



# C onflict or Compromise?

## Neoliberalism and Indigenous Rights

### in Latin America

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*This article explores two theories on the relationship between neoliberal policies and indigenous social movements in Latin America. Neoliberalism and indigenous rights movements are commonly portrayed as adversarial, or conflicting opposites, each working against the other. However, recent scholarship challenges this view, arguing that, through neoliberal multiculturalism, Latin American governments can facilitate neoliberal policies by compromising on indigenous rights. Using case studies of Mexico and Ecuador, this article outlines the debate between the theories of conflicting opposites and neoliberal multiculturalism. The author argues that neoliberalism is malleable, incorporating indigenous rights to facilitate state control and economic reform. The article concludes that this malleability may enable indigenous peoples to find alternatives conflict or compromise.*

**I**n an interesting historical concurrence, the growth of indigenous organizations in the 1970s and 1980s mirrored the institutionalization of neoliberalism in Latin America. Latin American governments have undertaken neoliberal reform through privatization of state assets, deregulation, and the dismantling of trade barriers erected under import substitution. The social impact of these reforms has been the subject of much scholarly debate. Some analysts stress the benefits of economic liberalization on overall economic growth, while others critically examine which strata of society bear the costs and benefits of economic restructuring.

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This article focuses on the effect of neoliberalism on the tens of millions of indigenous peoples in Latin America. Though composed of diverse groups and opinions, indigenous peoples generally understand neoliberal reforms in terms of cuts in social programs, encroachment on native lands, privatization of public services, and subsidy reductions. Throughout Latin America, indigenous peoples have borne the brunt of neoliberal reform. The past two decades of neoliberal policymaking have seen an increase in indigenous poverty, a reduction of communal land, and a loss of market share for indigenous agricultural products. Yet during the same period, indigenous peoples have also secured important collective rights throughout Latin America under neoliberal governments.

This article analyzes the current debate on the relationship between neoliberal economic policies and indigenous rights movements in Latin America. During the massive protests led by indigenous social movements in the 1990s, scholars, the media, and native peoples described the relationship between indigenous peoples and neoliberal policies as adversarial. Likewise, outspoken leaders of indigenous social movements, such as the Mexican Zapatista leader Subcomandante Marcos and the Bolivian cocalero union leader Evo Morales, have described their causes as staunchly opposed to neoliberal economic policies.<sup>1</sup> Scholars have similarly depicted indigenous social movements in Latin America as literal roadblocks to neoliberalism, characterizing the awarding of rights to native peoples as victories over neoliberal reform.

Recently, another interpretation of events cites the granting of indigenous rights as a compromise by governments pursuing neoliberal reforms. This interpretation argues that governments promote multiculturalism and grant limited cultural rights to indigenous peoples in order to facilitate neoliberal policymaking.<sup>2</sup> According to this view, indigenous rights granted in recent years are hollow victories that only relieve pressure from indigenous social movements, instead of protecting the collective rights of indigenous peoples in Latin America.

This article explains both sides of the debate on the relationship between neoliberalism and indigenous rights. Two brief case studies are presented to test the competing theories of conflict versus compromise. The first case study of the Zapatista uprising in southern Mexico assesses a single, regional indigenous movement within the hostile political climate of a militarized, firmly neoliberal state. In contrast, the Ecuador case study assesses gains to indigenous rights within a highly conciliatory state, and among some of the hemisphere's oldest, most diverse, and best-organized indigenous movements. The conclusion proposes that indigenous movements can find alternatives to conflict or compromise by strengthening transnational linkages.

## Indigenous peoples in Latin America

### *Background*

Latin America has an estimated 40 million<sup>3</sup> indigenous peoples. They comprise 10 percent of the population of Latin America, and are composed of 400 different linguistic and cultural groups.<sup>4</sup> Accurate census figures on indigenous peoples in Latin America are unavailable. Historically, governments have been reticent to acknowledge the salience of cultural identity. The malleable definition of *indígena* based on ethnicity, language, land, and self-identity has also hindered precise tallies of indigenous peoples.<sup>5</sup> Official figures often under-represent indigenous populations by as much as half.<sup>6</sup>

Indigenous peoples are spread throughout Latin America, ranging from small, isolated Amazonian tribes to large Andean groups. They vary from just a fraction of the national population in Brazil to clear majorities in Bolivia. Almost 90 percent of Latin America's indigenous population is concentrated in five countries: Mexico, Peru, Bolivia, Guatemala, and Ecuador. While the greatest number of indigenous peoples lives in Mexico, only Bolivia has a majority *indígena* population.<sup>7</sup> Indigenous ethnic groups can be split into highland altiplano and lowland Amazon basin groups. The majority of today's indigenous peoples are highland descendents of the Inca, Maya, and Aztec civilizations. Today, these peoples have diverse traditions and differing degrees of integration into mestizo society and the market economy.

### *Ongoing history of marginalization*

Despite their geographic separation and cultural heterogeneity, native peoples are united by a history of internal colonialism, racism, and marginalization that has left them the poorest of the poor throughout Latin America. Spanish colonialism established a social hierarchy built on Indian labor that relegated native peoples to the lowest rungs of society. Endemic racism and the rise of a privileged mestizo majority in most Latin American countries have ensured the perpetuation of this highly segregated social system.

In the 1950s and 1960s, Latin American countries strove to modernize their agricultural sectors and homogenize their societies. Many countries instituted laws forbidding traditional dress and native languages in public schools. Western missionaries promoted resettlement and prohibited traditional practices, while Western aid helped to fund agricultural export systems based on monoculture. All of these factors worked to uproot indigenous peoples from their cultures in Latin America. As a result, "whatever [indigenous] lands, rights, and resources remained through the Spanish colonial institutions were generally lost during the modernizing phase of the national period."<sup>8</sup>

As trade unions began to grow in political power, ushering in populist governments across the hemisphere, indigenous peoples felt additional pressure from

below to suppress their cultures. Unions recruited native peoples under the rubric of *campesinos* or rural laborers. Working within a Marxist model of class struggle, unions had no means of articulating indigenous cultural identities.<sup>9</sup> Recent indigenous movements have reasserted cultural identity over class affiliation and nationality. The strengthening of native peoples' ties to their regional identities and cultural heritage has been an important theme in indigenous social movements throughout the hemisphere.

### *Emergence of new indigenous movements*

The 1990s was a decade of significant gains in organizational capacity and legal standing for indigenous peoples in Latin America. While indigenous communities have resisted domination since the Spanish colonial period, recent protest movements extend this history of resistance by building on ethnicity as a rallying force for wide-scale mobilization.<sup>10</sup> In the 1990s, ethnicity became articulated in social movements that achieved broad support and orchestrated massive popular protests. By nesting economic grievances in demands for cultural rights, indigenous peoples protested against historically racist state policies and current neoliberal economic reforms. Native peoples demonstrated their ability to organize locally and network internationally for the protection of collective cultural rights.

Through successive demonstrations, strikes, roadblocks, occupations, marches, and occasional armed uprisings, many groups have recently gained legal recognition of indigenous rights. Though specific grievances differ between groups, indigenous rights generally comprise legal recognition and control over native lands, languages, education, traditions, and natural resources. To this end, cultural rights movements seek collective rights based on political representation and autonomy. Autonomy is the "articulating demand—the demand through which all other claims are fulfilled."<sup>11</sup> Through autonomy, indigenous groups gain greater control over their lands, cultures, and economies without necessarily demanding statehood or succession.<sup>12</sup>

### **Neoliberalism and Indigenous peoples**

The following sections present two theoretical perspectives on the relationship between neoliberal policymaking and indigenous rights movements in Latin America. In the first section, neoliberalism and indigenous rights are positioned as incompatible. This theory cites the disproportionately negative socio-economic consequences of neoliberalism on indigenous communities to argue that neoliberalism is antagonistic to indigenous rights. This argument maintains that neoliberalism and multiculturalism are *conflicting opposites*. From this perspective, neoliberalism is understood as a threat to multiculturalism, and recent gains in indigenous rights signify victories for native peoples and the retreat of neoliberalism.

