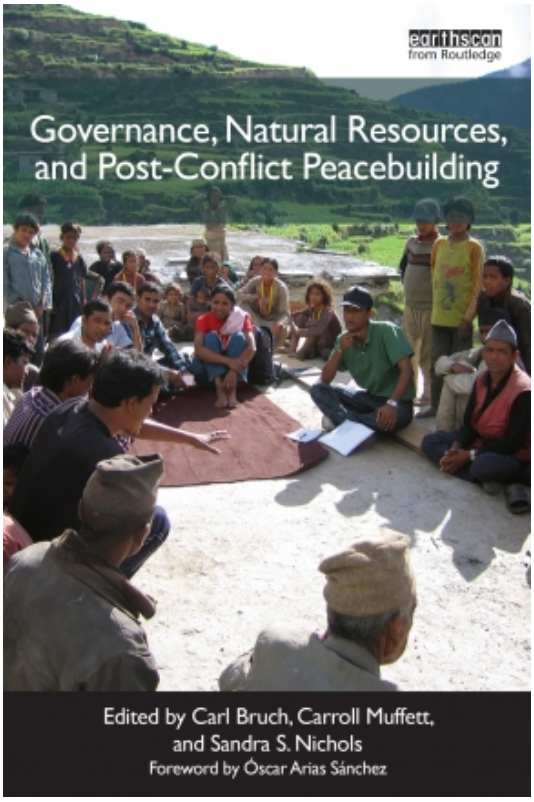

Indigenous Peoples, Natural Resources, and Peacebuilding in Colombia

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Indigenous peoples, natural resources, and peacebuilding in Colombia

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Indigenous peoples are significant but often invisible victims of conflict; they may also be at risk from post-conflict stabilization and development efforts, unless such measures are undertaken with sensitivity to their particular needs and circumstances. At the same time, indigenous peoples are rarely included as active participants in peacebuilding, often because there are both practical and cultural obstacles to such inclusion. But as the examples included in this chapter demonstrate, indigenous approaches to social regulation, benefit sharing, and organizing and managing territory offer valuable insights that could be of use in post-conflict peacebuilding. Excluding indigenous peoples from the peace process may not only affect their future and that of the ecosystems of which they are a part, but also the success of the peacebuilding enterprise itself.

This chapter addresses the effects of conflict and development on the culture and territories of indigenous peoples in Colombia, a country with approximately eighty-seven ethnic groups (with some estimating up to ninety-nine groups) speaking sixty-four languages and more than 300 dialects (Casama n.d.; Zárate and Álvarez 2005).[1] Distributed throughout the national territory,

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[1] The nation has more than one hundred indigenous groups, some of which are in the process of being recognized by the state (Casama n.d.). Colombia is the third most ethnically diverse country in the Americas.

these groups constitute the cultural heritage of the Colombian nation; they are also the groups most affected by ongoing social and political conflict. According to the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia, or ONIC), thirty-two ethnic groups are in danger of extinction (CHRD 2008); 80 percent of the indigenous population has been displaced; and, between 2002 and 2010, more than 1,400 indigenous people were assassinated (NIOC 2010).[2]

Colombia's indigenous territories are among the most biologically diverse and well-conserved regions in the country. But these lands, and the natural resources within them, have become the target of economic and political conflicts that threaten the very survival of indigenous cultures. Moreover, the state lacks the capacity to appropriately address the needs of indigenous groups; specifically, it has failed to establish the kind of dialogue that would allow a more inclusive and respectful vision of development—one that does not imply submission or assimilation into development processes that run contrary to indigenous culture.

This chapter examines the challenges faced by both the Colombian government and Colombia's indigenous populations. It is divided into four major sections: (1) a brief review of the historical background; (2) a description of the relationship between national development policies, conservation, and indigenous identity; (3) three examples of strategies being used by indigenous peoples to cope with conflict and development; and (4) a brief conclusion.

HISTORICAL BACKGROUND

Perhaps as the result of a development model that has historically been characterized by the exclusion of certain groups and the unequal accumulation of property and wealth, Colombia has been immersed in constant social and political conflict since the colonization of the Americas.[3] During the first half of the sixteenth century, the Spanish crown rewarded the conquistadors by bestowing royal grants of land. The indigenous groups that inhabited these lands strongly resisted, but were mostly dominated and enslaved. The Spanish conquest established a pattern of physical dispersion and cultural devastation that led, in the case of some groups, to extinction. Eventually, under the New Laws of 1542, the crown declared indigenous inhabitants to be free subjects—but instead of providing protection, the declaration led to even greater submission to the crown and to Christianity. Feudal structures, such as *encomiendas* and *resguardos*,

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[2] During the first eight months of 2009 alone, more than fifty-five indigenous people were reported to have been assassinated. Of the more than 1,400 who were assassinated between 2002 and 2009, in only a few cases were those responsible tried and sentenced (NIOC 2010). In the words of UN Special Rapporteur Rodolfo Stavenhagen, "Colombia's indigenous people find themselves in a serious, critical and profoundly worrying human rights situation" (ECOSOC 2004, 5). See also OCHA (2009).

