

## INDIGENOUS SOCIAL MOVEMENTS: DEMOSPRUDENCE AND POLICY IMPACT IN THE AMERICAS

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### ABSTRACT

This article examines the history and policies related to Indigenous peoples in Colombia, Paraguay, Bolivia, Canada, Peru, and the United States. It addresses topics such as colonization, land dispossession, state violence, and Indigenous resistance. Colombia faces armed conflicts and the struggle for Indigenous rights. In Paraguay, colonization and current struggles against exploitation and deforestation are highlighted. Bolivia is making progress in recognizing Indigenous rights, while Canada faces challenges, including the aftermath of residential schools. Peru adopts multicultural approaches, and in the United States, historical tensions are explored. Despite diverse contexts, Indigenous resistance stands out as a persistent response to colonization and state oppression, concluding with the reasons behind the struggle of these Indigenous peoples and the impact of politics and development on the history of each of these countries in relation to their indigenous people.

### RESUMEN

En este artículo, se examina la historia y las políticas relacionadas con los pueblos indígenas en Colombia, Paraguay, Bolivia, Canadá, Perú y Estados Unidos. Se abordan temas como la colonización, desposesión de tierras, violencia estatal y resistencia indígena. Colombia enfrenta conflictos armados y la lucha por los derechos indígenas. En Paraguay, se destaca la colonización y las actuales luchas contra la explotación y deforestación. Bolivia avanza en el reconocimiento de derechos indígenas, mientras que Canadá enfrenta desafíos, incluidas las secuelas de las escuelas residenciales. Perú adopta enfoques multiculturalistas, y en Estados Unidos, se exploran tensiones históricas. A pesar de la diversidad de contextos, resalta la resistencia indígena como respuesta persistente a la colonización y la opresión estatal, concluyendo con las razones de la lucha de estos pueblos indígenas y el impacto de la política y el desarrollo en la historia de cada uno de estos países en relación con sus pueblos originarios.

**KEYWORDS:** Indigenous people, Indigenous land, social movements, resistance, demosprudence, human rights, native.

**PALABRAS CLAVE:** Pueblos indígenas, Tierras indígenas, Movimientos sociales, Resistencia. Demojurisprudencia, derechos humanos, nativo.

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## INTRODUCTION

Indigenous people in the Western Hemisphere hold a rich history of collective action and social movements as they have fought for their communities under the settler-colonial states. In a 2020 article on Indigenous collective action, the University of Alberta's Pascal Lupien claims that, even today, "Indigenous peoples have remained among the most marginalized population groups in the Western Hemisphere" (Lupien, 2020, p.). Although only 8% of Latin America is Indigenous, they comprise about 14% of the poor and 17% of the extremely poor, according to the World Bank (World Bank, 2023). In the United States, 1 in 3 Indigenous people live in poverty, according to a 2020 Northwestern University study (Redbird, 2020). Since European contact beginning in the 15th century, the sovereignty of Indigenous peoples has been continuously encroached upon by settler governments. These efforts aim to strip them of their land, self-governance, spirituality, and culture, among other human rights. However, this oppression has also been met with resistance from Indigenous communities since the beginning. The histories of communities indigenous to the Western Hemisphere chronicle not only the tragic effects of settler-colonialism and oppressive government but also the hope for radical change that can be found through collective action.

Yale Law professors Lani Guinier and Gerald Torres, in a 2011 Law and Social Movements class, presented their ideas in a 2014 essay for the Yale Law Journal titled "Changing the Wind: Notes Toward a DemosPrudence of Law and Social Movements". In their essay, Torres and Guinier introduce a new concept they term "demosprudence". They explain that "demosprudence is the study of the dynamic equilibrium of power between lawmaking and social movements" and "focuses on the legitimating effects of democratic action to produce social, legal, and cultural change" (Guinier et al., 2014, p. ). The essay underscores the significance of collective action in empowering the masses and driving progress. Specifically, it emphasizes the need to integrate lawyers and politicians as fellow advocates in social movements rather than treating them as a separate class within a governed vs. governor's dynamic.

In this paper, we aim to show the ways in which Torres and Guinier's concept of demosprudence has been showcased in the context of Indigenous

movements across North and South America. In particular, we will analyze the histories and policy impacts of movements in Peru, the United States, Colombia, Paraguay, Bolivia, and Canada. Torres and Guinier argue that to understand and implement democracy, we must change “the people who make the law and the landscape in which that law is made” (Guinier et al., 2014, p.). Through this framework, we will explore the presence and causes of varying levels of success among Indigenous social movements. We argue that Indigenous population size, national political landscape favorability, and degree of movement organization are all major determining factors achieving change in a country’s lawmakers and landscape.

