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**THE IMPACT OF RECENT NATIONAL LEGISLATION
ON TUKANOAN COMMUNITIES
IN THE VAUPES REGION OF SOUTHEASTERN COLOMBIA**

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INTRODUCTION¹

This paper discusses, in very preliminary fashion, the on-going process of determining how the Vaupés *resguardo* (literally, "protected area") in southeast Colombia is to be transformed into one or more Indigenous Territorial Entities (ETIs), administrative units now being defined by Indian communities and organizations, the *Comisión de Ordenamiento Territorial* (Territorial Ordering Commission), and the Colombian Congress. The paper begins with a brief description of recent legislation affecting Colombia's Indians, followed by an analysis of the Vaupés situation, a short discussion, and conclusions.

RECENT CHANGES IN COLOMBIAN LAW WITH RESPECT TO INDIAN RIGHTS

In Colombia, vast changes have taken place in the last two decades with respect to the position of Indians--and, more recently, black communities--vis à vis the state. Some of these changes, such as land reform, began in the early 1960s, although, of course, struggles for Indian land rights began much earlier. Other changes were the result of indigenous mobilizing during the 1970s and 1980s. Another factor has been the attempts to decentralize state power, which began with the establishment of mayoral elections a decade ago. The Constitution of 1991 recognizes all of these changes, and legitimates them further with general statements of principle, most of which use language from other constitutions and the various covenants, treaties and pacts Colombia has signed during the past forty years (e.g., The Universal Declaration of Human rights [1948], Convention 107 of the International Labor Organization regarding Rights of Indigenous, Tribal and Semi-tribal Populations [1967], etc.). Unfortunately, as everyone agrees (e.g., Correa 1992b: 1), the language of the Constitution is vague in many crucial respects.

Colombian Indians, approximately 1.5% of the population (Jimeno 1993: 245), already collectively own about 24% of the national territory--more than 25,000,000 hectares (E. Sánchez, R. Roldán, M.F. Sánchez 1992). Indians are also guaranteed their right to be different, for the

Constitution states that it protects the ethnic and cultural diversity found within Colombia's borders. Also guaranteed--and legally established prior to 1991--are Indians' right to their language and to be instructed by bilingual teachers. And other laws protect native healing systems and facilitate their incorporation into the Ministry of Health's programs in Indian communities (although this is not explicitly dealt with in the Constitution). Indians also have certain rights with respect to subsoil resources (contained in the *Código de Minas*), are exempt from military service, and pay no taxes. Finally, the Constitution's provision that some Indian territories will become Indigenous Territorial Entities, greatly increasing local control in jurisprudential and administrative matters, provides an opportunity for Colombia's Indians unparalleled in the rest of Latin America. These ETIs will be governed by *Consejos Indígenas* (Indigenous Councils), whose nature and recruitment of members remain to be decided by Colombia's Indian groups and the government. The Indigenous Councils will have the following responsibilities:

1. Oversee the application of legal norms regarding use of the land and people of the territory
2. Design the politics and the plans and programs for economic and social development within the territory, in accordance with the National Plan of Development
3. Promote public investment in the territory and oversee its implementation
4. Identify and distribute resources
5. Safeguard natural resources
6. Coordinate the programs and projects promoted by the different communities in the territory
7. Collaborate in the maintenance of public order within the territory in keeping with the instructions and dispositions of the National Government
8. Represent the territory to the national Government and other entities

9. Perform other functions indicated by the Constitution and the Law (Article 330; see Padilla 1993: 18).

In Colombia, political-administrative territorial units take the form of departments, districts, municipalities and indigenous territories. The Constitution also recognizes provinces, which can be formed by various units (municipalities or indigenous territories) within a department. What is taking place currently is a process of information-dissemination and decision-making by local populations living in what will become ETIs about the manner in which they choose to be administered; they will then elect the kind of authorities they have chosen. This is part of the overall *ordenamiento territorial* process, which recognizes local autonomy in a radically new manner, and applies to the entire country, not just to Indian or black communities.

