Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America

JULIET HOOKER

Abstract. This article analyses the causes of the disparity in collective rights gained by indigenous and Afro-Latin groups in recent rounds of multicultural citizenship reform in Latin America. Instead of attributing the greater success of indians in winning collective rights to differences in population size, higher levels of indigenous group identity or higher levels of organisation of the indigenous movement, it is argued that the main cause of the disparity is the fact that collective rights are adjudicated on the basis of possessing a distinct group identity defined in cultural or ethnic terms. Indians are generally better positioned than most Afro-Latinos to claim ethnic group identities separate from the national culture and have therefore been more successful in winning collective rights. It is suggested that one of the potentially negative consequences of basing group rights on the assertion of cultural difference is that it might lead indigenous groups and Afro-Latinos to privilege issues of cultural recognition over questions of racial discrimination as bases for political mobilisation in the era of multicultural politics.

Introduction

Latin America as a region exhibits high degrees of racial inequality and discrimination against Afro-Latinos and indigenous populations. This is true despite constitutional and statutory measures prohibiting racial discrimination in most Latin American countries. In addition to legal proscriptions of racism, in the 1980s and 1990s many Latin American states implemented multicultural citizenship reforms that established certain collective rights for indigenous groups. This has been much less true for Afro-Latinos. The collective rights gained as a result of multicultural citizenship reforms include: formal recognition of the multicultural nature of national societies and of specific ethnic/racial sub-groups, recognition of indigenous customary law as official public law, collective property rights (especially to land), official status for minority languages in predominantly minority regions, and guarantees of bilingual education. Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Venezuela have enshrined at least one type, and in many cases all, of these collective rights at the level of statutory or constitutional

law.[1] In addition, Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru and Venezuela have also ratified Convention 169 of the International Labour Organization (ILO) on the Rights of Indigenous and Tribal Peoples.[2] These multicultural citizenship reforms have been interpreted as attempts to restore the democratic legitimacy of the state after decades of authoritarianism and repression in some countries by including previously excluded racial and ethnic minorities and redressing past racism.[3] Yet there are significant disparities in the scope of the collective rights enshrined as a result of such reforms. In almost every case of multicultural reform in the region indigenous groups have been much more successful in gaining collective rights from the state than have Afro-Latinos. Of the fifteen Latin American countries that have implemented some type of multicultural citizenship reform, only Brazil, Colombia, Ecuador, Guatemala, Honduras and Nicaragua extend (some) collective rights to Afro-Latinos.[4] Even when Afro-Latinos were granted collective rights, however, in almost no instances did they gain the same rights as indians. In fact, there are only three countries in Latin America where indians and Afro-Latinos have exactly the same collective rights: Honduras, Guatemala and Nicaragua. Moreover, only a small subset of Afro-Latinos – generally rural communities descended from escaped slaves – has been able to win collective rights under Latin America's multicultural citizenship reforms. In spite of the fact that the

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[1] Donna Lee Van Cott identifies these as elements of what she calls the 'multicultural model'. See Van Cott, 'Constitutional Reform and Ethnic Rights in Latin America,' *Parliamentary Affairs*, vol. 53, No. 1 (2000), pp. 41–54.

[2] Of the seventeen countries worldwide that have ratified ILO Convention 169, all but five are Latin American.

[3] See for example Donna Lee Van Cott, *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America* (Pittsburgh, 2000), and Deborah Yashar, 'Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America,' *World Politics* 52, no. 1 (1999), pp. 76–104.

[4] In Brazil rural communities of descendants of escaped slaves known as *quilombos* have communal land rights. In Colombia Pacific Coast riverine black communities and the English-speaking Raizal population in the archipelago of San Andrés, Providencia and Santa Catalina were granted collective rights to land and the preservation of their traditional cultures by law 70 in 1993, which in principle extended such rights beyond the Pacific Coast as it contained articles referring to all Afro-Colombians and also included land rights for black communities in similar circumstances to those in the Pacific region. Ecuador's 1998 constitution recognises the rights of Afro-Ecuadoreans to any of the following rights extended to indigenous peoples 'to the extent they are applicable': the right to develop and strengthen their identity and spiritual, cultural, and linguistic traditions, to collective ownership of their communal lands, to have a say in the exploitation of the natural resources found on those lands and to participate in the benefits derived from such exploitation, to conserve their forms of social organisation and authority, to intellectual property over ancestral knowledge and to bilingual education. In Honduras, Guatemala and Nicaragua Afro-Latinos have the same rights as indigenous groups, which in Honduras and Guatemala include the right to collective ownership of land and bilingual education and in Nicaragua comprise all elements of the multicultural model.

vast majority of Afro-Latinos are excluded from recent reforms enshrining collective rights, only a few countries in the region (notably Brazil and Colombia) are simultaneously pursuing other legal means to combat racism (such as civil rights-type legislation) in addition to collective rights. This article seeks to explain the uneven scope of Latin America's new multicultural citizenship regimes and trace its consequences. It is thus primarily concerned with two distinct but related questions. First, why have Afro-Latinos gained fewer collective rights under multicultural citizenship reforms than indians in Latin America? And second, how useful are Latin America's new multicultural citizenship regimes for addressing problems of racial inequality, given their uneven scope?

Indians and blacks both represent significant percentages of Latin America's total population, and both groups suffer from social exclusion and racial discrimination. In fact, with regards to population, Afro-Latinos represent a higher percentage of Latin America's total population than indians. The Economic Commission for Latin America and the Caribbean (ECLAC) estimates that there are between 33 and 40 million indigenous people in Latin America, composing approximately 8 per cent of the region's total population. In contrast, ECLAC suggests that there are 150 million people of African descent in Latin America residing mostly in Brazil, Central America and the northern coast of South America, equivalent to 30 per cent of the region's population.[5] While estimates of the size of the indigenous and black populations in Latin America are notoriously contested – in part because many Latin American countries do not include questions about race in their national censuses – it is clear that the size of the Afro-Latin population in the region is at the very least equivalent to that of the indigenous population.[6]

In addition, both indians and blacks suffer from racial discrimination in Latin America. According to the Inter-American Development Bank and ECLAC, indigenous and Afro-Latin populations in Latin America both suffer from 'social exclusion,' understood as the inability of a social group to fully participate in the social, political, cultural, and economic spheres of society.[7] In other words, as the title of one study suggests, there are significant 'costs of not being white' in Latin America, and these costs are borne by both indians

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[5] Martín Hopenhayn and Alvaro Bello, 'Discriminación étnico racial y xenofobia en América Latina y el Caribe,' División de Desarrollo Social de la Comisión Económica de las Naciones Unidas para América Latina (CEPAL/ECLAC), Santiago, Chile, 2001, p. 5.

[6] Further complicating the issue of the comparative size of the indigenous and black populations in Latin America is the fact that most estimates of the size of the black population include mulattoes, while mestizos are excluded from the indigenous category.