[3] As of 2012, Colombia ranked 91 out of 186 countries in the Human Development Index (UNDP 2013).

were established on the outskirts of towns or near the mines or plantations of the conquistadors.[4]

Colombia gained independence from Spain in 1819. The formation of the republic, in 1886, eliminated the taxes that had weighed heavily on indigenous groups, but also brought new forms of exclusion and subjugation. The opening text of Law 89 of 1890, for example, stated that its purpose was to legalize "the way that savages should be governed so that they are brought to

[4] Encomiendas were socioeconomic arrangements introduced by Spain, under which groups of indigenous people were required to pay taxes, provide labor, or both; in return, the feudal authority provided food and clothing, as well as religious instruction and other services. The resguardos, a form of collective land tenure that originated in the colonial period, are politically and administratively autonomous territories that are reserved exclusively for indigenous peoples and are under the governance of indigenous authorities.

civilized life."[5] The number of resguardos was reduced, and their inhabitants were required to learn Spanish, to follow Spanish agricultural practices, and to receive religious missions—all of which undermined traditional practices and knowledge.

Political turmoil, drug trafficking, and illegal armed groups

In 1948, the assassination of Jorge Eliécer Gaitán, the Liberal leader and presidential candidate, led to confrontation between the Liberal and Conservative parties, which had traditionally dominated Colombian politics. The struggle between the parties eventually led to a period of violence—known as La Violencia—and to the formation of a liberal guerrilla group that eventually became the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, or FARC). The National Liberation Army (Ejército de Liberación Nacional, or ELN), a communist-based group, arose at the same time.

Illegal crops—primarily coca and opium poppy—were first cultivated in Colombia at the end of the 1970s. As drug trafficking grew rapidly during the next two decades, hundreds of thousands of hectares of forest were razed to plant crops for the illicit drug trade. Despite efforts at herbicidal—and, more recently, manual—eradication, more than 68,000 hectares are currently sown with coca (UNODC and GOC 2010). Because of disputes over the control of territories and their inhabitants, drug trafficking remains one of the primary sources of internal conflict; trafficking is also one of the main threats to indigenous peoples.

Toward the end of the 1980s, large landowners and drug traffickers established their own paramilitary forces to combat the guerrilla forces and avoid their extortionist tactics; in some cases, the paramilitaries were protected by various levels of the political sector, as well as by national military forces. Meanwhile, under the provisions of 1991 constitutional reforms, the members of a number of guerrilla movements were demobilized and reintegrated into the political life of the country. As a result, drug trafficking and paramilitarism are so pervasive among members of the political class that one-third of the national congress is under investigation, and a number of congressional representatives have already been convicted for their links with paramilitaries (IHRLC 2010).

As one of the main sources of conflict in the country, drug trafficking is also one of the principal causes of the humanitarian crisis affecting Colombia's indigenous peoples. Since 2002, the government has attempted to recover territorial control through a policy of "democratic security," which focuses on promoting social cohesion and private investment.[6] But efforts to regain territory have also pushed conflict into outlying areas inhabited mostly by indigenous peasant farmers,

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[5] Congreso de Colombia 1890, chap. 1, art. 1.

[6] As a consequence of such efforts, more than 30,000 combatants—a large proportion of the total—have been demobilized and reintegrated into Colombian society.

and into the areas bordering Brazil, Ecuador, Panama, Peru, and Venezuela. These largely forested areas are part of either national parks or resguardos. As guerrillas have been driven into the most isolated areas of the country and paramilitary forces have been largely demobilized, new groups (consisting mostly of former paramilitaries) have begun to proliferate, placing indigenous groups at risk. With their territories and their leaders under threat, indigenous groups have been forced to abandon their property. As of 2008, armed conflict had displaced more than 3.5 million people from rural areas.[7] Approximately 70,000 of Colombia's internally displaced persons are indigenous (UNHCR n.d.).

The struggle for autonomy

Current indigenous movements can be traced to the efforts of Quintín Lame—who, beginning in 1914, led an indigenous movement in the departments of Cauca, Tolima, and Huila, which are in the western part of the country. Struggles in the southern part of the country, beginning in the late 1960s, marked the strengthening of claims for indigenous rights and the defense of indigenous territories. A number of regional and national indigenous organizations formed in the 1970s, including the Regional Indigenous Council of Cauca (Consejo Regional Indígena del Cauca, or CRIC), Indigenous Authorities of Colombia (Autoridades Indígenas de Colombia, or AICO), and ONIC.

Under constitutional reforms undertaken in 1991, indigenous populations received important legal and political recognition. Article 1 of the constitution states that Colombia "is a legal social state organized in the form of a unitary republic, decentralized, with the autonomy of its territorial units, democratic, participatory and pluralistic. . . ."[8] Eighteen articles of the constitution recognize ethnic and cultural diversity as fundamental characteristics of the nation; establish the inalienable and unseizable character of the resguardos; recognize indigenous autonomy and special jurisdiction; and affirm the right to consultation and participation in decisions that may affect indigenous groups.[9]

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[7] According to the Consultancy for Human Rights and Displacement (Consultoría para los Derechos Humanos y el Desplazamiento, or CODHES) and the Episcopal Conference of the Catholic Church, as of 2008, more than 3.8 million Colombians had been displaced by armed conflict (Romero 2007). As of 2009, Colombia's population was approximately 46 million (World Bank n.d.).