It should be noted that the Constitution does not specifically associate ETIs with *resguardos* (see Correa 1993: 332, who also discusses types of Indian territories, cf. 1992a, 1993). *Resguardo* legislation recognizes that Indians collectively own their property and have autonomy with respect to internal matters, in keeping with the Indigenous *Fuero* (roughly translated: "Indian Privilege"--i.e., laws pertaining to Indians [Roldán 1990, Ministerio de Gobierno 1993: 53]). Territory, on the other hand, is conceived of as material, social, and cultural space; a Territorial Entity will govern itself and be responsible for the duties listed above.

Clearly, a lot remains to be done. Governance is an important issue, as are questions about how non-Indians who live within ETIs will be dealt with, and who will control the subsoil in these territories. As Murillo points out, while the Constitution says the subsoil belongs to the state, it also says that the natural resources on Indian lands will be respected (1993: 4). All of this negotiation is highly political; for example, a proposal by the Ministry of Government that a minimum number of people be required for a territory to qualify for ETI status is being contested by Indian organizations (María Ramirez de Jara, personal communication).

In short, the establishment of ETIs means that quite different procedures for administering territory than have heretofore existed in Colombia will emerge. The forms of administration that will result are conceived of as in keeping with local tradition. Indians will choose the kind of development and cultural strengthening they deem appropriate (*Unidad Indígena* 1993: 104: 8). This new legislation, thus, recognizes both Indian rights and the fact of variability and diversity among the country's 84 Indian groups.

Although space limitations prevent going into detail, two comments about this legislation need to be made. First, potential contradictions clearly inhere in the above list of functions the Indigenous Council will perform. For example, preserving natural resources might very well conflict with promoting development. Second, when we look at most of Colombia's Indian communities--certainly when we look at the Vaupés--we find severe limitations on their current capacity to administer an ETI.

THE VAUPES CASE

The Vaupés region in southeastern Colombia is a very special case with respect to the question of ETIs. First of all, the Vaupés *resguardo* is quite large, totalling 3,354,097 hectares. Second, depending on whether one includes mestizos or not, the region is between 84% and 95% Indian. Third, Mitú, the capital of the department of the Vaupés, which contains the majority of non-Indians, is an island in the middle of the *resguardo*. And, finally, because of the traditional makeup of Tukanoan- and Arawakan-speaking Indians who inhabit the region, no clear correlation between territory and ethnic group can be found, with the exception of most, but not all, Cubeo, who live on the Vaupés river itself and to the north.

Because of the size of the *resguardo* and the substantial majority of Indians, for a while there was talk of creating an Indian department rather than an ETI. But if the entire *resguardo* becomes a single ETI, what would become of the department of the Vaupés--what, for example, would the governor have to do? Mitú would effectively be the territory remaining to be

administered, and Mitú is already governed by an *alcalde* (mayor) and his council. Furthermore, Mitú itself is mostly Indian--the current mayor is a mestizo who self-identifies as an Indian. I was told in October, 1993, by some informed people in Bogotá that there is now a consensus that the Vaupés will be an ETI and not a department. I was also told by the director of a big division of the Ministry of *Planeación Nacional* (Planning) that in any case the government would never accept an Indian department. However, another well-placed, well-informed bureaucrat said, "Never say never. Who would have thought we'd have such a Constitution ten years ago? That something like the ETIs would be legislated into existence? That the Church would lose so much power?" If the Vaupés becomes a department, which does seem unlikely, there would be many short-term benefits, namely a fair amount of power in Indian hands and a considerable amount of money coming in. But there would be far less opportunity for the Vaupés to define itself as *Indian* in terms of maintenance of traditions--in terms of rejecting conventional politico-administrative arrangements and non-Indian forms of politicking, or being free to create a genuinely new kind of territorial order.

The characteristics of the Vaupés listed above pose considerable problems for Tukanoans (a term I will use to cover all inhabitants of the region, including Arawakan speakers and Makú²). First, the territory is vast, and the difficulties of administering it are increased by a geography that challenges efforts to improve transportation and communication. Its inhabitants, some 20,000, while for the most part inhabiting river banks, are dispersed; outside of Mitú (with a population of 6,000), the largest settlement, Acaricuara, is 300 people. If the Vaupés were a single ETI, administering such a vast area with these geographical and social characteristics would be a nightmare, even without the other problems such a scenario immediately suggests to those who know the region.

