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The Polemical Encounter of Two Worlds

When Cortés conquered Tenochtitlan almost five hundred years ago, the chronicler Bernal Díaz del Castillo wrote some years after the deed that had it not been for Malintzin, an Indian woman who served Cortés as interpreter, the conquest of the fabulous Aztec empire might not have taken place. Malinche, as she came to be called, has since been portrayed in Mexico's nationalist historical accounts as a traitor to her people and the term *malinchismo* became synonymous with kowtowing to foreign interests and selling out one's country.

But times have changed: recent appraisals have rewritten the story and now Doña Marina, as she was baptised before Cortés gave her in marriage to one of his followers, is hailed as the first exponent of an inter-cultural dialogue that has lasted for half a millennium, a cultural heroine before her time, who was able to navigate her way among different languages, civilisations and religions better than any of the accompanying males. She has been turned by some admirers into a feminist icon, the advisor of warrior-chiefs, the interpreter of conflicting interests, the mediator between clashing ideologies and — why not? — the primal mother of a new race: the Mestizos who came to dominate the history of Latin America in later centuries. Times have changed indeed.

Indian heroes and Indian villains have populated Latin America's symbolic universe for 500 years. Whereas Túpac Amaru rose against the Spanish overlords in Peru in the late eighteenth century attempting to reconstruct the Inca kingdom, Benito Juárez, a son of the Zapotec nation as he described himself, became president of Mexico in the mid-1800s, fought the French empire and has since been revered as one of nationalist Mexico's great civic heroes. He also decreed the disappearance of the communal lands and territories of Indian communities in the name of progress, sentencing most of the country's peasant population to ruin, poverty and despair.

Ten years ago the world commemorated Columbus' fateful voyage in 1492, and the event gave rise to acrimonious international debates. There were the Hispanophiles who wished to celebrate the five hundredth

anniversary of the 'Discovery of America' and Spain's 'civilising mission', and there were the Hispanophobes who denounced the European invasion that resulted in the genocide of millions of natives in the Americas. Historians waged academic battles over the matter, and the media jumped gleefully into the fray. A compromise was reached to name the event the 'Encounter of Two Worlds', which gave satisfaction to no one but allowed the United Nations solemnly to celebrate the occasion at the General Assembly. Indigenous peoples, who had not been consulted about the matter, spoke prophetically of '500 Years of Resistance' and succeeded, as a consolation, in having the UN proclaim the International Decade of Indigenous Peoples (1995–2004).

1992 is also the year Rigoberta Menchú was awarded the Nobel Peace Prize for her contribution to the struggle for peace and human rights carried out under conditions of great adversity in Guatemala. Her widely read memoir, *I, Rigoberta Menchú*, became a world bestseller and placed the desperate situation of the Maya people in the limelight of international attention. Yet a few years later a storm broke over Rigoberta and her *testimonio*, when a US anthropologist challenged the factual accuracy of her account. The controversy fuelled the culture wars in US academe and was eagerly picked up by those who were determined to delegitimise the claims of Guatemala's Indians to justice and dignity. What right had a semi-literate young Maya woman to question official truths? In a curious twist of logic, the victim became a culprit and her advocates dupes.[1]

From Malinche to Menchú, the natives of Latin America have always been seen as a 'problem' by members of the dominant society, who typically refuse to recognise that it is this very society that constitutes an unresolved 'problem' for millions of indigenous people in the region. Yet in the tangled web of fact and fiction, legends and lies, memory and myth, resistance and rebellion, indigenous peoples have re-emerged in recent decades as new historical subjects, assertive actors in those fragile and incomplete democracies that brave the tempests of globalisation.

Whilst during the colonial period indigenous peoples had a fixed status in society, ever since the emergence of the region's independent republics, they have been involved in an uneasy and ambiguous relationship with the state and its institutions. As Latin American countries enter the new millennium, they are now faced with the task of reassessing this relationship in the light of the new emerging Indian identities that articulate old griev-

1 See Arturo Arias (ed.) (2001) *The Rigoberta Menchú Controversy* (London: University of Minnesota Press), p. 418.

ances and express new demands. The once fashionable theories of social change, modernisation and nation-building which dominated social science thinking for over a half-century are now being challenged by the new social movements of indigenous peoples and their developing political ideologies. Will the new millennium bring redemption at last or are we only witnessing one more of those passing social trends that rise and wane in response to external circumstances? Let us attempt to fill in the picture on this amazing development.