[7] See Peter Oakley, 'Social Exclusion and Afro-Latinos,' Inter-American Development Bank Working Paper, 2001.

and blacks.[8] Indians and blacks in Latin America suffer disproportionately from poverty, lack of access to basic social services (such as education and health), unemployment and labour market discrimination. In Guatemala, for example, where 66 per cent of the population is poor, indians are disproportionately poor, with 87 per cent of indigenous households living below the poverty line.[9] In Brazil 60 per cent of Afro-Brazilians are poor; double the rate for whites.[10] These disproportionately high levels of poverty among indigenous and black Latin Americans reflect lower levels of educational attainment and less access to basic social services. In Panama, for example, the illiteracy rate is 3.3 per cent in urban areas and 15 per cent in rural areas, but among indigenous groups it is 44.3 per cent. Indigenous people also have less access to health services than non-indigenous populations. In Bolivia, for instance, 70 per cent of the population has access to health services in municipalities where non-indigenous people are the majority, whereas in municipalities composed mostly of indians only 11 per cent of citizens do.[11]

Afro-Latinos fare equally poorly on most socio-economic indicators. If we compare data for predominantly black regions to national averages in Latin America we see that, as is the case with indigenous areas, the former fare significantly worse. The Pacific Region of Colombia (known as the *Chocó*) that is 90 per cent Afro-Colombian, for example, is one of the most impoverished regions of the country. While 32 per cent of Colombians nationally live in poverty, it affects 84.87 per cent of the inhabitants of the Pacific Region. Similarly, while the national illiteracy rate is 11 per cent, it is 38.3 per cent in the Pacific Region, and while only 10 per cent of households nationally lack basic sanitation services, this is true of 41 per cent of households in the Pacific Region. The same disparities are evident in access to health services; at the national level there are 9.2 medical doctors per 10,000 inhabitants, while in the Pacific Region there are 1.6 medical doctors per 10,000 inhabitants.[12] Blacks in Latin America also suffer racial discrimination in the labour market, as they tend to be paid less than whites regardless of educational level. In Brazil (the only country for which there is reliable data), for example, black income (that of people who identify as '*negros*' or '*pretos*') is 40 per cent that of whites, and the income of '*pardos*' or '*browns*' is 44 per cent of white income.[13]

[8] See Nelson do Valle Silva, 'A Research Note on the Cost of not being White in Brazil,' *Studies in Comparative International Development*, vol. 35, No. 2 (Summer 2000), pp. 18–28.

[9] Harry Anthony Patrinos, 'The Cost of Discrimination in Latin America,' *Studies in Comparative International Development* 35, No. 2 (Summer 2000), p. 4.

[10] Omar Arias and Suzzane Duryea, 'Social Exclusion due to Race or Ethnicity in Latin America: What do we Know,' Paper prepared for the Inter-American Development Bank, n. d.   [11] Hopenhayn and Bello, 'Discriminación éthico racials,' p. 20.

[12] Oakley, 'Social Evolution,' pp. 24–5.   [13] Silva, 'A Research Note,' p. 21.

Of course, it could be argued that this kind of data about disparities in socio-economic conditions among different racial groups merely reflect historic exclusion rather than active processes of racial discrimination in these countries today. This argument – as well as claims that data on racial inequality reflect class disparities, not racial discrimination – has been used to argue that racial inequality in Latin America is not the result of contemporary racism. It is thus important to note that the argument advanced here is about the contemporary existence of racial discrimination, not simply the historic exclusion of blacks and indians. Nelson do Valle Silva's work on income disparities in Brazil, for example, shows that wage differentials between whites and non-whites persist even after controlling for education and experience; in fact, the income gap between whites and non-whites tends to widen as educational achievement increases.[14] Active processes of racial discrimination are thus at least partly responsible for the high costs of not being white borne by both indigenous and black Latin Americans today.

Given that both indians and blacks in Latin America suffer from racial discrimination, one of the more puzzling aspects of the multicultural citizenship reforms adopted to rectify such problems, is simultaneous indigenous inclusion and black exclusion. If both indians and blacks in Latin America suffer from racial discrimination and social exclusion, why have Afro-Latinos not been as successful in winning collective rights as indians? If blacks in general suffer from racial discrimination, why do those Afro-Latinos who have been able to win such rights represent such a small percentage of the region's total population of African descent? The work of scholars of indigenous mobilisation in Latin America, while extremely useful for understanding the adoption of multicultural citizenship reforms by Latin American states, is less helpful in explaining black exclusion.

The recent implementation of multicultural citizenship reforms in Latin America is surprising given that many countries in the region developed national ideologies of *mestizaje* that portrayed their populations as overwhelmingly mestizo (racially mixed) nations without racial or cultural discrimination.[15] As a result, most of these states did not even recognise the

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[14] I thank one of the anonymous reviewers for bringing this important distinction to my attention. On this point see also Peggy Lovell, 'Race, gender and development in Brazil,' *Latin American Research Review*, vol. 29, no. 3 (1994), pp. 7–35.

[15] The paradigmatic example of this are myths of racial democracy that not only portrayed countries as racially mixed to such a degree that it was impossible to distinguish between different racial groups, but also consequently denied the existence of racism. For an analysis of the myth of racial democracy that focuses on Venezuela, see Winthrop R. Wright, *Café Con Leche: Race, Class, and National Image in Venezuela* (Austin, 1990).

existence of indigenous and Afro-Latin populations as such. One explanation for the adoption of multicultural policies in the past two decades is that neo-liberal reforms, especially economic adjustment policies, challenged indigenous local autonomy and livelihoods and this led to increased ethnic mobilisation, which in turn forced Latin American states to agree to indigenous demands.[16] Others have argued that national elites pursued multicultural citizenship reforms as a means of enhancing the domestic legitimacy of the state at a time when Latin American states have found it increasingly difficult to meet the material demands of their citizens.[17] Finally, others suggest that neo-liberal states in Latin America are meeting certain demands by indigenous groups in order to de-legitimise more radical claims.[18] These accounts provide persuasive explanations for the increasing salience of ethnic politics in Latin America in recent decades, but they tend to focus on the incentives and pressures leading Latin American states to agree to demands for collective rights by minorities, and on the structural conditions that incite these groups to mobilise in favour of such rights. They do not adequately explain why Afro-Latinos have generally not gained the same collective rights as indigenous groups during the two decades of multicultural citizenship reform in Latin America.

The few scholars who have noted the gap in the group rights achieved by blacks and indians as a result of Latin America's new multicultural policies have suggested a number of different explanations for the discrepancy, including differences in population size between the two groups, the greater organisational capacity of the indigenous movement, and lack of political mobilisation around collective rights by Afro-Latinos. While these factors are important, they cannot account for the differential success of indians and blacks in gaining collective rights from the state in Latin America. They attribute the gap in collective rights to the differences between indigenous and Afro-Latin politics (the kinds of demands that are being made and how effective the groups are in advancing them), without paying sufficient attention to the issue of why states were more disposed to grant rights based on one identity than the other. Asserting a claim for group rights is no guarantee that the state will meet it. In order fully to understand why Afro-Latinos have generally not been as successful in

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[16] See, for example, Alison Brysk and Carol Wise, 'Liberalization and Ethnic Conflict in Latin America,' *Studies in Comparative International Development*, vol. 32, No. 2 (1997), pp. 76–105, and Yashar, 'The Postliberal Challenge'.

[17] Van Cott, *The Friendly Liquidation of the Past*.

[18] See Charles Hale, 'Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala,' *Journal of Latin American Studies*, vol. 34 (2002), pp. 485–524.

achieving collective rights under Latin America's new multicultural citizenship regimes it is thus also crucial to consider why national elites and publics have been more receptive to claims made by indigenous groups than Afro-Latinos. While the goal of multicultural reforms may have been the promotion of democratic legitimacy by remedying social exclusion, the criteria used to determine the appropriate subjects of collective rights have not been racial discrimination or socio-economic and political marginalisation. I argue that the main criterion used to determine the recipients of collective rights in Latin America has been the possession of a distinct cultural group identity. Furthermore, because of the different ways in which indians and blacks have been racialised in Latin America, utilising the existence of a separate group identity conceived in ethnic or cultural terms as the basis for awarding group rights has made it possible for indians to claim these rights more successfully than blacks. It is important to understand the roots of the gap in group rights between indians and blacks because collective rights based on cultural difference have become the primary legal avenue used to reverse the political exclusion and racial discrimination suffered by black and indigenous Latin Americans. Contemporary multicultural reforms thus determine the 'political opportunity structure' faced by black and indigenous movements in the region.

