

Indigenous autonomy in Colombia: State-building processes and multiculturalism

PABLO RUEDA-SAIZ

University of Los Andes, Cra 1 No. 18A-12, Bogotá, Colombia

Email: p.rueda@uniandes.edu.co

Abstract: This article shows a novel facet in the complex relation between multiculturalism, the state and the market. Contrary to conventional theories in political science, sociology and anthropology, it shows that it is not just the success, but also the failure of the state and the market to commoditise nature and turn it into property that can actually help to foster ethnic identity. While state-driven market incentives to expand the agricultural frontier in Colombia during the 1960s and 1970s failed, they did help to foster differentiated indigenous identities and organisations, which converged around the revival of long-forgotten nineteenth century indigenous laws and other political opportunities to reclaim lands that had been taken away from them. Moreover, this article also shows that during a period of institutional openness in the late 1980s and early 1990s, the political emergence of indigenous identities became an important component of Colombia's state-building processes by helping this country to maintain its territorial integrity through a model of delegated indigenous governance.

Keywords: autonomy; identity formation; legal mobilisation; neoliberal multiculturalism; state-building

I. Introduction

A growing body of literature in political anthropology, political science and sociology shows the role that the state and the market play in fostering the relatively recent emergence of differentiated ethnic identities (Cattellino 2008; Comaroff and Comaroff 2009; Hale 2002; Hale 2006; Povinelli 2002; Rodríguez 2011; Sieder 2002; Van Cott 2007; Yashar 2005). Many of them start from a very similar puzzle: why has ethnic identity flourished during neoliberalism, a system in which ethnic and cultural differences were supposed to be overshadowed by similarities among consumers (Hale 2002)? Some political scientists claim that ethnic identities, especially in the global south, emerged with what was called the Third Wave of democratisation (Sieder 2002; Van Cott 2007; Yashar 2005). Some anthropologists argue that the market in the period of neoliberal reforms

(1980s and 1990s) has expanded to unexplored terrains by commoditising features that were considered externalities, such as culture and ethnic identity (Cattelino 2008; Comaroff and Comaroff 2009). Other anthropologists and sociologists argue that neoliberalism is not just an economic project, but a political one in that it fosters a certain model of governance based on decentralisation and self-help, and that the state is an active player in the implementation of this political project. The state helps to foster docile subjects by selectively and symbolically recognising certain ethnic identities and downplaying others, without significantly altering the distribution of political and economic power. This is what some commentators have called neoliberal multiculturalism (Hale 2002; Hale 2006; Rodriguez 2011). Less is known, however, about the role that the emergence of such identities plays in state-building processes (but see Laitin 1999).

This article suggests a new facet of the complex relation between multiculturalism, the state and the market, much in the same fashion as Cornago in this volume refers to a co-production of sovereignty in the case of the Basque country. It shows that during a first stage, the failure of the state and the market to commoditise nature and turn it into property, rather than their success, can also help to foster ethnic identity. While state-driven market incentives to expand the agricultural frontier in Colombia during the 1960s and 1970s failed, they did help to foster differentiated indigenous identities and organisations, which converged around the revival of long-forgotten nineteenth century indigenous laws and other political opportunities to reclaim lands that had been taken away from them (Rappaport 2005). Finally, this article suggests that during a second stage in the late 1980s and early 1990s, which can be characterised as a period of institutional openness (Krasner 1988) or a critical juncture (Skocpol 1992; Thelen 1999; Thelen 2003; Weir 1992), the political emergence of indigenous identities became an important component of state-building processes (Gros 2000; Rodriguez 2011), helping to maintain territorial integrity through a model of delegated indigenous governance. Thus, the failure of commoditisation processes and state-controlled governance models can also help to shape indigenous identity. Moreover, indigenous identity is not just epiphenomenal; it can also shape state-building processes.

The impact of identity on state-building is important because it can alter political outcomes. Anthropologist Charles Hale (2002 and 2006), among others, claimed that state-driven construction of ethnic identities in Guatemala and elsewhere has only helped some indigenous groups gain symbolic recognition of their identities and cultures (Overmyer-Velázquez 2011). In Colombia, however, multiculturalism has helped indigenous

peoples gain, not only formal recognition, but political autonomy and material resources. Although indigenous people in Colombia have never made claims to independence as sovereign nations, they have successfully managed to attain an important degree of autonomy from the State. Even though indigenous populations in Colombia amount to slightly over three per cent of the country's total population, according to this country's last census carried out in 2005 (DANE 2005), their lands expand over more than 30 per cent of Colombia's continental territory (DANE 2007), this is, an area larger than Italy. In these territories indigenous peoples have their own governments, their own legal systems, their own schools and health systems, all of which are established according to their own institutions, rules, procedures and traditions. Moreover, since 1997, and increasingly since 2014, the Colombian central government has recognised indigenous authorities and institutions and provided the necessary resources to administer their own health systems, schools, and to some extent, their legal institutions.

This article intersects with two general topics of this special issue. The first topic is the role of international factors in the construction of autonomy. As Saskia Sassen (2008 and 2007) has pointed out, global processes are spatialised (see also von Benda-Beckmann and Griffiths 2005: 9; 2009: 3–4). To locate these phenomena we need to adapt our understanding of the location of global relations. Once we adapt our understanding of where these phenomena occur, we realise that spatial hierarchies going from the global to the local are nested, or as suggested by Fierke in the Introduction, they are 'entangled' with each other. In other words, global processes are not only facilitated by, but also actually occur at the national and local levels (Sassen 2008). Therefore, globalisation does not produce uniform consequences around the globe and it may even produce unintended consequences. In Colombia, the failure of state agencies to expand the agricultural frontier and commoditise land helped indigenous peoples to recover old laws and to politicise ethnic identities to recover their lands. Later, the failure of governmental entities to win the international 'war on drugs' and combat guerrilla groups led them to create a model of 'low-intensity' delegated indigenous governance over vast areas of Colombia, which the government could not control directly. In this respect, indigenous peoples were not passive recipients, but important agents of state-building processes.

The second topic is what Fierke in the Introduction calls 'entangled legal configurations', which show the complexity of the relation between law and the politics of ethnic autonomy and contestation, both internationally and locally. This article evinces how indigenous leaders subverted the legal institution of the *resguardo*, initially created during the Spanish colonial

period and maintained after independence, which had been designed to use indigenous people as a working force. Regardless of its original intent, this legal institution helped to galvanise indigenous identities around their rights to land, initiating processes of land recovery, collective organisation and the construction of indigenous authority over an important part of the country. To be sure, indigenous peoples recognised the racist character of such colonial institutions, but they were also able to mobilise their ethnic identities around the rights that they granted to indigenous peoples, while subverting and transforming them into a source of autonomy. In fact, the recovery of this institution helped to redefine the relation between indigenous people and the state.

The first section this article establishes the relation between the failed attempts to expand territorial sovereignty via two so-called land reforms, explaining how and why they failed. The second describes how despite the failure of land reform attempts, government-led peasant mobilisations during the 1960s contributed to the mobilisation of social identities, particularly of indigenous peoples, who recovered and subverted nineteenth century laws that granted them inalienable rights over their lands. The third section of the article shows how during the late 1980s violence led by the guerrillas, drug lords and the paramilitaries constituted a critical juncture that posed risks to the territorial sovereignty of the state. The fourth analyses how the government decided to expand indigenous territories and strengthen their organisations and authorities, as a strategy of partial delegation of governance over areas that it could not control directly. The fifth section shows how indigenous territorial expansion, paradoxically, helped commoditise their lands and expose them to companies that seek to extract natural resources from their lands. Finally, it concludes by showing the need for further research relating to the interplay between the emergence of ethnic identities, the state and the market.