The second section questions the theory of conflicting opposites by examin-

ing the relationship between neoliberalism and indigenous rights in terms of compromise. This section explores the theory of *neoliberal multiculturalism*, in which neoliberalism is considered malleable instead of monolithic. According to this theory, neoliberal governments willingly concede rights in order to facilitate neoliberal policymaking. Multiculturalism, according to this theory, can be cursorily absorbed into state policymaking without impeding neoliberal reforms. This section concludes that neoliberalism can accommodate limited cultural rights, effecting little social change while deflating and dividing indigenous rights movements. The theory of neoliberal multiculturalism thus cautions that recognition of rights does not insure their enforcement.

### ***Conflicting Opposites: The neoliberal threat to multiculturalism***

The relationship between neoliberalism and indigenous peoples is most commonly framed as a struggle between two opposing forces. The theory of conflicting opposites positions neoliberal governments against indigenous groups. Anti-capitalist rhetoric and mass demonstrations against neoliberal reforms by indigenous peoples in Latin America give credence to the contradictory objectives of the indigenous movement and state economic policies. In the theory of conflicting opposites, the homogenizing and marginalizing effects of global, impersonal economic policies are set against the diversity and traditions of local, indigenous communities. Neoliberalism decapitalizes the rural, indigenous poor and exploits their natural resources, according to this theory, while dismissing their cultures and marginalizing them politically and economically. Conflicting opposites posits that governments concede indigenous rights unwillingly, since these rights run counter to neoliberalism.

From the 1970s, governments throughout Latin America implemented widespread neoliberal reforms that scaled back social services and land redistribution. After a military coup in 1973, Chile began to eliminate its quotas and liberalize its economy, starting a neoliberal reform process that swept across Latin America. By the 1980s, most Latin American countries had passed significant neoliberal legislation.

Neoliberal reforms significantly reshaped the political and economic landscapes of many Latin American countries and disproportionately affected indigenous peoples: “Economic liberalization differentially affected Indians as an ethnic community through cuts in social programs, changes in rural property relations, privatization of public services, loss of subsidies on consumer items, and increased state openness to the presence of multinationals in indigenous territories.”<sup>13</sup> The social consequences of neoliberal reform on indigenous peoples include reduced state investment in social services, increased encroachment on native lands for agricultural development and natural resource exploitation, dramatic increases in the costs of basic commodities, restriction of credit available to the poor, and the privatization of public utilities like water. The political consequences of neoliberal policymaking

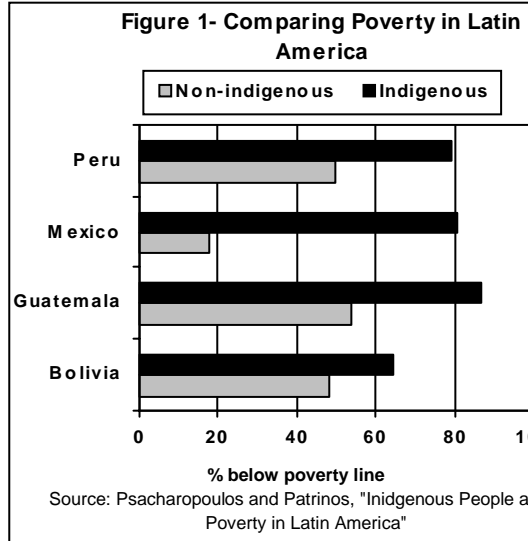
include the promotion of individual rights over collective rights, market-centered planning, and the expansion of export-led development. These social and political consequences exact a heavy toll on indigenous communities. Furthermore, neoliberalism brought indigenous peoples into the global economy, where they were poorly positioned to become successful global competitors.

Since the onset of neoliberal reform in Latin America, the income gap between mestizo and indigenous communities has widened and the vast majority of indigenous peoples have remained poor.<sup>14</sup> (Figure 1) Structural adjustment caused poverty in Latin America to grow from 41 percent in 1980 to 62 percent in 1992.<sup>15</sup> The percentage of Latin American indigenous communities currently living below the poverty line ranges from 45 to 89 percent.<sup>16</sup>

A World Bank study found that, according to major development indicators, indigenous peoples fared miserably in the 1990s. In addition to meager native incomes, the report states that indigenous peoples have the highest rates of infant mortality and childhood malnutrition and the lowest rates of schooling and literacy in Latin America.<sup>17</sup>

Alison Brysk summarizes that “Latin American Indians are the poorest, sickest, most abused, and most defenseless members of their societies,”<sup>18</sup> a position neoliberalism has done little to rectify and much to exacerbate. The impact of neoliberalism on indigenous groups is the basis of the conflicting opposites theory. Indigenous peoples see neoliberal economic policies as threats to their survival and, by consequence, to multiculturalism in Latin America.

As indigenous movements have grown over the past decade, anti-neoliberalism continues to spark protests and acts of civil disobedience among indigenous groups. Mostly peaceful, but sometimes armed, resistance has become the popular strategy for opposing neoliberalism. Throughout Latin America, indigenous groups are rejecting neoliberal reforms and demanding land rights, bilingual education, political autonomy, protection of human rights, recognition of cultural identity, the right to traditional practices, and control over their own communities’ development.<sup>19</sup> Indigenous peoples are rallying against neoliberalism, which they perceive as opposing and conflicting with their rights.



### *Victories over neoliberalism*

Indigenous peoples have undeniably secured important cultural rights over the past decade. In addition to international recognition of indigenous peoples' rights through the International Labor Organization (ILO) Convention 169, the Organization of American States' Inter-American Commission on Human Rights, and the Draft UN Declaration on the Rights of Indigenous Peoples, indigenous organizations have been able to pressure national governments to enshrine native rights and multiculturalism through laws and constitutional amendments. Currently, 12 Latin American countries have ratified ILO Convention 169 and 11 have amended their constitutions to include indigenous peoples, redefining their nations as alternately "multiethnic", "culturally diverse", or "pluricultural."<sup>20</sup> In two countries, Colombia and Nicaragua, indigenous national political participation is guaranteed through permanent seats for indigenous delegates.

The indigenous rights movement has greatly improved native peoples' standing internationally and with multilateral donors. International support resulted in the awarding of the 1992 Nobel Peace Prize to indigenous Guatemalan activist and author Rigoberta Menchú and the United Nations' declaration of the International Decade of the World's Indigenous People from 1994 to 2005. The revalorization of indigenous cultures led development practitioners to reverse their modernization-theory approach to development. Native demands for the recognition and protection of indigenous rights convinced donor institutions to incorporate native accord and indigenous knowledge into their development projects. The World Bank and the Inter-American Development Bank have drafted procedures to account for indigenous rights and consult with indigenous organizations in project planning.<sup>21</sup> A few indigenous organizations, such as the Ecuadorian National Indigenous Confederation (CONAIE), have become signers on World Bank-funded projects on an equal footing with the national government.

But these changes did not come about quickly or easily. The need to include indigenous peoples in project planning became painfully evident after indigenous groups occupied, obstructed, and sabotaged World Bank project construction sites.<sup>22</sup> Lending credence to the theory of conflicting opposites, most changes came about only after indigenous mass mobilizations, protests, and acts of civil disobedience. Marches and protest campaigns from the 1990s to the present have ubiquitously preceded government negotiations and gains in indigenous rights legislation. Mass mobilizations were organized by indigenous organizations in Latin America during the run up to the 500<sup>th</sup> anniversary of Columbus' "discovery" of America. Indigenous groups organized anti-quincentenary campaigns, celebrating "500 Years of Resistance" to colonialism, marginalization, and assimilation. The momentum of these protests continues today, fostering ongoing protest campaigns in the hemisphere.