The article is divided into three sections. In the first section I discuss the factors that are generally thought to explain the different levels of success of indians and blacks in gaining collective rights in Latin America. Drawing on examples from around the region, I show that it is not the case that Afro-Latinos have not mobilised in favour of collective rights, nor can differences in population size and in the level of organisation of black and indigenous movements account for the variation noted. In the second section I explain why national states have been more willing to grant collective rights to indians than blacks. Building on the work of other scholars who have analysed the different ways in which indians and blacks have historically been absorbed (or not) into national states and cultures, I discuss the different reasons that indigenous groups are seen as having, and claim to have, a distinct cultural identity while this is generally not the case for Afro-Latinos. I claim that the different ways in which blacks and indians have historically been racialised has affected each group's ability to frame claims for group rights in terms of cultural difference. Finally, in the third section I analyse the implications for ethnic and racial politics in Latin America today of collective rights based on cultural difference having become the locus of efforts to combat the racial discrimination and political marginalisation suffered by blacks and indians in the region, focusing in particular on the consequences of an anti-racial discrimination strategy that applies only to a small subset of the

Afro-descendant population, those who can successfully assert a distinct cultural identity.[19]

Explaining indigenous inclusion and black exclusion

The greater success of indigenous groups vis-à-vis Afro-Latinos in gaining collective rights from the state in Latin America's recent round of multicultural citizenship reforms has received very little attention.[20] When it has been noted, the gap in collective rights gained by the two groups has been attributed largely to a combination of the following factors: differences in population size between indians and blacks, the lack of political mobilisation around collective rights by Afro-Latinos, and higher levels of organisation among indigenous movements than black movements.

It has been argued, for instance, that the relative size of the indigenous and black population might be a factor in success in winning collective rights.[21] The argument here is that Afro-Latinos have not gained the same collective rights as indians in Latin America because they represent a larger percentage

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[19] As with any comparative essay that tries to analyse trends across an entire region there are limits to the number of countries that can be considered in detail. I discuss a variety of cases from both Central and South America to show that the patterns I identify seem to hold true for the region as a whole, but Caribbean countries are not included in the analysis. They are excluded because to my knowledge most Caribbean countries have not implemented similar multicultural policies to the rest of Latin America. Further research is needed to determine the extent to which (if at all) multicultural policies aimed at black and indigenous populations are being implemented in these countries, and whether or not discrepancies exist that mirror those in the rest of Latin America. On the existence of myths of racial democracy in the Hispanic Caribbean similar to those in the rest of Latin America, see Alejandro de la Fuente, *A Nation For All: Race, Inequality, and Politics in Twentieth Century Cuba* (Chapel Hill, NC, 2001).

[20] Deborah Yashar and Donna Lee Van Cott (whose cogent analyses of indigenous mobilisation inform this work) are among the few scholars to provide rationales for setting aside Afro-Latinos and focusing almost exclusively on indigenous movements in their analyses of multicultural citizenship reform in Latin America.

[21] Van Cott suggests, for example, that Afro-Ecuadoreans may have gained broader rights in Ecuador's 1998 constitution than Afro-Colombians in 1991, in part because they represent a much smaller percentage of Ecuador's total population than blacks in Colombia, so granting them group rights would be less threatening to national elites in Ecuador than in Colombia. Van Cott, *The Friendly Liquidation of the Past*, p. 276. While blacks are estimated to compose between 4 and 22 per cent of Colombia's population (with some areas in the Pacific Coast being 80–90 per cent black), they represent approximately 3 per cent of the population in Ecuador. In contrast, 1–4 per cent of Colombians identify as indigenous, while it is estimated that 25 per cent of Ecuadoreans are indigenous. As noted earlier population estimates for indigenous and Afro-Latin groups in Latin America are notoriously disputed. Ecuador, like many other countries in the region, does not even count African descended populations. The figures I cite here are from the CIA World Factbook 2003. The range of the estimates depends on whether mixed populations are included in the 'black' and 'indigenous' categories. See http://www.odci.gov/cia/publications/factbook/index.html.

of the population in most countries, thus posing a greater threat to economic and political elites. According to this hypothesis we would expect that in countries with large black populations and small indigenous populations, indigenous groups would gain more collective rights than blacks, while in states with larger indigenous populations and small black populations blacks would gain more collective rights than indians. Yet nowhere in Latin America have blacks received *greater* collective rights than indigenous groups. In the cases where they have won the same collective rights as indians, such as Honduras and Nicaragua, they have done so because they have been able to cast themselves as 'autochthonous' groups having an indigenous-like status and distinct cultural identity,[22] not because elites appeared concerned about limiting the size of the population that could claim collective rights.[23]

In fact, there appears to be no direct correlation between population size and the degree of collective rights won by (any) minority groups in Latin America. If we compare the relative success of indigenous groups in winning collective rights across countries in the region, for example, we see that it is not the case that countries with large indigenous populations have granted fewer collective rights than those with smaller ones. Bolivia, for instance, has recognised significantly broader collective rights for indigenous groups than Chile, even though it is estimated that indians account for between 50–70 per cent of its population, and only 10 per cent of Chile's. While it may well be the case that population size is an important factor in elite decision-making about collective rights, it does not explain the uneven scope of such rights won by blacks and indians within and across countries in Latin America.

Other commonly noted reasons for the greater success of indigenous than Afro-Latin groups in gaining collective rights are the different types and levels of organisation of black and indigenous movements. According to this view Afro-Latinos have won fewer collective rights than indians because lower levels of group identification among blacks result in less

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[22] In social science and popular understanding race is thought to refer to phenotypical differences between groups of people, while ethnicity denotes cultural differences. In most cases Afro-Latinos are seen as lacking 'ethnicity' and therefore as undeserving of collective rights; it is only in cases where race and ethnicity coincide that they are able to claim group rights.

[23] In the Honduran case, for example, of the nine 'autochthonous peoples' recognised by the state, the two groups that claim African descent, the Garifuna (250,000) and the Negros de Habla Inglesa (80,000), rank second and third in terms of population size behind only the Lenca (400,000). Population figures are taken from Mark Anderson, 'Why Black Politics (Sometimes) Looks Like Indigenous Politics in Latin America: Insights from Garifuna Movements in Honduras,' Paper presented at the Rockefeller Seminar on Race Rights and Resources in the Americas at the University of Texas at Austin, Austin, Texas, 21 March 2003.

political mobilisation around group rights.[24] The rationale for not including Afro-Latinos in analyses of multicultural citizenship reform is thus that communities of African descent have been less inclined to organise in favour of a distinct black identity and accompanying set of rights, and as a result, they have been less central to multicultural politics in Latin America. According to this perspective Afro-Latinos have not mobilised in favour of special collective rights to land, political autonomy, bilingual education, and the recognition of customary law and traditional authority structures, for instance, to the same extent as indigenous groups. This divergence between black and indigenous politics is moreover assumed to be the consequence of structural differences between the two groups (predominance in urban vs. rural areas, level of group identification, and so forth).

There is much to be said for both of these arguments. The literature on racial politics in Latin America, for instance, has tended to emphasise the low degrees of group identification among Afro-Latinos and the predominantly urban character of their political movements. Latin America has long been considered a region with relatively low levels of racial and ethnic identification among people of African descent. An important thread in the literature on race in Latin America has therefore focused on explaining the lack of corporate racial identification among people of African descent in the region compared to other areas of the world with large black populations, such as the United States,[25] and on the role played by political institutions (including supposedly apolitical state structures such as census bureaus) in shaping patterns of racial group identification among Afro-Latinos, and hence their political behaviour.[26] The point here is not to deny either that in many Latin American countries (such as Brazil) black political movements have been primarily urban, or that such movements have therefore tended not to organise in favour of group rights such as the collective ownership of land, for example,

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[24] Yashar, for example, argues that black political organising in Latin America has been limited to mostly urban movements, and the demands of urban movements differ significantly from those of rural indigenous movements. The demands of urban black movements, unlike those of (rural) indigenous movements, are for full inclusion into the system, not for group rights. Yashar, 'The Postliberal Challenge,' p. 104, n. 66. Van Cott also claims that where blacks have mobilised politically as a group it has been to demand equality, rather than recognition as a distinct group. Van Cott, *The Friendly Liquidation of the Past*, p. 276.