[8] For the text of the Constitution of Colombia, see http://confinder.richmond.edu/admin/docs/colombia_const2.pdf.

[9] Two conventions—the Convention on Biological Diversity, which came into force on December 29, 1993, and the 1989 Indigenous and Tribal Peoples Convention of the International Labour Organization—are among the international legal instruments that guarantee cultural integrity for indigenous peoples; they also formed part of the constitutional framework adopted by Colombia. Under these conventions, parties are obliged to ensure free, prior, and informed consent regarding any action that might affect indigenous territories and culture; the conventions also call for respect and protection for traditional practices and knowledge.

The very fact that the protection of ethnic and cultural diversity was raised to the constitutional level made the Colombian legal system a model for other nations.[10] Nevertheless, the 1991 constitutional reforms have had little effect: Colombia's indigenous populations are in critical shape; their territories have been invaded by colonists, landowners, and drug traffickers; and they are being forcibly displaced by armed conflict. In 2004, Rodolfo Stavenhagen, the United Nations Special Rapporteur on human rights and fundamental freedoms of indigenous people, noted that twelve Colombian ethnic groups face extinction; he also highlighted the serious risks to which all Colombian indigenous groups are subject (ECOSOC 2004). During an official visit to the country in July 2009, James Anaya, Stavenhagen's successor, reiterated the seriousness of the situation (UNHRC 2009, 2010). In January 2009, in response to the critical situation, Colombia's Constitutional Court demanded that the state immediately establish a program of security for all indigenous groups and special protection plans for thirty-four of them (Vieira 2009).

The failure to protect indigenous groups in accordance with the constitutional reforms of 1991 stems from a number of factors: First, Colombia suffers from considerable institutional weakness, which hampers both the administration of justice and the formulation of public policies designed to implement the constitutional guarantees. Second, Colombia lacks transparent and participatory procedures for establishing concessions for the exploitation of natural resources, developing infrastructure, and reviewing and regulating the kinds of large projects that may affect indigenous territories. Finally, both the central government and Colombian society expect indigenous groups to assimilate. Most government programs fail to recognize the diverse and particular needs of indigenous communities. On the contrary, they offer standardized services and promote homogenization. In response, indigenous communities have continued to build local, regional, and national organizations.

DEVELOPMENT POLICY VERSUS CONSERVATION AND IDENTITY

Indigenous territories, which cover 28 percent of national territory (Aylwin 2006), are better conserved than other ecosystems in the country (Sobrevila 2008). This is not a matter of chance: traditional practices are more favorable to conservation than profit-oriented uses. Moreover, indigenous territories have historically been located in the most isolated regions of the country, which tended to be of marginal value for economic development. (See box for settlement patterns and environmental conditions of indigenous lands.) Nevertheless, because of their natural wealth and geopolitical location, indigenous lands currently possess the highest strategic value of any regions in the country. For example, many of the areas

[10] Colombia's constitution establishes rights for four groups of people: indigenous, Afro-descendant, Rom, and Raizal. This chapter focuses on the first group, while acknowledging the immense challenges faced by all four groups.

Indigenous lands

Historically, landownership in Colombia has been concentrated in the hands of the few. In 2004, approximately 4.5 percent of the population held some 45 percent of the most productive lands—and 61 percent of those lands, in turn, were held by just 0.4 percent of landowners (Fajardo 2004). Moreover, Colombia's ongoing conflict has left nearly 4 million hectares of the country's best lands in the hands of drug traffickers or illegal armed groups.[a]

It is against this backdrop that one must consider Colombia's indigenous territories. Indigenous groups represents 3.4 percent of the total population and occupy 28 percent of the country's land area (NADS 2005; Arango and Sánchez 2004). Because these figures have been misinterpreted to mean that indigenous peoples have enough land, it is important to examine indigenous settlement patterns and the environmental conditions of the titled territories.

Most indigenous territories overlap with specially regulated areas such as natural forests, strategic ecosystems, or protected areas. Approximately 80 percent of *resguardos* are located in the Amazon and Orinoco regions,[b] where approximately 5 percent of the total indigenous population is settled (Arango and Sánchez 2004).[c] These territories are largely made up of strategic ecosystems, important tropical forests, and transitional savannas, which are typically floodplains characterized by poor soil. Generally speaking, agricultural productivity in these areas is very low because of the poor quality of the soil; nevertheless, these biologically diverse corridors and fragile patches of forest are important for both local and global ecological balance. And despite poor soil quality, these territories are threatened by the expanding agricultural frontier.

More than 50 percent of Colombia's indigenous population lives in the mountains, on the periphery of the fertile inter-Andean valleys where agro-industry and cattle farming are concentrated. Some of these areas—such as the high plateaus (*páramos*) and the high-mountain ecosystems (the country's main source of water)—are protected areas, where uses are restricted because of the fragility of the ecosystems.

Mountainous indigenous settlements are mostly on margin lands—hillsides with steep inclines and relatively infertile soil. In the department of Cauca, for example, resguardos cover 721,000 hectares of territory, of which 353,000 hectares are natural forest or páramos; the remaining areas, which house almost 18 percent of the country's indigenous population, are located on hillsides or along rivers, and are therefore completely unproductive (Villa 2009). Only 191,000 hectares of indigenous land are suitable for agriculture, meaning that each indigenous family (with an average of eight members) has 4.7 hectares for agricultural use (NIOC 2009).