Since indigenous groups have increased their organizational capacity and transnational linkages with environmental and human rights groups, many native

communities in the hemisphere have secured autonomy and territorial rights. For example, in one of the single largest indigenous land demarcations in Latin America, the Brazilian president conceded to intense international pressure and allotted a territory the size of Scotland as a reserve for 9000 Yanomami in 1992.

After land, bilingual education is the most common right demanded by indigenous groups in Latin America. Based on ethnicity, the identity politics of indigenous social movements naturally stress the protection of indigenous knowledge, central to which is language. Attempts to “civilize,” “modernize,” and assimilate indigenous peoples through Spanish language education have also significantly politicized education. With indigenous organizations focusing on cultural renewal and self-determination, native-language and bilingual education have become fundamental demands for indigenous activists. Protests throughout the 1990s were often successful in gaining the right to learn in indigenous languages. Argentina, Brazil, Colombia, Ecuador, Nicaragua, and Paraguay have constitutionally guaranteed bilingual education in indigenous territories, while in Bolivia, Mexico, and Guatemala, recent educational reforms assert indigenous peoples’ rights to bilingual education.

Within the framework of conflicting opposites, indigenous social movements thus view the official recognition of indigenous languages, bilingual education, and the protection of indigenous territory as victories over the hegemony of neoliberalism.

### ***Neoliberal Multiculturalism: Concessions to indigenous rights***

Recently, the neoliberal-indigenous dichotomy proffered by the theory of conflicting opposites has been called into question. In place of conflict, new scholarship presents a conciliatory view of neoliberalism based on the rights granted to indigenous groups by neoliberal governments. Rather than viewing neoliberalism and multiculturalism as polar opposites, recent interpretations propose that governments can concede rights without sacrificing neoliberal policymaking. From this perspective, states allot indigenous groups a package of minimal cultural rights through what Charles R. Hale terms *neoliberal multiculturalism*, “whereby proponents of the neoliberal doctrine pro-actively endorse a substantive, if limited, version of indigenous cultural rights, as a means to resolve their own problems and advance their own political agendas.”<sup>23</sup> This perspective rejects the notion that neoliberalism precludes multiculturalism. Instead, neoliberal governments can recognize select rights of indigenous peoples while retaining control over natural resources and economic policies.

Despite neoliberalism’s emphasis on free markets and individual rights, Latin American neoliberal governments in the 1990s showed a remarkable shift toward the promotion of multiculturalism and the protection of collective rights.<sup>24</sup> While indigenous peoples won many of their demands for self-determination, the governments that conceded demands remained staunchly neoliberal. How can neoliberalism’s focus on individual rights, private property, and economic efficiency be reconciled with

multiculturalism's focus on group rights, collective property, and social equity? The theory of neoliberal multiculturalism resolves this paradox by proposing that seemingly contrasting objectives of neoliberalism and indigenous rights movements can merge in a "unity of discourse" tailored to specific socio-cultural environments.<sup>25</sup> Nancy Grey Postero explains that "neoliberalism is not necessarily 'coherent and totalizing,' but, like capitalism itself, creative in its articulations with the local."<sup>26</sup> In contrast to the conflicting opposites theory, the awarding of indigenous rights in recent years indicates that promoting limited multiculturalism in pluri-ethnic states can be in the best interests of neoliberal governments. By conceding cultural rights to indigenous groups, the state can engage and direct the dialogue on "appropriate" rights, providing leverage to dismiss radical demands that threaten neoliberal policymaking. Neoliberal multiculturalism "open[s] just enough political space to discourage frontal opposition, but too little to allow for substantive change from within."<sup>27</sup> In this way, an acceptable package of minimal cultural rights can be allotted without loss of state control over larger socio-economic issues.

Neoliberal multiculturalism thus positions the allocation of indigenous rights as a political tactic to appease popular indigenous and powerful international organizations.<sup>28</sup> On the local level, limited cultural rights are bargaining chips that satisfy some principle indigenous demands, thereby reducing the momentum of indigenous social movements. On the global level, governments can placate international organizations by promoting legislation protecting "traditional" cultures that appeal to Western donors. Brysk notes that "many governments have learned to practice international appeasement rather than democratic accountability."<sup>29</sup> Similarly, Postero alludes to the role of transnational linkages and international solidarity for indigenous rights displayed by environmentalists, cultural protectionists, and human rights groups in support of multiculturalism: "Favorable treatment of indigenous minorities is not only important for a good international image," Postero argues, "it is now a requirement for much international aid." Latin American governments have found that suppressing or neglecting indigenous demands can have more devastating political and economic ramifications than conceding limited rights. Hence, rather than an alternative to neoliberalism, multiculturalism is a concession to well organized indigenous groups and to the international donors that hold the purse strings on foreign aid.

### ***Hollow concessions to multiculturalism***

However, neoliberal multiculturalism also argues that governments confer largely symbolic rights that lead to little institutional change. Many impressive territorial allotments to indigenous peoples have proven to be weakly enforced and, in some cases, newly gained territorial protection has been rolled back with subsequent legislation. In Brazil, for example, despite protection of indigenous territories under the 1988 constitution, Decree 1775 allows third parties to contest the demarcation of

indigenous lands, giving non-indigenous actors access to natural resources in indigenous territories.<sup>30</sup> Throughout Latin America, neoliberal policies promoting agro-exports led governments to facilitate and condone colonization of lowland indigenous territories in order to boost agricultural production.<sup>31</sup>

Despite the centrality of “permanent sovereignty” over natural resources in indigenous territories in international law, sub-soil rights have been hotly contested and jealously guarded as national goods by central governments in Latin America.<sup>32</sup> Few indigenous groups have gained exclusive sub-soil rights and even fewer have seen the rights enforced by the state. The theory of neoliberal multiculturalism advances that these land and resource rights continue to be strategic to neoliberal policymaking, and therefore excluded from “acceptable” rights granted to indigenous peoples.

Political representation, whether on national political party tickets or by reserving seats in legislatures for indigenous delegates, is often touted as a key victory of indigenous social movements. However, from the perspective of neoliberal multiculturalism, indigenous political representation can also prove to be largely symbolic. Guaranteed indigenous seats in the Colombian Congress provide representation for indigenous peoples, but as a tiny minority, indigenous representatives are powerless before the traditional parties.<sup>33</sup> Indigenous candidates in Latin America often do not have enough popular support to run as independent candidates, so they join with leftist political parties.<sup>34</sup> Conflicts and “counterposed interests” between indigenous candidates and leftist parties can derail indigenous goals.<sup>35</sup> Elected indigenous representatives find themselves ineffective as minorities in national assemblies, and forced to join coalitions that sideline indigenous rights issues. In the end, most parties that promote indigenous candidates fail to represent indigenous interests.<sup>36</sup>

According to neoliberal multiculturalism, conceding limited rights steals indigenous movements’ momentum in hollow victories, leading to political stalemates in which more drastic reforms are sidelined. Despite constitutional reforms and governmental openings to indigenous peoples, some analysts see little institutional change resulting from legal gains. Colombia, for example, has some of the strongest pro-indigenous legislation in the hemisphere. However, Jean Jackson argues that Colombia’s landmark *resguardos* give little legal protection to indigenous peoples: “Uncontrolled colonization of indigenous territories in the plains and Amazon regions, accompanied by the armed conflict, coca-crop spraying, and land-clearing in virgin forests make a mockery of indigenous ownership and control of the nation’s *resguardos*.”<sup>37</sup> Likewise, Rodriques argues that the return to democracy in Brazil “has had no real impact on indigenous rights and that the ‘assimilationist’ culture still prevails among Brazilian institutions.”<sup>38</sup>

