only by ethnic diversity but by highly stratified social and class hierarchies, which often correspond to ethnic or racial categories. It is an historic reality that indigenous peoples in these countries have tended to exist in the lowest socio-economic stratum. Moreover, true to "peasant" or "proletarian" formulations of the Indian "problem," indigenous peoples do share many concerns of the rural and urban poor, particularly economic and political marginalization. However, indigenous peoples, in addition to socio-economic concerns, have political, territorial and cultural concerns which are distinct from those of the peasant class.

The Indianist stance, also known as populism or ethnic particularism, rejects the reduction of indigenous issues to class issues and has tended to focus, rather, on cultural and ethnic factors. This view holds that

indigenous peoples have been systematically denied their basic human rights to occupy traditional lands and to enjoy their own way of life. According to this view, tribal peoples have been politically oppressed and economically exploited

as virtual "internal colonies" within the countries that claim control over them."

Indigenous peoples have thus in many cases chosen to frame their struggle as a quest for decolonization. This is clearly expressed in the 1971 Declaration of Barbados, which reads:

The Indians of America remain dominated by a colonial situation which originated with the conquest and which persists today within many Latin American nations....[This] projects not only a false image of Indian society and its historical development, but also a distorted vision of what constitutes the present national society."

The Declaration focuses on the liberation of indigenous peoples of Latin America from this colonial situation, based mostly on ethnic particularism.

To a certain extent, Díaz-Polanco's criticism of this school as "the romantic project" is well-founded; there is a tendency to view indigenous peoples as "noble savages," with a life-style unchanged by colonialism except for exploitation and oppression. Nowhere is this more clear than in relation to environmentalism, which commonly portrays indigenous peoples as the "caretakers of the Earth." The following statement is an excellent example:

In the world of today there are two systems, two different irreconcilable "ways of life." The Indian World – collective, communal, human, respectful of nature, and wise – and the Western

⁷¹Bodley, op. cit., p. 5.

⁷²The Declaration was a result of the Symposium on inter-ethnic conflict in South America, held in Barbados, 25-31 January, 1971. Reprinted in W. Dostal, op. cit., pp. 376-380.

world — greedy, destructive, individualist, and enemy of Mother Nature.”

As Díaz-Polanco notes, this portrayal of indigenous ways of life as inherently static and harmonious is misleading. Moreover, it assumes that indigenous peoples accept cultural stasis as a condition for participation.

The difficulty with Díaz-Polanco's analysis is, as he notes, its oversimplification. He does not recognize that, since the Barbados Declarations from which his analysis of populism is derived, the Indianist approach has evolved. A view has steadily emerged which holds that indigenous peoples have the right to self-determination as communities, or peoples. This belief is based not on images of a "harmonious prototype," but rather on the view that peoples, however they choose to define themselves, ought to have control over their own development. Moreover, it recognizes that indigenous peoples are a special category on grounds of prior occupation of territory rather than solely on cultural particularity.

This view is in direct opposition to a number of assumptions underlying the integrationist approach. First, there is a sense in the integrationist approach that the way of life of indigenous peoples is "materially inadequate." Second, and related to the first, is the notion that

⁷³Statement from the International NGO Conference on Indigenous Peoples and the Land, 1981, cited in James Clad, "Conservation and Indigenous Peoples," Cultural Survival Quarterly, Vol. 8, No. 4, 1984, pp. 26-7.

integration into the mainstream will improve the quality of life of indigenous peoples. Third, there is a notion that "interest in new technology" and a desire to improve material conditions reflects a desire for integration. Finally, at the root of each of the above assumptions is the belief that progress is inevitable."

The idea of self-development stems from opposition to these integrationist assumptions. This concept, which has been referred to elsewhere as "ethno-development,"⁷⁴ attempts to move away from the idea of externally-imposed development. It aims to achieve peoples' control over their own development — in a sense, autonomy. For indigenous peoples, self-development consists of three general dimensions. First, there is a physical dimension which focuses on control over lands and resources. At an economic level, territories are considered sustainable bases for indigenous development. Moreover, most indigenous peoples claim that land is the spiritual base for their existence as peoples. Second, there is a cultural dimension to indigenous self-development, which essentially refers to indigenous peoples' desires to preserve their language, culture and way of life. Both of these elements are intrinsically linked to the third dimension, political development, which refers to indigenous peoples' rights to

⁷⁴From Bodley, op. cit., p. 3.

⁷⁵See, for example, Henriksen, op. cit.

organize themselves politically as they see fit. Together, these elements form the basis of a broad notion of indigenous self-determination.

The question remains, however, as to whether – or how – these ideals can be realized. A central difficulty involves the issue of participation. For while there is a growing recognition of the need to reassess indigenous peoples' participation in their own development, there is little agreement as to what degree this consists of participation in the national society. The goal of indigenous autonomy within the nation state remains a highly contentious aspect of indigenous politics today. It is important, therefore, to examine the way that notions of individualism and collectivity have shaped the position of indigenous peoples within the modern state.

Participation? Or Autonomy?

The ideal of individualism has played a central role in the historical development of indigenous peoples. The doctrines of assimilation and integration that have prevailed throughout the twentieth century were linked to an emphasis on nation-building, but they also grew out of a strong focus on egalitarian human rights. As Thomas Berger notes, "It is said that Europe brought to America an idea –

the idea of individual autonomy..."¹⁶ For the indigenous peoples of the Americas, however, the focus on individual autonomy has often been at the expense of collective autonomy. The most obvious manifestation of this was in the private property laws which made collective ownership of property illegal. Indeed, this dichotomy between individual and collective rights has been at the heart of many indigenous struggles.

At the international level, there is an absence of rights which effectively protect minority groups or indigenous peoples within states. While the League of Nations began with a strong interest in minority rights," the United Nations has focused almost exclusively on individual rights. For example, even the initial work of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities focused on discrimination against members of ethnic, religious and linguistic minorities as violation of individual rights. The integrationist orientation of the original ILO Convention (107) reflected the same general approach.

More recently, the United Nations has begun to work on minority rights. Still, however, the existing legal and political framework, based on individual human rights, is

¹⁶Berger, op. cit., p. 23.

¹⁷For example, there were some minority rights provisions in the peace treaties ending World War I; these were supervised by the League of Nations. See Sanders 1983, op. cit., pp. 21-22.

inadequate to deal with issues such as collective political rights or a distinctive land base.

As Russel Barsh has noted, indigenous peoples' problems have generally been viewed in one of two ways: either as a "lack of equality or forced equality with the population of the administering state."⁷⁸ Concern over the lack of equality experienced by indigenous peoples within national societies generally resulted in the policies of assimilation discussed earlier. Indeed, Douglas Sanders points out that – at least in terms of United Nations concern with indigenous peoples – "The point of opening for indigenous peoples proved to be the struggle against racial discrimination."⁷⁹ It was the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities' 1970 draft report for the study of racial discrimination which called for a separate and comprehensive study of discrimination against indigenous peoples; the Economic and Social Council authorized the Sub-Commission in 1971 to conduct a study to assess indigenous peoples' access to health, education, employment and property rights. The ILO's Convention 107 recognized the problem of discrimination against indigenous peoples and therefore focused on encouraging governments to "remove all

⁷⁸Barsh, op. cit., p. 377.

⁷⁹Sanders 1983, op. cit., p. 22.

institutional obstacles to the complete integration of indigenous communities."⁸⁰

As a result of growing indigenous advocacy, this approach – forced equality, to compensate for lack of equality – is becoming less prevalent. In 1985, for example, the ILO commissioned a redrafting of its Convention 107; the review resulted in a new Convention 169 in 1989. The revised version has been relatively well-received⁸¹ by indigenous groups and advocates, on the grounds that its approach is considered to be more in keeping with contemporary indigenous concerns.

Whereas the older Convention called for the 'progressive integration' of indigenous people into national cultures, Convention 169 stresses self-determination in economic, social and cultural affairs."⁸²

There is, finally, a growing sense that "policies and programmes which allow people to determine their place in society, and the place of their culture and traditions in the society," are preferable to assimilation."⁸³

⁸⁰Barsh, op. cit., p. 377.

⁸¹Approval of the revised convention has not been universal. See Sharon Venne, "The New Language of Assimilation: A Brief Analysis of ILO Convention 169," Without Prejudice: The EAFORD International Review of Racial Discrimination, Vol. 2, No. 2, pp. 53-86.

⁸²Dana Guppy, "The Fourth World in the Fourth Development Decade," Development: Journal of the Society for International Development, Vol. 4, 1992, p. 32.

⁸³Cited in Barsh, op. cit., p. 377.

Certainly there has been a move toward a participatory approach to development in recent decades. Majid Rahnema has, however, deconstructed the concept of participation as it has emerged in the development discourse.

...there is little evidence to indicate that the participatory approach, as it evolved, did, as a rule, succeed in bringing about new forms of people's power. Instead, there are indications that the way many an activist interpreted their mission contributed to dis-valuing the traditional and vernacular forms of power. More often than not, they helped replace them with a most questionable notion of power, highly influenced by that of the leftist traditions in Europe.⁸⁴

For indigenous peoples, the notion of participation in many cases has served to legitimize policies of integration and assimilation; there is a sense that participation implies conforming to the dominant society.

One of the essential ideas underlying participation as it has been employed in development discourse is the notion of empowerment; advocates of participation seek to empower certain individuals or group members. The difficulty inherent in the concept of participation-for-empowerment, as both Rahnema and Esteva point out, is that there is an assumption that the people in question do not have power, or the right kind of power, in the first place. In the case of indigenous peoples, the idea of empowerment through participation in the national society undermines the extent to which indigenous peoples identify and participate in

⁸⁴Majid Rahnema, "Participation," in Sachs, op. cit., p. 123.

their own ways of life. As Rahnema warns, to participate "...implies, above all, the recovery of one's inner freedom..."⁸⁵ Inner freedom, he argues, is not necessarily dependent on outer freedom.

As "democratization" has increasingly become the hallmark of development in the post-Cold War era, it is important to address the question of how this emphasis on participation affects indigenous concerns. Silvia Rivera Cusicanqui makes a compelling argument that indigenous forms of social – and often democratic – practice have been undermined by historic attempts to impose individualistic or class-based Western concepts of citizenship. In this way, historic patterns of domination over indigenous populations are reproduced. As she explains:

...the notion of civil rights theoretically associated with the principle of equality among citizens is also, paradoxically, transformed into conditional recognition by the dominant society of the indigenous peasantry's rights: the latent threat of exclusion combines this false liberty with the inability to recognize the indigenous society's cultural and social right to be different. No human right will be fully recognized so long as the indigenous peoples are denied the right to autonomy in their decisions to continue or transform, by themselves, their forms of organization and collective life and their conceptions of the world.⁸⁶

⁸⁵Rahnema, op. cit., p. 127.

⁸⁶Silvia Rivera Cusicanqui, "Liberal Democracy and Ayllu Democracy in Bolivia: The Case of Northern Potosí," Jonathan Fox, ed., The Challenge of Rural Democratisation (London: Frank Cass and Company Ltd., 1990) p. 117.

Kivera thus calls for the reconceptualization of the notions of democracy and citizenship so as to reflect the multicultural realities of the modern Latin American state.

Concepts of citizenship have, in recent history, been intimately linked with notions of nation-building. However, as Craig Scott notes:

...it can also be argued that separating the right to self-determination from its traditional association with the right to choose independent statehood is also, to some extent, a reflection of the fact that statehood is not as meaningful a reference point in an increasingly complex and changing world as it once was.⁸⁷

Indeed, as W.E. Connolly has suggested, "Perhaps today the state, as the legitimate center of sovereignty, citizen loyalty, and political dissent, must give more ground to other modes of political identification."⁸⁸

A World in Transformation

The Year 1989 — as the end of the Cold War — is held by many as a key date in global transformation. As Hugh Gusterson has glibly commented, "The end of the Cold War has destroyed our maps."⁸⁹ More importantly, however, the end of the ideological rivalry, according to Richard Falk,

⁸⁷Scott, op. cit., p. 9.

⁸⁸W.E. Connolly, "The Politics of Territorial Democracy," in Connolly, Identity/Difference: Democratic Negotiations of Political Paradox (Ithaca: Cornell University Press, 1991) p. 215.

⁸⁹Hugh Gusterson, "Realism and the International Order After the Cold War," Social Research, Vol. 60, No. 2, 1993, p. 279.

"stripped away the illusion of consensus about the shape and direction of world order."⁹⁰ Although much of the focus on global transformation has tended to be on globalization and interdependence, consideration must be given to concerns of sub-national or non-national groups such as indigenous peoples. Increased global telecommunications, the internationalization of capital and the rising importance of transboundary issues like the environment have all succeeded in drawing attention to, and questioning, the nature and effectiveness of the modern territorial state.