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[a] In 2010, the government began taking steps to confiscate properties whose owners cannot demonstrate how they obtained the money they used to purchase them (*Economist* 2010).

[b] Resguardos are autonomous territories reserved exclusively for indigenous peoples.

[c] The other 95 percent of indigenous peoples live in the Pacific, Caribbean, and Andes regions.

targeted for exploration by the 2008–2019 plan for the expansion of mining are indigenous territories.[11] In 2008, 50 percent of the zones where oil exploration was occurring overlapped with indigenous resguardos, and an additional 25 percent were less than three kilometers from indigenous lands (HREV and NIOC 2008). In 2009, of the sixty-five blocks that the Colombian government designated for petroleum exploration, fifty-six were in resguardos. As of July 2012, approximately 230 blocks were designated for petroleum exploration throughout the country, especially in the Chocó, Amazon, and Orinoco regions—a move that is causing concern in indigenous communities (NHA 2012).

National development policies

National development policies in Colombia are based on three main principles: security, investor confidence, and social cohesion. Security is provided mainly through direct combat with guerrilla forces, and more recently through combat with emerging groups made up of former paramilitaries. Relying on a strong military presence to bolster its efforts, the government is pursuing two paths to economic growth in the most isolated territories of the country: agricultural expansion and foreign investment. The first is focused on expanding monoculture for biofuel production, and the second is focused on the extraction of nonrenewable natural resources, especially minerals and hydrocarbons.

The Colombian government's commitment to maintaining investor confidence means, in practical terms, that it accords private interests and local communities unequal status. For example, the state has granted special privileges to firms engaged in agricultural expansion or natural resource extraction, while giving short shrift to local decision-making processes and to the symbiotic relationship between ecosystems and indigenous communities. As a result of the government's economic policies, a large part of national territory is now under concession to private companies. Moreover, the concessions have been awarded without regard for the country's special cultural conditions or for the role of strategic ecosystems in environmental services (for example, maintaining water quality, regulating climate, and conserving biodiversity). Perhaps most disquieting, the government has granted ownership of natural resources, such as minerals, in areas where indigenous communities hold collective territorial rights to the land surface.

Social cohesion, the third component of government policy, has become more of a mechanism for guaranteeing military security than a means of fighting inequality. Even the most optimistic figures indicate that more than 45 percent of the population lives below the poverty line (as defined by the government), and that 17 percent of the population is destitute (*El Espectador* 2009). By providing subsidies to the poorest segments of the population and considerable

[11] The plan for the expansion of mining is designed to raise the gross domestic product from 2.6 to 4 percent.

benefits to privileged groups, the government is, in effect, supporting large investors (by artificially depressing labor costs) and ensuring that with regard to property and wealth accumulation, the status quo is protected.

Conflict over territory

For indigenous peoples, biodiversity exists as an ecological and cultural unit, a space laboriously constructed through daily practices (cultural, economic, and ecological) in which indigenous communities participate (Escobar 1996). In other words, biodiversity is the product of constant interaction between the land and its inhabitants; it results from myriad decisions about settlements, the use of land and other natural resources, and the management of fauna and flora. In the indigenous world, biodiversity is fundamental to planetary equilibrium—both physical and social.

In local communities, and especially among indigenous peoples, the approaches to managing, using, and enjoying territory do not necessarily reflect capitalist logic; they are derived from cultural and spiritual traditions that embody a wholly different way of interpreting and thinking about reality. Because the state is subject to economic and political pressures, institutional commitments, and its own view of territory, it has limited ability to serve as the guarantor of collective rights and well-being.

Indigenous territories were not included in national territorial policy until the 1950s. It was during this period that many of the current resguardos were established, putting a halt to colonization and strengthening indigenous organizations. Since the 1980s, however, colonization has resumed, largely under the auspices of illegal armed groups, which have established their own systems of territorial control, promoted settlements near grazing lands, and planted illicit crops. Moreover, the ongoing armed struggle between the state, drug traffickers, and illegal armed groups has caused violent incursions into indigenous territories, undermining indigenous culture. In the face of these threats, indigenous communities have attempted to safeguard their traditional territories, using strategies based on their knowledge, cosmology, and organizational structure to protect the foundation of their identity.

Indigenous claims

The claims of indigenous communities come from two origins: first, Colombia's indigenous populations are the original settlers of the lands; second, they have been subject to dispossession, marginalization, and violence for 500 years.[12] The four principal demands of indigenous organizations are as follows (NIOC n.d.):

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[12] Although a human rights perspective is helpful in understanding violence against indigenous people, it is an incomplete view. The concepts of human rights and international humanitarian law are based on Western logic, which generally fails to recognize collective rights and focuses on individual rights.

- The recovery, expansion, conservation, and defense of indigenous territories.
- The strengthening of traditional indigenous authorities.
- The gradual transition to autonomy.
- Cultural revival and the strengthening of identity.

More recently, as a result of the profound humanitarian crisis that affects Colombia's indigenous peoples, indigenous groups have requested that the government and other armed actors (including both guerrillas and paramilitary groups) remove them from armed conflict. According to the communities themselves, this implies the following:

- The suspension of military operations in indigenous territories.
- The elimination of illicit crops.
- The creation of an agenda focused on peacebuilding.