In discussing the apparent paradox of merging neoliberalism and multiculturalism in Bolivia, Postero suggests that the “discourse and set of practices

which make up Bolivia's particular 'multiculturalism' is the idiom for hegemonic contestations between indigenous peoples, who assert cultural and political autonomy through these reforms, and the State, which has used these reforms to fashion new forms of domination and incorporation."<sup>39</sup> Similarly, Bret Gustafson argues that promoting weak indigenous rights is a tactic of governance that can strengthen centralized policymaking and thus prevent challenges to policies that perpetuate indigenous marginalization.<sup>40</sup>

Neoliberal multiculturalism questions the depth of the victories of indigenous social movements. Gross inequities and grinding poverty continue to afflict most indigenous groups despite the allocation of limited rights, and concessions to indigenous groups under neoliberalism have had little effect on reducing the poverty-gap between indigenous and non-indigenous peoples. In Bolivia, for example, land remains concentrated in mestizo hands, with 92 percent of the people owning only 11 percent of the land.<sup>41</sup> Furthermore, the neoliberal period has been marked by the continued prevalence of forced labor and native peoples trapped in coercive debt slavery in the Brazilian Amazon.<sup>42</sup>

Neoliberal multiculturalism views state compromise on indigenous rights as a means of rejecting extreme claims for independence and indigenous sovereignty by drawing indigenous peoples into the state as citizens. Deborah Yashar argues that neoliberal economic policies in Latin America create a *neoliberal citizenship regime*: "neoliberal-inspired citizenship reforms throughout the region have unintentionally challenged local autonomy, politicized ethnic identity, and catalyzed indigenous movements."<sup>43</sup> In other words, while taking away social rights with one hand, neoliberal citizenship regimes offer limited civil rights with the other. Postero reaffirms this view by arguing that neoliberal multiculturalism echoes indigenous demands in order to create an indigenous citizen with rights *and responsibilities*, freeing the state of many of its social responsibilities to indigenous peoples.<sup>44</sup> While limiting state investment in and responsibilities to indigenous citizens, this approach incorporates indigenous peoples into the neoliberal state instead of framing them in opposition to it.

The limits of neoliberal states' compromise with multiculturalism can be as seemingly insignificant as the terminal "s" of indigenous "peoples." In international law, the word "peoples" is specifically associated with the right to self-determination, as stated in the United Nations' Charter and Human Rights Covenants.<sup>45</sup> But instead of "peoples," Latin American governments prefer the legally non-binding designations "ethnic groups," "cultures," or "indigenous communities." The muddled legality of indigenous identity in Latin America has led to the weak enforcement of collective rights: "only 'peoples' have the right to self-determination, while ethnic groups may merely enjoy minority rights. The lack of a clear definition of the notion of peoples introduces a severe ambiguity and an element of subjectivity, often leading to a double standard in the recognition of the right to self-determination."<sup>46</sup>

## Case Studies

This section examines indigenous movements in two countries, Mexico and Ecuador, presenting two distinct pictures of native struggles for state protection of indigenous rights. In Mexico, the Zapatista uprising embodies the confrontation between indigenous social movements and a combative and committed neoliberal state. On the other hand, with the longest continual history of indigenous organization in Latin America, Ecuador has developed a strong and diverse indigenous social movement. The Ecuador case provides the opportunity to assess the results of largely peaceful protests for collective rights within a highly conciliatory state.

### *Mexico*

Few indigenous uprisings have been as well-timed as the Zapatista rebellion in Mexico. During the inauguration of the North American Free Trade Agreement (NAFTA) in Mexico City on 1 January 1994, thousands of indigenous peoples led an armed uprising in the southern Mexican state of Chiapas. Mayan protesters occupied seven municipalities and hundreds of ranches in Chiapas, with neoliberalism as their foremost complaint among demands for territory and democracy.

The Zapatistas media-savvy spokesman, Subcomandante Marcos, describes neoliberalism as part of a legacy of indigenous oppression: "We say that neoliberalism is a process of the reconquering of the land. They [neoliberal policymakers] are the modern conquistadors. For the indigenous peoples it has acquired that connotation. In reality they are the same conquerors as 500 years ago, against whom our forefathers rebelled."<sup>47</sup> In the face of an intractable state and indigenous marginalization, the Zapatista rebellion in Chiapas is the epitome of conflicting opposites.

Chiapas is one of the poorest states in Mexico, and the Mayans of Chiapas are the poorest of Mexico's poor. With about 12 million indigenous citizens, Mexico has the largest population of indigenous peoples in Latin America.<sup>48</sup> They are most numerous in Chiapas, which is located geographically and socio-economically at the bottom of Mexico. Despite producing half of Mexico's hydroelectricity, exporting more coffee than any other Mexican state, and producing the second greatest amount of oil in Mexico, Chiapas' Mayans are overwhelmingly poor, with little access to education or medical treatment. Chiapas lags behind the rest of Mexico in almost every indicator for development: sanitation, education, health, income, infant mortality, literacy, and infrastructure.<sup>49</sup> The disparities are especially severe in the remote northeastern section of Chiapas, home to the indigenous peoples who filled the ranks of the Zapatista Army of National Liberation (EZLN). Non-Mayan cattle ranchers have dominated the state's politics for two centuries and today control most of the wealth in Chiapas. Indigenous peoples in Chiapas suffer from a long history of racism, servitude, and exploitation at the hands of the state and wealthy mestizo cattle ranchers, who have threatened the lives and liberties of indigenous peoples in Chiapas for many years.<sup>50</sup>

In this sense, Chiapas has long resembled an internal colony of Mexico. Marcos asks, “Are the indigenous people of Chiapas ‘Mexicans’ only for the purpose of being exploited? Do they have no rights to speak out on national politics? Does the nation claim Chiapas’ petroleum, its electric power, its raw materials, its labor—in effect all of Chiapas’ life blood—except indigenous Chiapanecans’ opinion regarding the country’s future?”<sup>51</sup> Indigenous peoples in Chiapas saw NAFTA as another, especially threatening means to curtail their rights—what Zapatistas called an “indigenous death sentence.”

After a two-year stalemate, the Mexican government seemed to give in to the Zapatistas’ demands. In 1996, they signed the San Andrés accords, granting territory, autonomy, and cultural rights to indigenous peoples in Chiapas. The government initially agreed to amend the constitution to allow traditional governments in indigenous communities, and to grant indigenous representation in the national congress. However, the government later frustrated the peace talks by refusing to discuss Zapatista proposals for the territorial autonomy of indigenous peoples. By December, the EZLN had formally rejected the San Andrés accords, leading to increased military repression and paramilitary attacks in Chiapas, such as the 1997 Acteal Massacre. In 1998, President Zedillo submitted a PRI counter-initiative that made key changes to the Accords. One of the notable amendments changed *pueblos indígenas* (indigenous peoples) to *comunidades indígenas* (indigenous communities), in order to evade empowering indigenous groups under international law.

The election of Vicente Fox in 2000 signaled the end of 71 years of Institutional Revolutionary Party (PRI) rule. But despite a decrease in military presence, the change in leadership did not signal an end to the deadlock in Chiapas. Fox introduced constitutional reforms prepared by a Congressional peace commission (Cocopa) to implement the San Andrés accords. However, with Fox’s approval, the Mexican legislature quietly amended the agreement to suit its idea of “acceptable” indigenous rights, and passed the limited rights legislation into law. The Zapatistas rejected this legislative bait-and-switch as an example of state appropriation and sidelining of indigenous rights.