Scholars are beginning to remind the world that the territorial state is, after all, a relatively recent invention. As Chaliand notes,

The nation-state...is a construct which we now take for granted as a 'natural' or eternal political state of affairs. But until the beginning of the modern industrial era, centralized authority had great difficulty in holding onto power and authority over great distances. Political boundaries tended to be fluid."⁹¹

Thus, as Lãm argues, the modern doctrine of territorial integrity of states "represents but a vainglorious attempt to interdict history."⁹²

Although the Peace of Westphalia in 1648 is held as the date of institutionalization of the modern system of nation

⁹⁰Falk, op. cit., p. 627.

⁹¹Chaliand, op. cit., p. 1.

⁹²Lãm, op. cit., p. 609.

states, nationalism was the major force in the primacy of the nation state. Nationalism and more explicitly, nation-building, attempted to create cohesion within the territorially defined states. Increasingly, there is a sense that the political framework of the nation state was never, and can never, adequately achieve what it set out to do in the beginning. Hence the need for nation-building, particularly in Third World countries following World War II. As Nandy notes, "From the very beginning, nation-building – a polite term for the cultural and ideological homogenization of a country's population – became one of the goals, stated or unstated, of the modern state."⁹³

There are three factors which have contributed to the current crisis of the modern state. First is the failure of the development model to achieve its objectives; as Nandy notes, "the majority of Third World societies [have failed] to walk successfully the arduous path of 'progress,' laid out so considerately by the dominant school of post-World War II social science..."⁹⁴ Second, indigenous peoples and other groups have proved remarkably resilient in the face of state-building. The current growth of a powerful international indigenous movement exemplifies this. Finally, transnational issues – such as the environment – have begun to permeate and consequently challenge the nation

⁹³Nandy, op. cit., p. 265.

⁹⁴Nandy, op. cit., p. 264.

state model. As a result, sub-national and non-national groups – such as indigenous peoples – are receiving greater attention.

It is, however, much easier to identify the problems inherent in the nation state model than it is to identify what forms may emerge in its place. Nandy, for one, argues that change, in whatever form, is inevitable.

...there is little doubt that the dominant concept of the state will have to be drastically altered. If not in response to intellectual doubts and criticisms, at least in response to the larger processes of democratization going on all over the world. For the crisis of the modern state springs primarily from the contradiction that has arisen between it and the demands for democratization of the world of knowledge and restoration of the dignity of peoples peripheralized during the last two hundred years.”⁹⁵

This is not to say that the nation state as a political unit is doomed to disappear. On the contrary, history has thus far illustrated the power of the nation state concept in overcoming alternative forms of identification. However, it is clear that the system, however powerful, is not static and has not erased the cultural and territorial identities which preceded it.” There is a need to rethink the nation state. Certainly, from the perspective of indigenous peoples, the current legal and political framework is simply inadequate for addressing their demands.

⁹⁵Nandy, op. cit., p. 271.

⁹⁶Social movements, in various forms, provide evidence of the many identities which prevail at a non-state level.

Can, as Connolly suggests, citizenship be reconceptualized to include new forms of participation outside the progressivist notions which have prevailed in the current statist form of development? Current thinking suggests this is not only desirable but possible. Stefano Varese argues that indigenous peoples will lead the way in articulating the politics of the next century:

Because the various Indian nationalist movements of Latin America emerge from marginality rather than from direct historical involvement in state management, they are less conditioned by the legacies of the old liberal nation-state, and more reflective of the multiple Indian civil societies long hidden from view.⁹⁷

It is within this conceptual and theoretical context that a study of policy in the Republic of Colombia is undertaken. In order to understand the causes and significance of the dramatic shift in the policy approach of the Colombian government towards indigenous peoples within its borders, it is necessary to understand the dualities and conflicts which have defined indigenous politics since the conquest of the Americas. The themes outlined in this chapter – integration versus autonomy, collective versus individual, and nation states versus sub- or non-national groups – are at the root of indigenous peoples' politics today.

⁹⁷Varese, op. cit., p. 17.

PART TWO:
INDIGENOUS POLITICS IN COLOMBIA

CHAPTER THREE: THE POLICY CHANGE

Introduction

Guillermo Bonfil Batalla has argued, in defining indigenist policy:

We must avoid the frequent mistake of considering that indigenist action consists only of the explicit official policy, as if only what is done officially affects native groups....[I]ndigenist action includes all the actions of society as a whole which in conjunction affect native peoples..."

It is the objective in this chapter to discern the ways that indigenist policy has changed in Colombia since independence. In the five centuries since the European encounter, certain themes have predominated Colombia's policy approach in a fashion similar to other Latin American countries. As elsewhere in the Americas, policies have varied from segregation to integration; at their worst they have included the tolerance and promotion of genocide and slavery. The ideal of integration was particularly strong in Colombia; this is reflected in the nature of indigenist policy from the time of independence through the Golden Age of Development⁹⁹ and beyond.

⁹⁸Guillermo Bonfil Batalla, "Introduction: The Indian and the Colonial Situation, The Context of Indigenist Policy in Latin America," in Dostal, op. cit., p. 22.

⁹⁹The "Golden Age" of development was a term coined by Keith Griffin, referring to the 1970s era of the expansion of world trade and (continued...)

Since 1980, a serious restructuring of indigenist policy has transformed many of the laws which traditionally discriminated against or simply did not provide for the protection of indigenous territory, culture or political structures. Today, Colombia's formal indigenist policy is considered among the most progressive in Latin America. As Batalla notes, however, all is not necessarily what it may seem. While at first glance Colombia's policies appear progressive, it is necessary to analyze the extent to which they respond to the demands of indigenous peoples. In the context of Colombia's recent political crisis, it is difficult to measure the extent to which social change has accompanied policy change.

This chapter, then, will briefly outline the progression of indigenist policy in Colombia from the early centuries following the conquest to the present day, with emphasis on the dramatic policy reforms enacted in the 1980s. The role of modernization as a prevailing ideology is of particular importance in understanding the link between development policy. First, however, it is necessary to gain a sense of the indigenous population of Colombia.

⁹⁹(...continued)

global economic integration. See Griffin, "Thinking About Development: The Longer View," in Development: Journal of the Society for International Development, Vol. 2/3, 1988.

The Indigenous Population of Colombia

In attempting to characterize the indigenous population of Colombia, two elements must be taken into consideration. First, indigenous peoples form a small minority of the Colombian population.¹⁰⁰ A National Census in 1980 recorded 412,305 indigenous people living in the country, with the population increasing at a rate of 2 percent per year.¹⁰¹ Nevertheless, at somewhere between 400,000 to 500,000, indigenous peoples in Colombia comprised, in 1980, only 2 percent of the total national population of more than 26 million. Considering that demographic decline is one of the most often cited consequences of the conquest,¹⁰² it is notable that in Colombia, as in many other parts of the world today, numbers of indigenous peoples have now begun to steadily increase.¹⁰³

¹⁰⁰Demographic data concerning indigenous groups should always be viewed with caution. The definitional difficulties outlined in Chapter One pose one constraint; in addition, the ability to collect accurate census data in remote areas is questionable.

¹⁰¹Cited in Christian Gros, Colombie: Nouvelle Politique Indigeniste et Organisations Indiennes, Document de Travail N° 41, Equipe de Recherche sur les Sociétés Indiennes Paysannes d'Amérique Latine, Janvier 1988, p. 3.

¹⁰²Colombia's indigenous population is estimated to have numbered three to four million at the time of the European arrival in the Americas. Conquest and disease reduced the number to 130,000 by the end of the 18th century. Figures from Jenny Pearce, Colombia: Inside the Labyrinth, (London: Latin America Bureau Limited, 1990), p. 14.

¹⁰³More recent figures for the indigenous population are unavailable. However, estimates from Pearce, op. cit., continue to place indigenous peoples at 2 percent of the national population of 3.8 million. This figure is notably less than Colombians of African

(continued...)

A second characteristic worth noting is the geographic dispersal and heterogeneity of indigenous peoples in Colombia. Estimates of the number of distinct indigenous peoples in the country range from 77 to more than 100.¹⁰⁴ In many regions, geographic dispersal exacerbates the numerical disadvantage already faced by indigenous peoples. This is illustrated in Table One, below.

Table One¹⁰⁵

Distribution of Indigenous Population in Colombia, 1980			
Department	Total Population (thousands)	Indigenous Population (thousands)	Percentage Population Indigenous
Antioquia	3,898	8.1	0.2
Boyaca	1,197	2.5	0.2
Caldas	899	3.9	0.4
Cauca	838	99.2	11.8
Cesar	478	12.1	0.2

¹⁰³(...continued)

American descent, at 6 percent. The remaining 92 percent of the population is classified as either European or mestizo. It is worth mentioning here that other estimates place the black population of Colombia at as high as 30 percent of the country's total population. See Norman E. Whitten, Jr. and Arlene Torres, "Blackness in the Americas," Report on the Americas, Vol. 25, No. 4, February 1992, p. 19.

¹⁰⁴The government estimates that there are 77 distinct groups; the National Indian Organization of Colombia (ONIC) estimates that there are more than 100. Cited in Gros, op. cit., p. 4.

¹⁰⁵From Gros, op. cit. pp. 5-6. National population data from Proyecciones de población 1975-2000, Departamento Nacional de Planeación (UDS-UDRU) Bogotá, October 1977. Indigenous population data from Censo 1980, División de Asuntos Indígenas.

*Data from sources does not match; thus percentages are impossible to calculate.

Distribution of Indigenous Population in Colombia, 1980			
Cordoba	828	7.9	0.9
Cundinamarca	1,328	1.9	0.1
Choco	254	13.3	5.2
Guajira	237	88.6	37.4
Magdalena	634	6.3	1.0
Meta	336	3.3	1.0
Narino	972	66.2	6.8
Norte de Santander	824	2.4	0.3
Risaralda	569	3.4	0.6
Tolima	1,179	6.7	0.6
Valle del Cauca	2,631	0.9	0.03
Arauca	69	1.7	2.6
Caqueta	296	2.3	0.7
Casanare	191	1.4	0.7
Putamayo	161	16.0	9.9
Amazonas	37	11.3	30.5
Guainia	10	14.0	*
Guaviare y Vaupes	39	20.9	54
Vichada	29	18	62.2
Total	25,940	412.3	1.6

Moreover, the heterogenous character of indigenous peoples in Colombia is manifested in regional differences which are reflected in the different types of resource economies, social structures, and level of integration into national society particular to each group. A study by the

National Department of Planning in Colombia in the early 1980s categorized the country's indigenous groups, based on these differences.¹⁰⁶ The first group, comprising approximately 47 percent of the indigenous population, are inhabitants of the Andean region of Colombia, centred in the Departments of Cauca, Narino and Tolima. Primarily settled agricultural peoples, evidence suggests that they are more acculturated into non-indigenous society and their modes of production are analogous to those of the peasant population.

The second group, an estimated 32 percent of the indigenous population, live by hunting, gathering, fishing, and supplementary agriculture. The Government estimates that 80 percent of this group occupy the *selva*, or forest region, and the remaining 20 percent live in the eastern *llanos*, or plains. The third group, comprising approximately 21 percent of the indigenous population of Colombia, are the *guajibo*, a semi-nomadic pastoral people who inhabit mainly Arauca in northern Colombia.

The National Planning Department's typology underlines the complexities of indigenous politics and contradicts the myth of the "generic Indian."¹⁰⁷ In the Colombian case, the

¹⁰⁶From Diagnóstico sobre la población indígena en Colombia, Departamento Nacional de Planeación, Mimeo (n.d.), Cited in Gros, *op. cit.*, pp. 9-12.

¹⁰⁷Stefano Varese describes this myth as "...a fact of history brilliantly analyzed by the late Mexican anthropologist Guillermo Bonfil Batalla: 'Spanish colonialism created and institutionalized a generic
(continued...)

differences are apparent in the use of space by Andean Indians, for example, as agricultural peoples, and the guajiro as a semi-nomadic people. Moreover, the means of subsistence of these groups generally determine the degree of their integration into the national economy. This heterogeneity underscores the inherent problems of generalizing the "Indian Problem," as discussed in Chapter Two.

A constant theme in the Colombian indigenous movement has been the tension between "Indianist" versus "peasant" approaches to organization. Certainly in the Cauca and other Andean regions there is a strong connection between the concerns of indigenous peoples and the peasants of the area; hence, the struggles of the two have often coincided. However, the colonial experience of the Andean peoples was quite unlike that of the indigenous peoples of the selva or the llanos, whose remoteness enabled them to escape the levels of contact, and consequently subordination and integration, experienced by Andean peoples. These differences are clearly manifested in the indigenous movements which have developed in Colombia in recent decades.¹⁰⁸ The challenges that this heterogeneity presents

¹⁰⁷ (...continued)

definition of "Indians" that negated the historic validity and cultural specificity of hundreds of native nationalities.'" Varese, op. cit., p. 15.

¹⁰⁸ As Chapter Four will explain, the Indigenous Regional Council
(continued...)

to the policy makers is important to consider. Equally, the extent to which policy has affected the heterogenous nature of indigenous concerns throughout the country must be considered.