Second, as noted above, the region does not easily divide into smaller units along socio-cultural lines. While the various language groups (patrilineal language-affiliated exogamous

clans)³ are associated with certain areas within the Vaupés, their respective boundaries are fuzzy at best--most language groups overlap with one or more others. Also, as is the case with all small-scale societies, demographic fluctuations over time have affected size of territory inhabited. Hence, delimiting potential ETIs using criteria associated with language group membership is extremely difficult to do, given the number, fluctuating sizes, and distribution of language groups.

Third, there is the problem of Mitú, a problem the non-Indian and mestizo inhabitants of Mitú and elsewhere (there are a few colonists along the highway being built that connects Mitú to Monfort, and some in Taraira and Moncoa) worry a great deal about.⁴ While provisions are being made for some ETIs to accommodate non-Indians within their borders or be made up of Indians from several groups (e.g., in Cauca both Paez and Guambiano; see Murillo 1993: 4)--i.e., while ETIs will be governed by Indigenous Councils, they are not conceived of as exclusively Indian--nonetheless the situation in the Vaupés does not reassure non-Indians *at all* that their needs will be taken care of come the New Regime. In a booklet prepared by the General Direction of Indigenous Affairs for Indian communities, the question is asked, "What happens if a white population is surrounded by an Indian territory, and doesn't want to be a part of this ETI?" The answer is that "we all will look for a solution" (Ministerio de Gobierno 1993: 62). This question definitely has been asked in the Vaupés, and the solution there is no more self-evident at present than the booklet's response. Non-Indians living in Mitú, most of whom, of course, depend on Tukanoans for their livelihood in some way, seem to be quite worried about the future. If they work for government agencies, they know that with decentralization their enterprise will no longer be part of the Ministries of Government, Education or Health, with supervisors in Bogotá, but will be part of a Secretary of Government, Education, or Health, etc., located in Mitú, whose staff very probably will be mostly Indian. Indians have held such positions already; one has been Secretary of Education, and another is

currently Secretary of Government, directly under the governor. Hence, non-Indian bureaucrats and technicians, hired by the state, worry about retaining their jobs and how these jobs will change.

Other non-Indians, the colonists--at least some--are despairing, and comment that "this is a totally artificial town, it generates no money, it lives off of the government and corruption; there never were any real possibilities and there never will be." Several colonists I spoke with in October, 1993 are moving upriver, to the Upper Vaupés, to grow coca. This territory is a recently delimited *resguardo*, still in the process of being made into law. The Indians currently living there were brought in from downriver earlier in the century by rubber gatherers, and displaced the Carijona populations who traditionally inhabited the territory. So far these Tukanoans are permitting non-Indians to enter the *resguardo* and plant coca. But sooner or later there is going to be conflict, and the region may experience its first bloody confrontation between non-Indians and Indians *as non-Indians and Indians*, rather than as individuals. CRIVA is reluctant to take a stand. When asked why, one member said, "we don't want to undertake a *tutela* (civil suit) against narcotraffickers." When I said that these were colonists who were going to begin growing coca, not the bosses, I was told, "It's the same. If we attack the growers, it will be seen as attacking the dealers." This anecdote illustrates some of the many difficulties which the new leaders of the Vaupés ETI (or ETIs) will have to confront.

Fourth, following on point three, the nature of the future Vaupés Indigenous Council is an important issue for all. Many in the region, Indian and non-Indian, are fearful that the future Indigenous Council will resemble the present CRIVA, the Vaupés Indigenous Regional Council. I cannot go into the problems CRIVA has faced in the past or its current ones in any detail (see Jackson 1991, n.d.). Suffice it to say that CRIVA, while accomplishing some real benefits for Indians in the region (for example, successfully pressuring the government to eliminate a military base established in 1988, and recently winning *tutelas* against New Tribes

Missionaries and exploratory mining for titanium), nonetheless has an extremely weak base outside of the environs of Mitú, and problematic relations with several of the twelve local Vaupés Indian organizations that are ^{its} ~~the~~ affiliates ~~of~~ CRIVA.