Despite the signing of a peace accord, the Zapatistas remain engaged in a “frozen war,”<sup>52</sup> unable to enforce their rights while suffering military occupation, random violence, and attempts to fracture Zapatista support.<sup>53</sup> The EZLN’s experience reifies the dichotomy between neoliberalism and indigenous rights presented in the theory of conflicting opposites. By demanding a more representative democracy and denouncing economic exploitation, the Zapatista’s insistence on the protection of indigenous autonomy and cultural rights has locked the indigenous rights discourse in an intractable battle with the neoliberal Mexican state. While the EZLN has been successful in gaining international support and media attention for their claims, national support, especially governmental accord, has proven much more obdurate.

But there is also evidence to suggest that the Mexican government has been practicing the theory of neoliberal multiculturalism. The agreement and subsequent revision of the San Andrés accords show the Mexican government's attempt to incorporate indigenous rights and thus control the allotment of acceptable rights. In addition, the Mexican government has promoted national and international legislation protecting indigenous rights. Mexico ratified ILO 169 in 1990 and revised Article 4 of its constitution to redefine Mexico as a pluri-cultural state composed of indigenous peoples. Jerome Levi states that "both the signing of ILO 169 and the changes to Article 4 have the effect of making the Mexican government appear to the international community as though it is ratifying legislation that benefits its indigenous peoples when in fact, in a political sense, their status has not changed."<sup>54</sup> The Mexican government also hosted the Organization of American States Inter-American Indigenous Institute and composed international accords on indigenous rights. One scholar has qualified this as "preemptive diplomacy."<sup>55</sup>

Another unforeseen consequence of *Zapatismo* was the Mexican government's granting of rights and autonomy to other indigenous groups in Mexico, in order to mitigate the damage Chiapas had wreaked on Mexico's human rights record and international image. In 1997, in the midst of its stalemate with the Zapatistas, the government unexpectedly granted the Yaquis a reserve they had sought for 30 years.<sup>56</sup> In June 1998, the government allowed the state of Oaxaca, which borders Chiapas, to amend its constitution to guarantee greater autonomy for the state's hundreds of indigenous-majority municipalities.<sup>57</sup>

The government's approach is therefore double-edged. Allotting rights to some indigenous groups while refusing to recognize others, the Mexican government has used indigenous rights as a political tactic to divide indigenous groups and control the dialogue on "acceptable" rights. The EZLN's demands for representative democracy and the elimination of neoliberal policies have been deemed unacceptable by the Mexican government. While conflicting with indigenous rights movements like the Zapatistas, the Mexican government has also compromised, conceding limited and uneven indigenous rights to advance national policy objectives as outlined in the theory of neoliberal multiculturalism. To this end, the state has divided the indigenous movement between acceptable local claims, such as those made by the Yaqui and native peoples in Oaxaca, and unacceptable demands for local autonomy and national socio-economic restructuring, such as those sought by the EZLN.

### *Ecuador*

Ecuador's fourteen diverse native groups, making up about one-third of the national population, have had a dramatic effect on the state in recent years. With a diverse support base, a large indigenous presence in the capital city, and a shared indigenous language in both highlands and lowlands, Ecuador is has the strongest indigenous rights movement in Latin America.<sup>58</sup> Ecuador set the historical prece-

dent for indigenous movements as home to the first and longest standing indigenous protest movement in Latin America: the Shuar Federation. Currently, Ecuador hosts a variety of national indigenous organizations, of which the multiethnic CONAIE confederation is the largest, representing 80 percent of the country's indigenous peoples.<sup>59</sup> From the 1990s to the present, indigenous organizations have led protests and mass mobilizations that have resulted in legal rights for indigenous peoples throughout the country.

Five large-scale indigenous protests rocked Ecuador in the 1990s. The June 1990 *levantamiento* has been called an ethnic earthquake, shutting down Ecuador for a week and showing the strength of the indigenous social movement for the first time in Latin America. The confederation of indigenous organizations leading the protest, CONAIE, issued demands related directly to structural adjustment policies, such as calling for debt forgiveness, price freezes on essential goods, and an end to water utility privatization.<sup>60</sup> While none of these demands were immediately met, the uprising carved out a new political space for indigenous peoples, forcing the government to negotiate directly with indigenous leaders for the first time in history.

In 1992, thousands of Amazonian peoples protested the lack of national protection of indigenous lands against multinational oil, timber, mining, and tourism corporations. They demanded autonomy and territory by marching over the Andes to the capital, Quito, under the banner of "500 Kilometers of Resistance." The Ecuadorian government readily negotiated with indigenous leaders and conceded more than 16,000 square kilometers of territory to indigenous organizations. In just over one month, Ecuadorian indigenous federations achieved one of the largest territorial concessions in Latin American history.<sup>61</sup>

In 1994, the government signed the Law for Agricultural Development to promote agricultural expansion through the conversion of indigenous communal lands to private enterprises. In response, indigenous peoples orchestrated a massive protest over two weeks called "Mobilization for Life," blocking roads and cutting off the capital for nine days. The government negotiated with indigenous leaders and revised the Law for Agricultural Development to protect public water rights and indigenous lands.

In August 1997, indigenous groups protested for two days against delays in constitutional reform and under-funding of the Rural Social Security program. The government showed its willingness to compromise by pledging increased funding for social security and holding the Assembly for Constitutional Reform in 1998, which resulted in constitutional reform recognizing Ecuador as a pluri-cultural and multiethnic state.<sup>62</sup>

These unprecedented gains attest to the political power Ecuadorian indigenous organizations gained in the 1990s. "The Ecuadorian *levantamiento* gave emblematic expression to the relevance of the Indian political comeback"<sup>63</sup>—a comeback that resonated and grew through successive protest campaigns. Current Presi-

dent Gutiérrez's appointment of indigenous leader Nina Pacari Vega as foreign relations minister symbolizes the empowerment of indigenous peoples in Ecuador. But in spite of their tremendous political and social importance, there is little evidence that these gains have attenuated neoliberal reforms. Instead, Richard Harris argues that concessions to indigenous demands have become a strategic measure for placating indigenous leaders and quickly diffusing the momentum of indigenous protest movements, allowing the Ecuadorian government to continue with neoliberal policymaking.<sup>64</sup> As recently as February 2003, indigenous leaders protested austerity measures implemented by Gutierrez, calling his neoliberal policies "a betrayal."<sup>65</sup>

Despite the constitutional recognition of indigenous cultures and laws protecting native lands, the Ecuadorian government continues to promote neoliberal socioeconomic policies that have persistently negative effects on the indigenous poor. In December 1998, devaluation of the Ecuadorian sucre led to the fifth major indigenous anti-neoliberal protest of the 1990s. Further fiscal reforms led to the adoption of the US dollar, sparking widespread indigenous protests, which culminated in the occupation of Congress on 21 January 2000. While indigenous protesters were able to use their political clout to oust President Mahuad, they could not stop the imposition of austerity measures, price hikes on basic commodities, and the dollarization of the Ecuadorian economy—policies that indigenous leader Antonio Vargas qualified as "measures that are starving the Ecuadorian people."<sup>66</sup> Over January and February 2001, indigenous groups occupied the capital and protesters clashed in the Amazon with soldiers, who opened fire on thousands of indigenous protestors killing four.<sup>67</sup>

Violence and the further impoverishment of indigenous peoples question the scope of recent gains in indigenous rights in Ecuador. Poverty has been worsening for Ecuador's highland peoples in recent years, despite appointments of indigenous ministers and the election of several indigenous delegates. Rural poverty estimates, which encompass indigenous poverty, range from 67 to 92 percent.<sup>68</sup> On the 25th anniversary of the indigenous movement in Ecuador in 1997, an indigenous author remarked that structural inequalities have resulted in the continued impoverishment of native peoples, where three million people have only four percent of the cultivable land.<sup>69</sup>

Even the oldest indigenous organization in Ecuador has had difficulty enforcing its hard-won autonomy. The Shuar are Ecuador's largest Amazonian ethnic group, their tribal lands extending across the border into Peru. Dating back to 1964, the Shuar Federation has been organizing for the protection of indigenous cultures and territory for four decades. The Shuar have been successful in securing tribal autonomy and collective territorial rights by consolidating their land into *centros* or community holdings, and Shuar communities promote native culture and language by maintaining control over bilingual education. However, oil exploration threatens Shuar autonomy.<sup>70</sup>

Oil revenues constitute approximately half of all Ecuadorian export earn-

ings.<sup>71</sup> After oil was discovered in the Ecuadorian Amazon in the 1960s, the oil boom led to exploration, encroachment, and expropriation of Shuar lands. As in most Latin American countries, the state has not conceded subsoil rights on Shuar land, and Ecuadorian natural resource law protects the state's right to subsoil resources. Article 84 of the 1998 Constitution states that collective property rights in indigenous lands are inalienable and indivisible; yet the constitution does not recognize indigenous "peoples," so national interests override Shuar rights to self-determination.