Early Indigenist Policy

The hypothesis that the end of Spanish Colonialism in 1810¹⁰⁹ marked the beginning of internal colonialism in Colombia is supported by an analysis of the juridical and social situation of indigenous peoples over time. The *encomienda* system, which required indigenous labour as well as payment of 'tribute,' prevailed on Colombian estates during the colonial period.¹¹⁰ The development of the *resguardo*¹¹¹ in the middle of the seventeenth century

¹⁰⁸(...continued)

of Cauca (CRIC), as the major Indian organization in the Andes, has a longstanding, yet complex relationship with the peasant movement in Colombia. Moreover, the issue of Indian-peasant relations has also been a source of rifts within the national indigenous movement, given the heterogeneity of interests which accompany the typology outlined by the National Planning Department.

¹⁰⁹The Wars of Independence went on from 1810 to 1816; Bolivar's entry into Bogotá took place in 1819. Pearce, op. cit., p. 12.

¹¹⁰See for example Staffan Berglund, Resisting Poverty: Perspectives on Participation and Social Development. The Case of CRIC and the Eastern Rural Region of Cauca in Colombia. Research Reports from the Department of Sociology, University of Umea. (Sweden: University of Umea, 1982), p. 42.

¹¹¹The central distinction between a *resguardo* and a reserve is that *resguardos* provide for the collective ownership of land by indigenous inhabitants. *Resguardo* ownership is considered inviolable by law; thus *resguardos* cannot, legally, be dissolved or parcelled by the
(continued...)

provided for collective ownership of indigenous communities; however, Indians continued to provide labour for the colonists. Furthermore, the steady decline of the Indian population over the ensuing centuries led to the transfer of large parcels of *resguardo* land to non-indigenous landowners. Even the *cabildos*, which were instituted by the Spanish as a type of elected Indian Governor to act as a liaison with the colonial government, either collapsed or came under control of politicians, government-appointed mayors or the church.¹¹² After centuries, the *cabildo* had become an institution of tremendous significance for indigenous communities; thus the loss of the *cabildo* was considered to be a further erosion of political power in the indigenous communities.

Historical and structural features of Colombian indigenist policy following independence reflect the same kind of internal colonization. Most significantly, indigenous minorities in the country were subject to a separate juridical system which had originated from colonial legislation. The centrepiece of this juridical system, the Indigenist Statute, Law 89 of 1890, makes a specific distinction between indigenous peoples who had already been

¹¹¹(...continued)

state. Reserves are therefore less secure, from a legal perspective. However, history has shown that the practice in Colombia has not always been to respect the legal sanctity of the *resguardo*.

¹¹²Pearce, op. cit., p. 130.

acculturated into the dominant society and those who had not. Thus Law 89 clearly stated that it applied only to "communities already brought into civil life," and that "the general legislation of the Republic will not apply to the savages who are being brought to civilized life by means of Missions."¹¹³

In fact, members of the latter category of indigenous peoples inhabited what officially became "mission territories" by Law 72 of 1892. The governance over Indians living in the mission territories was subject to the 1888 Missions Agreement between the Government of Colombia and the Roman Catholic Church, the content of which gave the Church jurisdiction over religious conversion and acculturation. By Law 72, the state delegated to the Church "extraordinary powers to exercise civil, penal and judicial authority over the catchumens...until, leaving the savage state, in the judgement of the government they are in a state to be governed by them."¹¹⁴ Law 72 also designated the legal status of unacculturated indigenous peoples to be that of minors.¹¹⁵

¹¹³From Ministry of the Interior, Legislación Nacional sobre Indígenas, Bogotá, 1970, cited in Victor Daniel Bonilla, "The Destruction of the Colombian Indian Groups," Presentation to the Barbados Symposium, in W. Dostal, op. cit., p. 56.

¹¹⁴Bonilla, op. cit., p. 57.

¹¹⁵Thus indigenous peoples lacked the legal status to deal with the national government. In addition, under the law, an indigenous person required White sponsorship to undertake economic transactions.

(continued...)

Reductionism

The period from independence in 1810 to 1958 has been labelled the reductionist period in the history of Colombian indigenist policy.¹¹⁵ Many Andean Indians lost their land and also lost their cabildos. Indeed, the bulk of the government's policies regarding indigenous peoples negated indigenous aspirations to live in their own communities, to possess communal lands, and to maintain their own languages, cultures and traditions. Most obvious was the progressive loss of Indian territories.¹¹⁷ The Government has held that Law 89 of 1890, which was designed to protect indigenous cultural and historical identity as well as their territorial and political rights, was the primary piece of non-reductionist legislation of the period.

¹¹⁵(...continued)

See Nahum Kanhai, "Indians and the Law," in Native Studies in Canada and Colombia, University of Sudbury, 1980, pp. 31-37.

¹¹⁶This analysis is set out most clearly in Roque Roldan Ortega and Alfonso Florez Esparragoza, Fuero Indigena: Disposiciones Legales del Orden Nacional Departamental y Comisarial-Jurisprudencia y Conceptos. (Ministerio de Gobierno, Direccion General de Integracion y Desarrollo de la Comunidad, Division de Asuntos Indigenas. Bogotá: Editorial Presencia, 1983).

¹¹⁷Progressive loss of territory is supported by modifications to original title; thus, original titles are of prime legal importance to contemporary indigenous claims. See Pedro Cortes, "Indian Social Movements: A Case Study in Cauca, Colombia, From a Marxist Perspective," Unpublished Ph.D. Dissertation, Ohio State University, 1988, op. cit. p. 89.

Critics have argued otherwise.¹¹⁸ Most significantly, the law almost entirely excludes assimilated or semi-assimilated peoples. As Bonilla has explained, during the initial period following independence, only one piece of national legislation existed which pertained to "acculturated" peoples; Law 60 of 1916 provided that grants of title could not be made to settlers "in territories occupied by Indians."¹¹⁹ Moreover, the possible protection that Law 89 might have provided to the "unacculturated" peoples of regions such as Amazonas, the Llanos or the Pacific Coast was mitigated by the missions agreement which provided for evangelization of the peoples inhabiting these regions.¹²⁰ As a result, Law 89 was shown to be largely ineffective.

Modernization and Change

The period of reductionism in Colombian indigenist policy is said to have ended in 1958, when the government renounced further plans to liquidate *resguardos*. The government professed a new approach in its indigenist policy with the passing of Law 81 in 1958; the law, however, did not explicitly reject the prevailing policy of

¹¹⁸See Bonilla, op. cit., who charges that Law 89 and its later modifications comprise "out-of-date, incomplete and segregationist" legislation, which is "repugnant in principle...", p. 58.

¹¹⁹Bonilla, op. cit., p. 58.

¹²⁰Berglund, op. cit., p. 97.

assimilation.¹²¹ Influenced by the currents of Mexican indigenismo, it also set the ground for the establishment of the Division of Indigenous Affairs (DAI) in 1960. The Division's function was:

to study stable Indigenous societies as a foundation from which to plan cultural, social and economic exchanges...with the aim of the progress of such societies....[and] to protect the possession of the lands of the resguardos....[as well as] to organize development projects and to aid with the technologies employed in Indigenist enterprises.¹²²

Clearly, although the Colombian government had overtly shifted its indigenist policy from the reductionist aims of the early period and had gone as far as to recognize the legitimacy of indigenous land ownership under resguardos, its thinking was integrationist in nature, based on predominant theories of modernization and progress.¹²³

Following the first World War, with the development of the coffee industry, Colombia began to experience greater incorporation into the world economy. In particular, the building of roads and railways mitigated the geographic isolation which had previously kept the indigenous peoples in Amazonas, the Llanos or the Pacific Coast from very intense contact with the colonizing society.

¹²¹See Roldan and Flores, pp. 20-21.

¹²²Cited in Bunyard, op. cit., p. 16.

¹²³Notably, DAI's formal title was changed by Decree 69 of 1974 from *División de Asuntos Indígenas* to *División de Integración Indígena*. Berglund, op. cit., p. 102.

In the post World War II period in Colombia, land reform became a central issue. The United States began to promote agrarian reform programs under the auspices of the Alliance for Progress in many Latin American countries in order to counteract the influence of the Cuban revolution and promote the development of market economies in the region. Furthermore, a demographic boom and land rush occurred in the eastern plains following the end of *la violencia* in 1965,¹²⁴ mainly attributable to the displacement of Andean peasants during the intense violence of preceding decades. The majority of the migrant peasant population were seeking access to 'public lands' under the government's new agrarian reform program.¹²⁵

¹²⁴La Violencia was the undeclared civil war which dominated Colombia for nearly two decades in the middle of the twentieth century, from 1948-53 and a second stage from 1958-65. The violence resulted in bloodshed mainly in rural Colombia. The causes of the conflict remain controversial subjects; however, most explanations focus on intense partisan or class conflict. An excellent discussion of the partisan roots of *la violencia* is to be found in Jonathan Hartlyn, "Political parties and consociational practices in Colombia: a selective history," in Hartlyn, The Politics of Coalition Rule in Colombia (Cambridge: Cambridge University Press, 1988), pp. 16-53.

¹²⁵"More than 75,000 persons (mainly rural people from the neighboring Cordillera departments of Cundinamarca and Boyacá) arrived in Meta between 1955 and 1963, and almost 18,000 people arrived in the year before the July 1964 census. Although land titles for many of these peasant colonists remained insecure, the newly created Colombian Institute for Agrarian Reform (INCORA) had already adjudicated and titled in the department of Meta alone more than 260,000 ha of public lands." See Shelton Davis, "The Guahibo of the Eastern Plains of Colombia," in Davis, Land Rights and Indigenous Peoples: The Role of the Inter-American Commission on Human Rights, Cultural Survival Report 29, (Cambridge, MA: Cultural Survival, 1988), op. cit., p.18.

In cooperation with the DAI, the Colombian Institute for Agrarian Reform (INCORA) established regional programs for social and economic progress which aimed, among other things, to accelerate the division of *resguardos*. The prevailing view considered communally owned land to be incompatible with economic progress.¹²⁶ Thus, the agrarian reform laws of 1961 were designed to enable the government to remove the *resguardo* status of a number of indigenous land holdings and name them as reserves. Law 135 of 1961 provided for land titling, colonization of public lands, provision of rural services, and authority to expropriate and parcelize private land. Two provisions of Law 135 were of specific concern to indigenous peoples:

The first granted faculties to...INCORA to recast Indian properties and where necessary 'to give them the additional areas or to facilitate the establishment of excess population;' the second authorized it to share out the reserves of the already 'civilized' communities.¹²⁷

Given the rapidity of the land rush, conflicts between the indigenous and colonizing peasant populations were inevitable.

Indeed, the government's rationale for parcelling out indigenous territories has been attributed to pressures from the peasant population:

¹²⁶Berglund, op. cit., pp. 98-99.

¹²⁷Bonilla, op. cit., p. 57. According to Bonilla, in the 1970s "Most of the surviving 70 reserves [were] in this situation, and their native population [was] more or less fused with the rural smallholders of the Colombian Andes."

It appeared to be unnecessarily generous to grant resguardo rights to tens if not hundreds of thousands of hectares to no more than a handful of people when the rest of Colombian society was crying out for land and agrarian reform to break away from the feudalist latifundismo that had been bequeathed to the Americas by the Spanish and Portuguese.¹²⁸

Certainly the dominant discourse in the late 1960s was characterized by the prevailing paradigm of economic, but also political and social, modernization. As Berglund notes,

... and reform law 135 [of] 1961 was characteristic of the period after the Cuban revolution and the development of the Alliance for Progress. Via redistribution of land, together with technical and economic assistance, the conditions in the countryside would be changed and the integration of the Indian population made easier and accelerated.¹²⁹

The rationale of officials at INCORA for parcelling was that its socio-economic development programs were aimed at accelerating "the division of those reservations which, due to their high level of acculturation, can be objects of this measure, without seriously traumatizing the social and cultural order."¹³⁰ In Cauca, for example, the reservations of Calderas and Riochiquito were dissolved in 1969 and 1970 respectively – because they were considered sufficiently

¹²⁸Bunyard, op. cit., p. 17.

¹²⁹Berglund, op. cit., p. 98.

¹³⁰V.J. Valencia (DAI Official) 1968, cited in Cortes, op. cit., p. 97.

developed.¹³¹ Indigenous peoples thus continued to lose lands due to a government approach to indigenist policy which encouraged colonization and provided inadequate protection for existing *resguardos* and reserves. The opposition of indigenous peoples to the parcelling of their reservations was strengthened by the disastrous loss of land they experienced as a result of the process.¹³² At the same time, however, the agrarian reform laws had raised the expectations of the peasant population. When peasant aspirations for land reform were not fulfilled, the result was often the seizure of land.

The advancement of indigenous issues at the United Nations level also had an impact upon Colombian policy. Law 31 of 1967 was formulated by the Colombian government in response to the ILO's recommendations concerning protection of native rights in relation to land, working conditions, education, and culture.¹³³ As at the international level, however, indigenist policy in Colombia continued to be integrationist in nature.

In accordance with the ideal of liberal democracy nothing is mentioned about the demands which have been presented for a redistribution of land and

¹³¹Cortes, op. cit., p. 96.