[25] See, for example, Michael Hanchard, *Orpheus and Power: The Movimento Negro of Rio de Janeiro and São Paulo, Brazil, 1945–1988* (Princeton, 1994), and Howard Winant, 'Rethinking Race in Brazil,' *Journal of Latin American Studies*, vol. 24 (1992), pp. 173–92.

[26] See for example Anthony Marx, *Making Race and Nation: A Comparison of the United States, South Africa, and Brazil* (Cambridge, 1998), and Melissa Nobles, *Shades of Citizenship, Race and the Census in Modern Politics* (Stanford, 2000).

whereas there is a long history of land struggles in the case of indigenous groups.[27] It is instead to note that if we examine the variety of black movements throughout Latin America, we see that there *are* rural black movements that do mobilise in favour of group rights for their communities, and as a result we need to explain why it is that they are less successful than their indigenous counterparts in gaining such rights.

In a number of Latin American countries, including Brazil, Colombia, Ecuador, Honduras and Nicaragua, rural black populations have struggled for rights to communal land, control over natural resources, territorial or political autonomy, and cultural recognition. In fact, the cases in the region where blacks have won recognition as distinct groups with collective rights (in particular to land or territorial autonomy), have generally been those in which the existence of rural communities of descendants of runaway slaves have made possible the articulation of their struggles in a similar rhetorical vein to those of indigenous peoples. The claims to land and other collective rights made by these black communities – known as *quilombos* in Brazil, Creoles and *Garifuna* in Central America, and *cimarrones* or *palenques* in Colombia and Ecuador – are remarkably close to those of rural indigenous communities. In Ecuador, for example, during the 1998 constitutional debates the Unión de Organizaciones Negras de Esmeraldas (UONDE), in alliance with indigenous groups, demanded the creation of a black territorial *comarca* in Esmeraldas. Ironically, they faced some of their stiffest opposition from an Afro-Ecuadorean deputy from an urban area in Esmeraldas, because the language of ancestral peoples with claims to land did not resonate with urban Afro-Ecuadoreans.[28] Traditional analyses of racial dynamics in Latin America (and, I would add, of indigenous mobilisation) thus cannot explain, as Eva Thorne notes, why and in what contexts rural black identities become politicised in Latin America today, and how indigenous struggles contribute to this process.[29] Instead of focusing on the differences between black and indigenous politics, as analyses of indigenous mobilisation do, it is therefore worth considering, as Mark Anderson

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[27] There is obviously a historical dimension to the issue of what identities groups organise around and the kinds of demands they make that has to do with incentives provided by the state, among other factors. This is true for both Afro-Latinos and indigenous groups, as people who in the past may have identified as peasants and organised as such may now do so on the basis and in favour of indian and black identities. The shifting emphasis of the *movimento negro* in Brazil from cultural politics to socio-economic disadvantage is another example of the dynamic nature of group identity.

[28] Author interview with Pablo de la Torre of the *Comarca Afro-Ecuatoriana del Norte de Esmeraldas* in Nicaragua in August of 2003.

[29] Eva Thorne, 'The Politics of Afro-Latin Land Rights,' Paper presented at the 34th annual meeting of the National Conference of Black Political Scientists, Oakland, CA, 12–13 March 2003, p. 5.

suggests, 'why black politics (sometimes) looks like indigenous politics in Latin America,' and what the consequences of these parallels are for success in winning group rights.

While rural black politics and indigenous politics are quite similar, it is important to note that rural black communities that make claims based on a distinct cultural identity represent only a small portion of the total Afro-Latin population in Latin America. Yet, contrary to what one would tend to expect – that urban populations would be more militant and mobilised – it appears that regional and spatial isolation may promote a higher degree of group (be it 'racial' or 'ethnic') identification among Afro-Latinos, and hence mobilisation in favour of collective rights. The existence of rural black communities claiming similar rights from the state as indians thus suggests that concentration in rural versus urban areas matters where organising around group rights is concerned. At the same time, however, if rural Afro-Latin communities have also mobilised in favour of collective rights, then the question of why one identity (indian) has been more politicised than another (black) in the context of multicultural reforms remains unanswered. One would still need to explain why states have in general granted indians more rights than blacks, even in countries where rural black communities exist.

In addition to lack of organising around collective rights by Afro-Latinos, scholars of indigenous mobilisation also point to the comparatively lower level of organisation of black movements relative to indigenous movements to explain the greater success of the latter in winning collective rights from the state.[30] It is difficult to dispute the fact that there is a long and successful history of indigenous organising in Latin America that has been strengthened in recent years by an increasingly powerful trans-national indigenous movement, and by funding and support from multilateral institutions such as the Inter-American Development Bank (IDB) and the World Bank, as well as international NGOs.[31] Clearly the presence of a well-organised and visible indigenous or black movement that can take advantage of changing political opportunities is an important factor in the adoption of collective rights in Latin America. But the adoption of multicultural policies in countries where highly organised and vocal indigenous or black movements were absent at

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[30] Van Cott, for instance, attributes the failure of Afro-Colombians to gain the same collective rights as indigenous groups during the National Constituent Assembly (ANC) of 1991, to a lesser degree of politicisation of black identity and level of organisation of the black movement. In contrast, the indigenous movement in Colombia was already organised and was therefore capable of framing its grievances in terms that resonated with the crisis of legitimacy of the state that had prompted the call for constitutional reforms. See Van Cott, *The Friendly Liquidation of the Past*, pp. 76–7.

[31] See Alison Brysk, *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America* (Stanford, 2000).

the time[32] suggests that in order to understand why some groups are able to gain collective rights while others do not, it is still necessary to take the preferences of national elites and publics into account.

The assertion of a claim to collective rights does not ensure that such a demand will be met by the state. The question of framing is critical to understanding why indigenous groups were more successful in gaining collective rights in 1991 than blacks in Colombia, for example. According to Van Cott, the frame that emerged to justify black collective rights at the time of the National Constituent Assembly (ANC) 'gained little sympathy from potential political allies or the media'.[33] The black movement's initial orientation towards a politics of anti-racism that emphasised the need to overcome social exclusion and racial discrimination rather than towards obtaining special collective rights based on cultural difference did not resonate as much with Colombian national elites or the public.[34] The ability of the indigenous movement to frame its demand for collective rights in ways that resonated with the concerns of national elites and the Colombian public was thus a result not only of its capacity to capitalise on new political opportunities, but of the preferences of national elites and the public that led them to view certain demands as more legitimate than others. While the comparative level of organisation of black and indigenous movements cannot therefore be said to be unimportant to success in gaining collective rights, this explanation still does not take into account the fact that national elites and publics were more receptive to some types of claims to group rights than others.

The most commonly adduced explanations for the comparatively lower level of success of Afro-Latinos than indigenous groups in gaining collective rights under multicultural citizenship regimes in Latin America – relative population size, lack of mobilisation around collective rights by Afro-Latinos, and lower levels of organisation of the black movement – while important, cannot explain why there has been public and political support in many Latin American countries for 'indian' as an identity deserving of collective rights, while the same has not been true for a 'black' group identity.

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[32] In Guatemala, for example, the Garifuna gained the same rights as the Maya by virtue of being included in the ethnic/indigenous group category absent any demand on their part for such inclusion. The Garifuna are the descendants of escaped slaves and Caribs from the Antilles who were exiled to Central America by the British during the eighteenth century. There are Garifuna communities along the Caribbean coasts of Guatemala, Belize, Honduras and Nicaragua.   [33] Van Cott, *The Friendly Liquidation of the Past*, p. 76.

[34] For discussions of the history of black political organising in Colombia prior to, and following, the ANC see Eduardo Restrepo, 'Afro-colombianos, antropología y proyecto de modernidad en Colombia,' in María Victoria Uribe and Eduardo Restrepo (eds.), *Antropología en la modernidad: identidades, etnicidades y movimientos sociales en Colombia* (Bogotá, 1997), pp. 279–319, and Peter Wade, *Blackness and Race Mixture: The Dynamics of Racial Identity in Colombia* (Baltimore, 1993).