II. State-Building and multiculturalism

Land, (elusive) agricultural development, and the expansion of territorial sovereignty

Historically, indigenous groups have been the majority of the population in the country's large extension of jungles and rainforests, including those located around the country's borders (Rappaport 2005: 1). Moreover, these remote areas have been almost completely disconnected from Bogotá and other major cities. Beyond occasional resource extraction, like quinine and rubber, the white and *mestizo* population has not been either interested

or capable of settling in them permanently to exploit them economically (Kalmanovitz 2003; Kalmanovitz and López 2007; Molano 2006). In fact, there are large areas where elites have not sought to dispossess indigenous people from their lands, mostly because they have not been interested in appropriating their land or using them as labour (Gros 1991; Gros 2000; Palacios 2011). As a consequence, securing Colombia's sovereignty in those areas has required making indigenous people a part of the national project. To do so, elites sought to 'civilise' indigenous populations – a task largely carried out by Catholic missionaries (Bonilla 1972), giving them land either in the form of *resguardos* or as private property, and exempting them from paying tribute (Fals-Borda 1957: 331; González 1992: 14; McGreevey and Fayard 1968). In other words, in this state-building project the extinction of indigenous people would not result from massacring indigenous people or dispossessing them from their land, but from integrating into the market economy. In what follows I will address some of the difficulties that the state has had to face in order to expand and consolidate its territorial control.

Throughout its history, the Colombian government has faced various difficulties in attempting to assert effective, sustained control over its territory. Some researchers stress the climate and geographical characteristics of the country (Kalmanovitz 2006: 96; Palacios 2011; Safford and Palacios 2002), while others mention a deficient transportation infrastructure that covers only certain areas of the country (Ramírez 2007), the incapacity of the state to guarantee property rights in distant areas (Sánchez *et al.* 2010: 252, 265; Kalmanovitz and López 2007: 127), and the pervasive violence that has been endemic in the country's rural areas (Sánchez *et al.* 2010; Palacios 2011). These factors have limited the government's capacity in two important ways. First, historically two-thirds of its population has been dispersed throughout myriad small cities mainly located throughout the Andes' highlands and slopes. The lowlands, which are distant from the country's main cities, amount to 85 per cent of the country and have remained practically uninhabited. Moreover, the lowlands of the Amazon Rainforest and the Eastern Grassland Plains occupy over 56 per cent of the territory but host slightly over one per cent of the population. Secondly, until the late twentieth century the different regions of the country have remained economically isolated from each other. All these factors have prevented the territorial consolidation of the state; a situation that, we will later see, has stimulated different governmental policies to consolidate the state's territorial control by expanding the 'economic frontier' (Palacios 2011: 35; Safford and Palacios 2002).

The first mechanism through which Colombian administrations have sought to expand the economic frontier of the country is through

land reform. 'Land reform' policies in Colombia have not been oriented toward the redistribution of agricultural land (Kalmanovitz 2003; Kalmanovitz and Lopez 2006; Reyes 2009). In fact, land reform in Colombia has never entailed expropriating farms from rich landowners to give to landless peasants (Gros 2000; Houghton 2008; Palacios 2011). Instead, so-called land reforms have been conceived as a series of economic incentives addressed to landless peasants to expand the agricultural frontier in the hope of promoting economic activities in remote areas of the territory of the state (Sánchez *et al.* 2010: 252). In other words, land reforms have not been primarily focused on resolving the problem of unequal distribution of land in Colombia, but as a way of fostering economic growth (Kalmanovitz 2003; Kalmanovitz and Lopez 2007) and increasing the state's political control over the territory (Palacios 2011).

There have been various attempts at land reform in Colombia. However, none of these attempts achieved or even attempted to improve land distribution or expand state control over its territory (Kalmanovitz 2007; Vega 2002). Colombia maintains one of the most unequal land tenure structures in the world and lacks road access and other adequate systems of communication to major parts of the territory, which remain mostly uninhabited. According to the National Geographic Institute of Colombia (IGAC) in 2001, 99.5% of the land-owning population in the country owned only 34% of the land, while the top 0.2% owned 52% (IGAC 2001). Instead, during the twentieth century the state attempted to expand its agricultural frontier by promoting the colonisation of remote areas. However, despite important governmental attempts to organise peasant organisations around land reform attempts, economic institutions never became socially embedded, among others, because the state was not able or willing to protect property rights in distant areas of the countryside (Archila 2005; Kalmanovitz and López 2007; Palacios 2011). Thus, these policies were never able to transform land into a commodity.

However, the last of these attempts to expand the domestic agricultural market was accompanied by an intervention of the state to mobilise society in favour of its land reform (Archila 2005: 392; Bagley and Edel 1980; Fals-Borda 2008: 224–5). Although the government failed to organise peasants in support of its land reform policies, governmental intervention in combination with the laws on the books that regulated indigenous *resguardos* did produce what Polanyi (2001) calls a 'double movement', which led to the politicisation of indigenous identities, the creation of indigenous organisations, the revival of indigenous authorities and the recovery of indigenous lands.

Law, the politicisation of indigenous identity and the subversion of the resguardo system

Despite the failure of its land reform policy, the government of liberal president Lleras Restrepo in the late 1960s left an important social legacy. The government sought to build a support structure for its land reform policies, and thus, it politicised peasants and promoted the creation of a strong peasant organisation called the *Asociación Nacional de Usuarios Campesinos*, or National Peasant Association (ANUC), in 1969 (Gros 2000; Machado 1994; Machado 1998). This organisation sought to obtain property titles for landless peasants through the Institute for Land Reform (INCORA). However, INCORA lacked the resources to provide lands. Therefore, some of its members promoted squatting on the lands of large landowners (Archila 2005). This organisation included a small but very active group of indigenous people (indigenous secretariat) that was part of its management structure. However, after some time the leaders of ANUC became too politically radical for the government. Thus, the government started supporting the more mainstream factions within ANUC, until the organisation finally split into two large national peasant organisations (Laurent 2005: 69–70). Within the following three years, these two organisations would fade away without major achievements (Rivera 1982).

In contrast, a third organisation that split from ANUC early on, and grew significantly in the years that followed, was the *Consejo Regional Indígena del Cauca*, or Cauca Regional Indigenous Council (CRIC), created in 1971 (Gros 2000; Ulloa 2013: 29). As the first self-proclaimed indigenous organisation in the country, CRIC is key to understanding the nature of indigenous mobilisation in Colombia. CRIC also shaped the legalistic bent of Colombian indigenous organisations because it reinvented and mobilised Law 89 of 1890 to regain the *resguardos* that had been taken from indigenous people in the department of Cauca (Laurent 2005, Lemaitre 2009), and because throughout the 30 years following its creation, it would help to establish many other indigenous organisations on its model, including the *Organización Nacional Indígena de Colombia*, or National Indigenous Organization of Colombia (ONIC). However, despite its name, CRIC did not start as an explicitly indigenous organisation, as illustrated by its initial composition and declared objectives, which came out of its first meeting (CRIC 1990, 1996).

There are several aspects of the first CRIC meeting, in addition to its broad multi-ethnic composition, that are worth recalling. The first is the role of the state in promoting and controlling indigenous mobilisation. On the one hand, the state funded this meeting with funds that INCORA had given a peasant organization called the Rural Social and Agrarian Federation for that purpose specifically. On the other hand, however, after

the meeting the police arrested several leaders who had attended; especially those that had an affiliation with leftist organisations, like former guerrilla leader Gustavo Mejía (Laurent 2005: 73).