In short, with a little knowledge of the Vaupés situation, it is obvious why the activist members of CRIVA I spoke with on my recent trip in October foresee a great deal of work ahead of them. With respect to the ETIs, CRIVA leaders seem to be mostly worried about the challenges from other change agents in the Vaupés to the unification of the region that CRIVA claims to have achieved over the past twenty years. A document prepared by CRIVA as part of the *Ordenamiento Territorial* process in May, 1993, states that:

The Vaupés ought to be a single ETI. We cannot divide a territory that during thousands of years has been inhabited by 23 indigenous populations. This would go against the traditions and rules that arose during centuries of interethnic coexistence and harmonious relations with our forest. We think, also, that those territories inhabited by indigenous communities, that have the nucleus of their original population in the Vaupés territory, ought to be annexed to this great territory, because we cannot continue making territorial divisions without considering the cultural ties that unite us. (CRIVA 1993: 2-3)⁵

The document states that the Vaupés is the largest cultural complex not only in the Amazon basin but in the entire world, because 23 peoples (*pueblos*) live together. It goes on to make a link between ethnic diversity and biological diversity, saying that the great variety of flora and fauna found there depends on the continued existence of the great amount of ethnic diversity, the inverse also being true. "If there is an element common to all of our cultures it is that we live and we respect this biodiversity" (CRIVA 1993: 4). It warns that other people coming to the region from elsewhere might not understand this relationship of mutual dependence and constitute a threat. It suggests formulating strategies to restrict immigration. The document is

signed by eighteen Tukanoan community leaders (*capitanes*). The document has clearly been influenced by two currently fashionable discourses: ecological awareness and multiculturalism, both of which draw on notions of richness and variety to strengthen the arguments being made.

An example of the threat CRIVA perceives is provided by a woman who is head of the team trying to devise development policy for the department of the Vaupés. In October, 1993, she outlined to me what her team had proposed to the CRIVA board the day before. She justified this plan by pointing out that creating four ETIs in the form of municipalities and keeping the municipality of Mitú would mean that each ETI could request funds directly from the national government; otherwise, the Vaupés governor would be funnelling the funds. She also told me about her team's plan for developing these proposed municipality-like ETIs. Mitú would not be an ETI, and would continue being the administrative and commercial center of the region. The upper Vaupés would specialize in tourism, and Indians would charge tourists for baskets and other artisanal production and to see Indian dances. Adventure tourism might also be developed there. To the south, in the Pirá-paraná region, the gold deposits would be developed. And in the Tiquié region, where, according to her, traditional culture is still strong, Indians would specialize in marketing medicinal and other exotic plants. The area to the north of the Vaupés River would be the fourth ETI. Space does not permit a thorough analysis of this scheme; suffice it to say that it reflects a fairly serious ignorance of those areas of ^{the} Vaupés at some remove from Mitú.

A member of CRIVA who had attended what he termed the "confrontation" between the development team and the CRIVA board told me that the development team's proposal was utterly unsatisfactory. He said CRIVA fundamentally disagrees with the idea of dividing the *resguardo* and creating municipality-like entities, each with a mayor and council. He said he told the development team that with their scheme the four municipality-like ETIs would be competing with each other. He also said that since the *resguardo* is protected by the

Constitution, why would anyone want to give up some of it and cede territory to the municipality of Mitú? He agreed that in the future, Indians living in the municipality of Mitú, not on *resguardo* land, would present a problem. They would either have to move (which I think is very unlikely, and he agreed) or some arrangement made for them to be under Indian law, not white law:

We've fought 20 years to unify the region. There is diversity here, and earlier there was a lot of mistrust...if you called a meeting, someone would say, "there's a Curripaco, and he's going to poison me..." But now we've reached a point where we are unified, at least a bit, despite the diversity. At least now someone from Mitú can go to Yapú, and a Tukano can go to Cubeo communities...well, now they go, to talk, to consult. This cost us a lot of work, it was not easy. How are we going to agree, then, to our territory being divided? We don't want a municipality arrangement.⁶

I cannot evaluate whether CRIVA is correct in its belief that dividing up the *resguardo* would be bad; I can understand the arguments in favor of dividing up the territory, and I can understand the arguments in favor of maintaining the unity. It should be noted that if the Vaupés were divided into two or more ETIs, CRIVA's power base would almost certainly be diminished. They face such threats even at present; in October, 1993, I was told that Indians in the Piráparaná had announced earlier in the year that they were pulling out of CRIVA's sphere of influence, but that they later decided to stay.