Ever since the Europeans first came to the shores of the American continent to conquer and settle, indigenous peoples suffered discrimination, exploitation and racism. Much of the colonial wealth of Europe was based on the use of Indian labour in the mines and fields. Indigenous cultures were destroyed or subordinated to the dominant Hispanic Catholic mould. In some parts of the continent widespread physical destruction of indigenous societies took place, which is today referred to as genocide. Whereas the Spanish colonial empire adopted certain measures for the protection of its native vassals, they were decimated as a result of military conquest, ecological destruction, forced labour and the lethal epidemics introduced by the invaders.

The nineteenth century brought Independence and a new legal and political system in which Indian populations in most countries were recognised as equal citizens. Nevertheless, the expansion of agrarian capitalism and the modernisation of the economy did not bring them many benefits. On the contrary, numerous indigenous communities lost their lands and were forced to provide servile labour on the large estates. Despite holding legal citizenship rights, they were in fact excluded from equal participation in the economic, social and political system. Special legislation often placed them at a disadvantage in relation to the rest of society and in some countries, Indians were treated as minors and legally incompetent until recently.

When the Spanish-American republics achieved their political independence in the early nineteenth century most of them were populated by a majority of Indians, but the power holders were the *criollo* elites, the direct descendants of the Spanish colonial ruling class. Indians remained, as it were, at the bottom of the heap. Indian oppression in the new republics was twofold. On the one hand, the landowning oligarchies that spread out and consolidated their economic power during the nineteenth century reaped the benefits of the privatisation of crown lands, ecclesiastical estates and traditional holdings of the Indian communities. Soon the remaining Indians were pushed into frontier areas, inaccessible mountain ranges, arid waste-

lands and impenetrable jungles, while the new *latifundistas* and *hacendados* (large estate owners), and in later years waves of immigrant settlers, took over the best acreages and pastures. In some areas the land was cleared *manu militari* in genocidal 'pacification' campaigns. Generations of Indian peasants were forced into peonage and forced labour, and eventually into rural migration circuits and out-migration, a process that has not yet ended.

By the twentieth century, micro subsistence holdings and landlessness had become characteristic of the Indian peasantry, leading to agrarian uprisings and to multiple experiments with land reforms. Let us only recall the Mexican and Bolivian revolutions, Guatemala, Peru, the Alliance for Progress of the Kennedy years — designed to stem the appeal of the Cuban revolution — Nicaragua, Chile during the Allende government and so on. Sometimes Indian communities did indeed receive some land and benefits, in others land reforms simply passed the Indians by. Consequently, access to land has become a major claim of indigenous organisations and the subject of continuous disputes between Indian communities and the state in much of Latin America.

A second feature that definitively marked the situation of indigenous peoples within the state was the non-recognition of Indian cultural and social identity as part of national society. The founding fathers and intellectual elites of the fledgling republics grandly ignored demographics and based the projects of their national societies on their self-perception as a Western, Catholic, racially European people. Indians and Blacks were excluded from this project. These ruling groups tried hard to be accepted at the court of Western civilisation and to build nations in the image of Western political and economic models. They borrowed their legal systems and public administrations from Spain and France, their political constitutions from the United States, their economic liberalism from Great Britain, their military codes from Prussia. They wished to improve their racial stock in true Darwinian fashion and imported immigrant settlers from Europe. Indians and Africans were considered a burdensome obstacle to nation-building. Wherever it was impossible or too cumbersome to eliminate the latter physically, they were either segregated in the back lands to wither away or remain as an inexhaustible supply of cheap labour, or else they were forced or encouraged to shed their evil cultural ways and become 'nationalised' as it were, that is, to turn into useful citizens of the state according to the hegemonic cultural model.

Indians, Mestizos and State Policies

Moreover, the *criollo* elites were gradually challenged by the growing Mestizo population, who came to occupy the ethnic middle ranks and frequently became identified with middle-class political parties and nationalist politics. Indians and their cultures were expected to disappear. Acculturation and *Ladinoisation* (becoming Ladino or Mestizo) were seen as inevitable processes, a part of the general tendency towards modernisation. The latter alternative became official *indigenista* policy in the twentieth century, when governmental programmes stressed assimilation and integration of the indigenous through communications and road-building, the market economy, education and community development.