To support peacebuilding, indigenous communities have demanded, among other things, support for victims of conflict and humanitarian crises, and special programs to increase indigenous involvement in decisions that affect their culture and their territory. At a broader level, indigenous communities seek to move Colombian society as a whole toward internal reconciliation; they also support the suspension of international free-trade agreements, and the repeal of laws and the suspension of concessions that affect collective patrimony.[13]

INDIGENOUS STRATEGIES FOR PROTECTING CULTURE AND TERRITORY

Differing visions of territory are central to the tensions between Colombia's central government and the nation's indigenous peoples, for whom the right to territory has become a rallying cry.[14] To indigenous groups, the claim to territory is not simply a matter of ownership, but is also part of a cosmology in which humans exist in a profound and existential union with nature that is outside Western logic. For the Nasa, for example, the roots of resistance are deep in the past: "the people of Tierradentro have encoded their history of struggle in their sacred geography, so that past meets present on the very terrain on which they live, farm and walk" (Rappaport 1998, 9). For the indigenous peoples of the Sierra Nevada de Santa Marta, "Mamarua is the place where the spiritual and the material worlds unite to make co-existence possible, and that is how decisions

[13] With globalization and the increase in communications, the indigenous movements of today are connected worldwide. The United Nations Permanent Forum on Indigenous Issues (UNPFII) has served as a space for dialogue about ancestral rights and cultural protection. The United Nations Declaration on the Rights of Indigenous Peoples, a nonbinding declaration, was the UNPFII's first major achievement (UNGA 2007).

[14] For further discussions of territory and identity, see Green (2014) and Unruh and Williams (2013).

in the physical world affect the spiritual world."[15] For the Nukak, "life develops in parallel worlds, through which they travel, walk, and move, and this is how all beings have a function in their territory" (CNHI 2009; translation by authors).

Despite a shared sense of the role and purpose of territory in relation to identity, indigenous groups in Colombia have used different strategies to confront their difficulties, some with greater success than others. The next three subsections explore some of the strategies that three indigenous groups in Colombia have developed for managing their territories and coping with the conflicts they face as they attempt to exercise governance over their territories.

The Sierra Nevada de Santa Marta: Comanagement and nonconfrontation

Just forty-two kilometers inland, the Sierra Nevada de Santa Marta (SNSM) rises abruptly from the Caribbean coast. Culminating in snowy peaks at 5,775 meters, it is the highest coastal mountain range in the world (IADB and UNDP n.d.). The SNSM harbors a diverse and important mix of fauna and flora, many of which are restricted to the region. The mountains are also the source of thirty-five river basins, on which more than 1.5 million inhabitants of the lower regions depend for agricultural production.

The total indigenous population of the SNSM is over 54,000, and the resguardos, which were established in the 1980s, cover 604,033 hectares (NADS 2005). The Arhuacos, Wiwas, and Kogi—three of the four indigenous groups in the area—maintain their traditional culture and language and regard their territory, which they call "the heart of the world," as sacred. The fourth group, the Kankuamos, live in the lower part of the SNSM, where they have been subject to waves of colonization. As a result, they have suffered a dramatic reduction in their population and the loss of their language.

These four indigenous groups are direct descendants of the Tayrona, who were among the most advanced of the pre-Colombian cultures and were best known for their techniques of stone construction (Reichel-Dolmatoff 1999). To support agriculture, the Tayrona constructed a system of canals for irrigation and drainage; the system was designed to make use of climate and soil conditions, minimizing the erosion that is typical in highly fragile mountain areas. Using large stone terraces as a base, the Tayrona also created intricate networks of villages and settlements, connected by stone pathways that ran from the coast to the highest parts of the SNSM.

For purposes of interacting with the government and other entities, each of the four ethnic groups is represented by an organization. Within the communities, however, the guidance of the *mamos*—traditional spiritual leaders with a deep understanding of the cosmos and its various manifestations—prevails. During

[15] Mamo Kuncha, spiritual leader of the Arhauco community, personal communication.

kwalama, a celebration that takes place in June of each year, decisions regarding territorial management are made, and the calendars that rule social, economic, and environmental matters for the communities are determined. In essence, the conservation strategy of the SNSM's indigenous groups is shaped by their approach to understanding and distributing territory. This is in sharp contrast to the Western model, in which administrative and political interests take priority.

After a long struggle that dates back to the creation of the republic, the indigenous communities of the SNSM have managed to recover an important part of their ancestral territory. As a result, they have been able to maintain their traditional production system, in which each family has the right to plots of land in different altitudinal zones—an arrangement that takes advantage of ecological diversity and also reduces pressure on the soil. The lands are distributed by the mamos on the basis of lineage and community needs.