This combination of support and repression has been interpreted as a strategy of the state to define the parameters of indigenous activism along ethnic lines, cleansing it of any class-based elements (Troyan 2008). However, there is no empirical evidence to support the existence of an identifiable agent who devised a plan to distribute rewards and punishments to cleanse CRIC of communist elements, leaving only 'harmless' indigenous elements (Archila 2005; Fals-Borda 2008). It is more likely that the combination of support and repression reflects the existence of two different lines of interaction between members of this indigenous organisation, and two functionally specialised organs of the state. In fact, anthropologist Joanne Rappaport (2005: 55) considers public officials of the Institute for Land Reform (INCORA) to be among the earliest collaborators in the emergence of CRIC. These organs operate separately even though they are part of a state structure that combines coercion and consent to control its population (Archila 2005: 405). In this way, although the ultimate goal of both agencies may have been to prevent the expansion of communist subversion, their actions were not necessarily coordinated. While the armed forces were seeking to coerce potentially insurgent organisations, INCORA was pursuing an agenda more closely related to the Alliance for Progress, which operated independently from the armed forces (Gros 1991; Troyan 2008). Violence against CRIC leaders, however, was more directly related to local landowners, and between 1971 and 1979 more than 50 indigenous leaders from CRIC disappeared (Laurent 2005: 73).

The second element worth discussing is the marginality of claims related directly to the recognition of a differentiated indigenous culture made by CRIC during its first meeting. By the end of the meeting the CRIC formulated six objectives: the abolition of a system of sharecropping called *terraje*; the expansion of the existing *resguardos* by INCORA; the abolition of the Directorate of Indigenous Affairs; the expropriation of latifundia located in former *resguardos*; the reform of Law 89 of 1890 inasmuch as it considers indigenous people as minors; and finally, the participation of indigenous people in this reform (Archila 2005: 404; Laurent 2005; Lemaitre 2009; Ulloa 2013). This marginality would later be considered a result of the dominating role that *terrajeros*, this is, indigenous sharecroppers, exerted at the first meeting. Others have claimed that this absence suggests that indigenous people at the time did not identify themselves primarily as indigenous people (Gros 1991; Troyan 2008), although this seems an overstatement. Guambianos, one of the two indigenous groups in CRIC, preserve their language, organisation, traditional dress, and customs.

Meanwhile, the other group, the Nasa of Tierradentro in Eastern Cauca, preserve their systems of indigenous authority (Muelas 2005). Thus, while indigenous people at the time may have thought of themselves as an ethnically differentiated group, they had no reason to politicise their indigenous identity. In fact, traditionally an 'Indian' was considered inferior and it was only until the early 1970s that this negative identity value became a positive one. By then an educational pamphlet of CRIC (1974) claimed: 'We Paeces, Guambianos, and other groups are Indians. We are the descendants of indigenous nations that lived in these lands centuries before invaders from Spain arrived. We have a right to our lands ... and we value our language and customs. ... We believe that being Indians is a good thing.'

Finally, the third element that is worth noting is the attitude that CRIC assumed toward Law 89 of 1890 during its first meeting. This attitude, and particularly the intention of indigenous leaders in CRIC in reforming Law 89 of 1890, is closely related to their depoliticised notion of indigenous identity, firstly, because the law treated indigenous people as savages and minors. However, their attitude toward the law was also informed by ideological attitudes of the left toward the law (Gros 1991: 199; Laurent 2005; Rappaport 2005). Moreover, in their first meeting CRIC leaders had not yet realised how the law, despite its racist undertones, could be drawn on to politicise their indigenous identities and legitimise their claims to land, autonomous government, and culture (Laurent 2005: 59; Houghton 2008: 84). Also, as Troyan (2008: 178) recounts from her interview with Pablo Tattay, one of the organisers of the meeting:

The one who was against Law 89 of 1890 because of the minority of age issue was Trino Morales, who changed his position with regard to Indian law. For me, instead, what happened was that we did not know much about indigenous law in the first conference. We were evaluating the possibilities.

Three important elements changed in the second CRIC meeting, which took place in the municipality of Toribío, on 6 September 1971. According to Troyan (2008: 176), this was a secret meeting (see Gros 1991: 215). Regardless of whether the meeting was secret, the objectives of the organisation changed significantly. The first change had to do with the inclusion of 'cultural' elements specifically related to indigenous identity, and the second with the drastic change in the attitude of CRIC toward Law 89. The seven points of the organisation's programme, as redefined by this second committee, and which remain the objectives of the organisation, are as follows:

1. Recover the *resguardos*, 2. Expand the existing *resguardos*, 3. Strengthen indigenous *cabildos*, 4. Stop paying *terrajés*, 5. Propagate knowledge of laws regulating indigenous peoples and demand their just application, 6. Defend indigenous history, languages, and customs, 7. Educate indigenous teachers so that they in turn can educate [indigenous children] based on the context of indigenous peoples and in their own languages. (CRIC 1971)

As can be seen, while legal reform was taken off the agenda, knowledge of the law and the demands for an enforcement of Law 89 of 1890 were adopted as part of the project. Moreover, the elements that identify and differentiate indigenous culture from that of the rest of the population were also highlighted and the preservation of these elements became a central part of the programme. Finally, there was also a noticeable absence of the state as an interlocutor to which the claims could be directed. Instead, these new objectives suggest that the organisation would assume the kinds of roles, functions and services that had traditionally been expected of the state. As I will claim below, this strategy combined fostering legal consciousness (Ewick 1998; McCann 1994; Merry 1990) with gaining greater autonomy from the state, which is characteristic of the CRIC attitude towards the law (Gros 2000; Peñaranda 2009). Michael McCann (1994: 7) refers to legal consciousness as ‘the ongoing, dynamic process of constructing one’s understanding of, and relationship to, the social world through the use of legal conventions and discourses’. This consciousness may or may not lead to collective action in so far as it may help to portray collective understandings of law as a legal resource or tool, as well as an obstacle for achieving social change (O’Brien and Li 2009). In the case of the CRIC, the combination of achieving greater autonomy from the state and fostering legal consciousness, enabled indigenous groups from the department of Cauca to expand their *resguardos* and strengthen their system of governance (Arango and Sánchez 1998; Archila 2005; Gros 2000; Laurent 2005: 59). Furthermore, as we will also see below, CRIC expanded this approach to other indigenous groups throughout the country.

Paradoxically, the activity of the state is closely involved in this parallel expansion of legal consciousness and indigenous autonomy. An important element of this contribution came in 1972 when the *Departamento Administrativo Nacional de Estadística*, or National Department of Statistics (DANE), asked CRIC to organise and carry out a census of the indigenous population in the department of Cauca as part of the national census. The census helped CRIC gain valuable information about the configuration of the indigenous population in the department of Cauca

(Laurent 2005). Not only did CRIC gain access to the kind of demographic information that they were gathering for DANE; the census provided information about the problems and organisational forms of the various indigenous groups (CRIC 1996).

More importantly, the census enabled the members of the CRIC to carry out the dissemination of Law 89, and raise consciousness among indigenous people about their rights, and the abuses that *hacendados* (large landowners) were committing against them. Thus, while carrying out the census during the day, they gathered the population at night, urging them to regain their lost colonial *resguardos* and prevent the *hacendados* from appropriating the land that they had preserved. As one of the founders of CRIC told Troyan (2008: 180) in an interview: ‘We wanted the people to realize the importance of the *resguardos*.’ Based on its official history, the strategy used by CRIC (1990: 5) was as follows:

The working method was the following: during the day we visited each and every house to fill out the census survey forms, and we invited everyone to participate in a series of meetings held out during the afternoon. During those meetings we told them about the CRIC Program, and handed out some official CRIC documents. Among those documents was the agreement arrived at with the national government in Bogotá, guaranteeing us the devolution of our lands in Tacueyó, Toribío, San Francisco, Pitayó, and Jambaló... .