Indigenismo became the domestic expression of assertive nationalism and populism in the twentieth century. It was, during the early decades, a generous, inspiring, progressive ideology. Its proponents, mainly Mestizo anthropologists, were convinced that they were not only serving their countries well but helping the indigenous overcome their many limitations on the way to becoming modern useful citizens. Directed culture change and applied anthropology were the conceptual tools necessary for this grandiose enterprise: soon our countries would become modern and Indians would be only relics of a picturesque past. Indeed, magnificent museums — such as the one in Mexico City — were built to pay homage to the great dead civilisations of the past and to symbolise the strong roots of the contemporary Mestizo nation.

As defined by the then prevailing nationalist ideologies which had arisen during the preceding century, the urban Mestizo middle-class intellectuals and their political offshoots usually rejected outright the indigenous components of the national culture and actually saw no future for them, except in an idealised past whose privileged locus turned out to be the museums, and more recently as an instrument for earning foreign exchange in the form of tourism and handicrafts. *Indigenismo* evolved into a set of social policies intended to 'integrate' the numerous Indian communities and tribes into the life of the nation, as defined by the governing elites. It has always been the instrument of the national state for dealing with the Indians, rather than a process whereby the Indians themselves could determine their own destiny.

Latin America's ruling classes, unable to wish Indians away, have always been quite happy to build nations without Indians. To their discomfort, as the new millennium unfolds, not only are indigenous peoples still there —

and their numbers are rising — but they are actually challenging the very model of the nation-state that the ruling groups have been trying so conscientiously to build up.

The Rise of the Indigenous Movement

Who are the Indians in Latin America, and how many are there? Whereas criteria used in definitions vary from country to country and census data are notoriously unreliable, knowledgeable estimates consider that there are over 400 different identifiable Indian groups, with a total population of close to 40 million, that range from some numerically insignificant, almost extinct jungle bands in the Amazon to multi-million strong peasant societies in the Andes. Mexico has the largest indigenous population in Latin America, of between 12 and 15 per cent of the total population of around 100 million. In Guatemala and Bolivia Indians constitute the majority of the national population, and in Peru and Ecuador they come close. Though Brazil's Indians represent less than one half per cent, as the original inhabitants of the Amazon basin they have played a significant role in recent years, resisting encroachment upon their territories, claiming land rights and political representation, struggling for the preservation of the Amazon environment and achieving their incorporation into the new Brazilian Constitution adopted in 1988.

The rise of indigenous organisations over the last three decades may be considered both as a cause and effect of the transformations occurring in the public sphere regarding indigenous peoples in Latin America. Back in the 1960s there may have been only a handful of formal organisations created and run by indigenous persons and pursuing objectives of interest to indigenous peoples as such. By the turn of the century we are speaking of many hundreds of such associations, of all types and kinds: local level organisations, inter-communal and regional associations, formally structured interest groups, national-level federations, leagues and unions, as well as cross-national alliances and coalitions with well developed international contacts and activities. Indigenous organisations, their leadership, objectives, activities and emerging ideologies, constitute a new kind of social and political movement in contemporary Latin America.

One of the earlier successful organisations is the Shuar Federation, established in the early 1960s to protect the interests of the various dispersed Shuar communities in the Amazon lowlands of eastern Ecuador. The Shuar decided to form their federation to defend their land from encroachment by

outside settlers and commercial interests, and in the process discovered that the struggle over land rights could not be separated from their survival as an ethnically distinct people with their own traditions and cultural identity.

Similar organisations emerged during the 1970s in several other countries, and they consolidated their activities during the 1980s. While often community based, some were able to build larger units, involving an increasing number of local communities and emphasising ethnic identity as a unifying bond and a mobilising agent. A number of ethnic organisations began to appear on the political scene, whose leaders would speak in the name of the ethnic group as such rather than for this or that particular rural community. This level of organisation was soon followed by region-wide associations involving several ethnic groups. Thus arose the Confederation of Indigenous Nationalities of Amazonic Ecuador (CONFENAIE), the Indigenous Association of the Peruvian Jungle (AIDESEP), the Regional Indigenous Council of the Cauca Valley (CRIC) in Colombia, the Indigenous Confederation of Eastern Bolivia (CIDOB) and many others. They all held their congresses, published their manifestos and platforms, addressed petitions to state and national governments, as well as the international community, and often organised militant actions such as protest marches, demonstrations, sit-ins, land occupations, active resistance or initiated legal proceedings and lobbied legislatures and public officials to further their various objectives.