¹³²Cortes, op. cit., p. 96.

¹³³These recommendations were contained in the 1957 ILO Convention 107, as discussed in Chapter Two. The Convention has been widely criticized by indigenous representatives for its integrationist approach, even as it called for recognition and protection of indigenous rights.

power. Instead the discussion concentrates on the desire [to protect] and modernize...'"¹³⁴

As a result, the government's many amendments to the indigenist statute did not result in concrete improvements to the situation of indigenous peoples in Colombia.

The Situation of Indigenous Peoples

A number of themes emerge from the preceding discussion of the juridical treatment of indigenous peoples in Colombia. In particular, the colonial legacy of segregation and subjugation has continued to dominate indigenist legislation in the country long after independence. As Bonilla has noted:

...the setting up of this theocratic regime over the native non-acculturated groups had its origin not only in the Catholic ideals of the time but also in the practical and economic inability of the Colombian State to deal with the vast, sparsely inhabited forest territories of the Pacific coast and of eastern Colombia. However, the survival of this juridical structure down to our time is itself an indication of the indifference of the governing classes to the lot of aboriginal groups.¹³⁵

The inability of the Colombian State to manage the frontier territories and their indigenous inhabitants illustrates the main problem with legislation aimed at protecting these groups, such as Laws 38 and 135: the laws are not enforced. As a 1981 report states, "of the sixty reservations

¹³⁴Berglund, op. cit., p. 100.

¹³⁵Bonilla, op. cit., p. 57.

established by INCORA...there is not a single one that has not been invaded."¹³⁶ This failure to enforce indigenist policy only reinforces the importance of the juridical and administrative structures in determining the situation of indigenous peoples. At the same time that the prevailing legal and political structures have denied autonomy to indigenous peoples within national borders, the laws have failed to protect even the territorial integrity of those communities. As Berglund notes, "Most Indian laws formulate the ambition to protect the indigenous population, but without considering the fundamentals of the continued existence of the aboriginal population."¹³⁷

This is certainly the case with regard to problem of violence facing indigenous peoples. Shelton Davis has described the phenomenon of systematic violence against indigenous peoples in Colombia:

Since the late nineteenth century, cattle ranchers in the Llanos region had been organizing raiding parties (called *guajibiadas* to signify the hunting of Guahibos) to clear Indians from the forests and open new lands. These raiding expeditions, which usually took place in the dry season before the burning of forests for new pasture, reportedly began with the state-promoted colonization of the frontier area of Arauca at the turn of the century. The shocking thing is that these local Indian hunts continued well into the twentieth century and were only brought to national and international attention when 16 Cuiva Indians were

¹³⁶Adolfo Triana, "Indian Groups in Colombia," Survival International Review, Vol. 6, Nos. 3 and 4, Autumn 1981, p. 8.

¹³⁷Berglund, op. cit., p. 95.

massacred at the La Rubiera ranch, near the Venezuelan and Colombian border, in December 1967.¹³⁸

Two years after the La Rubiera incident, a series of events occurred which came to be known internationally as the "Planas Affair." Unlike more conventional frontier attacks, such as the La Rubiera incidents, the Planas incidents resulted in an armed conflict between indigenous peoples and settlers in the region. The government viewed the conflict as an Indian rebellion and responded with military force. Several testimonies indicate that the army's actions in the area were openly discriminatory against the indigenous population:

The army harassed the Indians, patrolled their lands, arbitrarily arrested village leaders and allegedly tortured numerous individuals....This persecution forced a large portion of the Indian population into the forest for safety.¹³⁹

The publicity generated by the Planas Affair in the mid- and late-1970s brought the welfare of indigenous peoples in Colombia to national and international attention. A protest letter issued by the Committee for the Defense of the Indian (CDI), a group of Colombian sociologists and anthropologists, highlighted the severe inequality experienced by indigenous peoples and called for national debate on indigenist policies in the country:

¹³⁸Davis, op. cit., p. 18.

¹³⁹Davis, "The IACHR and Indigenous Peoples' Rights," in Davis, op. cit., p. 11.

It need only be remembered that there exist in this region three small Indian reservations established by INCORA — San Rafael de Planas, Abariba and Ibibi — with a total area of 35,000 acres, inhabited by some 6,000 Indians who subsist in conditions of misery and sickness. Meanwhile, in the same region, there are ranches owned by white settlers which encompass immense areas of 124,000 and even 173,000 acres apiece. This unjust distribution of land and wealth had already created a social imbalance in the power relationships which favored all kinds of outrages, including plundering, eviction from land by harassment and even the attempt by the strong to achieve the total extermination of the weak.¹⁴⁰

The investigation of the Planas case by the Inter-American Commission on Human Rights further illuminated the need for improved policies and protection for indigenous peoples within Colombia.¹⁴¹

Contrary to growing international awareness of problems and the continuing dissatisfaction on the part of indigenous peoples in the country, the government was slow to respond. As late as 1980 President César Turbay Ayala sought to institute a new Indigenist Statute in conjunction with the

¹⁴⁰ An English translation of CDI's letter by a group calling themselves "The Committee of 100 for the Planas Indians," was distributed in the United States by the Latin America Bureau on November 26, 1970. Excerpts from the letter are reprinted in Davis, op. cit., pp. 20-21.

¹⁴¹ For almost three years, the case was considered by the IACHR. Eventually, the case was filed without judgement on the grounds that it had been adequately investigated within the Colombian judiciary within the three year period. Shelton Davis has argued that the overall situation which led to outbreak of conflict had not improved within that time period. Citing a report by Dr. Alejandro Reyes Posadas, government coordinator of Indian Affairs during the Planas Affair, Davis argues that the Guahibo's experience of dispossession — a loss of more than 50 percent of territory in less than twenty years — posed "a serious threat to their existence as individuals and as a culture." Reyes Posada eventually resigned over the affair. See Davis, op. cit., pp. 24-25.

Security Statute.¹⁴² The indigenist statute, which would require certification of indigenous communities by the government and also conceded to the government the right to control and inspect associations undertaking activities with indigenous populations, met with vehement opposition from indigenous groups:

The aim of the new Statute is to ignore traditional organizations of Indian communities and force them into political organization in the form of Accion Communal.Under the guise of Indian protection, it is planned to establish police and political control of Indian areas and thus avoid any future claims to land which may be wanted for incorporation into the national economy as a source of raw material and minerals. The...Statute masquerades as Indian self-determination but in fact it is a denial of Indian autonomy. It seeks to install a centralized bureaucratic Institute, impose control over Indian social organization and curtail the possibility of co-operation between Indian societies.¹⁴³

Indigenous resistance to the Turbay initiative was met with severe repression; however, after it was presented to Congress a number of times, the Statute was eventually defeated.

Finally, a number of small policy changes began to be put in place in the late 1970s and early 1980s. An early innovation was a minimization of some of the influence of the Church over indigenous peoples in the area of education.

¹⁴²Decree 1963, signed in 1978, was known as the Security Statute. It granted extraordinary powers to the police and the military to conduct anti-subversive operations and it placed restrictions on civilian rights. It is generally believed that the intense repression invoked by the Statute led to increased violence in the country.

¹⁴³Triana, op. cit., p. 9.

In 1976, for example, 1351 schools were transferred from religious to state control. In 1978, the principles of bilingual education were outlined in Decree 1142, and were intended to reflect the cultural needs and interests of disparate indigenous groups.¹⁴⁴ While these policy changes were the exception rather than the rule in the 1970s, the potential impact was significant. Education in the interests of and controlled by the communities could play an essential role in the recovery and affirmation of cultural identity, the creation of a new indigenous elite, and the defence against the modernization of the period.

The Policy Change of the 1980s

Although numerous amendments had been made to the Indigenist Statute over the course of the 1900s, a meaningful overhaul of indigenist policy was not undertaken until the 1980s. A crucial step in the definition of a new indigenist policy was the elaboration of a policy initiative in 1980 by a number of government agencies, including the Department of National Planning (DNP), INCORA, and the Minister of Agriculture, entitled Diagnóstico sobre la Población Indígena en Colombia, which addressed for the first time the multiple aspects of indigenous problems at a broad level. The Plan, according to government documents, took the approach that, "to really protect the communities,

¹⁴⁴Gros, op. cit., p. 15.

emphasis must be given to their participation in the design and implementation of programs destined to be of benefit to them, as well as the establishment of indigenous reservations and not reserves."¹⁴⁵ The emphasis of the Diagnóstico on participation marked an important move away from the integrationist approach of earlier decades.

Roldan and Florez have noted the government's increasing concern, by 1980, for the position of indigenous communities. Indeed,

...the communities were then becoming increasingly marginalized, were still losing their lands...and were facing social and cultural disintegration as a result of changes in the pattern of existence. In conclusion, it was seen to be essential that programmes of development should be made specific for each community, that the community's own authorities should be strengthened in terms of their relationship with the State, and that the communities should have proper dominion over the lands possessed by them. As a result the State decided to restructure indigenous reserves as *resguardos* as well as to provide the legal means of clearing them of colonizers.¹⁴⁶

Late in 1980 INCORA approved the creation of approximately 80 indigenous reserves, many of which were located in peripheral regions of Colombia.¹⁴⁷ In 1982, President Belasario Betancur (1982-86) opened discussions with indigenous leaders in an effort to move toward a new policy

¹⁴⁵Ministry of Indigenous Affairs, op. cit., p. 16.

¹⁴⁶Bunyard, op. cit., pp. 17-18.

¹⁴⁷Reserves, however, did not offer indigenous peoples that same level of territorial rights that the entitlement "*resguardo*" does. Bunyard, op. cit., p. 17.

framework. One of the key issue areas concerned restructuring indigenous reserves as *resguardos*; he also initiated broad discussions on the topics of land rights, as well as indigenous access to health, education, and development.¹⁴⁸

In 1984, the National Program for the Development of Indigenous Populations (PRODEIN) was approved by the National Council on Economic and Social Policy. For the first time, an indigenist policy program had been developed in consultation with indigenous peoples; a National Indigenous Council (CONI) was put in place to ensure a more consultative process. Moreover, the plan was based on the outcome of the 1980 "diagnosis" which emphasized "the errors and insufficiencies of integrationist policies and the state of abandon in which the State had left the indigenous communities."¹⁴⁹ Hence, the government adopted a guiding ideology of *ethnodevelopment*, which was to reflect the government's increased respect for the identity of indigenous peoples. A triple strategy was developed, focusing on economic, social and institutional sectors, with an overarching concern for indigenous participation in decision-making.¹⁵⁰

¹⁴⁸ Betancur's role in initiating policy change is outlined at greater length in Chapter Four.

¹⁴⁹ Christian Gros, *op. cit.*, p. 18. (My translation).

¹⁵⁰ See Ministry of Indigenous Affairs, *op. cit.*, p. 16.

It was under the administration of Virgilio Barco (1986-90) that more substantive changes were effected. In addition to the institution of resguardos, the Barco government enacted reforms to laws governing indigenous peoples. Of particular significance was Law 30 of 1988, the new agrarian reform law which granted INCORA the power to directly establish indigenous resguardos.¹⁵¹ Supplementary to the above law, President Barco pledged publicly that the Colombian government would no longer stimulate colonization in areas traditionally inhabited by indigenous communities:

With regard to indigenous rights in the economic exploitation of the subsoil, it is an unmodifiable decision of the national government that these communities will never have inferior rights to those which in this same aspect are established for other Colombians.¹⁵²

Legislation has been enacted which recognizes the rights of indigenous peoples to the renewable natural resources located within their territories. In addition, the right of indigenous peoples to organize themselves according to their customs – a significant departure from previous policies – is recognized in amendments to Law 89 of 1890. The government also sought to devise numerous participatory mechanisms to promote and reinforce indigenous participation in formulating policies which affect them.

¹⁵¹See "Annex 1: Law 30 - 1988, Relative to the Social Agrarian Reform," in Ministry of Indigenous Affairs, op. cit., pp. 195-199.

¹⁵²"Speech Given by the President....23 April 1988," in Ministry of Indigenous Affairs, op. cit., p. 20.

Other policy reforms concerning education and health were effected under the Barco regime.¹⁵³ Finally, the government has promised to "rigorously supervise the implementation of the norms which protect the indigenous communities in the exercise of their cultural, social, political and economic self-determination."¹⁵⁴

A significant step toward the exercise of self-determination by indigenous peoples within Colombia's borders seemingly came to pass with the reform of the Colombian Constitution in 1990. Indigenous peoples participated to an unprecedented degree in the reform process and achieved ground-breaking recognition in the revised document. The new constitution and the role played by indigenous peoples in its development are dealt with more extensively in Chapter Four. Clearly, however, the progression of indigenist policy since the 1980s stands in remarkable contrast to legislative efforts of preceding periods. The question remains as to what extent real social change has accompanied the political reforms that have been achieved.

Part of the answer must certainly lie in determining what factors were at the root of the dramatic changes enacted in the 1980s. Colombia's dramatic gains in the area

¹⁵³A more comprehensive list of reforms is laid out in Ministry of Indigenous Affairs, op. cit., esp. pp. 20-23.