CRIC and other newly created indigenous organisations revived Law 89 of 1890 in the 1970s (CRIC 1990, 1996). Leaders of CRIC combined a reconstruction of the history of the *resguardos* with direct action, in what McCann (1994: 177–9) refers to as a ‘decentered’ form of legal mobilisation; in other words, strategically invoking the law in direct interactions with other social actors, instead of resorting to courts. As a result of the campaign initiated by leaders of such organisation, indigenous groups in their areas of influence began to investigate the limits of the colonial *resguardos* that had been taken from them by force, abandoned, or sold illegally by the Catholic church or by local landowners (Archila 2005; Vega 2002). Thus, many such groups were able to collect information about the location and limits of the colonial *resguardos* through oral histories of the elders of each group, and further by visiting the notaries and public offices that kept records of land transactions. With this information, they engaged in archival research to search for the colonial property titles awarded by the Spanish crown (Laurent 2005). Once they had gathered the necessary documents, the problem was how to best use that evidence to recover the *resguardos*. They could either file lawsuits against the *hacendados*, who had possession over their *resguardos*, claiming that they

were the rightful owners, or they could simply occupy the land and wait to see what happened. The second option gained them immediate access to the land, and if the police came to evict them or they were sued, they could present their colonial titles as a defence. If they were not sued, they would simply stay on their land because, according to the colonial titles, which are valid in Colombia, they were the rightful owners (Archila 2005: 401). In most cases, indigenous people assembled in large groups and occupied the land collectively. The purpose of this action was to make a symbolic statement about the superiority of their rights to the land: regardless of whether the legal system of the state recognised indigenous ownership, these were indigenous lands (Laurent 2005: 73). Moreover, this statement was not only directed at Colombian society in general, but intended to instill a sense of confidence and legitimacy in the indigenous people of Cauca. This objective was evident in the official statement of the CRIC (1974) with respect to the history of their organisation, which established: ‘our intention was not to promote a “battle of papers” (to refer to the law suits) but to make the indigenous communities realize the rights that they had, rights which even the (Colombian) law recognizes’.

Law 89 became very important in the birth of the indigenous movement in Colombia during the 1970s. Commentators have asserted that this law was in fact ‘the cornerstone’ of the indigenous movement (Gros 1991; Laurent 2005; Rappaport 2005; Roldán 2000: 12; Troyan 2008). However, despite the importance of law in their strategy of mobilisation, indigenous people were not naïve; they did not assume that Law 89 of 1890 was created to protect them, given that it came from a conservative party that had triumphed through a series of bloody civil wars against liberals at the end of the nineteenth century (Fals-Borda 1957). One of the indigenous leaders that participated in the occupation of the Coconuco *resguardo* summarised indigenous scepticism and distrust of the law very clearly. He says:

We Indians have awakened a little. We now know that the landlords and oligarchs created the laws, the public deeds (containing real estate transactions), the public offices, and the police to turn us into slaves, and to have us under the yoke of ignorance. All this is because it is not convenient for them that we are free. (ANUC: 1973)

Finally, the presence of indigenous people from around the country at the third CRIC congress was key to their national mobilisation. By 1973, the achievements of the organisation, its leadership in creating a consciousness of rights among the indigenous people of Cauca, and in recovering their *resguardos*, had become famous among the various ethnic groups of the

country (Arango and Sánchez 1998; Gros 1991; Gros 2000; Laurent 2005). Thus, indigenous groups seeking to organise themselves and recover their lands in other parts of the country were keen to observe how CRIC operated. Based on the official history of the organisation, more than 2000 indigenous people from across the country attended the meeting (CRIC 1996), through which CRIC strengthened its bonds with other indigenous groups, and established itself as a national leader and model among indigenous groups. In the decades that followed, CRIC participated in the creation of regional indigenous organisations in other parts of the country, as well as in the creation of two national indigenous organisations, which were modelled on the structure and under the tutelage of CRIC (Gros 2000; Houghton 2008; Laurent 2005).¹

Some authors have recently conceptualised indigeneity and ethnicity as political weapons, created solely for political purposes (Bob 2005; Cattelino 2008; Comaroff and Comaroff 2009; Restrepo 2013; Rodríguez 2011). This approach highlights the political importance that ethnicity and ethnic differences have acquired in various political contexts, a phenomenon that has been documented by these authors and others. However, this approach depicts ethnicity as a strategic option that certain social groups deploy, which is devoid of any non-political content, and thus less than authentic.

The process of rediscovery and mobilisation of Law 89, the separation of the indigenous peoples from the secretariat of ANUC, and ultimately, the emergence for the first time of a social movement that explicitly identifies itself as indigenous, is not meant to suggest that the claims made by Colombia's indigenous movement for the recognition of a distinct ethnic identity were purely strategic, unauthentic, or devoid of any real basis. For many indigenous groups, both in Colombia and around the world, intervention in state politics and affairs is a relatively recent phenomenon (Laurent 2005; Niezen 2003; Peñaranda 2009; Yashar 2005). Moreover, while intervention in state politics is an increasingly demanding part of indigenous people's lives, their cultural practices and sense of belonging to communities are an established and constant element of their experience (Niezen 2003). As an indigenous leader in a meeting with government officials at the Permanent Table for Dialogue with Indigenous Peoples in Colombia (MPCI) complained: 'the state calls us to so many different meetings, that we no longer have the time to be Indians' (MPCI 2014).

¹ The two national organisations were: *Autoridades Indígenas de Colombia*, or Indigenous Authorities of Colombia (AICO), and the *Organización Nacional Indígena de Colombia*, or National Indigenous Organization of Colombia (ONIC).

Although indigenous identity is dynamic, and politics influences many of its changes, this is not my primary point regarding the indigenous movement in Colombia. After all, distinct indigenous identities have existed throughout the country's history. The point is rather that ethnicity is a complex, multidimensional phenomenon, which includes a political dimension that is variable; ethnicity is a much larger and complex phenomenon (de la Cadena and Starn 2007; Niezen 2003). In fact, the revival of Law 89 suggests that law can be used as an element of a cultural toolkit (Swidler 1986) to give political salience to existing ethnic identities, allowing them to redefine the relation between marginalised social groups, the state (Maravall and Przeworski 2003) and other social actors. To be sure, ethnic identities are modified through their politicisation (de la Cadena and Starn 2007; Yashar 2005). However, this does not mean that one can reduce ethnicity to politics, or that a simple matrix can capture the relationship between ethnicity and politics.

In fact, the relationship between ethnic identities and politics in Colombia is more complex than the metaphor of the 'weapon' suggests. Indigenous identities were used to shape state policies, but policies also shaped indigenous identities. Moreover, the idea that ethnicity is a 'weapon' that can be used strategically by indigenous groups does not correspond to the way ethnic identity and state policy interacted in Colombia. As anthropologist Mary Louise Pratt (2007) claims, indigenous identities are relational, and depend on the interplay between time and a place in their relations with other social groups. Indigenous identities are defined by which social groups occupy a place before others.

Delegating governance through multiculturalism: the expansion of indigenous lands between 1988 and 1989

This section traces the origins of the expansion of indigenous lands and the promotion of local indigenous authorities in Colombia during the 1980s. I argue that the government's decision to expand indigenous lands over almost 30 per cent of the country's territory was a pragmatic policy to delegate governance over remote yet critical regions that it could not control directly. As with the *resguardos* created by the Spanish crown since the 1600s, and by the conservative government of the late nineteenth century (Fals-Borda 1957), the expansion of *resguardos* during the late 1980s was a strategy of control (Arango and Sánchez 1998; Gros 2000). However, contrary to the regimes of the 1600s and the nineteenth century, which were created to exert control over indigenous labour (Archila 2005; Fals-Borda 1957), the *resguardos* of the 1980s were established to exert

(indirect) control over the territory. However, similar to the older *resguardo* regimes, the expansion of the *resguardos* during the 1980s helped to strengthen indigenous authorities with respect to local powers, and helped to reassert their power among the members of their indigenous groups, even while they increased dependence on the central government (Gros 2000; Roldán 2000; Ulloa 2013).