A more recent level of organisation became the countrywide indigenous confederation. Again, the Ecuadorean Confederation of Indigenous Nationalities (CONAIE) has been at the forefront of political activity by organising two major peaceful indigenous 'uprisings' in Ecuador in 1990 and 1993 that practically paralysed the country and forced the national government to negotiate with the indigenous peoples over agrarian and other issues. Later they organised their own political party, and in January 2000 they joined a group of army officers, staged a coup and ousted an elected president. They had finally arrived in Latin American politics.

The Brazilian Union of Indian Nations (UNI), made up of numerous Amazonian tribes, played a crucial role in the political discussions leading up to the drafting of the chapter devoted to indigenous peoples in the 1988 Brazilian Constitution. Similarly the Organización Indígena de Colombia (ONIC) took an active part in the national political debates that resulted in Colombia's new Constitution of 1991, and indigenous movements were actively involved in the drafting of the new Venezuelan Constitution of 1999.

Indigenous organisations have also reached out beyond their country's borders to become involved in international activities. They regularly attend meetings in the United Nations and have actively supported the Declaration of Indigenous Rights (still at the drafting stage at the UN and in the Organization of American States), the establishment of a permanent forum on indigenous issues in the UN (which met for the first time in New York in May 2002) and the appointment of a Special Rapporteur on the Human Rights of Indigenous People by the UN Human Rights Commission. They have also successfully sued the government of Nicaragua in the Inter-American Court of Human Rights for a violation of their internationally and constitutionally recognised land rights.

Claims and Issues

A careful analysis of the declarations, resolutions and statements produced by these organisations and congresses would show a progression of ideas and a sequence of issues of concern to their members over time. In earlier years, indigenous manifestos would remind the public at large of their historical victimisation and their secular poverty, and demand some kind of overall retribution and justice from governments. At the same time, a persistent theme in many of these documents was a certain idealisation of the Indian pre-Columbian past, depicted as a kind of 'Golden Age', a period without exploitation, discrimination and conflict, even as Indian cultures were described as morally superior to Western civilisation.

In later years, the demands put forth by indigenous organisations became more focused on specific issues such as land, agricultural credit, education, health, technical aid and investments in infrastructure, issues that the state is expected to solve. More recently, socioeconomic demands have been coupled with calls for autonomy and self-determination. Ethnic identity has become a rallying point for the indigenous movements, concern over the ecology is now a major issue of contention, particularly in the Amazon lowlands, and increasingly there are demands for legislative changes and compliance with recent international legal instruments, such as Convention 169 on indigenous and tribal peoples of the International Labour Organization and the draft UN declaration on the rights of indigenous peoples, already referred to above. At international meetings indigenous representatives are increasingly tabling constructive proposals involving new legislation and social and economic policies. Their new slogan appears to be 'From Protest to Proposals'.

Who represents the indigenous peoples? The traditional village elders are being displaced by a younger generation of cultural brokers. As more and more indigenous professionals appear, an intellectual indigenous elite has emerged in several Latin American countries that is becoming the lifeblood of the new organisations. Indigenous intellectuals are actively engaged in developing the new indigenous discourse that gives these organisations their distinctive identities. They are not only involved in formulating the political agendas of their movements, they are also rediscovering their historical roots, are concerned with language, culture and cosmology and becoming actively engaged in 'inventing traditions' and building 'imagined communities'. To the extent that this *intelligentsia* participates in national and international networks and is able to mobilise material and symbolic resources, indigenous intellectuals have become indispensable links in the process of organisation and mobilisation.