Whatever happens, the resulting administrative unit or units will definitely not resemble traditional Tukanoan patterns of administering territory. The goal of several of the ONIC lawyers who worked on proposals for the Constitution, to "create nothing new whenever possible," is simply impossible to adhere to in this case.⁷

Another interesting issue is the role mestizos will play in the Vaupés when it is converted into one or more ETI. In the Vaupés, mestizos are a well-recognized category of

people, all of whom, so far as I know, have a white father and Indian mother. As people in Mitú say, mestizos are opportunists, and one cannot know whether a given mestizo will try to appear white or Indian. Although earlier, for the most part, they tried to appear white, now, given that there are advantages to being Indian, many are swinging in that direction. A good example is the current mayor, Maximiliano Veloz, who is always referred to as "Indian" and as "Carapana." But his father is white; fifteen years ago he would have been classified as *caboclo* (mixed race), and not Indian--given that the system is patrilineal, no one was considered a member of the language group of his or her mother. But Veloz is celebrated as the first Indian mayor of an important town. For example, in a booklet prepared by the Direction of Indian Affairs about the ETIs, Veloz is identified as a Carapana Indian and quoted in the beginning section (Ministerio de Gobierno 1993: 15-16).

Clearly, the role Vaupés mestizos will play in the next few years will be important. First, while small in number, their numbers are growing. Mestizos have their own local organization (although at present largely moribund), and they rarely see eye to eye with CRIVA. However, CRIVA supported Maximiliano Veloz in last year's election, although I was told by a CRIVA leader that when everyone saw that Veloz was just as much of a *politiquero* (an entirely self-interested politician) as all the other public officials in Mitú, CRIVA withdrew its support.

The two problems most mentioned by non-Indians when discussing CRIVA, in both Bogotá and Mitú, are alcohol and *politiquería*--e.g., CRIVA is criticized for trying to buy votes. CRIVA clearly has problems, but it is also very clear that *some* sort of pan-Vaupés Indian organization is necessary in the Vaupés. For one thing, some sort of gate-keeping function needs to be performed. Furthermore, without such an organization, Vaupés Indians would not be well represented, either locally or nationally, because of the historical and political context they live in. What follows is a list of reasons why so many people criticize CRIVA. These reasons are important because similar criticisms will also very probably be lobbed at the *Consejo*

Indígena that governs the Vaupés ETI or ETIs in the future, no matter how it is constituted or who are its members.

1. There are other, at times competing, interests in the Vaupés (i.e., the Catholic Prefecture, ^{the} *Centro Experimental Piloto* [the Experimental Pilot Center, run by the Ministry of Education], colonists, etc.).
2. Interested parties outside of the Vaupés--in Bogotá and internationally--want access to the region, and CRIVA often prevents this.
3. Tension and competition exist between CRIVA and the local regional organizations, in particular UNIZAC (representing the region around Acaricuara).
4. CRIVA has access to money and power, and envious people believe they could make better use of such resources. When people like me bring in laptop computers for research projects authorized by CRIVA, such support is seen as a waste of money.
5. Racist people see CRIVA as one of many examples of a topsy-turvy world because money and power properly belong to non-Indians.
6. Some non-Indians basically support the idea of a local Indian movement but have had run-ins with individual CRIVA officials and generalize their antagonism to the entire organization.
7. Many leaders of Tukanoan communities have had conflicts with CRIVA leaders.

Unfortunately, it may be the case that if CRIVA's officials were to all be removed, their replacements might not be able to significantly change the situation. This is because the reasons CRIVA has received mixed reviews (to put it mildly) are *not* mainly due to malfeasance by "bad" individuals so much as due to the environment in which it has to operate. Granted, CRIVA had especially disadvantageous beginnings, as I have discussed elsewhere (1989, 1991). And CRIVA's structure is based completely on a western model of bureaucratic organization, still not fully understood or accepted by Tukanoans, despite a twenty-year history. Most of

CRIVA's problems arise from structural conditions over which it has little control--created by political-economic circumstances found at the local and national levels. For example, the role models non-Indian public officials in Mitú provide, for the most part, are deplorable. Most of this political and economic environment will remain, and will influence future Indigenous Councils in similar ways.