Table 1. *Explanations of the gap in collective rights between indians and blacks*[66]

Country	Black population smaller than indigenous	Black movement more organised	High level of black group identity	(Some) blacks seen as distinct cultural group	(Some) black collective rights
Brazil	No	Yes	No	Yes	Yes
Costa Rica	Yes	No	No	No	No
Colombia	No	No (in 1991)	No (in 1991)	Yes*	Yes
Ecuador	Yes	Same	No	Yes	Yes
Guatemala	Yes	No	No	Yes	Yes
Honduras	No	Same	Yes	Yes	Yes
Mexico	Yes	No	No	No	No
Nicaragua	Yes	No	Yes	Yes	Yes
Panama	No	No	No	No	No
Peru	Yes	No	Yes	No	No
Venezuela	No	No	No	No	No

* Pacific Coast (riverine) and Raizal population.

Indian and black are both racial categories that formed part of colonial and post-independence systems of racial classification in Latin America, and anti-racism is part of the political discourse of both indigenous and black movements, but not all blacks can make claims based on cultural distinctiveness as indigenous groups can. Table 1 shows how these different factors correlate (or not) with the establishment of collective rights for Afro-Latinos. While levels of group identity and degree of organisation can hardly be dismissed as unimportant, whether or not blacks are seen as a distinct cultural group appears to be a crucial factor for understanding whether or not they gain collective rights. The gap in collective rights gained by indians and blacks is thus not only a result of differences in the level of organisation of black and indigenous political movements, but is also a consequence of the fact that it is easier for indians to win collective rights than blacks under Latin America's new multicultural citizenship regimes because such rights are awarded based on the perceived possession of a distinct cultural group identity, not a history of political exclusion or racial discrimination.

Race, ethnicity and collective rights

Afro-Latinos have not gained the same collective rights as indians under Latin America's multicultural citizenship reforms not only because they have

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[66] The classification of the highly complex situations that exist in the various countries included in Table 1 in terms of yes and no along the various dimensions obviously leads to a certain degree of simplification, and particular scores may be disputed by country specialists. The aim here is merely to show that – of all the factors that could account for the gap in collective rights between indigenous and Afro-Latin groups in Latin America today – the ability to claim a distinct cultural group identity appears to be highly significant.

not organised around a distinct black identity from which collective rights can be derived, or because they are less mobilised than indians, but because Latin American states and publics have been much more amenable to demands made by the bearers of indigenous rather than black identities, and to calls for group rights posed in terms of cultural difference or ethnicity (indian-ness) rather than race or racism (blackness). An important factor in determining success in winning collective rights under multicultural citizenship regimes is therefore the extent to which minority groups are able to formulate their demands in terms that resonate with the logic under which collective rights are justified in this citizenship regime, which is the possession of a distinct cultural identity. Building on the work of scholars such as Edmund T. Gordon and Peter Wade who have analysed the different ways in which national states in Latin America have (or have not) incorporated indigenous and black citizens, I argue that national elites in Latin America have tended to perceive indians as a distinct cultural group in a way that that has not been true for blacks. The uneven scope of collective rights gained under multicultural policies thus corresponds to certain long-held assumptions across the region about the kinds of racial subjects and national citizens that blacks and indians are.

Multicultural citizenship regimes were generally not adopted in the 1990s in Latin America in order to resolve political threats to national stability posed by indigenous or black movements.[35] Instead, in the majority of cases, they came about as a result of decisions made by national elites to try to enhance their national-democratic legitimacy during periods of transition from authoritarianism. According to Van Cott multicultural citizenship regimes are attempts to rectify past exclusion that were motivated by the search for different sources of legitimacy for the state. Before the current round of constitutional transformation, the inability of Latin American governments to improve the material welfare of their citizens and ensure equality under the law had produced a crisis of legitimacy of the state, she argues. In promoting multiculturalism therefore: 'Latin American constitution-makers have wagered that ethnic diversity may … promote national unity by drawing attention to the problem of political exclusion, emphasising the importance of rights to democracy, and infusing the political culture with the values of participation, inclusion, and tolerance.'[36]

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[35] The clear exceptions to this trend are Nicaragua, Mexico and Guatemala, where indigenous insurgencies (and in the case of Nicaragua, indigenous and black groups taking up arms against the Sandinista regime to demand self-government and other minority rights during the 1980s) prompted the state to try to resolve such conflicts politically by agreeing to consider (in the Mexican and Guatemalan cases) or implementing (as in Nicaragua) multicultural citizenship reforms as part of peace accords.

[36] Van Cott, *The Friendly Liquidation of the Past*, p. 278.

While the goal of multicultural reforms in Latin American states may indeed have been to increase democratic legitimacy, these states are also concerned with *national* legitimacy, however. In order to augment their democratic legitimacy, for instance, these states could have granted special rights to other excluded groups such as the poor, women or peasants.[37] Likewise, the inclusion of foreign-born minority populations, such as the Japanese in Peru, for example, could also have endowed these states with democratic legitimacy. Yet despite the fact that their ostensible aim has been to enhance democratic legitimacy by reversing social exclusion, not all marginalised groups in Latin America have been the recipients of collective rights. The criterion by which subjects deserving of group rights have been determined has not been whether they have suffered from racial discrimination, for example, but whether they were thought to possess and could prove their status as a distinct cultural group within the larger society. As a result, Latin America's multicultural model is more compatible with demands made on the grounds of cultural difference or 'ethnic' identity than racial difference. What needs to be explained in order to understand the gap in the collective rights won by indigenous and Afro-Latin populations then, is not why blacks have not mobilised as such in favour of collective rights, but what conditions have facilitated the greater politicisation of ethnicity than race under multicultural citizenship regimes.

If indigenous movements have been more successful than black movements at framing their demands for collective rights in ways that resonate with the concerns of national politicians and the public, this is in part due to certain attributes associated with indians and indian cultures (but not blacks) in the national imagination. As Gordon has noted with reference to Nicaragua, '*mestizo* racisms … are multiple', and the ways in which they represent indians and blacks as marginal and inferior are different.[38] Wade makes a similar point for Latin America as a whole when he notes that: 'Blacks and indians have both been characterised as Others, located in the liminal spaces of the nation, but they have fitted in different ways into what

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[37] In fact, many Latin American states have fairly robust gender equality provisions. The point I am trying to make is rather that the inclusion of women could have played a similar symbolic role in restoring the state's legitimacy if what was at stake was only its democratic status rather than its national-democratic legitimacy. For a discussion of the role of women's movements in processes of transition from authoritarianism in Latin America, see Sonia E. Alvarez, *Engendering Democracy in Brazil: Women's Movements in Transition Politics* (Princeton, 1990), and Lisa Baldez, *Why Women Protest: Women's Movements in Chile* (Cambridge, 2002). For a discussion of the role of different social movements in transition processes throughout the region, see Arturo Escobar and Sonia E. Alvarez (eds.), *The Making of Social Movements in Latin America: Identity, Strategy and Democracy* (Boulder, 1992).

[38] Edmund T. Gordon, *Disparate Diasporas: Identity and Politics in an African Nicaraguan Community* (Austin, 1998), p. 121.

I call the structures of alterity.'[39] National ideologies in Latin America have in most cases envisioned the nation as the product of a mixing process that has often been portrayed as taking place exclusively between Spanish men and indigenous women, resulting in a predominantly Spanish culture with some indigenous contributions. In such cases indigenous people occupy a certain place in the national symbolic universe as ancestral contributors to the new, hybrid mestizo nation and culture, even if they are seen as marginal and traditional in the present. Ideologies of *indigenismo* that cast indians as paradigmatic symbols of national identity in countries such as Mexico and Peru also facilitate the perception of indians as distinct groups deserving recognition.[40] People of African descent, by contrast, have been rendered invisible in many Latin American national narratives of *mestizaje*, and their place in the national political community is therefore more ambiguous.[41] Even in those cases where the African cultural roots of national cultures are acknowledged, however, as in Brazil and Cuba, when black culture becomes synonymous with national culture it is also difficult to claim black cultural specificity.