Moreover, the expansion of the *resguardos* had important consequences for the relationship of indigenous people to their land, which contributed to the proliferation of conflicts between indigenous peoples and different economic development projects. On the one hand, the formal recognition of property titles legitimised claims of indigenous people countrywide to the lands that they inhabit. On the other hand, the formalisation of property titles on behalf of indigenous groups helped to commoditise indigenous lands. Even though the *resguardos* themselves cannot be bought or sold, their expansion placed indigenous peoples in the midst of a quest for natural resources found on and beneath the surface of their lands (Houghton 2008; Ulloa 2013).

The threats to the territorial sovereignty of the state. Unlike other Latin American countries, Colombia has a small, yet diverse indigenous population, living dispersed throughout a significant portion of the country's territory (Barié 2003). Meanwhile, the non-indigenous population has remained concentrated in small pockets. According to a 2005 census, indigenous people make up 3.4 per cent of a population composed of 85 different ethnic groups,² which speak 75 different languages (DANE 2007). Forty five per cent of the indigenous population lives in the Andes, while 65 per cent lives in the plains, jungles, and deserts, areas that I will refer to as the lowlands (Houghton 2008: 83–101; Laurent 2005: 62–5; Pineda 1995: 14–15; see also Rappaport 2005: 1–2). Moreover, one-third of the indigenous population lives near the country's international borders. Meanwhile, the non-indigenous population lives primarily around the slopes of the Andes and on the Caribbean coast, two areas that constitute only 15 per cent of the country's territory (Palacios 2006, 220; Safford and Palacios 2002). This means that there are vast areas of Colombia's lowlands where the population is mostly comprised of indigenous people (Houghton 2008).

In these large areas of Colombian territory, a series of threats to state sovereignty began to flourish. The first involved an upsurge in the drug

² According to the National Indigenous Organization of Colombia ONIC, there are 102 different indigenous ethnic groups in Colombia. As will be explained below, the difference in the numbers is closely related to the problem of land in that country.

business, which had been marginal until the late 1960s. During the 1970s and early 1980s, however, marihuana and cocaine started to be produced and processed in vast, isolated areas of the country, for later transport to the United States and Europe. During these years, drug lords began to exert de facto military, political, and economic control over large, marginalised areas where these drugs were being produced. These areas were largely unpopulated and isolated from the country's main centres of political and economic power (Tickner *et al.* 2011; Thoumi 2002). It was only after the power of these groups touched national and international political and economic interests that the government began to react against them (Palacios 2006: 204–5).

In the early 1980s, the power of drug lords started penetrating national politics. By 1982 the growing economic power and capacity for corruption of the drug cartels led to an increase of power in national politics (Camacho 2011; Palacios 2006; Reyes 2009). During this period, the well-known drug lord, Pablo Escobar, became a congressional representative, as did some of his cronies. The infiltration of drug lords and drug money into the national political landscape brought severe opposition on the part of various politicians, including Rodrigo Lara, the minister of justice, who was assassinated after denouncing the power of drug lords in Congress (Camacho 2011: 333; Palacios 2006: 204). A second threat to state sovereignty came from guerrilla groups, whose economic power was increasing through the extortion of local landlords and foreign companies, who gradually gained popular support in rural areas – albeit to a variable degree. In fact, as early as 1982, guerilla groups also turned to the drug business to obtain resources. In some cases, like that of FARC, they gradually began to carry out the business themselves, whereas in others, like that of the M-19, they protected the coca fields and the interests of drug barons, as attested by the tragedy of the Palace of Justice (Camacho 2011; Palacios 2006; Zorro 2011). Finally, a third threat to the government's territorial control was the emergence of paramilitary groups in rural areas in the early 1980s, which was initially a response from drug lords, landlords, and agricultural and mining companies to the expansion of guerrilla groups and the incapacity of the state to protect their economic interests (Reyes 2009; Tate 2007: 50–3).

During the 1980s, various factors contributed to jeopardise the state's territorial sovereignty, precisely in the regions of the country where indigenous people live. Drug trafficking, guerrilla groups and paramilitaries controlled vast areas of Colombia's lowlands. These forces not only threatened these marginal areas, but the government itself (Camacho 2011: 342–4).

Devising a solution: The Plan Nacional de Rehabilitación, or National Rehabilitation Plan, and its shortcomings. Although this period of violence began during the administration of President Belisario Betancur (1982–86), the period of Virgilio Barco (1986–90) was one in which violence in Colombia was especially intense (Palacios 2006; Tate 2007). Moreover, this period of violence was different from previous ones in that it expanded to the country's main cities and started affecting economic and political elites (Santos and García-Villegas 2004). Four presidential candidates, several hundred judges and policemen, and more than three thousand members of leftist political parties, were killed during this period (Palacios 2006). Bombs were being placed in shopping malls, schools, clubs, media headquarters, governmental offices, and even in airplanes.

The path toward multicultural governance

At this juncture, in which organised armed groups that ruled vast extensions of the country started a wave of violence in its main cities, President Barco took an unusual measure: he decided to expand indigenous *resguardos* to those remote, largely unpopulated areas that the state could not control directly. Doing so meant that the government delegated an important part of its direct authority over such areas to the authorities of each indigenous group living within them (Gros 2000). In particular, the government granted indigenous people the power to rule those areas according to their own systems of government, enact their own laws, establish their own system of justice, and carry out their own enforcement mechanisms, as long as these were not unconstitutional (Sánchez Botero 2006).

This section contends that Barco's decision to expand indigenous *resguardos* promoted greater autonomy for indigenous peoples, but paradoxically, it also fostered the assimilation of indigenous people and lands into a model of economic development based on resource extraction (Gros 2000; Laurent 2005).

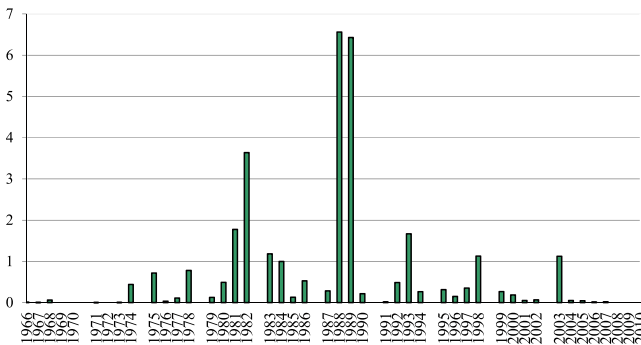
At first sight, the Barco strategy seems counterintuitive: by creating *resguardos* over vast areas of the country, including some of the county's international borders, it decentralised and delegated governance over those areas to indigenous authorities. The delegation of governance meant that the government lost its full sovereign powers over those areas. On the other hand, this delegation of governance made sense because the government did not have the capacity to exercise sovereignty over those areas. By contrast, CRIC and ONIC had already, since the 1970s, been strengthening indigenous authorities, and Barco's strategy both promoted and relied upon this process. As we will see throughout this section, Barco's policy rewarded and actively – although strategically,

and selectively – promoted indigenous autonomy and strengthened indigenous identity and government. By accepting that these lands belonged to indigenous groups, and formally recognising indigenous authority over them, the government sought to undermine the power of foreign governments, drug lords, guerrilla and paramilitary groups in these areas.