Of course, if a radically different organization were to take over, things might be much improved. But I have difficulty seeing how such an outcome might happen. I am thinking of a Tukanoan version of a populist, reformist political party, which would challenge the current leaders and be swept in by a landslide vote in an election in which a majority of Tukanoans participated. This would make CRIVA's successor look much more like what CRIVA should be--an organization that genuinely represents its constituency. But I lack sufficient imagination to be able to envisage what this optimistic scenario would look like in detail, and, in particular, how it could come about.

DISCUSSION

In this section I want to discuss a danger Indian communities in the Vaupés and elsewhere face: the risk that the ETI-forming process will not result in Indians strengthening their culture and using traditional methods of administering their territories but, rather, becoming ever more absorbed into Colombian society. Obviously, self-governance and the other functions the Indigenous Councils will perform constitute very significant entitlements. But these ETIs will nonetheless have to be administered in keeping with the Constitution and other Colombian laws, and will interact with other equivalent units and the national government. After it has been decided what the ETI will look like, the local councils will determine whether there will be taxation, what other kinds of land tenure systems will be permitted, if any, and come up with development policies and programs. That these will be *indigenous* schemes, policies, programs, goes without saying; the Constitution has declared these territories to be

"indigenous territories," the people who will administer them to be "indigenous authorities." I am arguing, however, that what will result, while it will certainly be visibly different--alterity will be recognized and even celebrated--the way and extent to which it will be "indigenous" is problematic.

What "indigenous" even *means* will be problematic. I predict that to some degree what happens with the ETIs and indigenous councils will be another instance of Indians learning to orientalize themselves (see Said 1978)--to construct themselves more and more in terms of how the West constructs Indianness. This particular example of the social construction of otherness will increasingly provide the basis of Indian identity, the essence of being other, energized by the need to confront the dominant society at all levels--local, Colombian, and the West in general. That is, this is an otherness that increasingly defines itself in terms of an emerging notion of Indianness that receives its form and content from battles for the right to alterity fought elsewhere in the hemisphere, and from the global pan-Indian and pan-aboriginal movements. As many have noticed, right now it is all the fashion to be Indian--Indians represent alternatives to our consumerist, exploitative, arrogant, wasteful, violent, non-spiritual western culture. The largest Indian tribe in the USA is the "wannabe tribe" (see *The New Mexican*, 1993: A-6). The way Indians in Canada and the USA deal with non-Indian "wannabe" pressures, which come in many forms, is instructive. While at the other end of the continuum from a West trying to bulldoze Indian communities into oblivion (which also happens throughout the Western Hemisphere), the effects of these interactions and the hegemonic forces they represent--although often obscured--are already present in countries like Colombia. How the Constitutional process deals with Indians provides a good example.

I am not disputing that the possibility of being "other" in this way is better than the alternatives of being annihilated, or assimilated into the lowest socio-economic stratum, ending

up deracinated and lacking self-esteem. I am saying we need to understand the nature of the exchange that is going on.

Whereas earlier state projects in Colombia and elsewhere excluded Indians almost entirely, including them as distinct entities only in laws that temporarily granted them special privileges (or, most often, restrictions) during the time they needed to become reduced to "civilized" citizens, what is occurring at present, at least in Colombia, is, in my opinion, simply another form of indirect rule. And while I have no doubt that this is better than the state's previous project, we must recognize the project for what it is and not delude ourselves that genuine autonomy or genuine cultural valorization is what is envisioned by those in power. Diaz Polanco (1993) refers to this idea with the apt metaphor of the "Trojan Horse" (see also Padilla 1993: 26). Other informed activists in Bogotá make the same points. For example, one commented to me that:

The state has let go of the reins and allowed Indian organizations to assume a lot of power. But this means that Indian organizations will become part of the state apparatus. They're losing their capacity to criticize the state. There are Indians in ONIC who no longer can criticize the Ministry of Education -- they say it is the best ministry in South America, repeating what they have heard there. Because that's where they get their money and social status from. They have been coopted.