Afro-Latinos are therefore at a distinct disadvantage vis-à-vis indigenous groups when claiming collective rights since the different ways in which blacks and indians have historically been racialised in Latin America affects their ability to assert a distinct cultural group identity. Not all Afro-Latinos see themselves as an ethnic group or are perceived by national elites and publics as having a distinct 'ethnic identity' worthy of being protected by special group rights. Wade explains that in Colombia, for example, blacks were not thought of as a distinct group to the same extent as indians because through acculturation they were thought to have adopted mestizo 'national' culture in a way that the latter had not. Afro-Colombians, he argues, 'have been seen much more as (second-class) citizens, typically studied in relation to non-blacks in a 'class society' and often assumed not to have a 'black culture.' In contrast, he argues, part of the identity of indians 'ascribed or claimed, is to have distinct cultures and languages'.[42] Wade's sketch of the different positions of blacks and indians in the Colombian racial order illustrates the paradoxical position of Afro-Latinos with respect to multicultural citizenship reform in Latin America. On the one hand, as a group that has

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[39] Peter Wade, *Race and Ethnicity in Latin America* (London, 1997), p. 36.

[40] It is important to note, however, that a rhetorical appeal to the indian roots of national culture is not the same as embracing indians themselves or respecting their rights as citizens. On *indigenismo* in Mexico see Alan Knight, 'Racism, Revolution and *Indigenismo*: Mexico, 1919–1940,' in Richard Graham (ed), *The Idea of Race in Latin America, 1870–1940* (Austin, 1990), pp. 71–113.

[41] On the invisibility of blacks in Latin America see Wright, *Café Con Leche*, and Wade, *Blackness and Race Mixture*.   [42] Wade, *Race and Ethnicity*, pp. 21, 85, 36.

suffered from political exclusion and racial discrimination, the inclusion of blacks should confer the state with national-democratic legitimacy. On the other hand, because Afro-Latinos have not been thought of as a distinct group in the same way as indians (because they are not seen as possessing cultural or ethnic difference, only racial difference), they are seen as less deserving of collective rights.

During the ANC debates about multicultural reforms in Colombia, for instance, the greater success of indigenous groups in framing their demands in ways that resonated with the public and the media was not due only to their greater visibility.[43] It was also the result of perceptions on the part of the public and political elites of indians as particular kinds of citizens that merited collective rights. In the ANC it was explicitly argued that Afro-Colombians did not merit collective rights because they were not an 'ethnic group' with their own language and traditions.[44] In fact, initial proposals submitted to the ANC, when they included Afro-Colombians in the 'ethnic group' category, sought to distinguish between 'indigenous peoples' and ethnic groups, on the grounds that most black Colombians (with the exception of the traditional residents of its Caribbean islands) did not have an ethnicity and therefore did not deserve collective rights, especially cultural rights.[45]

It is worth noting, however, that following the ANC, an Afro-Colombian identity that is understood in explicitly 'ethnic' terms has been created, politicised, and disseminated by certain black organisations. The construction of this Afro-Colombian identity that privileges cultural and ethnic difference rather than racial discrimination as the basis of black political projects in the 1990s was forged based on a partial appropriation of the indigenous frame for demanding collective rights from the state.[46] The re-framing of Afro-Colombian identity in cultural rather than racial terms following the ANC, and the reluctance of Colombian political elites to accept blacks as a culturally distinct group at the time of the ANC, are indicative of the way indigenous groups have been viewed as the 'proper' subject of certain types of collective rights in Latin America (such as political autonomy, the communal ownership

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[43] Three indigenous delegates served in the ANC compared to no Afro-Colombians, and it was indigenous delegates who carried Afro-Colombians claims to the ANC.

[44] Libia Grueso, Carlos Rosero and Arturo Escobar, 'The Process of Black Community Organizing in the Southern Pacific Coast Region of Colombia,' in Sonia E. Alvarez, Evelina Dagnino and Arturo Escobar (eds.), *Cultures of Politics/Politics of Cultures: Re-visioning Latin American Social Movements* (Boulder, 1998), p. 199.

[45] Jaime Arocha Rodriguez, 'Afro-Colombia Denied,' *NACLA Report on the Americas*, vol. 35, No. 4 (1992), 46.

[46] Restrepo, 'Afro-colombianos, antropología y proyecto de modernidad en Colombia,' pp. 295–301. See also Peter Wade, 'The Cultural Politics of Blackness in Colombia,' *American Ethnologist*, 22, no. 2 (1995), pp. 342–358.

of land, and the preservation of traditional cultures), mostly because of their cultural difference, but also because of the assumed contents of that culture in certain instances.

It is not simply the existence of cultural distinctiveness that matters for the attainment of collective rights, however, but the possession of particular *kinds* of 'culture' or ethnicity. Gordon argues that in Nicaragua, mestizo national discourses portrayed indians as backwards, primitive, and in need of civilisation, while black Creoles[47] were depicted as lacking culture, inherently inferior, and illegitimate due to their foreign origins. Here blacks are not seen as having 'traditional' or ancestral cultures in the same way that indians are. What changes over time then, with the introduction of multicultural citizenship reforms, are not necessarily the attributes associated with indigenous people, but the value ascribed to them, so that presently having an ancestral culture is not a mark of 'backwardness' but of a right to preserve that culture through special group rights. This is particularly true of cultures that are considered central contributors to contemporary mestizo national identities. Indigenous movements in Latin America have adapted their strategies to this changing environment and instead of making claims for group rights as an oppressed minority group, they have based their demands on their identity as distinct 'peoples' with inherent rights to the territories that they inhabited prior to the arrival of current states. This shift can be seen in the move to substitute the term 'pueblos' for 'indígenas' in certain countries.[48]

The importance of certain beliefs about indigenous cultures and identities for making successful collective rights claims is nowhere more clearly illustrated than in the case of rights to the communal ownership of land. The landmark 2001 ruling of the Inter-American Court of Human Rights (IAHRC) regarding the communal land rights of the Awas Tingni Mayagna (indigenous) community on Nicaragua's Atlantic Coast illustrates the argument that communal land claims are facilitated by elite and popular conceptions of indians as 'natural' environmentalists with a close, spiritual, non-capitalist relationship to land. Despite being guaranteed in the 1987 constitution, central governments in Nicaragua during the 1990s did not demarcate or title communal lands, and they continued to grant concessions to national and multinational corporations for the exploitation of natural

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[47] In Nicaragua *criollo* and Creole are not synonyms. *Criollos* are the descendants of Spaniards born in the Americas. Creoles are the descendants of escaped African slaves and slaves brought by the British to the Mosquito Coast during the sixteenth century who speak a Creole English language, and who became increasingly dominant in the society of the Mosquito Coast during the eighteenth and nineteenth centuries.

[48] On the shifting strategies of indigenous movements in Latin America and their remarkable success in recent decades, see Rachel Sieder (ed.), *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy* (New York, 2002).

resources without consulting affected communities. Awas Tingni brought its case before the IAHRC after repeated attempts to obtain judicial remedy domestically failed. The IAHRC based its ruling that the Nicaraguan state had violated the right to private property of Awas Tingni on the special relationship that indigenous peoples have to land. The court stated:

> The close ties of indigenous peoples with the land must be recognised and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations.[49]

While in the Nicaraguan case black communities have the same land rights as indigenous groups, and the court's ruling requires the demarcation and titling of all communal lands, in general the notion that a 'special,' spiritual and non-material relationship to the land is necessary in order to justify communal land rights places black communities at a disadvantage when claiming such rights, since they are generally not thought of as having such relationships to land or territory.