## 1. Peru: State Racial Policies

Today, Peru is home to 51 Indigenous peoples, constituting about 45% of the total population, with the largest portion residing in the highland Quechua communities (Minority Rights Group, 2008). While Peru initially legally recognized these Indigenous groups, there was simultaneous belittlement, de facto disenfranchisement, and abuse of them. This laid the foundation for a nation-state in which an anti-Indigenous culture informs institutionalized racism (Merino, 2021).

In 1535, a Spanish-style municipal government was established in Cuzco, followed by Lima (Britannica, 2022). Despite the presence of a plurinational legal system technically deferring to Indigenous “customary law”, Native peoples were effectively controlled by “human and divine law”, restricting their culture and customs (Kania, 2016). The *encomienda* system, demanding tribute from Indigenous people in the form of labor or gold to land-owning Spaniards, was instituted. In 1536, Indigenous people, led by Manco Capac II, rebelled unsuccessfully against the Spaniards, leading to subsequent conflicts among the conquerors over the spoils (Britannica, 2022). The king of Spain enacted the New Laws in 1542, aiming to eliminate the *encomienda* system due to fears of promoting feudalism and mistreatment of Indigenous people. However, during Francisco de Toledo’s administration in 1569, the first large-scale control of the Indigenous population was attempted, with Native chiefs tasked with collecting tribute and forced labor for the conquerors. In 1780, Indigenous peoples across Peru and Ecuador revolted against the Spaniards, but their efforts were largely unsuccessful in achieving lasting change (Britannica, 2022).

When Peru gained independence in 1824, caudillos began vying for power. In 1825, Simon Bolivar abolished special rights for *pueblos de indios*, including communal property rights, leading to the rapid expansion of the hacienda system (Kania, 2016). Indigenous people endured slavery and degradation, such as rubber expeditions in the Amazon and forced servitude in Andean farms. Concurrently, elites utilized the mestizaje discourse to syncretize cultures and consolidate the ideal nation-state (Merino, 2021). The ruling class strategically sought to include Natives in the Peruvian identity to garner support, all while expanding the exploitation of their communities.

In the early 20th century, a paternalistic *indigenismo* policy gained popularity, stripping Native people of their power in national territory ‘disputes’ and leaving their fate to the elite and middle class (Merino, 2021). The Constitution of 1920 included two articles officially recognizing Indigenous communities and guaranteeing them special state protections, although these were rarely enforced. In 1924, the “Aprista movement” originated in Mexico City, spreading its ideology among Peruvians and advocating for the unity of Indigenous people and an end to nationalized foreign-owned industry. That same year, a Penal Code was introduced, categorizing Peruvians into four groups: civilized (Creoles/mestizos), Indigenous, semi-civilized, and wild peoples—a classification system that persisted until the 1990s. “Civilized” people were explicitly granted legal and cultural dominance, while Indigenous peoples were made subordinate. Thus, although Native communities were technically recognized, they were concurrently facing extermination and assimilation (Kania, 2016).

During the 1960s and 1970s, the government, led by General Velasco, introduced agrarian and social reforms. Velasco advocated for educational and agrarian reform in Indigenous communities, reinstating linguistic and cultural practices. He expelled foreign companies and nationalized the natural resource industry. The Agrarian Reform Law of 1969 marked the end of serfdom, granting haciendas to Indigenous people and providing internal conflict resolution for Indigenous communities. However, a series of laws from 1974 onwards recognized their territorial rights as *comunidades nativas* but also fragmented and relegated them to smaller areas. A new Constitution drafted in 1979 incorporated some of the Velasco-era Indigenous provisions (Kania, 2016).

In the 1980s and 1990s, the Peruvian government shifted to a multiculturalism strategy, promoting tolerance of Indigenous communities and recognizing human rights. However, it did not necessarily acknowledge their identity as a social collectivity. This effort aimed to suppress Indigenous opposition to national policies that adversely affected them and occurred during the horrific Shining Path attacks on Andean communities (Merino, 2021). In 1994, Peru ratified ILO Convention No. 169, seeking to grant Native people increased respect and autonomy (Kania, 2016). During Alberto Fujimori's authoritarian rule (1990-2000), however, the neoliberal economy took precedence over Indigenous rights, leading to the sale of Native-owned lands to transnational corporations and the dispossession of communities. Particularly after the violence of the Shining Path, an aggressive protectionism policy also emerged: Native communities were placed under military control, and more than 260,000 Quechua women were forcibly sterilized (Kania, 2016).