Barco's policy had an additional advantage over past attempts to establish sovereignty via colonisation: it relied on organisations created by people that had been living in those areas of the country for centuries. For various reasons, including deficient transportation infrastructure, violence and the inability of the state to guarantee property rights in distant areas, previous governments had faced the basic problem, in their attempt to increase territorial control by expanding the agricultural frontier. Migrants, who went to these far off areas to seek economic opportunities, did not remain in those areas for very long (see also Molano 2006; Safford and Palacios 2002: 634). These factors made agricultural production and distribution difficult. Thus, migrations into these areas were exceptional, and related mostly to occasional (legal and illegal) economic booms (Reyes 2009; Molano 1990; Moreno 2006). Once the booms ended, the people migrated elsewhere, abandoning their lands and leaving towns desolate. The temporary character of these migrations made governance in these regions very difficult. Consolidating permanent social and political institutions had been practically impossible, and the presence of the state was thus limited to military or police posts (Safford and Palacios 2002). Thus, to avoid the problems that internal migration caused the government's attempts to build a system of territorial governance Barco decided to delegate governance to the authorities of indigenous people, who were the permanent population in the areas (Zorro 2011: 95).

Instead of trying to control these regions directly by promoting migration to populate them, as past administrations had unsuccessfully done, the Barco administration decided to formalise the relationship that indigenous peoples had with these lands, and to delegate political, legal, and economic control to their authorities and/or local organisations through the legal figure of the *resguardos* (Tocancipá Falla 1997: 3; Zorro 2011). In this section I will briefly recount some of the features of the Barco *resguardos* and then focus more deeply on how the Barco administration sought to establish a system of governance by creating *resguardos* and strengthening indigenous authorities.

The expansion of resguardos as a strategy to create a low-intensity governance mechanism. During his four years in office, the Barco administration gave back more land to indigenous people than the sum of all previous governments since the beginning of the Spanish colony (Source: INCODER; see also Houghton 2008). Graph 1 shows the amount of hectares per year



Graph 1. Area of Resguardos created per year (in Millions of Hectares). Source: INCODER)

that the government established as indigenous *resguardos* since 1966, according to the information from the Colombian Institute for Rural Development, INCODER.³ The x-axis is grouped in four-year clusters corresponding to each presidential administration until 2002.⁴ This graph, however, does not include *resguardos* created prior to this date or colonial *resguardos*, some of which still exist, because, as Table 1 below shows, they are largely insignificant, occupying only 1.5 per cent of the total of *resguardos*. By contrast, as Graph 1 shows, during 1988 and 1989, the second and third years of the Barco administration, the government expanded to the most indigenous lands. To have a better idea of the magnitude of changes during those two years (1988–89), the administration created *resguardos* over an area twice the size of Ireland.

That a single administration expanded *resguardos* over more than 13 million hectares in two years shows the significance of this governmental programme. This significance, however, can be appreciated much better by comparing the percentage of *resguardos* created by each president, given the total area of *resguardos*, and the total area of the country. As Graph 2 shows, relative to the areas of the *resguardos* created in modern times in Colombia, both before and after Barco, his administration exceeds them all. The first percentage after the name of the presidents and dates of their administration refers to the total area of *resguardos*. The second

³ Data regarding the extensions of *resguardos*, the years of creation, their location, and the numbers of *resguardos* created were given by the Institute of Rural Development INCODER to the author, who classified the data according to the presidential administration in which they were created.

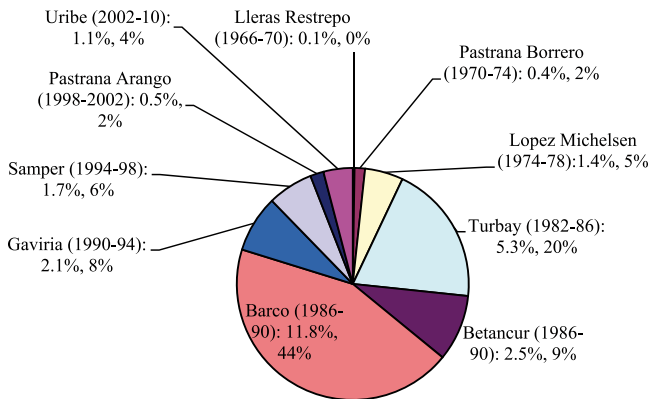
⁴ In 2002 an amendment to the Colombian constitution permitted presidential re-elections and thus the last cluster shown in the graph is of eight years.

Table 1. Comparison of the *Resguardos* Created from the Colony until the Barco Administration (Source: INCODER)

Period	Percentage of Colombia's Territory	Percentage of the total area of <i>resguardos</i> in Colombia	Amount of <i>resguardos</i>	Area (sq. ha.)	Population
Colonial	0.36%	1.5%	81	399,688	156,680
1961–86	11.63%	47.4%	158	12,380,780	127,697
1986–90	12.05%	51.1%	63	13,360,641	27,397
Total up to 1990	24.04%	100%	302	26,117,109	311,774

refers to the percentage of the total area of the country. The area of *resguardos* created by Barco amounts to 44 per cent of the total area of *resguardos* created in the modern era, which is approximately 12 per cent of the total territory of Colombia. The second most important is the Turbay administration, especially during 1981 and 1982, the two last years of his administration, which accounts for only 20 per cent of the total area of *resguardos* and slightly over five per cent of the total area of the country.

In two years, the administration created *resguardos* over an area larger than all previous administrations in the last 480 years. This suggests a rupture with the policies of previous administrations with respect to indigenous lands. However, besides the differences in the overall magnitude of the area of the *resguardos* created in 1988 and 1989, these differ from the rest in other important respects. Firstly, Barco created fewer but much



Graph 2. Modern *Resguardos* Created by Presidential Administration as Percentage of Colombia's Territory and the Total *Resguardo* Areas (Source: INCODER)

larger *resguardos* than those created by previous administrations. Thus, based on data provided by INCODER, the average size of a *resguardo* increased almost four times in the 1988–89 period, from 53,474.76 to 212,073.67ha. Moreover, in contrast to colonial and other previous administrations, Barco did not create the *resguardos* in the fertile agricultural lands located in inter-Andean valleys, but in unpopulated and remote areas of jungle, plains, and desert surrounding the country's international borders.

As Table 1 illustrates, although the area of Barco's *resguardos* is greater than the area of all the *resguardos* prior to that time, he created 95 *resguardos* less than those created between 1961 and 1986, and 18 less than those remaining from the colonial period. Moreover, the indigenous population living in Barco's *resguardos* is less than one tenth of the indigenous population living in the rest of the *resguardos*. Thus, the property titles granted between 1987 and 1988 would not have an impact over a significant part of the country's indigenous population.

These features suggest that it was not the objective of Barco's government to redistribute land to the indigenous population scattered throughout the country, or to expand agricultural frontiers, as previous presidential administrations had done. Moreover, they also suggest that the purpose of Barco's policy of expanding *resguardos* was related more to the land itself, than the people inhabiting it.

Security issues in the areas where the new resguardos were created. The 49 *resguardos* created by Barco between 1988 and 1989 were mostly located in the country's lowlands (INCODER; see also Houghton 2008). These lands have historically been sparsely populated areas lacking any significant presence of the state, which has made them an easy target for illegal economic activities (Palacio 2006). Also, according to the information provided by INCODER, the largest *resguardos* were located in the departments of Guajira, Vaupés, Amazonas, and Guainía, all of which are international borders.

The Barco government awarded land titles over three million hectares to the department of Vaupés, located in the Amazon jungle near the border with Brazil. This department has been a constant source of territorial disputes with Brazil, and more specifically, with Brazilian rubber barons and *garimpeiros*⁵, as well as a stronghold of the FARC (Ferro y Uribe 2004; Molano 2006). In the 1980s it became a coca-producing region. Shortly after, the government created *resguardos* in the department of

⁵ This is the name given to Brazilian illegal miners in the Amazon, who mine mostly for precious stones and gold.