Clearly in recent years significant changes have been made vis à vis the acceptance by national states, especially in the Western Hemisphere, of the right of their aboriginal populations to exist qua populations; eight Latinamerican countries have modified their constitutions along these lines (Padilla 1993: 4). This is part of a larger postmodern movement that recognizes that there might not be only one truth, that accepts and at times celebrates cultural diversity, that questions earlier unexamined values such as progress, technological advance, the correctness of greater and greater exploitation of the earth's resources, and an

18th-century-derived notion of the democratic nation-state (see Gellner 1983, Hobsbawm 1990, Anderson 1983). That Colombia is caught up in these currents is reflected by the Constitutional process and its sequelae. But Colombia remains a national state, a state that considers it necessary to vigorously promote the *Plan Pacifico* and other similar projects that definitely do not give high priority to the interests of the local communities being affected. Like all institutions, the Colombian state is interested in perpetuating and strengthening itself and getting its members to see the state's goals as their goals. The manner in which interested Colombians are going about discovering what are the traditional forms of land tenure and methods of social control in Colombia's Indian and minority communities, and working out how to transform these institutions so that such groups can remain distinct yet also participate fully as Colombian citizens, reveals much about ever-active mechanisms for furthering state interests.

CONCLUSIONS

This paper has argued that while in the future, unlike the past, Colombian Indian communities will not be forced to acquire the language, religion, political, economic, and legal system of the West (at least not to the same extent as during the colonial and republican eras), they will be forced to take on a specific kind of alterity. While searching for the local roots (in the form of mythic and other traditional lore) that will define and justify the choices these communities make regarding how their territories will be governed, these communities will continue to be greatly influenced by western traditions. The epistemological confrontation between the two (in actuality, many more than two, because "Indian" takes many forms) will continue.

Guillermo Padilla refers to current Indian leaders as "obsessed in a cult of law of the State that we might well call a fetichism of the law" (1993: 14). He refers to a "paradox" currently in place, in which, after long years of bloody fighting, after winning many concessions, with the parameters of the fight changing, too much emphasis is placed on the "parliamentary

machinery" (1993: 14), on the "game" of forming political alliances--in short, he is describing a process of co-optation by the state in which Indian leaders come to accept the state's parameters and the state's definition of the terms under which an engagement will take place. Diaz Polanco is of similar opinion (1993).

In this process, Indian organizations become, in many ways, agents of the state, with similar bureaucracies, language, constructions of what needs to be done and how to do it. While ostensibly outside of the state apparatus, representing interests opposed to state bureaucracies, in many respects the differences can become minor. Doubtless Indian organizations gain power and many concessions this way; I am simply interested in pointing out that a more or less unconscious identification with state agencies or national or international NGO's can very well take place, and substantial evidence can be found in Colombia that it is taking place. Padilla says it another way: "It is as though the prefix "ethno-" erases from the plan the threat of the expansion of western-capitalist hegemony" (1993: 23), referring to ethnoeducation, ethno-health, ethno-development. As he points out, since it is the Indians themselves, authorized by the Constitution, who are in charge of education, development, and so forth, against what and whom are we to resist?

This leads us to question these reforms in the life of Indian peoples, whether these peoples gain or lose with the incorporation of their rights and legal systems in the constitutional orbit... (Padilla 1993: 24)

Padilla argues that the consciousness of otherness is the key to continuing to resist, and this explains the survival of native peoples:

It's as if with the possibility of incorporation of Indian peoples in the juridical-political structure of the State, they were abandoning their condition as peoples, with a particular historical vision and expression, in order to form part of civil society in a global project of the national society (Padilla 1993: 25).

I agree that there is a danger. That, paradoxically, with the new laws being implemented Indian peoples of Colombia might find the possibilities of living their culture and realizing their own historical project significantly reduced. That the danger of being absorbed into the dominant culture remains great--although the mechanisms of accomplishing this are more subtle than outright forced assimilation. But, as Diaz Polanco comments (1993), a state with mechanisms that are subtle and difficult to discern is a more effective state.