¹⁵⁴"Speech Given by the President....23 April 1988," in Ministry of Indigenous Affairs, op. cit., p. 21.

of indigenist policy have been lauded as among the most progressive in Latin America. What has accounted for this progress? In what way has the national social and political context been conducive to the types of reforms which have been achieved? Chapter Four will examine the context in which the policy changes were undertaken, and will attempt to analyze the changes in relation to the aspirations and demands of the indigenous peoples of Colombia.

Understanding the Colombian case will help to shed light on the global context for indigenous-state relations, as nation states around the world attempt to come to terms with the self-determination demands of indigenous populations within their borders.

CHAPTER FOUR: THE POLICY CONTEXT

Introduction

The indigenist policy of the Government of Colombia in the last decade is remarkably progressive in the context of its own indigenous history and in relation to other Latin American countries. Certainly the policy changes enacted in the 1980s reflect an important departure from the integrationist policies of earlier years. A number of factors explain the relative openness of the Colombian government toward indigenous demands. First and foremost, and linked to other reasons, was the development of a strong indigenous movement in Colombia. The mobilization of community-based organizations resulted in the exertion of political pressure on the government to respond to indigenous demands for autonomy. Moreover, the decision by indigenous peoples to respond to violence inflicted on their communities by the government, guerrilla groups and the drug traffickers underlined their commitment to change the history of colonialism and domination.

Structural factors also played a significant role in the policy change. On the one hand, the failure of government development projects in indigenous regions fueled the indigenous will to demand change. In addition, however, the political instability which racked the country

necessitated a new response on the part of the government to various sectors: the rural and urban poor, indigenous peoples, and the various interests represented by guerrilla groups. The weakness of the state in the face of destabilization led to the need for the Colombian government to attempt to regain legitimacy by seeking support of both peasants and Indians. The outcome has been a concerted effort on the part of Colombia's recent leaders to open up the political system.

Indigenous demands may be understood as part of a growing dissatisfaction with the way that national governments — certainly the government of Colombia — have dealt with their identity, demands and needs over more than a century of development. Moreover, the crisis of the Colombian state has played a crucial role in the government's indigenist policy choices. The result has been a new brand of social and economic development based on the ideals of participation and inclusion. What is not clear is the degree to which the policy aims and demands of indigenous peoples have been answered. Can democratization — particularly the way it has begun to evolve in Colombia — answer the demands of indigenous peoples for new forms of association with the nation state? Indeed, has Colombia's political crisis finally led it down a path of real change? In order to begin to answer these questions, it is necessary

to examine the numerous factors at the root of the policy change in Colombia.

This chapter will thus begin by outlining the development of strong indigenous organizations in Colombia. It will then turn to the political crisis, and the role that indigenous peoples played in the crisis, as factors which eventually forced change in Colombia. A brief examination of government responses to the spate of violence which racked the country exhibits clearly the degree to which a virtual crisis of the state forced successive governments in the 1980s and 1990s to respond creatively to the demands of an increasingly dissatisfied citizenship. After examining these factors, it is possible to reach some tentative conclusions about the importance of these policy changes within the Colombian context and at a broader scale. To some degree, it is still "too soon to tell." On the other hand, even as a number of factors suggest that social change may be slow in accompanying policy change, considerable optimism has resulted from the Colombian reforms.

"The Indigenous Awakening"

The World Council of Indigenous Peoples maintains that significant changes in indigenist policy do not occur without the presence of a strong indigenous voice.¹⁵⁵ In

¹⁵⁵Rodrigo Contreras, Director, World Council of Indigenous Peoples, Personal Interview, March 16, 1994.

Colombia, indigenous mobilization was certainly a critical factor in bringing about change. As elsewhere in the Americas, the 1970s were crucial years for indigenous organization in Colombia. "[T]he general tendency since 1970 has been the creation of specific Indian political action organizations, differentiated from the broader peasantry by their demands, methods of organization and actions."¹⁵⁶ However, the development of strong indigenous organizations, and the ability to maintain them independently of both non-indigenous peasant and guerrilla organizations has been a difficult task.

Indigenous peoples participated in the establishment of the National Association of Peasant Farmers (ANUC) in 1970, campaigning for agrarian reform; a National Indigenous Secretariat was originally established as part of the peasant organization. The Colombian government under President Carlos Lleras Restrepo promoted the organization of peasant unions as a means of implementing agrarian reform.¹⁵⁷ Shortly thereafter, however, the recognition by the Indian Commission within ANUC that they had a distinct indigenous agenda led to a split between the two groups; the result was the creation of the Indigenous Regional Council

¹⁵⁶Cortes, op. cit., p. 57.

¹⁵⁷The Office of Peasant Organizations under the Ministry of Agriculture was responsible, along with INCORA, for the organization of peasant unions. During 1970 and 1971, 424 invasions of haciendas were reported in Colombia. Cortes, op. cit., p. 108.

of Cauca (CRIC). Statements from CRIC officials reveal the nature of the disagreement with ANUC:

...the indigenous population is part of the peasant movement. While the ANUC represented peasant interests our organization participated in it, but...it has become a political organization and we do not [believe] that it represents our interests as indigenous peasants.¹⁵⁸

As Cortes has noted, "Although the CRIC emerged in conjunction with State-promoted peasant unions, it is actually a continuation of the specific aspirations of the indigenous peoples and their deep-rooted historical struggle."¹⁵⁹

In Colombia the relationship between indigenous and peasant struggles has been deeply intertwined. As the rift between CRIC and ANUC would suggest, indigenous peoples in the country remain adamant that, while their struggles often parallel those of the peasant class,¹⁶⁰ these shared concerns do not undermine their group identity as indigenous peoples. This view is often reflected in CRIC's literature:

We are Indians because we believe that the things of the world are made for everyone. It is like saying that since we are all equal, the means of living should also be equal....Because of this, we believe that the land, just as the air, the water and all the other things which keep us alive

¹⁵⁸ *Unidad Indigena* No. 32, cited in Cortes, op. cit., p. 180.

¹⁵⁹ Cortes, op. cit., p. 74.

¹⁶⁰ CRIC literature in particular has tended to describe its members as "Indian peasants" and frequently refers to the parallels between the two groups' struggles. See Corry, Towards Indian Self-Determination in Colombia, Survival International Document No. 2, 1976, esp. pp. 39-52.

should not be only for the few. The land should not be owned, but should be communal....This is why we like the reservations. Because there, the lands must all be shared out between all the members of the community.¹⁶¹

Mobilization in the indigenous regions of Cauca was precipitated by the adverse conditions facing indigenous inhabitants: inequitable distribution of land, illegal seizure of reservation lands by non-Indians, widespread poverty, and exploitation of indigenous labour on the haciendas.¹⁶² Encouraged by peasant organization under the auspices of ANUC and by the influence of committed anthropologists,¹⁶³ in February 1971 some 2,000 Indians met in Toribó to set up the CRIC. This was the first and, according to many observers, the strongest and most important indigenous organization in Colombia.¹⁶⁴ A seven-point program was established at the CRIC's second meeting in 1971, and has remained the basis of its platform:

1. To recover lost resguardo lands,
2. To increase the size of existing resguardos,
3. To strengthen Indian Councils (cabildos),
4. To stop paying land rents (terraje),
5. To make known the laws concerning Indians and to insist on their proper application,
6. To defend the history, language and customs of the Indians,

¹⁶¹Cartilla del CRIC No. 1, cited in Corry, op. cit., p. 43.

¹⁶²Cortés, op. cit., p. 110.

¹⁶³These were most notably Colombian anthropologists who participated in Barúados Symposium: Gonzalo Castillo-Cárdenas and Víctor Daniel Bonilla.

¹⁶⁴The development of the CRIC as an indigenous movement is explored fully in Cortés, op. cit., and Berglund, op. cit.

2 of/de 2

7. To train Indian teachers to teach in indigenous languages in ways relevant to the present situation of the indigenous people.¹⁶⁵

The early successes of the CRIC resulted in counter-measures from the "power structure."¹⁶⁶ However, due to a strong social base, the CRIC not only survived but was an important supporter of the creation of a number of local and regional councils throughout the decade. In 1974, the Indigenous Regional Council of Vaupes (CRIVA) and the Arhuaco Indigenous Organizational Council (COIA) were created. In 1975, the first meeting of the Council of Ortega was held, followed by the formation of the Sikuanidel Tuparro Regional Organization (ORIST) at the first assembly of the Commission of Vichada in 1976. In 1977, the first assembly of the Llanos Orientales led to the formation of the organization UNUMA. 1981 saw the establishment of the first Indigenous Regional Council of Tolima (CRIT) as well as the Embera Waunana Organization of Chocó.¹⁶⁷

¹⁶⁵Cited in Pearce, op. cit., p. 131.

¹⁶⁶"At first the landowners threatened CRIC leaders and attempted to control the cabildos. When these measures failed, the government moved to block Indian assemblies. Finally, in 1974, assassinations began and critical areas of the Cauca were militarized. Key CRIC leaders were arrested under the pretext that CRIC was a subversive organization linked to the M-19 leftist guerrillas. By 1979, thirty CRIC leaders, including the CRIC president, were imprisoned. In 1982 CRIC claimed that eighty-two of its leaders had been killed by state, church, and economic interests opposed to its objectives. Leftist, antigovernment guerrilla forces also claimed responsibility for killing seven CRIC members who they considered 'counterrevolutionaries.'" Bodley, op. cit., p. 164.

¹⁶⁷For further detail, see Anatolio Quirra, "The Recuperation of
(continued...)

The 1980s marked the beginning of a national indigenous movement in Colombia. Specifically, the first National Indigenous Meeting was held in October 1980 in Lomas, Tolima. The meeting resulted in a decision to create a national organization to represent the interests of member communities. The First National Indigenous Congress was held in February 1982 and, with two thousand delegates present from throughout the country, the Indigenous National Organization of Color (ONIC) was created. ONIC's program focuses on the defence of indigenous autonomy, history, culture and traditions. Anatolio Quirra, former president of ONIC, has emphasized the organization's role in coordinating and facilitating indigenous efforts to achieve greater autonomy and improve living conditions:

We must promote community economic organisations, bilingual and bicultural education under the control of indigenous communities, courses on indigenous legislation and publicly denounce the problems that indigenous communities suffer, while negotiating with institutions for the creation of indigenous reserves and reservations.¹⁶⁸

Meanwhile, ONIC continues its efforts to bring together indigenous councils which are not yet organized.

ONIC and its member organizations have played a crucial role in voicing indigenous demands and interests to the

¹⁶⁷ (...continued)

Land and Culture: Colombian Indigenous Development over Twenty Years," in Indigenous Self-Development in the Americas: Proceedings of the IWGIA Symposium at the Congress of Americanists, Amsterdam 1988, IWGIA Document No. 63, Copenhagen July 1989, pp. 133-140.

¹⁶⁸ Quirra, op. cit., p. 137.

national government and the public. Whereas problems such as land invasions, evangelization and genocide have previously been brought to public attention only through external organizations,¹⁶⁹ indigenous organizations within Colombia now represent themselves. This in itself is one of the great achievements of the indigenous movement: self-representation.

Indigenous spokespersons have utilized their representative status to appeal directly to local and national governments as well as to the public. As spokespersons for a national indigenous organization, leaders have greater representative status in dealing with the government. Smaller, more remote communities brought into the national organization have obtained greater access to tools necessary to conduct legal challenges and utilize media channels to achieve political aims. In addition, ONIC has provided a connection to the international indigenous movement. Supranational activity provides important added leverage to indigenous claims undertaken at the national level.

¹⁶⁹The International Work Group for Indigenous Affairs, Survival International and Cultural Survival are among the most prominent organizations which have acted on behalf of indigenous peoples in the Americas and elsewhere.

The Demand for Self-Determination

The demand for self-determination for indigenous peoples as expressed within the Colombian context is at times a difficult issue. Because of the heterogeneity of the indigenous population and indigenous movements in the country, it has often proved difficult to reconcile the divergent aims of various regional organizations. In particular, the association of CRIC – historically the strongest organization in the country – with the national peasant movement, has often proved difficult to reconcile with the concerns of the indigenous peoples of the more remote lowland regions such as the Amazon. Moreover, recent government policies have tended to link indigenist policy with environmental aims, thus favoring more remote tribes in higher profile areas – from a conservationist perspective – such as the Amazon.¹⁷⁰

The development of ONIC as a national indigenous organization was a crucial step in bringing together the diverse regional and tribal elements in Colombia, under the umbrella of Indianism. ONIC focuses on a broad vision of self-determination which is able to circumvent, to a certain extent, the rift between Andean and lowland Indian groups in the country.