Ever since the time of the Spanish conquest, when they sought refuge in the highest and most inaccessible parts of the mountain, the indigenous peoples of the SNSM have avoided confrontation. Instead, they resolve conflict through spiritual work, and seek redress by assigning greater social responsibility. Beginning in the early 2000s, the combination of coca cultivation, the presence of illegal armed groups, and the territorial recovery efforts of the national armed forces have increased the level of conflict in the SNSM, creating a critical humanitarian situation for the indigenous populations. In response, all four of the region's indigenous groups have drawn together, seeking both internal strength and external protection through the creation of the Territorial Council of Cabildos.[16] (indigenous leaders). The council, in turn, has established agreements with—and mobilized—a number of public, private, and international entities, including UN agencies, the Office of the Ombudsman, and the National Commission for Conciliation.[17]

These joint efforts have had several practical results: for example, a humanitarian diagnostic assessment of the SNSM has been undertaken; and, in return for eradicating illicit crops by hand, the indigenous communities have recovered some of their lands. The indigenous communities of the SNSM have not been successful in all their initiatives, however. For example, they have so far failed to halt the construction of a port over what is considered a sacred site, and have chosen to file an international lawsuit.

Generally, however, the indigenous communities of the SNSM seek dialogue, forge agreements based on respect for their culture and the guidance of the mamos, and have deep faith in the efficacy of nonaggressive action. Because of the example they have set—in which respect for life, territory, traditions, and simplicity is paramount, and nonaggression is the basis for governance and

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[16] *Cabildos* are indigenous leaders.

[17] The Office of the Ombudsman is a Colombian governmental institution that protects human rights through legal and democratic frameworks (Ombudsman Colombia 2007). The National Commission for Conciliation is associated with the Colombian Catholic Church.

conflict resolution—the indigenous peoples of the SNSM have gained the respect of Colombian society and the international community.

The Nasa: Internal strengthening and confrontation

The Nasa, who are among the most hardened and prominent of Colombia's indigenous groups, are known for having founded a resistance movement (headed by Quintín Lame) at the beginning of the twentieth century. In the early 1970s, the movement was consolidated through the creation of organizations such as the Regional Indigenous Council of Cauca (known by its Spanish acronym, CRIC), which is one of the oldest organizations of its type in the Americas. Because Nasa social relations are not based exclusively on lineage, but also include political agreements between leaders, the Nasa have successfully established a network of contacts with other indigenous peoples and organizations. The Nasa indigenous organization, the Association of Indigenous Councils of Northern Cauca (Asociación de Cabildos Indígenas del Norte del Cauca, or ACIN) is one of the strongest in the country and has received a number of awards, including Colombia's National Peace Prize and an Equator Prize, for its work in the environmental arena.

The Nasa have seventy-two resguardos, covering approximately 113,000 hectares; with a population of approximately 140,000, they are Colombia's second-most-populous indigenous group (PPHRIHL 2010).[18] The Nasa are dispersed throughout the southern part of the country, with some nodes of concentration in the Tierradentro region, between the departments of Cauca and Huila and to the north of Cauca. The Nasa territories are located in the headwaters of the Cauca River. After the Spanish conquest, the Nasa were forced to migrate to higher zones in their territory; as a result, their culture has a mix of Amazonian and Andean elements.

Because of its topographical and climatic conditions, Tierradentro, a region of Andean and high-Andean forests and *páramos* (high plateaus), has been almost inaccessible. Today, however, a number of factors—including the lack of productive land in the lower altitudes, and violent incursions by illegal armed groups—are putting increasing pressure on the mountain ecosystems.

The Nasa concept of territory is flexible and multiscale; *kiwe*, which implies "to sow, to cross over, and to look," refers to all of the following: soil, land, individual plots, territory, the domain of a chief (*cacique*), and even the entire world (Rappaport 1982).[19] An area becomes territory when ownership is taken, either through physical transformation (by farming, for example) or through some other form of control over it. The Nasa vision of territory is linked to a strong

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[18] The Wayúu are the most populous indigenous group.

[19] The concept of *kiwe* is complemented by two others: *ajyu* and *ũyu*. The first means "on this side" (mine) and the second means "the side over there" (the other); these concepts are fundamental to internal dialogue among the Nasa.

system of governance, which is made up of the most important community leaders and the *Thé Wala*, who provide political and spiritual guidance that is then transmitted through a council of elders.

The Nasa have been subject to violence since the Spanish conquest, yet they have never been subjugated. Their strategy is based on unity: as the Nasa say, "We are not tough, but we are many" (León 2004). Today, as illegal armed groups and the Colombian military struggle for control over their ancestral territory, the Nasa continue to rely on collective action, political dialogue, and—when necessary—direct confrontation.

In defending their rights, the Nasa have promoted demonstrations that have had national and international impact. In 2005 and 2008, for example, under the leadership of the Nasa, more than 70,000 indigenous people from different regions united to march from their territories to the city of Cali and then to Bogotá, the nation's capital, where they secured a meeting with the president of Colombia. When it comes to negotiation, the Nasa maintain clear objectives and stand united behind their collective interests. The Nasa are recognized throughout Colombia for their *mingas*—their group efforts—to defend their position, even against armed actors.[20] When guerrillas took over the town of Jámbalo (in the department of Cauca), for example, the Nasa gathered in the town square, in the midst of gunfire, and demanded that the guerrilla forces leave.