Guajira covering one million hectares. This desert area is also strategically important for various reasons. It is located on the north-eastern Caribbean coastline, along the border with Venezuela, a country with which Colombia has continuously sustained territorial disputes during the last 50 years (Safford and Palacios 2002). Moreover, the presence of the state in that region has been limited historically, which has made it an area suitable for contraband, an activity that has been very common in the region since the early nineteenth century (Camacho 2006). However, Barco had to confront an additional threat to sovereignty in the area of Guajira. From the early 1980s onward, drug lords started distributing cocaine from Guajira to several islands in the Caribbean en route to their final destinations, following the traditional routes of contraband (Tickner *et al.* 2001). In 1989, after creating the Guajira *resguardos*, the government created *resguardos* over an area of 7.5 million hectares in the department of Amazonas, which borders on Peru and Brazil, a region that has experienced threats to state sovereignty like those in the department of Vaupés. Finally, the government established *resguardos* over six million hectares in the department of Guainía, near the Orinoco river, which has both grasslands and tropical jungles, near Venezuela and Brazil. This department, in addition to having coca crops and FARC guerrillas, also was a stronghold for paramilitary armies (Molano 1990).

In an interview, a high-ranking member of the Barco administration, who was very close to the president, explained to me what the government at the time thought about the situation in these far-away areas of the country, as well as the role that the government believed indigenous authorities should play once these lands became their *resguardos*:

In those far-away regions where there is no presence of the government, subversive groups begin to replace it. However, if indigenous groups in those areas started organizing themselves and creating formal organizations in the most isolated parts of the country, even FARC (*Fuerzas Armadas Revolucionarias de Colombia*, or Revolutionary Armed Forces of Colombia) and the others would have to recognize that. If say, near the Mirití river, or near the Caquetá river, or in any other area, there is an indigenous government, if there is in fact a government, then that government is respected, and they (the FARC and the 'others') know who they have to address, and there would be specific rules of interaction that need to be followed. However, when there is no (indigenous) government there is dispersion, people are adrift, and thus they become dependent on whatever authority comes into the area, whether it is legal or illegal.⁶

⁶ Interview carried out by the author in Bogotá, Colombia in 2009.

The general diagnosis of government officials highlighted the consequences of a lack of government presence in the remote areas of the indigenous *resguardos*. The government acted with the conviction that the absence of a permanent governmental presence in these areas enabled armed groups to take control, leaving the people who lived there with no option except to establish a relationship with these groups in order to survive. Moreover, in areas where a majority of the population was indigenous, the best solution was to grant them a collective and inalienable title to the land, establish indigenous governments, and delegate to these authorities the power to control those areas. Doing so, of course, would not mean that these armed groups would disappear or leave. However, if indigenous groups were able to assert their authority, armed groups would have to negotiate power with their authorities. Delegating governance to indigenous groups would not provide the government with a military victory over these armed groups. However, the hope was precisely to avoid military confrontations by delegating the institutional authority of the state to indigenous groups. Indigenous people had lived in areas where these armed groups operated and interacted with them on a daily basis. Therefore, they would be in a better position to establish certain rules of interaction. As a result, they would also be more able to reduce violence in these areas. The creation of *resguardos* would also legitimise military actions in these areas as a way to protect indigenous interests and governments.

Throughout the process various governmental agencies had to decide whether the project of expanding the *resguardos* was a sound policy. The following is a transcript of an interview in which the director of indigenous affairs recounts how he appeased military personnel present at the meeting who initially opposed the creation of the *resguardos* on international borders. He said:

In the debate at INCORA, the first people to question me were the military. They said: ‘we have a problem there, because the location of your *resguardo* is in the border, and indigenous people go from one side of the border to the other ... and in the future the border gets blurred, and the *resguardo* then generates a serious national security concern’.

Then I told him: ‘you know? I am in complete agreement with you. You do have a border problem there, because the border is in the middle of the jungle, and this country has no capacity of knowing or controlling what happens there.’

Then I continued saying to him: ‘The day that Brazil invades a piece of our land we have nothing to do, because it does not even make the local news! Moreover, none of us has any idea whether this piece of land is Colombia’s or Brazil’s. However, if that land is part of a *resguardo*, then the news [of an eventual Brazilian invasion in the jungle] makes the

headlines all over the world! So [by giving this land to indigenous people] what you are really doing is building national sovereignty. You are taking a governmental decision saying that this land belongs to indigenous peoples.⁷

After that, the military delegates that were present in the meeting remained silent.⁷

We can conclude, then, that state officials had two basic goals in their decision to delegate governance to indigenous groups: reducing military intervention, and legitimising state intervention in general.

Ethnicity Inc., .gov, or neoliberal multiculturalism?

The creation of *resguardos* during the Barco administration was a top-down governmental policy directed at increasing the efficiency of territorial control by delegating it and decentralising it. In most of the *resguardos*, indigenous people did not feel threatened by external forces. There were no settlers in the area, no landowners, and only minimal extraction of natural resources. The top-down character of this policy is evident in the interactions between governmental officials and indigenous leaders at the time. One such interaction occurred before the government created the *resguardo* called *Predio Putumayo*, an area of around six million square hectares in the Putumayo region near the Amazon near the border with Peru. During one of the interviews conducted in Bogotá, a former official of the administration of Barco paraphrased a dialogue that he held with an indigenous leader of the Amazon before the *resguardo* was created. In this conversation, the official explained to the indigenous leader why the government was about to give them land as property, even though indigenous people did not consider the land to be theirs to begin with. The official recounted:

The indigenous leader said to me: ‘We do not understand what you are saying, because we do not consider ourselves as the owners of this land. Moreover, we don’t see white people around, so who is going to take these lands away? What are we talking about?’

And then I (the director) responded: ‘And we are not only going to give you this piece of land. We are going to give you everything. We are going to request 20 or 25 million hectares. This whole territory should be yours, so you can be once again its owners and masters; masters at least in the sense of being able to control your own destiny.’⁸

⁷ Interview carried out by the author in Bogotá, 2009.

⁸ Interview carried out by the author in Bogotá, 2009.

In this conversation, the government, rather than indigenous leaders, sought to expand indigenous lands. The justification provided by the governmental official to the indigenous leader regarding the need to protect this land also sheds light on the motivation behind the policy. Giving land to indigenous people would make them 'able to control their own destiny', which ties the strategy of increasing indigenous lands to the ability of indigenous groups to govern these areas. Much as described by Polanyi (2001), commoditising nature and recognising property rights over the land, which was the government perspective, was not sufficient to establish governance. The establishment of strong indigenous governments over the new *resguardos* was necessary for the success of the government's strategy of delegitimising the power of armed groups. The government was well aware that simply giving land to indigenous people would not be enough to delegitimise the armed groups in those areas. Establishing governance also required the existence of some form of indigenous authority, organisation or government. Thus, the normative framework for the creation of the *resguardos*, particularly Decree 2001 of 1988, recognised the titles over indigenous lands as well as the existence of indigenous authorities or governments while also strengthening them whenever necessary (Roldán 1993: 84).

In sum, the Barco administration devised a governmental policy that sought to expand control over remote parts of the country's territory by establishing indigenous governments and delegating governance to them. The process was not triggered by the indigenous organisations that emerged from the indigenous movement of the 1970s. However, this does not make the success of indigenous movement in fostering indigenous identities and strengthening their traditional authority irrelevant. In fact, identity formation and organisation were essential for the implementation of the governance strategy of the Barco administration. For Barco's policy to succeed the government needed to grant property titles to indigenous groups, but it also needed to strengthen indigenous authorities. This second aspect was perhaps as important as the first. As interviews with former government officials suggest, the government did in fact build upon the process of promoting indigenous identity and strengthening indigenous authorities carried out by CRIC and ONIC since the 1970s.