...[ONIC's] emphasis on autonomy results from the belief that Indians are an ethnic entity

¹⁷⁰ This policy approach is evident in Ministry of Indigenous Affairs, op. cit., pp. 18-24.

possessing ancestral territory, their own forms of social organization, a culture which differentiates them, and a historical course of action which has given them their own sense of identity.¹⁷¹

The significance of indigenous social movements in general, according to Pedro Cortes, is in their suggestion of "social organization alternatives based on communitarianism and political autonomy that provides alternatives to civilization for understanding and dealing with the material and spiritual ideosyncrasy of Latin American society."¹⁷² The pervasive theme in virtually all interpretations of self-determination is the desire to establish a political order which will ensure equality and self-respect for indigenous peoples.¹⁷³ It is worth reiterating that indigenous conceptions of self-determination and even self-government generally reject notions of secessionism with which the term self-determination is commonly associated.¹⁷⁴

The Political Crisis

¹⁷¹Cortes, op. cit., p. 206.

¹⁷²Cortes, op. cit., p. 2.

¹⁷³This is reflected in the manifestos of both CRIC and ONIC. See Corry, op. cit., esp. pp. 39-52, in which much of CRIC's earlier literature is reprinted. The aims of ONIC are outlined in Quirra, op. cit.

¹⁷⁴This fact is eminently clear in Roger Moody, ed., The Indigenous Voice: Visions and Realities, Volumes One and Two (London: Zed Books, 1988).

Evaluating the extent to which the current policy efforts of the Colombian government effectively respond to indigenous demands for self-determination requires an examination of the system in which the policy was developed. Two elements of Colombian politics in the latter part of the century are crucial to understanding the causes of the policy change of the 1980s. First, the Colombian political system is highly dualist in nature. Historically, politics in the country have been characterized by periodic outbreaks of chaos which have in turn been carefully managed by the country's political elite. Overall, policy reforms have served to maintain stability at the cost of greater openness. An examination of the National Front coalition clearly reveals this tendency in Colombian policy.

Second, however, it is necessary to look at the violence and tension which prevailed during the 1980s. Guerrilla groups have been instrumental in undermining or often replacing the role of the state in rural areas. The way in which indigenous communities have been caught between guerrilla groups and the government and the steps which they chose to take in order to assert indigenous independence form perhaps the most dramatic example of the role which indigenous peoples played in managing the crisis of the 1980s to their own advantage.

First, then, it is necessary to examine Colombia's dualist history not only as a backdrop for the changes of

the 1980s, but as a crucial element leading to the political crisis which precipitated the policy reforms. A number of elements of Colombia's political system must be understood in terms of the context they provide for the changes in indigenist policy over the period of the 1980s. In particular, the insular and rigid nature of Colombia's formal democracy has been an important determinant of the progression of indigenist policy. Difficulties in classifying the Colombian political system have been widely noted in the literature. However, typically it is classified as a formalistic democracy. As Jorge Osterling has noted, "Colombia is not only one of the oldest functioning civilian democracies in the Western Hemisphere; it also has one of the most powerful, closed, hierarchical political elites in this part of the world..."¹⁷⁵

The paradox of Colombian democracy has been further highlighted by Robert Dix, who outlines its principal characteristics.¹⁷⁶ First, Colombian political history has been shaped by the historic dominance of two political parties, virtually without interruption for the past century.¹⁷⁷ Second, Colombia, although one of the most

¹⁷⁵Jorge P. Osterling, Democracy in Colombia: Clientelist Politics and Guerrilla Warfare (New Brunswick, NJ: Transaction Publishers, 1989), p. xi.

¹⁷⁶Robert H. Dix, The Politics of Colombia, (New York: Praeger Publishers, 1987).

¹⁷⁷While partisan loyalties and conflicts were a vital force in
(continued...)

violent societies in the world, continues to hold of "one of the best records of democratic practice."¹⁷⁸ Third, Dix notes the well-entrenched elite power structure "with some incorporation of lower classes when the system is likely to be threatened by counter-elite forces." Fourth, the highly personalized nature of politics in Colombia stands in "sharp contrast to the weakness of the state as a planning body." Finally, Dix notes the intense party loyalties which, rather than class struggles, for example, have played such a prominent role in Colombia's political development.

Colombian party conflicts were most dramatically manifested in La Violencia.¹⁷⁹ As one observer has

¹⁷⁷(...continued)

shaping Colombian political history, ideological differences between the two were by no means constant. Originally, "...the Conservatives were wedded to a view that approximated the previous colonial order, emphasizing close cooperation between the Church and the state, a strong, central administration and protectionism. The Liberals, more influenced by the industrial, liberal-democratic powers of the nineteenth century, generally argued for federalism, separation of church and state and free-trade economic policies." Hartlyn, op. cit., p. 19. However, ideological differences between the parties faded considerably in the twentieth century. Indeed, "Although the two parties initially represented distinguishable ideological differences, they did not come to divide the country by class or region, as party members could be found in all classes and concentrated in communities in all regions of the country." Hartlyn, op. cit., p. 51.

¹⁷⁸Democratic practice, in this context, may be understood to refer to procedural matters. Colombia is "governed by a civilian president elected by universal suffrage every four years, with clearly defined civilian rule and civilian authority over the nation's armed forces. Presidential and congressional elections are always held on schedule without any significant disruption, and political power is transferred to the winning political party without any problems." Osterling, op. cit., p. ix.

¹⁷⁹La Violencia, the undeclared civil war which prevailed in two
(continued...)

commented, "The deterioration which led to the breakdown of the system was widely regarded as symbolic of the inability of Colombia's traditional elites to meet public demands through the customary venue of the two parties."¹⁷⁹ The eventual solution to the political and social fragmentation which accompanied La Violencia was a coalition government -- "a constitutional experiment in controlled democracy"¹⁸⁰ -- which was to restore political stability based on parity between the two ruling parties. The Frente Nacional agreements were signed by two former presidents, Laureano Gomez (Conservative) and Alberto Lleras Camargo (Liberal) in 1956 and 1957 and the plan was overwhelmingly approved by a national plebiscite in December 1957.¹⁸¹

¹⁷⁹(...continued)

stages in the middle of the twentieth century, from 1948-53 and from 1958-65, was based on violent partisan conflict between Liberal and Conservative partisan loyalties. As some observers have noted, however, the party conflict in many cases unleashed other social, political and economic conflicts: "the strength of the parties was such that they were essentially acting as a channel for a cumulation of small social and economic processes originating in the provinces; the parties managed to convert isolated problems into a great political aggregation of national character, which came, at a given moment to endanger the very stability of the regime." F. Leal Buitrago, cited in Pearce, op. cit., p. 49.

¹⁸⁰John Martz, "Contemporary Colombian Politics: The Struggle Over Democratization," in Alvin Cohen and Frank R. Gunter, eds., The Colombian Economy: Issues of Trade and Development (Boulder, CO: Westview Press, 1993), p. 25.

¹⁸¹Martz, op. cit., p. 27.

¹⁸²Martz, op. cit., p. 27.

As Tina Rosenberg has stated, "Colombia has paid dearly for the National Front."¹⁸³ Indeed, there is little doubt that the coalition government served to institutionalize the most elitest properties of the political system. As Martz explains:

A major and intended consequence of the FN was the effective reinstitutionalization of the two-party monopoly. This represented a tacit but conscious continuation of the hegemonic pattern dating back more than a century. Colombia's political elites deliberately favored an arrangement whereby political participation might be controlled, suppressed, or otherwise restrained from undue influence on elite rule. The relative success of this strategy, at least in the short run, was marked by effective control of policy-making and an apparent degree of stability contrasting with the late forties and much of the fifties. It also produced a growing electoral and systemic alienation, as the average Colombian well understood the futility of active involvement in politics."¹⁸⁴

The rigidity of the system, as magnified by the National Front Coalition but continuing to dominate Colombian politics to the present, has resulted in the profound alienation of Colombian citizens. This point is crucial to understanding the spate of violence and civil unrest which pervaded the social and political fabric of Colombia, and which eventually demanded changes to the system. Although indigenous movements have been joined by many other actors in demanding change, violent activities undertaken by many

¹⁸³Tina Rosenberg, "Beyond Elections," Foreign Policy, No. 84, Fall 1991, p. 86.

¹⁸⁴Martz, op. cit., pp. 27-28.

of these non-state actors – guerrilla groups, in particular – have created additional challenges to the survival of indigenous cultural and political systems.

Indeed, the tension between indigenous communities and other actors is important to recognize. Moreover, the way that indigenous movements managed relationships with guerrilla organizations, while far from smooth, illustrates to some extent the way that indigenous peoples were able to forge a role for themselves in the peace process and the policy changes which followed. It is thus worth drawing attention to the interaction between guerrilla forces and the indigenous communities leading up to and during the crisis period of the 1980s.

The relationship between indigenous communities and guerrilla organizations¹⁸⁵ in Colombia is a complicated one. It is difficult to ascertain levels of indigenous involvement with various guerrilla movements. On the one hand, evidence suggests that initially, the Paez and Guambia Indians in the Department of Cauca had either developed or

¹⁸⁵Three major guerrilla groups began in the 1960s in rural Colombia. The FARC (Fuerzas Armadas Revolucionarias de Colombia), begun in 1966 and often associated with the Communist Party of Colombia, was for many years the largest group. The ELN (Ejercito de Liberacion Nacional) and the EPL (Ejercito Popular de Liberacion) followed the creation of the FARC and were supported by Castroists and the Marxist-Leninist Party of Colombia, respectively. The M-19 developed in 1974, in response to the allegedly fraudulent elections of April 19, 1974; it focused its activities on the main urban centres in Colombia. See Bruce Bagley, The State and the Peasantry in Contemporary Colombia, Latin American Issues, (Monograph Series on Contemporary Latin American and Caribbean Affairs), pp. 47-52.

were prepared to enter into a working relationship with the arm of the FARC which was operating in the region throughout the 1970s and 1980s.¹⁸⁶ However, if such a working relationship existed, it was apparently short-lived; in the early 1980s, tensions and violence among the indigenous peoples, the landowners and the FARC deepened. Rejection of the guerrilla cause unleashed further violence on the part of the FARC.

The Paez and Guambiano territories of southwestern Colombia rapidly became a war zone. Land invasions, extortions, kidnappings, demands for ransom, among many other forms of violence increased despite the [ceasefire agreement FARC had signed] with the national government. Assassinations increased...¹⁸⁷

Since the early 1980s, indigenous communities in Cauca have publicly attempted to disassociate themselves from the guerrilla groups. The following declaration by CRIC, published in the organization's newsletter, Unidad Indígena, reflects their position in relation to the M-19 guerrilla group:

Indian organizations know that the interests of Indian people and our struggle are not compatible with the war now carried on by armed groups. We reject the war in Indian communities and territories that these guerrilla groups want to

¹⁸⁶Jorge Osterling posits that numerous Indians joined the FARC guerrilla forces, who became the maximum authority in the Cauca region for a number of years; he also suggests that the FARC forces supported the numerous land invasions undertaken by indigenous peoples in an effort to regain lost resguardo territory. Conversely, however, the FARC also "began extorting landlords, demanding money to protect either their lives or property." Osterling, op. cit., p. 323.

¹⁸⁷Osterling, op. cit., p. 324.

impose on us by force, in clear violation of the rights of autonomy of Indian communities. The M-19 falsely maintains that it represents Indian interests based on the fact that some Indians are active in this group....those Indians act as individuals and not as members of the Indian communities."¹⁸⁸

As a result, reports suggest that both M-19 and FARC bitterly oppose the work of both ONIC and CRIC, "whose attitude towards these two major guerrilla organisations is unequivocal."¹⁸⁹

In the mid-1980s, however, an indigenous guerrilla organization, *Movimiento Quintín Lame*,¹⁹⁰ was formed in the Cauca region in March 1985, as an armed group purportedly for self-defence in response to the guerrilla activity in the area.

In effect, some Indian activists and their urban support groups had become convinced that neither the local political bosses nor the military would allow the Caucaño Indian peasantry to organize or seek redress of their grievances within the country's existing political structure."¹⁹¹

By April 1985, Quintín Lame had begun to operate in traditional guerrilla activities. For example, on 15 April 1985, it reportedly joined the Ricardo Franco guerrilla

¹⁸⁸From *Unidad Indígena*, November 1986, Bogotá, cited in Moody, ed., op. cit., Volume 2, p. 131.

¹⁸⁹Moody, "Campesinos and Indians," in Moody, ed., op. cit., Volume 2, p. 128.

¹⁹⁰Named for the famed Indian activist Manuel Quintín Lame (1883-1967); Lame's activities are partially chronicled in Castillo-Cárdenas, op. cit., esp. pp. 84-96.

¹⁹¹Bagley, op. cit., p. 55.

group in the short seizure of Toribio, in northeastern Cauca. Then, in June 1986, it publicly supported the creation of the *Coordinadora Nacional Guerrilla*, or CNG (National Guerrilla Coordinating Group). Quintín Lame has since remained an active member of the CNG.