The Nukak: A people under threat of extinction

The Nukak, who may be among the last nomadic hunter-gatherer groups in the world, live between the Guaviare and Inírida rivers, in the area separating the Orinoco and Amazon regions. The Nukak inhabit three varied types of terrain: terra firma, floodplains, and mountainous terrain—all of which share the acidic soil common throughout the Orinoco-Amazon region (Franky and Mahecha 2000).[21]

Traditionally, hunter-gatherers are highly mobile, using as many as seventy camps in the course of a year (Franky and Mahecha 2000). Although this mobility has historically been viewed as a means of adapting to shifting ecological demands, the way that the Nukak travel through their territory is determined not only by ecological conditions, but also by cultural and social concerns (for example, visits, ceremonies, and conflict) (Gutiérrez 2003). The Nukak system of *chagras* (small, temporarily cultivated forest areas), combined with hunting and gathering, allows them to maintain their traditional practices and guarantees the stability and health of the ecosystem, which also includes their own health. As the Nukak say, "Health enters through the mouth" (Martínez 2009).

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[20] *Mingas* are group activities carried out by the indigenous peoples of southern Colombia. The aim may be to help a family or other group, or to complete a community project.

[21] Terra firma is dry, solid land; a floodplain is adjacent to a body of water and is sometimes subject to flooding.

For the Nukak, the world consists of three levels: *jea, yee*, and *bak* (Franky and Mahecha 2000). The first is the upper world, inhabited by the *takueyi*, beings that show themselves in thunder. The second is where the Nukak and other human beings live. And the third is the underworld, where spirits—including some spirits of the dead—reside. The spirits of the underworld can climb to the second (or middle) world, where the Nukak and other human beings live. When they do so, they take the form of certain sacred animals: tapirs, deer, jaguars, or snakes. According to Nukak traditions, all living beings originally inhabited the underworld, and beings that are different from the Nukak live in each of the three worlds; such beings are not considered supernatural but are simply other types of people. In the Nukak belief system, the group originated at the Cerro de las Cerbatanas, one of their most sacred sites, from which they moved westward.

The legally recognized Nukak territory covers 950,000 hectares. In 2004, a territorial dispute between illegal armed forces and the national army led to the displacement of some of the Nukak. By 2010, 60 percent of the population (an estimated 650 individuals) had been forcibly displaced to the outskirts of San José del Guaviare, the urban capital of Guaviare Department. Meanwhile, since the early 2000s, the cultivation of coca has increased in Nukak territory, leading to an increase in armed confrontation between guerrillas, paramilitary groups, and the army. Because the Nukak are nomadic, they represent a tactical risk for armed groups, who view them as potential informants. Thus, the Nukak that have not been displaced have been confined to a small territory where they can be controlled by armed groups. In either case, the result is cultural erosion. Because their settlements are so isolated, little is known of the Nukak that have not been displaced, but those who were driven to the outskirts of San José del Guaviare show critical rates of ill health and malnutrition. The displacement and confinement of the Nukak is a humanitarian crisis that places them at risk of extinction.

The protection of territory is vital for maintaining the ecological and cultural cycles on which the Nukak rely, and without which their physical and cultural survival are at risk. Their territory is also an important ecosystem for biological connectivity between the Amazon and the Andes. Degradation affects both the ecosystem and the indigenous peoples—both of which are, by nature, extremely fragile and vulnerable.

Because the Nukak are nomadic and dispersed, they have no particular strategy for their own defense; actions on their behalf have remained in the hands of third parties. But none of the efforts to support the Nukak—whether undertaken by the central or the regional government, or through international cooperation—have succeeded. One reason is the low institutional capacity of the state in the territory occupied by the Nukak: it is simply not capable of attending to the needs of nomadic indigenous peoples. Moreover, because of ongoing armed confrontation, efforts on behalf of the Nukak depend on military intervention.

The Nukak's organizational weakness, when it comes to relating to the nonindigenous world, exacerbates the gravity of their situation. As a nomadic people, the Nukak are traditionally organized into small family groups that range

over a vast territory; meetings with other groups are occasional and relate to social cycles and exchange. Currently, however, more than half the population is being forced to share just one camp—resulting in many internal conflicts, which have been aggravated by a lack of humanitarian attention.

With the support of various UN agencies, local and national governmental organizations have undertaken new efforts to strengthen long-term humanitarian attention and to build capacity among the Nukak.[22] Given the likelihood of continued armed confrontation in their territory, the Nukak may well have to carve out a future that does not include a return to their ancestral territory.[23] Meanwhile, the state must develop mechanisms for culturally differentiated attention, both to minimize harm to the Nukak while the conflict in their territory is ongoing, and to provide support for them if and when the violent confrontation ceases.

CONCLUSION

It seems paradoxical to talk of "post-conflict" when the conditions that generated violent conflict within Colombia are still in place, and in some cases have increased. At the same time, it is important to understand that conflict is a natural state for culture, particularly for a country that is as diverse (socially, environmentally, and culturally) and complex as Colombia, and in which various elites have allowed the conditions that foster violent confrontation to intensify. To some extent, the ongoing conflicts in Colombia could be considered a natural part of the process to establish legitimate agreements among different actors and guarantee governance.

Armed confrontation and other expressions of conflict arise from unresolved issues, and it is naive to attempt to end conflict without understanding these underlying issues. Only through such understanding will it be possible to transform conflicts into opportunities for inclusion, mutual respect, and participatory development. To build a solid and lasting peace, Colombian society must establish workable, national-level social and political agreements that are reflected in juridical, legal, and institutional terms, and that are capable of incorporating different perspectives within a single development model.