The Barco government also decided that the lands of the *resguardos* should be explicitly excluded from the market. This meant that *resguardos* could not be bought, sold, or acquired by non-indigenous people through continued occupation. Otherwise, indigenous people would be hard-pressed to sell them. With respect to this Barco's director of indigenous affairs said:

We needed to take these lands out of the market because this is what ends up ruining rural areas: the government gives them the lands and the tendency is to sell them, and then they end up with nothing, and landlords end up buying these lands, and we needed to stop that pattern.⁹

Excluding the lands of the *resguardos* from the market was not problematic. After all, the *resguardos* created between 1988 and 1989 were located in remote areas with a low agricultural value. However, the desire to exclude lands from the market did not mean that the government was against commoditising these lands to use their natural resources. After all, for the most part the state owns subsurface resources. Therefore, the government did not exclude the possibility of extracting natural resources from indigenous lands. In fact, Barco's government was ambiguous with respect to a complete exclusion of indigenous lands from the market. Instead, the director of Indigenous Affairs presented indigenous groups as potential entrepreneurs who could eventually become partners of people or companies wanting to extract natural resources from those lands in a sustainable manner. In answer to the objections of some governmental officials to the creation of the *resguardos* because they wanted those lands to be available to other citizens and/or companies, he said:

Let's give all this [land] to indigenous groups, which will take care of it. And if at some point we have the technology to exploit the resources in those areas in a sustainable manner, and other Colombians want to be a part of such enterprise, well make them sit with indigenous groups and negotiate how they are going to carry out that enterprise together. In other words, this is like private property: the fact that you own a farm does not mean that we can't work together in it. (Virgilio Barco Vargas, speech at La Chorrera, Colombia, 23 April 1988)

A similar ambiguity regarding the commoditisation of indigenous lands is evident in the speeches of President Barco when he inaugurated the indigenous *resguardos*. On the one hand, he recognised indigenous land and government as the two main pillars of his policy. As already mentioned, he also emphasised that indigenous people had lived in those areas for thousands of years without depleting natural resources, and thus, they were best suited to care for them. On the other hand, Barco also adapted the relationship of indigenous peoples to their *resguardos* to a Western, liberal system of property, and emphasised the economic dimensions. He mentioned that the exclusion of third parties would enable indigenous people to make these areas economically productive. He further suggested that indigenous people have a responsibility to

⁹ Interview carried out by the author in Bogotá, 2009.

govern the *resguardos* by saying that national legislation would assign them certain functions.

The possibility of extracting natural resources from indigenous lands was closely connected to the idea that the government should strengthen the agency of indigenous people (see also Gros 2000; Houghton 2008). Referring to past problems with land reform strategies in Colombia, Barco's director of indigenous affairs stated in an interview that it was necessary that the state helped to promote agency, entrepreneurship, and self-help on the part of indigenous peoples. In his words:

The problem, like that of any land reform, like in every decision, is that if the state does not accompany the people so that they assume their own responsibility, and start administrating their land the way local governments do, evidently giving that land away and then leaving them [the indigenous groups] alone is not the answer. On the other hand, the answer is not that the central government sustains them through money transfers. ONIC pressed the government a lot so that the transfers to these *resguardos* were sent from the funds that the government transfers to local governments. And this would not have resolved anything, because the transfers by themselves, well ... you end up creating pyramids with lots of privileged groups that end up staying with the money.¹⁰

Behind the idea of governance, then, was the notion that the appropriate role of the state was to help indigenous people organise themselves to govern the newly created *resguardos* and manage their *own* resources. In other words, the role of the state consists not so much in providing the resources that are necessary to supply services and goods to the population (Hale 2006), but in strengthening indigenous agency (Li 2007). In other words, the indirect governance of the territory by the government required a governance system based on leadership structures and organisations created in the mobilisation of the 1970s and 1980s. However, even in these cases, the government simply supported the process of strengthening local organisations and indigenous authorities that CRIC had carried out since the 1970s, as well as the recently created National Indigenous Organization of Colombia (ONIC), since its creation in 1982. As mentioned in the previous section, during the 1970s and 1980s members of regional and national indigenous organisations travelled throughout the country to promote local indigenous organisational processes on the ground. In some cases this meant reviving 'traditional' authority structures of the different indigenous ethnic groups; in others it meant using colonial Spanish structures like the *cabildo*, and thus resorting to institutions created by

¹⁰ Interview carried out by the author in Bogotá, 2009.

rubber barons to enslave indigenous peoples in the Amazon like the *capitanes*, combining these institutions and reinventing them (Comaroff and Comaroff 2009), or simply creating inter-ethnic organisations in cases where indigenous population belonged to different ethnic groups or were too dispersed.

The government plan assumed that through the promotion of indigenous identity and authority, indigenous groups would make their *resguardos* 'self-sustainable', while also commoditising them (Comaroff and Comaroff 2009). However, the government did not focus on promoting individual entrepreneurship as happened in other parts of the world (Cattellino 2008; Li 2007; Sieder 2002). It instead used the existing forms of indigenous collective organisation and action. In an interview carried out by the author, the director of indigenous affairs also mentioned the current importance of strengthening collective indigenous agency. He said that the focus on building agency and strengthening indigenous organisations was imperative, given the pressing challenges these people now face from global capitalism. Secondly, given the growing economic significance of genetic resources and the potential for governments and international organisations to expand the provision of environmental services, carbon emissions, in particular, could become an important programme of indigenous governance. He suggested the possibility that First World countries might start paying for the preservation of rainforests located in developing countries, such as the Amazon rainforest, rather than exploiting them economically, given their importance to the world at large.¹¹

In sum, the Barco government was ambivalent about incorporating indigenous lands into the market. It sought to make *resguardos* inalienable to prevent indigenous people from selling them and becoming impoverished. On the other hand, the government accepted the possibility that private companies could extract natural resources from those lands (Gros 2000; Houghton 2008; Rodríguez 2008). Although perfectly aware of the negative impact that companies may have over the culture of indigenous peoples, government officials understood the maintenance of their collective organisation as the best protection them from the market, thereby avoiding the potential harm of its individualistic logic.

III. Conclusion

In the 1970s, Colombian indigenous groups, which had previously been mobilised by the government to support land reform and an agricultural development project, sought to recover their colonial lands. They did so with the help of a nineteenth-century law regulating the *resguardos*, which

¹¹ Interview carried out by the author in Bogotá, May 2009.

had been forgotten. They thereby transformed this legal regime from a mechanism of control to an institution that helped them to reaffirm their indigenous identity, assert their autonomy and consolidate indigenous self-government over their lands.

In the following decade, the state supported and used the assertion of distinct indigenous identities and self-government to delegate governance over areas of the country that it did not have the means to control directly. Particularly Barco established a top-down policy of expanding indigenous *resguardos* and strengthening indigenous government. In contrast with previous indigenous territorial regimes, the Colombian government did not seek to control indigenous population during the 1980s. Instead, it sought to increase state control over the vast extensions of land that indigenous people inhabit. Moreover, the attempt to strengthen indigenous governance reflects an underlying notion of the appropriate roles that correspond to both the Colombian government and indigenous authorities.

This article challenges arguments that neoliberal forms of governance (Roberts 2009) are inherently contrary to indigenous autonomy and self-determination. Neoliberal multiculturalism is not an oxymoron (Rodríguez 2011, Yashar 2005). However, neoliberal multiculturalism does entail a rather specific role for the state in the protection of indigenous rights, as Hale (2002) claims. In this role, the government is not there to provide the funds, or even the services traditionally associated with the role of the state, but to help to strengthen the capacity of indigenous authorities to provide these services themselves. In other words, the government seeks to strengthen collective indigenous agency and entrepreneurship.

In the case of Colombia after the late 1980s, even though the Barco administration maintained the inalienable character of the *resguardos*, it failed to recognise the complexity of the indigenous people's relationship to their land. Consequently, the government was ambiguous with respect to the possibility of extracting natural resources from *resguardo* lands. In accordance with its objective of promoting indigenous government, self-help, and agency, it saw indigenous peoples as potential entrepreneurs for the extraction of resources from their lands.

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