While, as Correa indicates, the Constitution has created significant changes in the juridical status of Indians and Indian communities in Colombia, the guarantees, the laws that enforce such principles, remain to be worked out. These guarantees will "be a task that demands knowledge, experience and imagination" (1992a: 18). Colombia's Indians will need all three if they are to internalize and utilize the following, and similar sentiments:

For us it is strange that a law change, as happens with the *bunachis* or civilized people. It is strange but we respect it... Yes, it is strange, not because we do not understand it but because for us the law is permanent, to [help us] remain Indians in conformity with our law, in conformity with our origin and tradition. The new Constitution of Colombia is not our fundamental law (*ley de origen*), but if it helps us achieve the mandate of our forefathers, and recognizes our territory, then we can well create an equilibrium that incorporates elements of this Constitution, subject to our traditions.⁸

I am not saying that the above quote is "accurate" -- laws, for example, *do* change, in traditional as well as modern societies. But it illustrates a position vis à vis the state that reflects an attitude of confidence in one's difference and in one's ability to remain different, a perspective that Colombian Indian communities will almost certainly need in the coming years.

ENDNOTES

1. An earlier draft of this paper was presented at the AAA symposium on "The Creation of Indigenous Territorial Entities in the Colombian Constitution of 1991: Addressing the Impacts," in Washington, D.C., November, 1993. Thanks to all who made comments on those occasions, especially Joanne Rappaport. In Colombia, thanks to all who have helped me during my recent trips, in particular Raúl Arango, Jaime Arocha, Francois Correa, Segisfredo Franco, Nina de Friedemann, Leonor Herrera, Myriam Jimeno, Hernando Muñoz, Guillermo Padilla, Roberto Pineda, María Clemencia Ramirez de Jara, Elizabeth Reichel, Esther Sánchez, Adolfo Triana, Enrique Sánchez, Roque Roldán, Martín von Hildebrand, Simón Valencia, the Instituto Colombiano de Antropología, the Department of Anthropology at the Universidad de los Andes, various members of the Consejo Regional Indígena del Vaupés (CRIVA), and various officials of the Organización Nacional de Indígenas de Colombia (ONIC). Dissertation research in Colombia from October 1968 to November 1970 was supported by the Danforth Foundation and the Stanford Committee for Research in International Studies. More recent trips to Colombia (1985, 1987, 1989, 1991, 1992, 1993) have been funded in part by the Dean's Office, School of Humanities and Social Sciences, M.I.T.
2. For more comprehensive treatments of Tukanoan ethnography, see books by Arhem 1981, Brüzzi 1962, Chernela 1993, Goldman 1963, C. Hugh-Jones 1979, S. Hugh-Jones 1979, Jackson 1983, and Reichel-Dolmatoff 1971. Also consult Sorensen 1967, and Gómez-Imbert 1991.
3. CRIVA lists twenty-three indigenous ethnic groups in the region, almost all of whom fit this characterization (the Makú, Curripaco, Makuna and Cubeo are exceptions).
4. I was told that some 25 *colono* families live on the highway under construction from Mitú to Monfort who are afraid they are going to be made to leave when the ETIs become established. "The government brought us in and now they don't care about us," they apparently said. I was also

told that some have married into Indian families in order to get access to more land -- "pure opportunism."

5. The document CRIVA prepared was for a forum organized by the "CORPES ORINOQUIA" (the Ministry of Planning unit to which the Vaupés belongs) attended by representatives of ONIC and the Department of the Vaupés in May, 1993. The CORPES ORINOQUIA office prepared a document that said that although the majority of Vaupés Indians wanted a single ETI, the matter of one versus several should continue to be considered, that the structuring of Indian Councils should avoid repeating the "centralist experience" of the department structure, and that the Indian Councils should represent all Indian and non-Indian communities. I read this as a not-too-veiled criticism of CRIVA.

6. Note that Sánchez, Roldán and Sánchez, 1993, are proposing a model for ETI organization that resembles municipalities a great deal.

7. See E. Reichel 1992 for a good example of just how far short legislation deriving from the Constitution falls in achieving a replication of traditional cultural forms in parts of Amazonia to the south of the Vaupés.

8. From a letter written by the *mama* Kancha Navinquma from Nabusímake to the Constitutional Assembly Constituent Lorenzo Muelas in 1991, cited in Gros (1993: 8), my translation. See also Padilla 1993: 27.

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