The centrality of assertions of ethnic identity to success in winning collective rights is further illustrated by the fact that where Afro-Latin communities have won recognition as distinct groups and collective rights, it has generally been where they have been able to claim an autochthonous or 'indigenous-like' position. Generally, those Afro-Latinos that have gained collective rights are those whose claims are based on appeals to distinct ethnic identities, not racial difference or racial discrimination. In various Central American countries (Honduras, Nicaragua and Guatemala) Afro-Latin groups have been recognised as distinct populations with cultural differences from the nation as a whole, and their collective rights have been included in constitutional and legal frameworks. Creoles and Garifuna in Honduras, Guatemala and Nicaragua, for instance, occupy an autochthonous or 'indigenous-like' position. This 'aboriginal' status is based on their distinct language and culture and their presence prior to the arrival of the national state in the case of both groups, historic association with indigenous groups during the Mosquito Kingdom and Reserve in the case of Creoles in Nicaragua, and intermarriage with indigenous populations in the case of the Garifuna. The presidential accord signed in 1994 recognising Honduras as a multiethnic and multicultural country and instituting bilingual and intercultural education for 'autochthonous ethnic groups,' for instance, includes the Garifuna and English-speaking Creoles in the definition of

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[49] Inter-American Court of Human Rights, 'The Case of the Mayagna (Sumo) Community of Awas Tingni v. Nicaragua,' Judgment of August 31, 2001, p. 75.

'*étnias autóctonas.*' In Guatemala, likewise, Garifuna are included in the definition of indigenous groups. In this regard, Mark Anderson argues that: 'the capacity of Garifuna organisations to claim an indigenous-like status was fundamental in their success in securing a measure of recognition and rights from the Honduran state during the mid-1990s and remains important in ongoing struggles'.[50] As the previous discussion of the Colombian case similarly demonstrated, the question of whether Afro-Colombians possessed an ethnic identity was also central to the debate about whether they were deserving of collective rights. In the remaining cases where Afro-Latinos have won some collective rights, such as Brazil and Ecuador, they have been assigned to rural black communities that occupy an 'indigenous-like' position because they are seen as culturally distinct groups, not to Afro-Latinos as a whole.

The clear distinction between racial and ethnic politics that is assumed in studies of multicultural citizenship reform in Latin America that focus solely on indigenous movements is thus problematic. These studies assume that Afro-Latinos can be excluded from analyses of ethnic politics in Latin America because blacks are a racial group and indians an ethnic group.[51] Such a clear-cut distinction between race and ethnicity obviates the fact that historically 'indian' has functioned as a racial category in Latin America.[52] It also overlooks the fact that racial and ethnic identifications may overlap, since multiple racial identifications can exist within the same ethnic group and vice versa. In a sense, then, what is being taken for granted is that all Afro-Latinos see themselves as racial subjects and do not claim to possess 'ethnic' identities or claim group rights on the basis of them.

As a result, most explanations of why Afro-Latinos have generally not been as successful as indigenous groups in gaining collective rights tend to focus on the (assumed) differences between the two groups, without analysing the role of the state in creating the disparity. Focusing on differences between the two groups overlooks the fact that state institutions, and the preferences of national elites and publics, play a role in determining the ability of different groups to gain collective rights. The argument here, in contrast, is that indigenous groups have been more successful in winning collective rights from the state because it is easier for indians than blacks to formulate their struggles within the parameters under which collective rights have been granted in Latin America, and this divergent ability has everything to do with the different ways in which they have been racialised throughout

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[50] Anderson, 'Why Black Politics (sometimes) looks like Indigenous Politics,' p. 3.

[51] Yashar, for instance, makes a distinction between ethnic and racial cleavages and argues that she is concerned with the politicisation of the former, not the latter. 'This article does *not* address the politicization of racial cleavages in Latin America,' she notes. Yashar, 'The Postliberal Challenge,' p. 104, n. 4.   [52] Wade, *Race and Ethnicity*, p. 37.

the region. Simply put, indigenous groups have gained more collective rights than Afro-Latinos in part because Latin America's new multicultural citizenship regimes are more amenable to demands made on the basis of cultural difference or ethnic identity than racial difference or racial discrimination, and this mode of justifying group rights determines the greater success of indians than blacks.

Black and indigenous politics in the multicultural model

Having explained the disparity in success in winning collective rights between indigenous groups and Afro-Latinos in Latin America's recent rounds of multicultural citizenship reform, the consequences of this disparity are worth considering. Does it matter that indians are better positioned to make claims based on cultural difference than blacks? Is it a problem that only a small subset of the region's Afro-Latin population can claim collective rights? Should Afro-Latinos *want* collective rights based on cultural difference? In sum, what are the implications for black and indigenous politics of the fact that collective rights are adjudicated primarily based on the existence of cultural difference, and as such benefit indians more than blacks?

The literature on multicultural citizenship reform suggests that indigenous and black demands for the recognition of cultural diversity and for collective rights expand existing conceptions of citizenship in Latin America. Such demands implicitly reject ideas central to liberal democracy, such as the notion that when correctly applied, the same institutions can better ensure equal treatment for all, and that the individual is the only appropriate bearer of rights. They present a new way of conceiving of national unity that is not dependent on the myth of cultural homogeneity or on administrative or unit homogeneity.[53] At the same time, however, it is important not to be too sanguine about the possibilities inherent in multicultural citizenship. The claims of indigenous and Afro-Latin groups may very well pose a 'post-liberal challenge' to Latin America's new democracies, but given the disparity in access to such rights we must also consider whether collective rights are the best way to reverse the political exclusion and racial discrimination suffered by black and indigenous populations in Latin America.

Multicultural citizenship reforms in Latin America privilege certain kinds of subjects and certain modes of framing grievances that have potentially negative consequences. The need to assert an ethnic or culturally distinct group identity in order to successfully claim collective rights means that not only the majority of Afro-Latinos, but some indigenous groups as well, are

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[53] Yashar, 'The Postliberal Challenge,' pp. 88–96.

unable to gain such rights.[54] The problem is that as a result Afro-Latinos who are unable to assert an 'ethnic' identity lack a solid claim to collective rights even though they may also suffer from political exclusion and racial discrimination. Afro-Latinos have been able to gain group rights where they have been able to assert an indigenous-like position. But if the majority of black populations in Latin America are in fact urban, and do not possess an ethnic identity distinct from the larger *mestizo* culture, this means that they are less likely to be able to successfully claim group rights, at least so long as these are conceived in terms of cultural difference. Moreover, the use of cultural difference criteria to adjudicate the recipients of collective rights is proving problematic for indigenous people as well.[55] In the Nicaraguan constitutional debates about multicultural reforms in 1986, for example, attempts to extend collective rights to indigenous groups outside the Atlantic Coast were defeated by those who argued that these populations no longer possessed a distinct indigenous ethnic identity, but had become acculturated *mestizo* peasants.[56] This disparity in access to collective rights could potentially lead to divisions between those who can and cannot claim collective rights among and within Afro-Latin and indigenous communities.

Another danger, and perhaps a more important one, is that the need to frame their demands in terms of cultural difference in order to gain collective rights might lead Afro-Latinos (and indigenous populations) to privilege issues of cultural recognition over the struggle against racial discrimination as the basis of political mobilisation.[57] Mark Anderson has argued with respect to Honduras, for instance, that in order to win rights from the state the Garifuna deployed a discourse similar to that of the indigenous movement that emphasised the existence of a particular kind of collective subject worthy of rights. As a result, a discourse of anti-racism that had previously been the dominant mode of Garifuna politics became subordinate to the language

[54] A number of communities have engaged in processes of 're-indianisation,' presumably in response to such imperatives. See, for example, Jonathan Warren, *Racial Revolutions: Antiracism and Indian Resurgence in Brazil* (Durham, NC, 2001).

[55] Indigenous people who no longer possess the traits associated with cultural difference such as language, ritual, or traditional dress, and who live in urban areas can also be excluded from multicultural policies. As Hale notes, under 'neoliberal multiculturalism' certain kinds of rights claims and rights-claiming subjects are seen as more legitimate than others. See Hale, 'Does Multiculturalism Menace.' Alcida Ramos makes a similar point in her discussion of the 'hyperreal indian.' See Alcida Ramos, *The Commodification of the Indian* (Brasilia, 2000).