In Mexico, for example, the first formal indigenous associations beyond the local level were organised by Indian schoolteachers working for the federal Ministry of Education. They had been trained to teach in bilingual grade schools in Indian villages. A National Association of Writers in Indigenous Languages brings together native students of indigenous oral traditions as well as creative writers, most of who are at the same time employees of the government or active academics. During the tragic years of civil war and military repression in Guatemala, Indian mobilisation frequently took place through inoffensive-sounding associations for the preservation and study of Maya culture, by which an emerging Maya identity has become crystallised.

On the other hand, the indigenous leadership also draws support from the grass-roots, from local activists engaged in struggles against human rights abuses, or for land rights, or over environmental concerns, issues in which indigenous women are often especially active. Sometimes there appears to be a tension between the grass-roots activists and the intellectuals, because the former are concerned with more immediate issues and push for concrete solutions, whereas the latter are more involved in institution-building over the long term. Moreover, whereas indigenous intellectuals are contributing to the development of an 'Indianist' ideology and *Weltanschauung*, and also at times find themselves engaged in discussions with various other ideological tendencies in Latin America (nationalism, Marxism, liberation theology, Christian democracy, evangelical Protestantism), grass-roots activists do not have much patience for intellectual debates and are more interested in negotiating specific issues with 'the powers that be'

rather than aspiring to ideological coherence or purity. These various approaches, as well as other factors, have led to not a few disputes over organisational matters, strategy and tactics that sometimes give the impression of a very fragmented and factionalised indigenous movement.

A number of factors account for the rise of indigenous awareness and the emergence of these new social movements on the public scene. In the first place, mention could be made of the overall disenchantment with, and the failure of, traditional development policies that were assiduously pursued by national governments and multilateral organisations during the 'developmental' 1950s and '60s. Economic development was the magic term wielded by cohorts of government planners and academics, that would bring improved living standards and burgeoning incomes to the poor, the marginalised, the backward populations of Latin America. This did not happen, as the 'lost decade' of the 1980s so clearly showed. Indigenous populations were indeed drawn into the 'modern' sector of the economy through market mechanisms, labour migrations, expanding infrastructure in means of communication and transport, but they saw the benefits of growth going, as always, to the elites. A World Bank study reports that the indigenous populations are for the most part poor or extremely poor and that their living standards are 'abysmal'.[2] This fact was not lost on the emerging Indian intelligentsia who soon became sceptical of upbeat economic projections, government promises and predictions about their imminent accession to progress and civilisation. Disillusionment with mainstream development strategies was shared widely, beginning in the 1970s, and the search for 'development alternatives' often focused on the local grass-roots level, which would naturally include indigenous communities. Things have not changed since then. The Inter-American Development Bank reports this week that poverty and underdevelopment has increased in Latin America over the last decade.

A second factor accounting for the rise of indigenous movements was the increasing awareness among the emerging Indian intellectuals that the modern nation-state, which the Mestizo elites had been building so assiduously ever since the nineteenth century, was fundamentally flawed. Instead of being all-inclusive, it was in fact exclusionary: Indian cultures were denied, Indians were victims of subtle or open racism and discrimination; indigenous peoples (even when they constituted demographic

2 George Psacharopoulos and Harry Anthony Patrinos (eds.)(1994), *Indigenous People and Poverty in Latin America. An Empirical Analysis.* (Washington, DC: The World Bank), p. 232.

majorities as in Bolivia and Guatemala, and in numerous sub-national regions elsewhere), were excluded from economic wellbeing, social equality, political decision-making processes and access to justice in the legal system. Indians could not recognise themselves in the prevailing model of the 'national' state, as fashioned by the Mestizo and white upper-class elites.

The indigenous roots of Latin America had long been considered a burden by the European elites, and government assimilationist policies made it clear that indigenous cultures had no future in the modern nation-state. Despite formal citizenship indigenous peoples have in fact been treated more frequently as second-class citizens. Many indigenous persons internalised the stereotypes and stigmas imposed on them by the dominant sectors, and resorted to self-denial and self-denigration in order to become accepted by non-Indians. Others developed a 'culture of resistance', turning inward, avoiding contact as much as possible with the outside world. Still others, realising that the existing model of the nation-state denies them their identity and their very survival as viable cultures, have begun to challenge the dominant mainstream notion of the nation by proposing alternative conceptions of a multicultural, poly-ethnic state. This is one of the demands that the new indigenous movement has been putting forward in recent years.