With most of the oil-producing regions located in areas of indigenous settlement, environmental preservation has become tied to cultural survival for the Shuar.<sup>72</sup> The Shuar and other Amazonian groups suffer the most from the effects of oil-production: "In Ecuador's Amazon region, 25 percent of infant mortality has been linked to oil production."<sup>73</sup> Another study reports a health crisis for indigenous peoples of Ecuador's Amazon, among whom cancer rates are 30 times higher than other non-oil producing areas of Ecuador.<sup>74</sup>

The Ecuadorian government continues to sell exploration rights on Shuar territory to multinational oil companies. In April 2002, 500 Shuar protestors filled the streets of the regional capital in support of the Shuar Federation's lawsuit against Texas-based oil company Burlington Resources for illegal incursions.<sup>75</sup> The same year, the ILO petitioned the Ecuadorian government to observe Convention 169, which Ecuador ratified in 1998, mandating that foreign oil companies consult with Shuar communities before drilling on communal lands.<sup>76</sup> While the Shuar have been effective in organizing locally and internationally for cultural and environmental protection, the Ecuadorian government shows continued reticence to respecting Shuar rights to self-determination guaranteed under constitutional and international laws.

In summary, indigenous groups in Ecuador have accrued significant political power over the past decade. The Ecuadorian government has proven responsive to indigenous demands, serving as a model of conciliation and compromise before local protests and global pressure. While the rights gained by indigenous peoples are significant, however, they have not brought an end to neoliberal reforms, as the theory of conflicting opposites would suggest. Instead, rights are awarded while pursuing neoliberal economic policies that disproportionately affect indigenous peoples. Stevenson argues that the indigenous rights discourse has been coopted by the Ecuadorian state "to prevent the establishment of authorities outside of the government institutions."<sup>77</sup> The Ecuadorian government has shown its willingness to award cultural rights and territorial autonomy, while actively pursuing neoliberal economic programs through price adjustments, dollarization, privatization of communal lands and public services, and invasive drilling on indigenous territories. In effect, Ecuador has enshrined multiculturalism while extending neoliberalism, making Ecuador a prime example of a neoliberal multiculturalist state.

## Conclusion

### *Opposition or limited rights: any alternatives?*

The two theories portrayed in this article present differing interpretations of the relationship between neoliberalism and indigenous rights in Latin America. From the perspective of conflicting opposites, the struggle for indigenous rights is set in opposition to the objectives of neoliberalism. In this theory, victories for indigenous social movements chip away at neoliberal hegemony and fill reclaimed political space with indigenous autonomy and cultural rights. By framing a struggle of polar opposites, any gain in indigenous rights is seen as a victory over neoliberalism. This perspective tends to reduce the complexities of the negotiation process by which rights are granted. It also overlooks how official power is reified by conferring on the state the authority to approve a dialogue on indigenous rights.

By examining how indigenous rights and multiculturalism can merge with neoliberalism, native victories seem less absolute. The granting of a limited set of cultural rights in many cases concedes largely symbolic victories to indigenous movements, while keeping important economic resources and policies under state control. The theory of neoliberal multiculturalism thus begs a more thoughtful analysis of the depth and permanency of rights granted by neoliberal states. As shown in the case studies on Mexico and Ecuador, state appropriation of indigenous social movements, the state's granting of symbolic rights, and the state's arbitrage of acceptable rights all strengthen the neoliberal framework. The continued impoverishment of indigenous groups and uneven protection of their territorial rights raise the question of whether indigenous peoples in Latin America have gained fundamental or only limited rights.

The theory of neoliberal multiculturalism does not attempt to completely invalidate gains indigenous organizations have made in securing their rights. Clearly, the past thirty years have borne witness to a dramatic change in the social landscape of Latin America. In his landmark 1976 book, *The Politics of Cultural Pluralism*, Crawford Young makes the astounding observation that "no Latin American political movement has ever operated on the national level through the mobilization of Indian racial or ethnic solidarity...Indians are and must be peasants; they cannot be incorporated within the framework of protest as Indians."<sup>78</sup> Young's assertion reveals the progress indigenous peoples have made in using ethnicity to organizing for their rights, and in light of the social and legal strides indigenous groups have made since the 1970s, his assertion can safely be refuted. However, Young's statement also begs a critical assessment of recent gains in indigenous rights.

The theory of neoliberal multiculturalism questions both the kinds of rights allotted to indigenous peoples and the validity of using "paper rights" alone as an indicator of indigenous communities' welfare. Neoliberal multiculturalism cautions that awarding rights does not ensure their enforcement. By framing indigenous movements as directly opposed to neoliberal regimes, indigenous groups have been taken

off-guard by the conciliatory approach of neoliberal multiculturalism, which deftly deflates indigenous claims by allocating limited rights or rights the state cannot or will not enforce.

The paradox of indigenous rights movements lies in gaining official approval of rights that threaten state sovereignty: "If the phrase 'rights of peoples' has any independent meaning, it must confer rights on peoples against their own governments."<sup>79</sup> Assigning primarily cultural rights via multiculturalism allows governments to satisfy indigenous demands without derailing economic reform. In this manner, Latin American governments can sidestep a more profound debate on socio-economic restructuring. Neoliberal multiculturalism suggests that indigenous organizations must reject the dichotomy of conflicting opposites that places the power to legitimize or marginalize native rights exclusively in the hands of the neoliberal state. At the same time, neoliberal multiculturalism cautions that, in order to protect indigenous rights, native groups must find additional means of engendering and enforcing governmental accord.

Oddly, neoliberalism's acceleration of globalization can offer indigenous groups access to these mechanisms. Indigenous peoples have borne the brunt of neoliberal policymaking in Latin America. But the potential for creating transnational support networks through globalization also offers a means to strengthen indigenous social movements. Indigenous groups can capitalize on the globalizing effect of neoliberalism as a strategic tool to apply international pressure and demand substantive rights. Creating linkages both horizontally between indigenous groups and vertically between indigenous groups and diverse Western interests can be an important means to create political solidarity for indigenous movements.

Admittedly, maintaining international linkages and media attention is not easy for many remote and impoverished native groups. However, Ecuador's indigenous confederation CONAIE shows the power of creating national linkages across ethnicities for social mobilization and political clout. Similarly, the EZLN's adept use of the media, especially the Internet, was a key vehicle for rallying international support for indigenous rights and applying pressure, resulting in the San Andrés accords.

While neoliberalism has exposed indigenous peoples to new forms of exploitation and marginalization, transnational and global networks may be the best ways for indigenous organizations to meet neoliberalism on its own terms. Indigenous organizations can join with other social movements and appeal to higher powers in the international community for support, combining pressure from above and below. Global networks allow indigenous peoples to circumvent direct confrontation with the state and divest national governments of the exclusive power to determine what constitutes acceptable rights. These global networks may provide new pathways around the roadblocks of conflict or compromise, allowing indigenous peoples to realize the full protection of their rights.