Quintín Lame did not receive the national press coverage for spectacular guerrilla activities as had FARC or M-19¹⁹² due perhaps to its professed mandate of self-defence (rather than offense) and the general restriction of its operations to the Cauca region. At any rate, it is difficult to know the extent of its activities or its engagement with other guerrilla organizations. Throughout 1985 and 1986 it continued to operate as a small-scale guerrilla group; however, Osterling has speculated that "...due to its working relationship with the CNG and its strong influence from the M-19 leadership, the Quintín Lame has begun to more actively participate in national politics at the expense of fighting for the cause of the Paez and Guambiano Indians."¹⁹³

From an indigenous perspective, the participation of Quintín Lame in the CNG, and its treatment by the national government throughout the peace process – negotiating on equal terms as other non-indigenous guerrilla groups – was

¹⁹²Osterling, op. cit., p. 325.

¹⁹³Osterling, op. cit., p. 325.

viewed as an important achievement.¹⁹⁴ In May of 1990, following long negotiations with the national government, members of the Movimiento Quintín Lame surrendered arms as a part of the Peace Process.¹⁹⁵

The Context For Change

It has been argued that indigenous organization and articulation of demands have been key to the policy change in Colombia in the 1980s. However, there is a critical link between the expression of those demands and the wider expressions of unrest and violence which pervaded Colombian society during the same period. The shift in indigenist policy was linked to a more general shift in policy approach, as the 1980s were characterized by expressions of intense popular unrest, not only by indigenous peoples, but by the urban and rural poor in Colombia. In effect, Colombia was experiencing a crisis of state legitimacy.

Leon Zamosc has noted two circumstances which contributed to popular uprisings during this period: the deterioration of the economic situation, which led to a recession, and the easing of repression in the country.

In refraining from the punitive excesses of the 1970s, Betancur, and subsequently the Liberal president Virgilio Barco..., created favourable

¹⁹⁴Contreras, March 16, 1994, op. cit.

¹⁹⁵The Movimiento's surrender of arms is documented in the film, Un Proceso para la Paz: Movimiento Quintín Lame, World Council of Indigenous Peoples, May 1990.

conditions for the expression of much of the discontent that had been corked up during the previous years.¹⁹⁶

Thus, in the rural areas peasants campaigned for more inclusive policies based on their needs for land, infrastructure, credit and more services, as well as for economic diversification programs and marketing schemes. At the same time, indigenous peoples, under the auspices of ONIC and its member organizations, campaigned for policies which would offer them an improved social and economic situation but which would above all allow them control over their own development.

The repressive regime of President Turbay has been considered a major impetus to indigenous mobilization in Colombia. Indeed, the organization of ONIC in 1982 is considered in large part to have stemmed from Turbay's disastrous attempts to institute a new indigenist statute in the early 1980s.

The repression that accompanied the resistance to (and eventual defeat of) the statute encouraged various indigenous groups to coordinate their efforts and laid the foundations for the emergence of the ONIC.¹⁹⁷

Turbay's central aim was to eliminate guerrilla violence within the country; although his repressive methods were

¹⁹⁶ Leon Zamosc, "The Political Crisis and Prospects for Rural Democracy in Colombia," in Jonathan Fox, op. cit., p. 51.

¹⁹⁷ Pearce, op. cit., p. 135.

supported by party elites and other members of the dominant sectors, they were rejected by the popular sectors.¹⁹⁸

Conversely, Turbay's successor, Betancur, "...was sensitive to the public desire for initiative toward national pacification and a diminution of violence, as well as apertura for democratizing the entire political process."¹⁹⁹ Conciliation was thus the hallmark of Betancur's policy as he aimed to differentiate himself from Turbay. His initial success in negotiating truces with the FARC, EPL and M-19 guerrilla groups was to be followed by a national dialogue designed to reincorporate members of these organizations into nonviolent civilian life. Betancur also set out to develop concrete measures for the achievement of political democratization; these included proposals calling for political and administrative decentralization and electoral reforms, which would, for example, permit the direct election of mayors for the first time.²⁰⁰ As part of Betancur's pacification process, the FARC was able to participate in the elections of May 1986; the Union Patriótica (UP) was created as an electoral arm of the FARC. Although their participation was not extensive and drew some

¹⁹⁸Francisco Leal Buitrago, "Structural Crisis and the Current Situation in Colombia," Canadian Journal of Latin American and Caribbean Studies, Vol. 14, No. 28, 1989, p. 33.

¹⁹⁹Martz, op. cit., p. 31.

²⁰⁰Many of these reforms were implemented under Barco with the direct election of mayors in March 1988.

violent reaction, it was a significant event in Colombian politics. "What it meant in practice was the encouragement of participation by nontraditional forces ...(other than Liberals and Conservatives), notably including the Colombian left."²⁰¹ Ultimately, however, Betancur's dialogue was a failure.²⁰²

Barco's election in 1986 occurred in the midst of growing social unrest and violence, related especially to drug trafficking and guerrilla activity in the country. In response to the political crisis that gripped the country in the mid-1980s, President Barco undertook to institute reforms which would "bring back the government's legitimacy and...restore faith in its institutions."²⁰³ The emphasis of the Barco government was on regaining stability; it was hoped that reform proposals focusing on poverty alleviation as well as agrarian and labour reform would alleviate social disarray that was especially prevalent in marginal areas of the country.²⁰⁴

²⁰¹Martz, op. cit., p. 33.

²⁰²By the end of 1985, in the last few months of the Betancur administration, two of the three truces he had negotiated fell apart. M-19's takeover of the Palace of Justice and the subsequent army retaliation in November further undermined Betancur's achievements.

²⁰³Pearce, op. cit., p. 30.

²⁰⁴In particular, the National Rehabilitation Plan designed by the Barco government stated as its policy to invest in depressed regions and sectors of the population, especially in areas where guerrillas and other opposition groups had gained strength due to the absence of state power. Leal Bultrago, op. cit., p. 40.

Zamosc has interpreted the peasant mobilizations of the 1980s as "a clear bid for political incorporation."²⁰⁵ The consultative process initiated by Betancur and the institutional changes begun by Barco signify important attempts to develop a more inclusive system. The impact of this shift upon indigenist policy is significant. For the most part, the approach of the Colombian government in the last decade has been to take the route of increasing indigenous political participation within the national system.

The key manifestation of this participation is a direct result of the process to reform the nation's Constitution of 1886 which was initiated by Barco's government, and which led to the institution of the new Constitution of Colombia by César Gaviria's government in 1991. The constitutional reform process was undertaken, like other political reforms in the late 1980s, in response to a widely perceived need for broad institutional and political reforms.²⁰⁶ The unprecedented official participation of indigenous leaders in the Constituent Assembly which led to the establishment of the new Constitution was only one of the hallmark

²⁰⁵ Zamosc, op. cit., p. 30.

²⁰⁶ In the May 1990 plebiscite, Colombians voted overwhelmingly to reform the 1886 constitution; moreover, the plebiscite originated largely from the activism of Colombian students during the congressional elections of March 1990. See Jayni Edelstein, "Colombia: Impact of the New Constitution," International Commission of Jurists Review, No. 47, December 1991, pp. 1-9.

achievements for indigenous groups.²⁰⁷ In addition, for the first time, the Constitution protects the rights of indigenous peoples – as well as women and "other minorities" – by reserving congressional seats for these groups.²⁰⁸

The potential benefits of the constitutional change for indigenous peoples materialized with the election of three indigenous people – although the new Constitution of Colombia provided for only two seats – in the elections of October 1991.²⁰⁹ In their positions in Congress, the leaders have committed to voicing indigenous issues: "the right to their lands and cultural recognition; recognition of their own judicial system based on traditional indigenous laws; the right to self-government and an education system that recognizes the indigenous cultural values."²¹⁰ In particular, the election of Anatolio Quirra through

²⁰⁷The composition of the Constituent Assembly is considered unique in Colombian history: "For the first time in Colombian history, a national public body included representatives of ethnic, religious and political minorities: a Guambiano and an Emberá Indian, an evangelical pastor, and nearly three dozen ex-guerrillas from the April 19th Movement (M-19), the Popular Liberation Army (EPL), the Revolutionary Workers Party (PRT) and the armed Indianist group [Movimiento] Quintín Lame." Jaime Arocha Rodríguez, "Afro-Colombia Denied," Report on the Americas, Vol. 25, No. 4, February 1992, p. 29.

²⁰⁸Peter B. Heller (trans.) "Colombia," in Albert P. Blaustein and Gisbert H. Flanz (eds.) Constitutions of the Countries of the World, (New York: Oceana Publications, Inc., November 1991), p. ix.

²⁰⁹Gabriel Muyuy Jacanamejoy and Floro Alberto Tunubalá Paja were elected to the two seats provided by the new constitution; the third indigenous member of Congress to be elected was Anatolio Quirra, former leader of CRIC who was elected in the department of Cauca. IWGIA Yearbook 1991, Copenhagen, 1992, p. 57.

²¹⁰IWGIA Yearbook 1991, op. cit., p. 57.

"regular" channels in the Department of Cauca is an especially encouraging sign of the growing strength of the indigenous voice in Colombia.²¹¹

Analysing the Change

The constitutional gains of indigenous peoples in Colombia have not come without criticism. In particular, Afro-Colombians – who represent up to 30 percent of the Colombian population, in comparison with the approximately 2 percent of Colombians who are indigenous²¹² – dispute indigenous claims to a specific identity and special rights based on territorial, historical, social, legal and political credentials in "such sensitive matters as political autonomy, the exercise of traditional communal territorial rights, the consolidation of unique familial, social and community organizations, and the rational management of the environment."²¹³

²¹¹Optimism on this point has been expressed by representatives of the World Council of Indigenous Peoples. Rodrigo Contreras, March 16, 1994, op. cit.

²¹²Supra note 103, Chapter Three.

²¹³Rodriguez notes the territoriality which blacks have exercised on the Pacific and Caribbean coasts, the Patia Valley and the northern plains of the Cauca river; the strength of black organization in these regions; the "300 years of subversive flight" known as *marronage* by which blacks established control over much of Magdalena, Cauca and Patia river valleys and the Pacific Coast; and the clandestine political organizations blacks in the country have maintained since the sixteenth century. Rodriguez, op. cit., p. 30.

Predictably, the extent to which policy change has been accompanied by meaningful social change is negligible. Incidents of violence and land invasion continue to be reported by indigenous groups throughout Colombia. In the same 1991 newsletter in which the election of indigenous members of congress was announced, details of the murder of 20 Paez Indians in Cauca were recounted.²¹⁴ In addition, there is evidence that the overall development aims of the Colombian government do, in certain areas, contradict the stated aims of the national indigenist policy. In particular, PLAIDECOP, the plan for the development of the Pacific Coast of Colombia has been sharply criticized by indigenous groups.²¹⁵ The Emberá-Waunaa, Katio and Kuna peoples of the Chocó department argue that PLAIDECOP threatens their existence as well as the existence of the coastal rainforest. Thus, in spite of the political gains for indigenous peoples, the economic aims of the country's technocratic elite continue to undermine indigenous claims for autonomy in areas like the Pacific basin.

Moreover, the issue of indigenous identity is perhaps more controversial than ever before. The pervasive

²¹⁴IWGIA Yearbook 1991, op. cit., p. 57.

²¹⁵In particular, plans to construct a new section of Panamerican highway through the Chocó region, as well as authorization for the Maderas del Darien company to 303,000 metres³ of lumber from the region have gone ahead without indigenous consent. See "South America," The IWGIA Yearbook 1992, Copenhagen, 1993, esp. pp. 77-78.

mestizaje doctrine has meant that many non-reservation Indians consider themselves, or are considered by society, to be mestizo rather than indigenous. With the recent political gains made by indigenous peoples, this may change.

Cortes explains the problem from the point of view of a CRIC activist:

The strengthening of Cabildos and the land recovery struggle caused new conflicts. A growing number of Indians were rejecting their identity and acquiring economic, social, cultural and ideological characteristics which distinguish...[them] from the indigenous mass. For them, the idea of 'returning to the reservation' and living under the Cabildo authority was unacceptable.²¹⁶

This is a problem yet to be resolved within the indigenous movements of Colombia. Now that the outdated indigenist statute of Colombia has been transformed via policy amendments and the constitutional recognitions of the last decade or more, the issue of indigenous identity – who is an indigenous person in Colombia – is something that no doubt must be overtly addressed in the near future.

Indeed, Stefano Varese rejects the notion that Indian identity evaporates when an indigenous person is exposed to the "modern world." As he explains:

[There is a] new sociology of the native peoples of Latin America – transnationalized, urban, proletarian, border-crossing, bilingual and trilingual, professional – [which] poses a direct

²¹⁶Cortes, op. cit., p. 154.

challenge to established anthropological tradition."²¹⁷

Clearly, many questions concerning indigenous identity remain to be resolved. On the other hand, they represent an important break on the part of indigenous peoples themselves from the tradition-bound categorization to which they have historically been subjected, and begin to hint at wider possibilities for potential relationships of peoples and states in the coming decades.

Incorporationism or Self-Government?