The more traditional political parties and institutions of government and civil society were slow in recognising the significance of the emerging indigenous movements. During the 1980s, however, a number of processes and tendencies impinged upon public debates. At the international level, cold war ideological confrontation in Latin America came to a virtual end with the break-up of the communist world, although the USA still actively pursued it in Cuba, El Salvador and Nicaragua. Secondly, the global economy, which had never been absent from Latin America since colonial times, reaffirmed its impact on the rural areas, including indigenous territories, as in the Amazon basin, Central America, southern Chile and elsewhere, generating tensions and conflicts between Indian peasantries, state institutions and transnational corporations. Thirdly, a cycle of authoritarian military interventions in politics (which had been linked to the 'national security ideology' of the Cold War era) came to an end, and a number of Latin American polities began what has been grandly (and perhaps somewhat overoptimistically) called a democratic transition, liberating the forces of civil society for electoral competition and opening a formerly restricted political space to new or re-emerging social actors.

The struggle for democracy gave rise in Latin America to an articulate and militant human rights movement, which soon became deeply involved

in the issues of indigenous peoples. The Inter-American Commission and Court of Human Rights were increasingly besieged by complaints concerning human rights abuses against indigenous people, and relevant UN committees received reports and complaints on the situation of indigenous human rights. It is almost impossible to chronicle the many associations, caucuses, committees, councils, congresses, conferences, symposia, workshops and meetings that activated Indian agency where none or little had existed before. Many such organisations have not survived, others changed over the years and still others grew and developed true to the stages and cycles of the various theories of social movements.

The new Indian movement in Latin America has not yet produced a specific coherent ideology, and perhaps it has no need for it. But it is developing a new discourse, which has changed the way the wider society sees the Indians and the way they see themselves. Most of all, the movement and its various expressions are changing the relations between indigenous peoples and the state. In this context must be placed the constitutional and legislative changes that were made in the last two decades of the century in a number of the region's states, legally enshrining indigenous rights, in many cases for the first time. To mention only a few: Bolivia, with a majority Indian population, amended its Constitution in 1994 and adopted special laws recognising that the country is multiethnic, multicultural and multilingual. Brazil's Constitution of 1988 devotes an entire new chapter to the Indians. The 1991 Constitution of Colombia grants important rights of autonomy to its indigenous populations, and the most recent amendment (1996) to the Constitution of Ecuador states that the country is pluricultural and multiethnic. So do the constitutions of Guatemala (1986), Nicaragua (1987) and Venezuela (1999). Panama (1972), Paraguay (1992) and Peru (1993) have no less important constitutional statements. The latest constitutional reform on indigenous rights was adopted by Mexico in 2001, generating a legal challenge before the Supreme Court by a large number of disappointed indigenous municipalities.

In other countries, such as Argentina and Chile, special legislation concerning Indians was adopted in the post-dictatorship years. While these legal advances are surely important in themselves, the open question is how the new legislation will be implemented and how Indian communities will benefit. The answer is not at all clear, because complaints are increasingly heard that the new laws are not being applied as they should or that secondary legislation has not been adopted after general principles were laid down in the constitutions.

Students of these constitutional reforms point to several commonalities in the process:

1. The rights of indigenous peoples are recognised in the political constitution, rather than ordinary law or decree, giving them a higher symbolic and juridical rank.
2. In some cases (Colombia, Ecuador, Paraguay, Venezuela) indigenous peoples themselves directly participated in the drafting of some of the new constitutions.
3. The new reforms present a new conception of national identity that is multiethnic and culturally diverse, which replaces a prior homogenising national myth.
4. The new reforms recognise rights that are collective in nature, and that in some cases grant distinct powers or resources to indigenous communities or populations, as opposed to individuals.
5. The new reforms restore the colonial tradition of recognising the public authority and jurisdiction of indigenous authorities (usually at the community or municipal level) and self-governing structures over some issues, including the exercise of indigenous customary law.[3]