[56] For a discussion of how different narratives of *mestizaje* affected debates about collective rights in Nicaragua during the 1980s see Juliet Hooker, 'The Myth of Inclusion: *Mestizo* Nationalism, Identity Politics, and Citizenship in Nicaragua,' unpubl. PhD diss., Cornell University, 2001.

[57] Basing group rights on cultural difference criteria also pose other problems, such as the possible reinforcement of patriarchal gender relations. See Susan Moller Okin, 'Feminism and Multiculturalism: Some Tensions,' *Ethics*, vol. 108, No. 4 (July 1998), pp. 661–84.

of indigenous rights.[58] This is not to suggest that indigenous groups do not also employ an anti-racist discourse; it is, however, to point out that when Afro-Latinos have emphasised cultural difference in an effort to gain collective rights it has often been at the expense of a discourse against racial discrimination and social and economic exclusion. In the case of Afro-Colombians, for instance, it has been argued that following mobilisation around the ANC there has been a shift in black political discourse from an emphasis on a politics of anti-racism that emphasised racial discrimination and the need to reverse social exclusion, to a politics of cultural difference that emphasises the African cultural roots of Afro-Colombian identity and the historical ties of black communities to particular territories.[59] As Anderson notes with respect to Honduras, blacks could not have gained collective rights based solely on a politics of anti-racism because the Honduran state (like its Colombian counterpart and most other Latin American states) continues to be reluctant to accept the existence of racism. In this sense the emphasis on cultural difference as opposed to racial discrimination might allow states to ignore the continued existence of racism once cultural diversity is recognised, without necessarily addressing the social and economic aspects of racial injustice.[60]

The privileging of cultural recognition in black and indigenous politics in the wake of the multicultural model might pose significant problems for these groups since it is not clear that collective rights based on cultural difference can address race-based structural inequalities. As Guillermo O'Donnell has noted, one of the crucial questions in the study of democratisation in Latin America today is 'to what extent and under what conditions poor sectors and other disadvantaged groups may use available political rights as a platform of protection and empowerment for struggles towards the extension of civil and social rights'.[61] The problem in the case of Afro-Latinos and indigenous groups in Latin America is that collective rights based on group difference have become the primary means through which Latin American states seek to resolve problems of political exclusion and racial injustice, yet such strategies may not address the structurally persistent

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[58] Anderson, 'Why Black Politics (sometimes) Looks Like Indigenous Politics,' p. 24.

[59] Restrepo, 'Afro-Colombianos, antropología y proyecto de modernidad en Colombia.'

[60] This critique of a politics of recognition based solely on cultural difference has been raised in debates about identity politics in the United States and elsewhere. See, for example, Wendy Brown, 'Wounded Attachments: Late Modern Oppositional Political Formations,' in John Rajchman (ed.), *The Identity in Question* (New York, 1995), pp. 199–227, and Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist Age,' in Nancy Fraser, *Justice Interruptus: Critical Reflections on the 'Postsocialist' Condition* (New York, 1997).

[61] Guillermo O'Donnell, 'Democracy, Law, and Comparative Politics,' in *Studies in Comparative International Development*, vol. 36, no. 1 (Spring 2001), p. 28.

inequalities faced by primarily racially-defined groups, and it is not clear whether the former can be parlayed into the latter. As Robert Cottrol and Tanya Kateri Hernandez suggest, addressing racism and racial discrimination might require the implementation of 'a strong civil rights approach' in addition to the policies of cultural recognition that have developed in the region in the past two decades.[62]

Such civil rights-type measures intended to redress past racism against Afro-descendant populations have been undertaken in certain Latin American countries, the most notable example being the introduction of racial quotas for public offices and higher education in Brazil.[63] In another promising development, in Colombia blacks have been able to translate collective rights into anti-discrimination measures. In a 1996 decision the Colombian Constitutional Court broadened the scope of black collective rights beyond the Pacific Coast Raizal (riverine) populations to all Colombian blacks on the basis of Afro-Colombians having been the victims of 'social marginalisation,' even though they might not meet the constitution's narrow definition of a black community as a traditional river-based culture.[64] Yet it is also the case that such affirmative action and other civil rights-type measures remain much more controversial in Latin America and less frequently embraced by states as measures to combat racism than the multicultural citizenship reforms that were enshrined as part of the multicultural model. The continued debates about affirmative action in Brazil attest to the fact that rights based on cultural difference continue to appear more legitimate to Latin American states and publics than other kinds of anti-racism measures,[65] and this poses a problem for Afro-Latinos if the former alone do not adequately address racial discrimination.

The fact that many of the same Latin American states that have recognised cultural diversity have also consistently withheld the resources that would enable the implementation of collective rights suggests the possibility that the focus on cultural recognition in current multicultural citizenship reforms might obviate questions of racial discrimination. The consumption and

[62] Robert J. Cottrol and Tanya Kateri Hernandez, 'The Role of Law and Legal Institutions in Combating Social Exclusion in Latin American Countries: Afro-American Populations,' Paper prepared for the Inter-American Development Bank, n. d., pp. 14–15.

[63] On current affirmative action debates in Brazil, see Mala Htun, 'From "Racial Democracy" to Affirmative Action: Changing State Policy on Race in Brazil,' *Latin American Research Review*, vol. 39, no. 1 (2004), pp. 60–89. For an overview of legal measures against racial discrimination adopted by various Latin American countries, see Cottrol and Hernández, 'The Role of Law and Legal Institutions'.

[64] Van Cott, 'Constitutional Reform and Ethnic Rights in Latin America,' p. 50.

[65] On the arguments against affirmative action in Brazil, see for example, Antonio Sérgio Alfredo Guimarães, 'Measures to Combat Discrimination and Racial Inequality in Brazil,' in Rebecca Reichmann (ed.), *From Indifference to Inequality: Race in Contemporary Brazil* (University Park, PA, 1999), pp. 139–53.

incorporation of cultural difference in a sanitised way may very well serve to neutralise its political effects. In this case cultural or racial difference becomes an identity that one can take up and discard at will, and that has no direct political effects. From this perspective there might be a natural affinity between neo-liberal and multicultural citizenship regimes. Precisely for this reason, it is crucial that the struggles of Afro-Latin movements be included in the analysis alongside those of indigenous groups. Including Afro-Latinos forces us to analyse the impact of continued racism on the ability of marginalised groups to translate political rights into social and civil rights. The 1996 decision of the Colombian Constitutional Court broadening the scope of black collective rights beyond Raizal populations, and the existence of both types of strategies to combat racism in Brazil (collective rights for rural *quilombos* and racial quotas for Afro-Brazilians as a whole) suggest that these two kinds of measures to reverse racial discrimination are not incompatible, and point to how the implementation of one set of rights might lead to the introduction of the other. The Brazilian and Colombian cases are also encouraging precedents for how the exclusion of (the majority of) Afro-Latinos who cannot claim collective rights based on cultural difference from the multicultural model might be addressed in the future.

Joint analyses of indigenous and Afro-Latin politics bring such issues to the forefront. Including Afro-Latinos in analyses of multicultural citizenship reform in Latin America is thus useful because the struggles of black people, who stand in an ambiguous position vis-à-vis the intersection of race and ethnicity, are less easily subsumed under the rubric of cultural recognition at the expense of anti-racist politics. In addition to correcting a gap in the literature where analyses of black politics in the context of multicultural citizenship reform is concerned, this article also suggests certain limitations and possibilities of Latin America's new multicultural model. The analysis here has important implications for both indigenous and black politics because it suggests that the greater success of indigenous groups in winning collective rights thus far (and black attempts to emulate it) may come at a price. The cost may be the primacy of cultural recognition over questions of racial discrimination and social exclusion. It also suggests certain possibilities, however, because social exclusion and racial discrimination are rubrics under which both indians and blacks can organise to demand rights. While there are limits to the extent to which Afro-Latinos can claim distinct ethnic identities in Latin America, the same is not true for organising around a politics of anti-racism in the case of both indians and blacks.