## NOTES

<sup>1</sup> Morales called neoliberalism “a savage and inhumane type of capitalism.” See Ben Blackwell, “A Rural Fight,” *Morning Star*, 25 October 2002, 10. Marcos’s perspective is addressed in the section on Mexico in this article.

<sup>2</sup> In this article, multiculturalism refers specifically to recognition of minority ethnic groups’ identities and accommodation of their cultural differences. Multicultural rights refer to state-sanctioned recognition of the polyethnic and multinational composition of the nation. See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), 10.

<sup>3</sup> Centro de Demografía, “The Indigenous Population in the Latin American Censuses,” in *Notas de Población* (Santiago, Chile: CELADE, 1994), 93-119.

<sup>4</sup> Martin Hopenhayn and Alvaro Bello, *Discriminación étnico-racial y xenofobia en América Latina y el Caribe, Serie Políticas Sociales 47* (Santiago de Chile: CEPAL, 2001), 5.

<sup>5</sup> Mary Lisbeth Gonzales, “How Many Indigenous People?” in George Psacharopoulos and Harry A. Patrinos, eds., *Indigenous People and Poverty in Latin America: An Empirical Analysis* (Washington, D.C.: The World Bank, 1994), 21-39.

<sup>6</sup> Martin Hopenhayn and Alvaro Bello.

<sup>7</sup> There is little agreement whether Guatemala is majority indigenous, since recent official estimates site 43 percent of the population as indigenous but other estimates run as high as 85 percent.

<sup>8</sup> Alison Brysk, *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America* (Stanford, California: Stanford University Press, 2000), 147.

<sup>9</sup> There were two main approaches to indigenous peoples: the liberal approach that promoted modernization and assimilation to solve the “Indian problem,” and the Marxist class approach that considered native peoples part of the oppressed working class. “Both liberals and Marxists shared a disdain for explicitly ethnic or cultural issues, viewing the situation of the Indian in Latin American society to be an essentially economic matter.” Donna Lee Van Cott, “Indigenous Peoples and Democracy: Issues for Policymakers,” in Donna Lee Van Cott, ed., *Indigenous Peoples and Democracy in Latin America* (New York: St. Martin’s Press, 1994), 5.

<sup>10</sup> Steve J. Stern, *Resistance, Rebellion, and Consciousness in the Andean Peasant World* (Madison: University of Wisconsin Press, 1987).

<sup>11</sup> Donna Lee Van Cott, “Explaining Ethnic Autonomy Regimes in Latin America,” *Studies in Comparative International Development* Vol. 35, no. 4 (Winter 2001): 1.

<sup>12</sup> Ian Brownlie, “The Rights of Peoples in Modern International Law,” in James Crawford, ed., *The Rights of Peoples* (Oxford: Clarendon Press, 1988), 6.

<sup>13</sup> Brysk, 149.

<sup>14</sup> Comisión Económica para América Latina y el Caribe Latinoamericano (CEPAL), *Statistical Yearbook for Latin America and the Caribbean 2000-2001*, (Chile: United Nations Publications, 2002), Chapter 2.

<sup>15</sup> Henry Veltmeyer, James Petras, and Steve Vieux, *Neoliberalism and Class Conflict in Latin America* (New York: St. Martin’s Press, 1997), 21.

<sup>16</sup> Harry Patrinos, *The Costs of Discrimination in Latin America* (Washington D.C.: World Bank, 1994), 2. Brysk, 256.

<sup>17</sup> George Psacharopoulos and Harry A. Patrinos, “Indigenous People and Poverty in Latin America,” *Finance and Development* Vol. 31, no. 1 (March 1994): 41-3.

<sup>18</sup> Brysk, 6.

<sup>19</sup> *Ibid.*, 247.

<sup>20</sup> ILO 169 signatories: Argentina (2002), Bolivia (1991), Brazil (2002), Colombia (1991), Costa Rica (1993), Ecuador (1998), Guatemala (1996), Honduras (1995), Mexico (1990), Paraguay (1993), Peru (1994), and Venezuela (2002). Multicultural legislation: Argentina, Bolivia, Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela.

<sup>21</sup> The World Bank literature on this subject, especially regarding Operational Directive 4.20 Indigenous Peoples, is extensive. For IDB policies, see Anne Deruyttere, “Indigenous People and Sustainable Development: The Role of the Inter-American Development Bank,” in Inter-American Development Bank, *IDB Forum of the Americas* (Washington, D.C.: Inter-American Development Bank, 1997).

<sup>22</sup> Bolivia: Kevin Healy, *Llamas, Weavings, and Organic Chocolate: Multicultural Grassroots Development in the Andes and Amazon of Bolivia* (Indiana: University of Notre Dame Press, 2001), 73. Ecuador: Brysk (2000), 235.

<sup>23</sup> Chales R. Hale, “Does Multiculturalism Menace? Governance, Cultural Rights and Politics of Identity in Guatemala” in *Journal of Latin American Studies* Vol. 34, (2002): 485-524.

<sup>24</sup> Similar to the neoliberal-multicultural schism, individual rights and collective rights are usually framed as irreconcilable opposites. While this article accepts that dichotomy, Gillian Triggs offers a more conciliatory interpretation. See Gillian Triggs, “The Rights of ‘Peoples’ and Individual Rights: Conflict or Harmony?” in *The Rights of Peoples*, James Crawford, ed. (Oxford: Clarendon Press, 1988), 141-157.

<sup>25</sup> For more detail on the “unity” of social forces and “articulated discourse,” see Nancy Grey Postero, “Bolivia’s *Indígena* Citizen: Multiculturalism in a Neoliberal Age,” paper prepared for the Latin American Studies Association Meetings Session: Indigenismo/Mestizaje: New Views on Key Concepts, (Berkeley: University of California, 16 March 2000): 2.

<sup>26</sup> Postero, 3.

<sup>27</sup> Hale, 509.

<sup>28</sup> “At the global level and within Latin America, policymakers have moved from denial to tactical concessions.” Brysk, 247.

<sup>29</sup> Alison Brysk, “Acting Globally: Indigenous Rights and International Politics in Latin America,” in Donna Lee Van Cott, ed., 45.

<sup>30</sup> While high-profile cases like the Yanomami Indigenous Area Raposa Serra do Sol have been able to maintain their integrity through local protests and international support, seven other areas are still being contested under the decree. Maria Guadalupe Moog Rodrigues, “Indigenous Rights in Democratic Brazil,” in *Human Rights Quarterly* Vol. 24 (2002): 509.

<sup>31</sup> Governments and foreign donors throughout Latin America have promoted colonization of *tierras baldías* or “empty” indigenous lands. Brazil’s Amazonian peoples have experienced this in many forms, such as the 1982 Polonoroeste colonization program, which resulted in the flooding of Rondonia with a half a million colonists. Brysk, 164.

<sup>32</sup> Triggs notes that international law provides to “peoples” the right to permanent sovereignty over natural resources (Crawford, 141). Crawford explains that granting indigenous peoples the rights to these resources does not eliminate state sovereignty over the same resources (64). These overlapping rights have often justified state encroachment on native lands for natural resource extraction despite laws protecting indigenous autonomy.

<sup>33</sup> Jesús Avirama and Rayda Márquez, “The Indigenous Movement in Colombia,” in Donna Lee Van Cott, ed., 91.

<sup>34</sup> The MNR party in Bolivia and the FADI party in Ecuador have supported indigenous candidates.

<sup>35</sup> Xavier Albó, “And from Kataristas to MNRistas? The Surprising and Bold Alliance between Aymaras and Neoliberals in Bolivia,” in Donna Lee Van Cott, ed., 72.