The struggle for indigenous rights is still in its infancy and after the promising beginnings mentioned before, the going will be tough from now on. There are several reasons for this, one being that the opponents to Indian rights have now been able to organise and mount a counter-offensive; another one, that after the first breakthrough on the political scene, Indians and their allies have not been able to set themselves clear short and medium term objectives, nor were they able to develop an effective political strategy to achieve their aims. This seems to have alienated a number of potential sympathisers in the general population and the political establishments. A case in point is the failed civil-military coup in Ecuador in January 2000, in which a prominent Indian leader played a key role. In Guatemala a referendum on the incorporation of indigenous rights into the constitution, as agreed upon in the 1996 peace agreement which put an end to over three decades of brutal civil war, did not receive majority approval, contrary to widely held expectations. While there are increasing numbers of indigenous parliamentarians in many countries, who represent different political parties, there is no clear pattern of ethnic voting nor can

3 Donna Lee Van Cott, paper presented at a World Bank Seminar, Washington, DC, January 2002

any political party count on the automatic contribution of an indigenous electoral bloc. In general, it may be said that indigenous demands are channelled in other ways than through traditional electoral party politics, but this may change in the future.

Towards Indigenous Autonomy?

A crucial issue today is the debate concerning demands for indigenous territorial autonomy, as well as access to, and control over, their own natural resources. Some of the recent legislation recognises these rights on paper, but they are difficult to implement. Litigation over such matters has now been taken up in international human rights institutions. In August 2001 the Inter-American Court of Human Rights found that the government of Nicaragua had violated the property rights of the Awas Tigni Indian community by granting logging rights to a foreign corporation on Indian lands in contravention of Nicaragua's own laws.

The Constitutional Court in Colombia has decided several cases in favour of Indian communities against actions of the government, based on the country's new constitution. The demarcation of recognised Indian lands and territories is a lengthy and often conflictive process, as in Brazil and Panama. The Mapuche of southern Chile are involved in a struggle against the privatisation of their traditional territories, decreed during the Pinochet dictatorship.

The meaning of autonomy is ambiguous and its complexities are many. Most of the issues are not resolved in the new legislation, and specialists cannot seem to agree on the details. In fact, most governments in Latin America, permeated by a longstanding centralist tradition of authority are leery of autonomy, especially when related to indigenous peoples. The concept of autonomy and the self-determination of peoples has now become a point of honour for the indigenous movement, and self-determination appears at the top of the list of rights claimed in almost every indigenous political document. Progress on the draft declarations on indigenous rights is currently stalled within the United Nations and the Organization of American States, in great measure because of lack of consensus on these points.

The Zapatista rebels in southern Mexico, who staged an armed uprising in January 1994, reached an agreement with the federal government after many months of negotiations in 1996, on which the government later reneged. In August 2001 the National Congress approved a constitutional

amendment that included some of the elements of the peace agreement, but the Zapatistas and the indigenous movement are dissatisfied with the outcome, claiming that the reform does not comply with the major points of the peace accord. By mid-2002 the Supreme Court was still considering over 300 legal challenges against the constitutional reform that have been filed by indigenous municipalities and government authorities in states that have a high density of indigenous population. In the meantime, further negotiations between the government and the Zapatistas have been broken off and the conflict in Chiapas is as yet unresolved.

An equally conflictive issue concerns the controversy over individual versus collective rights. Countering the liberal state's assurances that every human being enjoys a package of inalienable individual liberties, indigenous rights advocates argue that even the best of fundamental freedoms can hardly be enjoyed by ethnic groups and minorities who are systematically discriminated against and excluded by the power structure and the prevailing system of social stratification. Something more is needed, and this would be a bundle of group rights allowing the indigenous to fully live and reproduce their cultures, organise their lives according to their own social norms, maintain and develop their own collective identities, enjoy social, political and legal status as distinct groups in the wider society and relate to this society and the national state on their own terms as recognised and respected peoples or nations.

No doubt the recognition of these collective rights requires a complete overhaul of the national state, of this 'imagined community', the nation, which the *criollo* and Mestizo elites created to serve their own interests. Arguably, individual human rights cannot fully be enjoyed by members of subaltern groups that suffer discrimination, unless these are acknowledged as equal and full partners in all their distinctiveness and dignity within a nation-state. Thus the recognition of group rights may be seen as a condition for the enjoyment of individual rights, but they are not easily acknowledged in Latin America's legal systems.

Ethnic Cultures versus National Culture?