The impact of the new policy orientation and, indeed, of the new constitution in Colombia remains to be seen. On one level, there is little doubt that the juridical and administrative structure to which indigenous peoples are subject is clearly more favourable in relation to indigenous aims than at any time since the conquest. However, it is less clear whether the changes provide a real response to indigenous demands for increased autonomy. The present policies, as effected under the Barco and Gaviria governments, constitute a combination of incorporationist policies and those which allow for and even encourage the autonomy of indigenous communities. The current task, both in Colombia and around the world, is to attempt to formulate

²¹⁷Varese, op. cit., p. 16.

the current tension between incorporationist ideologies and indigenous autonomy into a workable combination.

It must be reiterated that indigenous conceptions of self-determination are far from monolithic. In the interest of policy applications, Maivân Clech Lãm has usefully subdivided the goals of indigenous peoples into immediate, intermediate and long-term goals.²¹⁸ Immediate goals generally apply to cases in which a group's survival is "imminently threatened," as for example in the Amazon or Pacific basin of Colombia today. In these situations the primary goal is generally not only physical survival but also cultural and community survival. Often these cases gain international attention and intervention is sought from outside groups, as for example in the Planas Affair. Intermediate goals, on the other hand, generally have the objective of holding states accountable to international standards of respect and protection for indigenous lands, resources, and cultures.

As may be expected, long-term goals tend to be those associated with self-determination. Survival and control over development are central to each level of goal-setting; however, objectives at any given time are necessarily determined by the potential for their fulfillment. Accordingly, indigenous leaders in Colombia are, at present,

²¹⁸See Lãm, op. cit., pp. 607-608.

focused on maximizing their recent political gains.²¹⁹ Leaders of both ONIC and CRIC as well as many other organizations in the country are advocating electoral participation as an avenue to achieving long-term goals. With the progress made during the course of the Barco and Gaviria governments' efforts to transform Colombia into a more participatory democracy, indigenous leaders are working to develop a stronger voice with the new political means that have been provided to them through constitutional change.

A second concern relating to indigenist policy relates to the ability of the Colombian government to enforce it. The Colombian government has recognized the need to change its image both at home and internationally. However, there is a fear that reformers have been too optimistic in their view that the Colombian government is capable of reforming itself. As Gabriel García Márquez has observed:

I believe that we are acting, thinking, conceiving and trying to go on making not a real country, but one of paper. The Constitution, the laws...everything in Colombia is magnificent, everything on paper. It has no connection with reality...²²⁰

The current decade poses a real test for Colombia. As the national government attempts to regain its legitimacy through institutional reforms, many voices are making

²¹⁹Contreras, March 16, 1994, op. cit.

²²⁰Gabriel García Márquez, in Semana 20 March 1989, cited in Pearce, op. cit., p. 11.

demands. Meanwhile, the Indigenous National Organization of Colombia is fighting to mobilize the voices of the country's indigenous peoples. The policy response of the government has been an important move toward more meaningful participation of indigenous peoples in the national society, in a way that even provides some recognition of the distinctive status of indigenous peoples. The effect for indigenous peoples is a strengthening of socio-economic and political position, which will not only enhance their ability to fight for their physical and cultural survival, but will improve their bargaining stance in terms of their longer-term goal of self-determination.

CONCLUSION

This study began with an interest in the remarkable developments in indigenist policy in Colombia in recent years. In spite of the country's reputation for violence and social fragmentation, since the mid-1980s, indigenist policy has been characterized by a focus on preservation of lands traditionally inhabited by indigenous peoples, provision of basic social services, protection of fundamental rights and development of mechanisms to enhance indigenous participation in policies which affect them. This study set out to pinpoint the reasons behind such apparent progress of indigenist policies in Colombia and to determine to what extent the policy changes effectively address the demands of indigenous peoples for greater autonomy.

The broad theoretical question in the paper thus focussed on the issue of indigenous self-determination. Evaluating Colombian policy depended on some kind of understanding of indigenous self-determination – not only as it has been understood or applied by the dominant schools of international law or international development, but as it is understood by indigenous peoples who demand what they see as their fundamental right. What became apparent as research progressed was that while the fate of indigenous peoples around the world has been seemingly inexorably tied to the

nation states in which they reside, there are numerous elements relating to indigenous identity which demand that their concerns and aspirations be viewed as quite distinct from the nation state. Indeed, it is precisely the modern preoccupation with the nation state which has placed indigenous demands for self-determination at the margins of policy priorities not only within individual nation states, but at the international level as well. Indigenous peoples have typically been viewed as "communities" or "minorities" rather than "peoples" with full rights to autonomy.

It is for this reason that I chose to present my examination of the Colombian case in the light of a broader theoretical examination of the issues of indigenous self-determination, sovereignty, and the nation state. For while the aspirations of indigenous peoples remain tied to the political and legal powers of the nation state, the strength of a growing international movement indicates that a new era in indigenous issues is on the horizon. This study has attempted to address the tension between indigenous movements as both sub-national and a supra-national forces. Increasingly, these movements are being understood as non-national forces. However, for the time being, the relationships between nation states and indigenous peoples continue to be crucial determinants of indigenous development.

It has been a central purpose of this study to highlight these relationships and their outcome, over time, on indigenous development. Part One of this paper is an explicit examination of indigenous issues as they relate to, and are defined by, the state. While focussing on the nation state's role in the development of indigenous politics, Chapters One and Two also attempt to depict indigenous peoples as *non-state* actors, rather than sub-state actors. The examination of Colombian policy in Part Two highlights the degree to which indigenous development continues to be very much a product of events and ideologies at the nation state level. Colombia, having undergone the dramatic changes of the last decade, provides a convenient venue in which to analyze the potential for broader change.

The Colombian Case

Colombia provides a fascinating case in indigenist policy. At the same time that the country has undergone a severe political crisis characterized by intense violence and social fragmentation, the government has undertaken reforms which, on the surface, seem sweeping. However, analysis suggests that it is the very vulnerability of the Colombian state in the face of political disintegration that has forced it to attempt to bring about stability within its borders. The hallmark of the Betancur, Barco and Gaviria regimes has been an effort to create a more inclusive

system. The legislative efforts of Barco and the constitutional reform of Gaviria mark a step in this direction. The question remains: Will Colombia eventually accommodate greater autonomy for indigenous peoples within its borders? Will it be possible not to do so?

It is clear from this analysis that indigenous policy gains did not occur independently of broader public policy reforms in Colombia. As the analysis in Chapter Four has shown, the development of a severe political and social crisis in the country precipitated an outpouring of dissatisfaction by Colombians and an undermining of the legitimacy of the state. Indeed, the violence and disarray which accompanied the crisis of the earlier 1980s amounted, in many respects, to a crisis of the Colombian state. The policy reforms of the mid- to late-1980s reflect an attempt on the part of Colombia's political leadership to restore stability in the country and, above all, to reestablish the legitimacy of the state. Clearly, the ability of Colombian indigenous leaders to exact policy reforms from the government speaks to their effectiveness as lobbyists for indigenous concerns.

It is necessary to ask, in this context, whether the reforms to indigenist policy which were brought about in this period were simply an incidental outcome in the pattern of cooptation which has characterized Colombian politics. As indicated in Chapter Four, a number of factors combined

to bring about change in Colombia. First, attempts by state leaders to integrate the marginal areas of the country, including indigenous areas, into the dominant society repeatedly failed. Second, indigenous rejection of integrationist development projects and policies was strengthened by the mobilization of indigenous communities into organizations in the 1970s and 1980s. Finally, the political destabilization related to drug-trafficking and guerrilla warfare caused state leaders to seek out the support of both peasant and Indian groups in a bid to regain legitimacy. The combination of factors which led to the policy reforms of the 1980s suggest that there is a circumstantial element which mitigates the degree to which this may be considered a long-term achievement for indigenous peoples.

However, there is growing evidence which indicates that the Colombian reforms are not merely a result of circumstance. First, indigenous organizations in Colombia are exceptionally strong.²²¹ The involvement of indigenous people in guerrilla movements, as outlined in Chapter Four,

²²¹While an in-depth examination of the strength of Colombian indigenous organizations as social movements is beyond the scope of this paper, the strong roots of organization in Colombia, particularly in the Cauca region, are well-documented elsewhere. Cortes, op. cit., makes this point repeatedly in his examination of the CRIC. Castillo-Cárdenas, op. cit., gives a fairly comprehensive outline of the numerous ways that resistance was expressed in the nineteenth and twentieth centuries in Colombia. See also, "Colombia: Daughters of the Countryside," in Moody, op. cit., which outlines the role of women in the indigenous resistance in Cauca.

is a particularly dramatic example of the depth of indigenous resistance in the country. Second, and perhaps more important over the long term, are the linkages of the Colombian indigenous movement to a growing international movement. As Cortes argues, "The internationalization of the Indian movement is an important characteristic associated with a common history and with an identity and solidarity which transcends the frameworks of Latin American republics."²²² The gains made at the international level reflect changes in the way that the indigenous-state relationship is being generally conceptualized, as well as concrete achievements in the international legal arena. In the United Nations Working Group on Indigenous Affairs there is a growing acceptance that the term "indigenous" denotes a specific legal, social and political category which cannot be captured under the rubric of "nation state" or "minority."

In this light, there is greater reason for optimism in assessing the Colombian case. Increasing international attention now focuses on both the policies and practices of individual state governments, diminishing the potential for a complete back-slide in Colombia. In an era of growing international economic interdependence, international pressures regarding issues like human rights or democratization are linked to trade prospects; Colombia in

²²²Cortes, op. cit., p. 58.

particular is desperately trying to improve its image internationally, largely for economic reasons. As Noel Dyck notes in his analysis of indigenous-state relations, the "politics of embarrassment" utilized by indigenous peoples in numerous countries have been surprisingly effective.

Moreover,

The demonstrated persistence of indigenous peoples in resisting assimilation and opposing unpopular government initiatives, combined with increasing official recognition of special rights, pose formidable problems for national governments in the future — difficulties of which government leaders are becoming aware.²²³

Linkages and Limitations

This essay has explored the issues of indigenous identity and demands as they relate to the structure and unity of the modern nation state, using the Colombian case as an example. It must be stressed that there are certain limitations to the links between the theory and the case in this study. As the above discussion indicates, it is difficult to argue definitively what the ultimate results of the policy reforms will be for indigenous peoples in Colombia, let alone world-wide. However, there are a number of elements present in the Colombian case which point to certain overall trends regarding indigenous development.

First, it is significant that recent indigenous successes in Colombia have been born not only out of strong

²²³Dyck, op. cit., p. 14.

indigenous mobilization but also out of a crisis of state legitimacy. Much emphasis in Chapter Two was on the role that nation-building played in the strengthening and legitimization of the nation state as the primary vehicle for identity, and Chapter Three revealed the way that this was played out in several decades of development in Colombia. Today, however, there is a serious questioning of the role of the state. Peoples and other sub- or non-state actors are making demands which ultimately require re-examination of the notions of sovereignty, identity and citizenship. Moreover, the transnationalization of many issues has created still more new levels of organization and interaction at a global level. The overarching result is less consensus that the nation state is necessarily the only or the primary mode of organization and identity.

One of the difficulties apparent in the Colombian case, which also applies elsewhere, is that indigenous demands for autonomy have repeatedly been displaced by the concepts of territorial integrity and the primacy of the nation state. However, the growth of the international indigenous movement and the resurgence of ethnic demands world-wide reflect a transformation of the relationship between peoples and states. As Myron Weiner has argued:

The struggle for status by ethnic and religious communities is a powerful contemporary form of...[a] quest for equality, an equality based not simply on income and wealth but on the less tangible elements of cultural, linguistic and religious autonomy, group-pride, collective self-

esteem, recognition and respect by others, and in the exercise of political power."²²⁴

It will be the task of governments and indigenous peoples to find ways to reconcile the "paradox of nationalism" through innovative political and legal instruments. The efforts of the Colombian government, born out of political necessity, appear to mark a step in this direction.

This paper has questioned the longevity of the state as the primary vehicle for political and social identities. At the same time, it is important to recognize that reconceptualizing need not amount to destruction. The question is whether or not the state as a political entity has the capability to respond to indigenous visions of "simultaneously connected and distanced relationships between peoples and their surrounding states."²²⁵ What would seem to be required, argues Craig Scott, "is that sovereignty be reconceptualized as something that is no longer the sole prerogative of states."²²⁶

One of the primary difficulties in formulating conclusions is that much of what is happening in the area of indigenous self-determination is very new. International groups have dedicated several decades to working for human rights and equality for indigenous peoples. It is only in

²²⁴Weiner, op. cit., p. 318.

²²⁵Lam, op. cit., p. 25.

²²⁶Scott, op. cit., p. 11.

recent years that attention has been given to the longer term goal of self-determination. Considerable work is being done on new forms of association by international lawyers and by the United Nations Working Group on Indigenous Affairs.²²⁷ Increasingly, however, the visions of indigenous peoples are being asserted more strongly both in the Working Group as well as at national levels. Indeed, as indigenous philosophy has begun to receive greater respect worldwide, so have indigenous conceptions of societies of the future.

²²⁷See Erica-Irene A. Daes, "On the Relations Between Indigenous Peoples and States," Without Prejudice: The EAFORD International Review of Racial Discrimination, Vol. 2, No. 2, 1989, pp. 41-52.

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