Against this backdrop, perhaps it is more appropriate to talk about conflict transformation, for those situations where conflict is ongoing, and of political negotiation, for those situations where the humanitarian situation is critical.[24]

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[22] The agencies are the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the UN Office for the Coordination of Humanitarian Affairs, and the UN Office of the High Commissioner for Human Rights.

[23] Although the Colombian government has attempted to negotiate a pact that would guarantee the safety of the Nukak in their territory, at the time of writing there had been no progress on this front.

[24] Johan Galtung defines *conflict transformation* as "a political venture that aims to create sustainable peace, confronting the deeper or structural causes of violent conflict and based on local capacities for peacefully managing these" (Galtung 1976).

Once violent confrontation has come to an end, conflict transformation will be crucial to prevent further relapse into violence. With respect to the humanitarian crises, it is urgent to act now. In the case of indigenous peoples, such action must include cultural dialogue in order to prevent further damage to indigenous cultures.

In Colombia, movement toward a nonviolent society through conflict transformation involves three prerequisites:

- Granting all citizens the right to participate in decisions that affect their future.
- Ensuring that the basic needs of all citizens are met.
- Developing a culture of peace, based on the premise that for each conflict there is a solution.

The experiences from Colombia illustrate that law alone is insufficient: regardless of the rights granted by the constitution, indigenous peoples must ultimately be protected by national consensus. As long as diversity is regarded as an obstacle to be overcome, and as long as dogmatism about economic growth creates obstacles to inclusive participation, the rights of indigenous peoples will be considered to be at odds with national well-being.[25] Thus, it is essential to transcend a narrowly legal perspective and to move toward a view in which biological and cultural diversity are part of the national patrimony.

The conflict management strategies adopted by various indigenous cultures can provide lessons for movement toward a culture of peace. The three examples presented in this chapter are but a few instances of the complex and diverse social models that indigenous peoples have developed to deal with the many conflicts that affect them. The indigenous communities of the SNSM, for example, depend on the spiritual strength of their people and on a political organization that is not strong but that has the flexibility to establish agreements with different actors. The indigenous peoples of the SNSM are well aware of their organizational disadvantages and have identified partners that can help them strengthen their position and establish further alliances. Their strong resistance to confrontation has enabled them to make the most of their tremendous natural and spiritual wealth. Although the nonconfrontational, nonviolent approach of the indigenous peoples of the SNSM has led to a certain isolation from other indigenous organizations and movements, the strategy has also fostered cooperation and investment on the part of various international actors and has helped curb the conditions that lead to violence.

The Nasa, in contrast, have responded to external pressures by developing a solid organizational structure. Through organization, the Nasa have made

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[25] Nor is it enough to include indigenous groups in negotiations about plans and projects, while guiding policies and strategies are developed separately and without regard for collective interests.

important advances in autonomy, management of their territory, and local democracy; they are also leaders in state-funded systems of health care and education, and have undertaken a number of projects to improve living conditions for their people, some of which have won international awards for environmental management. They have also managed to move from confrontation with the state to political negotiation at the highest levels. Although the Nasa strategy may yield slow progress in the short term, the long-term results are highly relevant to the national indigenous movement.

The Nasa have found that community mobilization and taking matters into their own hands are the most effective means for claiming their rights in relation to the state and for resisting the various armed groups that are present in their territories. It is important to note, however, that although the Nasa have formed the strongest indigenous movement in the country, they have also been the victims of the largest number of assassinations.

The Nukak represent a challenge for both the Colombian nation and the international community. In fact, they can be regarded as a test case for state capacity and the political will of Colombia's leaders and society as a whole. According to Colombia's Constitutional Court, more than thirty indigenous groups live under conditions similar to those of the Nukak: that is, they suffer from both weak internal organization and a lack of attention from the state.[26] The survival of these groups depends on two factors: first, the state's capacity to achieve sufficient internal security for the groups to return to their territories; and second, the creation, through dialogue, of programs that recognize and respect both cultural differences and the groups' internal dynamics. To help the Nukak confront the challenges associated with displacement and with their eventual return to their territory, the state must deepen its cultural understanding of the group and develop strategies tailored specifically for their needs.

The crisis affecting the indigenous peoples of Columbia also affects their territories, where ancestral rights—which are legally recognized, but have yet to gain acceptance by Colombian society—prevail. Peacebuilding interventions must be guided by a genuine understanding of the lands and cultures that are at risk: the goal is not simply to obtain commercial deals for managing these lands, but also to respect indigenous cultures and the collective decisions of indigenous groups about their territories. So far, however, Colombia's policy and regulatory framework has failed to support the standing of all groups in this multicultural nation. And where legal norms do exist, the necessary instruments and resources to enforce them are often lacking, creating yet another challenge to efforts to protect Colombia's indigenous peoples.

Despite more than 500 years of contact with colonizing forces and constant transformation, Colombia's indigenous peoples have sustained sophisticated models for sharing benefits and have resisted the incursions of development,

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[26] Constitutional Court of Colombia, Protection of Fundamental Rights and Indigenous People Displaced by Armed Conflict, January 22, 2004, Judgment T-025/04.

thereby protecting both cultural and biological diversity. Today, with the entire planet at risk from global warming and the degradation of ecosystems, indigenous peoples offer an invaluable contribution—a light of hope for overcoming the difficulties facing humanity.

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