Behind many of the controversial issues over which indigenous peoples and the state in Latin America square off, none has raised more polemics than indigenous cultures and identities. The almost two hundred year old idea of a single national culture has been put to a severe test by indigenous demands for bilingual and intercultural education and by the relatively

recent legal recognition in some states that these countries are pluriethnic and multicultural. The current debate in Guatemala expresses these conflicting views rather well.

During the terrible years of the civil war, in which hundreds of thousands of indigenous people were murdered by the army and many more became refugees, one of the few spaces of resistance of the Maya population were local cultural associations, which grew in number and expanded their activities after the mid-1980s, when the military ceded formal power to elected civilian governments. Indigenous intellectuals developed a new discourse of Maya cultural identity, which was strengthened by the signing in 1996 of the peace accord between the government and the guerrillas, the major agreement being the one on indigenous rights and culture. The Pan-Maya cultural movement spread rapidly and has contributed to changing both official discourse and the demands of political and social organisations. In a *criollo* and Ladino dominated state, the majority Maya people have always been considered outsiders, and were effectively excluded qua Indians from the society and the polity. The civil war and the ensuing peace accord have changed all that. The various indigenous ethnic groups are now coalescing into a newly constructed Maya identity (including the revival of Maya religion — this in a traditionally Catholic country in which Protestantism has made considerable inroads in recent years). Maya intellectuals and activists see themselves as opposing the hegemonic Mestizo 'national' identity, and claim for their people not only a major cultural role in the redefinition of the nation, but also political representation and access to power.

The Maya cultural movement has developed various theoretical and policy perspectives, and it speaks through different, sometimes dissonant, voices. For example, there is no agreement as to whether the Maya people are to be considered as only one nationality or many. Demetrio Cojtí (a Kakchikel Indian who is vice-minister for multicultural education) speaks of 20 Maya nationalities in Guatemala alone (there are others in neighbouring countries). Should the new politico-administrative divisions in the country be based solely on Maya ethnic identities, or also include Ladinos? Should political representation in congress reflect exactly the ethnic make-up of the country? How many of the Maya tongues should be recognised as official languages, and in what way shall multilingual and intercultural education be implemented in the school system?

The search for, and the construction of, a new Maya identity in Guatemala does not enjoy universal approval. The Maya culturalist positions have been attacked by, among others, some who would like to see

ethnic identities subsumed into a wider class-based popular alliance, and those who argue from a Ladino perspective that Maya 'essentialism' is no more than an artificial construct promoted by a host of internationally-financed non governmental organisations. According to this view, there is no such thing as a Maya nation or people, and Maya activists are accused of becoming anti-Ladino racists in turn, the only valid solution to Guatemala's problems being the development of an intercultural *mestizaje* in which Indians and Ladinos would learn to coexist and interact on equal terms.[4]

Half a century ago, when states in Latin America began to carry out policies for the development of indigenous communities, Indian populations lived mainly in isolated rural villages. Ten years ago, indigenous organisations complained that the quincentenary of the misnamed 'discovery of America' that the Western world was about to celebrate was for them a time of mourning and remembrance. Today, indigenous representatives sit on United Nations bodies, in national parliaments and government cabinets. An emerging corpus of indigenous law is expressed in international legal instruments and national legislation. Indigenous peoples claim recognition and a distinct place in plural and multicultural societies. The traditional concept of the homogeneous national state has been challenged by the 'return of the natives'. Far from disappearing in a Mestizo melting pot, over 400 indigenous groups in Latin America demand attention to their rights and problems, an end to racism, discrimination, poverty and social exclusion. Indigenous peoples claim lost lands and territories, respect for languages and cultures, the right to practise their laws and customs and a measure of autonomy within the territorial state. Above all else, they want to be accorded a minimum of human dignity, which for so many centuries has been denied them. Surely this is not too much to expect after half a millennium.

4 On the Maya debate see Demetrio Cojtí Cuxil (1994) *Políticas para la reivindicación de los mayas de hoy (Fundamento de los Derechos Específicos del Pueblo Maya)* (Guatemala City: SPEM-CHOLSAMAJ); Mario Roberto Morales (1998) *La articulación de las diferencias o el síndrome de Maximón* (Guatemala City: FLACSO); Kay B. Warren (1998) *Indigenous Movements and their Critics. Pan-Maya Activism in Guatemala* (Princeton: Princeton University Press).

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