<sup>36</sup> Melina H. Selverston, “The Politics of Culture: Indigenous Peoples and the State in Ecuador,” in Donna Lee Van Cott, ed., 148.

<sup>37</sup> Jean Jackson, “Caught in the Crossfire,” in David Maybury-Lewis, ed., *The Politics of Ethnicity: Indigenous Peoples in Latin American States* (Cambridge, MA: Harvard University Press, 2002), 124.

<sup>38</sup> Rodrigues, 488.

<sup>39</sup> Postero, 1.

<sup>40</sup> Bret Gustafson, “Paradoxes of Liberal Indigenism: Indigenous Movements, State Processes, and Intercultural Reforms in Bolivia,” in David Maybury-Lewis, ed., *The Politics of Ethnicity: Indigenous Peoples in Latin American States* (Cambridge, MA: Harvard University Press, 2002), 269-70.

<sup>41</sup> Brysk, 258.

<sup>42</sup> Brysk, 262. See also Binka Le Breton, *Trapped: Modern-day Slavery in the Brazilian Amazon* (Bloomfield, CT: Kumarian Press, 2003).

<sup>43</sup> Deborah J. Yashar, “Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America,” in *World Politics* Vol. 52, no. 1 (1999): 78.

<sup>44</sup> Postero, 5. Hale shares this perception of the neoliberal state: “Neoliberal doctrine is predicated not on destroying the indigenous community in order to remake the Indian as citizen, but rather, re-activating the community as effective agent in the reconstruction of the Indian citizen-subject.” Hale, 496.

<sup>45</sup> Art. 1 para. 2 and Art. 55 of the UN Charter: “Respect for the principle of equal rights and self-determination of peoples.” Art. 1 para. 1 of both the UN Economic, Social, and Cultural Rights Covenant and the UN Civil and Political Rights Covenant: “All peoples have the right of self-determination.”

<sup>46</sup> Ruth Lapidoth, “Sovereignty in Transition,” in *Journal of International Affairs* Vol. 45, no. 2 (Winter 1992): 325-46.

<sup>47</sup> Samuel Blixen and Carlos Fazio, “El neoliberalismo: La abolición de la patria y la propiedad,” *Brecha* Vol. 11, no. 517 (October 1995): 2.

<sup>48</sup> Shelton Davis and William Partridge, “Promoting the Development of Indigenous Peoples in Latin America,” *Finance and Development* Vol. 31, no. 1 (March 1994): 38. Brysk, 6.

<sup>49</sup> George A. Collier, *Basta! Land and the Zapatista Rebellion in Chiapas*, (Oakland, California: The Institute for Food and Development Policy, 1994), 16.

<sup>50</sup> In 1982, due to land struggles and increased government sponsored militarization, 102 campesinos were killed, 327 disappeared, 590 were imprisoned, 427 were kidnapped and tortured, 407 families were displaced, and security forces overran 54 communities. In 1997, a mestizo paramilitary group affiliated with the ruling Institutional Revolutionary Party (PRI) attacked a church in the Chiapas community of Acteal, killing 45 indigenous farmers. See Tom Hansen, “Zapatistas: A Brief Historical Timeline,” in Tom Hayden ed., *The Zapatista Reader* (New York: Nation Books, 2002), 10-13.

<sup>51</sup> Marcos quoted in George A. Collier, *Basta! Land and the Zapatista Rebellion in Chiapas*, (Oakland, California: The Institute for Food and Development Policy, 1994), 15.

<sup>52</sup> Enrique Krauze, "Chiapas: The Indians' Prophet," in *New York Review of Books*, 16 December 1999: 65.

<sup>53</sup> The BBC reported that 20,000 federal troops remained in Chiapas as of November 2002. See Nick Caistor, "Silence in the Mexican South," 16 November 2002. Available at: [http://news.bbc.co.uk/2/hi/programmes/from\\_our\\_own\\_correspondent/2481411.stm](http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/2481411.stm); 18 November 2002.

<sup>54</sup> Jerome Levi, "A New Dawn or a Cycle Revisited?" in David Maybury-Lewis, ed., *The Politics of Ethnicity: Indigenous Peoples in Latin American States* (Cambridge, MA: Harvard University Press, 2002), 33.

<sup>55</sup> Brysk, 263.

<sup>56</sup> Brysk, 248.

<sup>57</sup> *Ibid.*, 264. The Indigenous Peoples' Council of Oaxaca 'Ricardo Flores Magón' (CIPO-RFM) is currently demanding improvements in living standards for indigenous peoples through the enforcement of state-granted indigenous rights to political autonomy. See Katharine Ainger, "Making Waves: Interview with Raul Gatica," in *New Internationalist* Vol. 352 (December 2002): 42.

<sup>58</sup> *Ibid.*, 73.

<sup>59</sup> Van Cott, 44.

<sup>60</sup> CONAIE's 16 demands are reprinted in Les Field, "Ecuador's Pan-Indian Uprising," in *Report on the Americas* Vol. 25, no. 3 (December 1991): 39-44.

<sup>61</sup> Healy, 392-3.

<sup>62</sup> Brysk, 157-8.

<sup>63</sup> Leon Zamosc, "Agrarian Protest and the Indian Movement in the Ecuadorian Highlands," in *Latin American Research Review* Vol. 29, no. 3: 39.

<sup>64</sup> Richard Harris, "Popular Resistance to Neoliberalism in Latin America," in Francis Adams et al, eds., *Globalization and Dilemmas of the State in the South* (New York: St. Martin's Press, 1999), 88-9.

<sup>65</sup> "Ecuador's Indian leaders threaten to protest economic austerity measures," *Associated Press*, 19 February 2003.

<sup>66</sup> BBC News, "Indians March on Ecuadorian Capital," 30 January 200. Available at: <http://news.bbc.co.uk/hi/world/Americas/1143268.stm>; 30 November 2002.

<sup>67</sup> BBC News, "Four Dead in Ecuador Protests," 6 February 200. Available at: <http://news.bbc.co.uk/hi/world/Americas/1155191.stm>; 30 November 2002.

<sup>68</sup> Brysk, 257.

<sup>69</sup> Pablo Ortiz-T, "Ecuador's Indigenous People: 'We Seek True Participation,'" in *Cultural Survival Quarterly* Vol. 21, no. 2 (Summer 1997): 36.

<sup>70</sup> Janet Hendricks, "Symbolic Counterhegemony among the Ecuadorian Shuar," in Greg Urban and Joel Sherzer, eds., *Nation-States and Indians in Latin America* (Austin: University of Texas Press, 1991).

<sup>71</sup> Brysk, 151.

<sup>72</sup> Kristina Egan, "Forging New Alliances in Ecuador's Amazon," in *SAIS Review* Vol. 16, no.

2 (1996): 131.

<sup>73</sup> Brysk, 152.

<sup>74</sup> Kintto Lucas, "Ecuador: El Cáncer del Petróleo," *Imagen: la voz latina*, 1 March 2002. Available at: [http://www.imagenlatinoamericana.com/salud/salud\\_es.asp?articleId=225](http://www.imagenlatinoamericana.com/salud/salud_es.asp?articleId=225); 12 November 2002.

<sup>75</sup> Pachamama Alliance, "Ecuador: Achuar and Shuar present lawsuit against illegal incursions by Burlington Resources," 6 May 2002. Available at: <http://www.pachamama.org/updates/new-moon-2002-may.htm#lawsuit>; 14 May 2002.

<sup>76</sup> Amazon Alliance, *Amazon Update* Vol. 79 (April 2002): 2.

<sup>77</sup> Selverston, 149.

<sup>78</sup> Crawford Young, *The Politics of Cultural Pluralism* (Madison, Wisconsin: The University of Wisconsin Press, 1976), 459.

<sup>79</sup> Crawford, 56.