Since the end of Fujimori's dictatorship and the beginning of the 21st century, Peruvian democracy and the neoliberal economy have been closely intertwined, significantly impacting Indigenous peoples as their lands are degraded for the extraction of raw materials (Carrasco, 2020). In 2007 (Naciones Unidas, 2007), Peru adopted and ratified the UN Declaration on the Rights of Indigenous Peoples, as part of an effort to enhance recognition and multiculturalism. Although Peru has made progress in the legal recognition of rights for Native communities, such as adopting UN and ILO conventions, they also persistently encroach upon and dispossess Indigenous peoples in a neo-colonial cycle. This contradiction between recognition and abusive actions highlights that the Peruvian government consistently prioritizes economic progress over human rights (Kania, 2016).

## **2. Peru: Indigenous Social Movements**

The Ashaninka people of the Peruvian Amazon in particular have a rich history of resistance from the beginning of Spanish exploration. Their first European contacts were missionaries, and the Ashaninka killed some infringing Franciscan fathers in the mid 1600s. The missionaries brought with them alien rules, epidemics, and "freebooters". In 1742, a Black man entered Ashaninka forests, and he was christened Santos Atahualpa and was accepted

as the Lord Inca. He urged the people to reject the Europeans and create an independent society, a movement that lasted for 15 years. He was (and still is) a major figure in Ashaninka resistance and was a sort of mythological savior showing that Indigenous Amazonian myth mobilizes action against colonization and development efforts (Brown and Fernandez, 1991).

However, the Peruvian Amazonian movement is generally considered to be “several steps behind its regional counterparts”, largely due to the lack of unity in Indigenous political movements in Peru, a consequence of the Shining Path guerrilla movement in the 1980s (Culver, 2011). This movement, founded by Professor Abimael Guzman, advocated for the complete replacement of Peruvian society with a Maoist state. The Shining Path employed armed tactics against the state and Amazonian Indigenous groups, particularly the Ashaninka, and exerted significant influence over the political left. This dominance left no room for a unified Indigenous movement and cast a shadow over future left-leaning movements, serving as a reminder of the Shining Path.

Peru’s election day on May 18, 1980, marked the beginning of the *Manchay Tiempo*. The Shining Path movement emerged with the burning of ballots in a village in Ayacucho. The immense violence of the *Manchay Tiempo* turned many Peruvians against any kind of leftist movement, including those led by Indigenous people. During the intense persecution of the *Manchay Tiempo*, the Ashaninka were displaced, and many migrated to urban areas, including Lima, where they had to live in slums. Their new community size was much larger than their traditional communities, causing a significant shift in culture and a need to focus on daily survival rather than collectivizing. Additionally, the initial nationalization of the petroleum industry and subsequent privatization caused environmental degradation on Indigenous lands due to a lack of environmental and social accountability. In the 1989 Geneva Convention, Peru became one of the first countries to ratify Convention 169, which protected Indigenous cultures under international law. This granted more autonomy for Indigenous people socially, but these communities remain exploited by oil companies (Culver, 2011).

On June 5th, 2009, the Awajun and Wampis were protesting the “Law of the Jungle”, which would allow oil companies more reign over Indigenous lands. 500 officers of the state and helicopters massacred between 30 and

100 Indigenous protesters that morning. The Bagua massacre was a wake-up call for many Peruvian conservatives of the wildly imperfect state of their government. This tragedy illustrates the enemy-of-the-state, second-class, animalistic nature of Indigenous peoples in the eyes of the Peruvian state. This attitude prevents actual enforcement of laws protecting native peoples. Following the Bagua massacre, Indigenous people in Peru collectivized under organizations like CONAP to demand citizenship rights and plurinationality (Culver, 2011).

Today, due to Peru's extensive Amazonian territory, the Peruvian government has been allocated hundreds of millions of dollars in climate protection funding, specifically for areas encompassing communal Indigenous lands. In 2018, the Minister of Environment emphasized, "Land titling for indigenous communities is a fundamental right and a priority" (Ministerio del Ambiente, 2018, p. ). In the Cordillera Escalera, conflicts arise between the titling objectives of the Native people and the conservation goals of environmental groups. The naming of Yaguas as a National Park excludes indigenous peoples outside the conventional "steward" norm. Overall, it is crucial to prioritize social justice for Indigenous peoples in conservation movements.

### **3. The United States: State Racial Policies**

At the outset of European contact in North America in 1492, settlers sought to establish amicable relationships with the Indigenous peoples and drafted treaties with the First Nations, recognizing them as sovereign nations because they lacked the resources to overpower them. As Europeans fought amongst themselves for influence in the Americas, the Indigenous people suffered greatly in the crossfire and various alliances. In 1789, the Northwest Ordinance prohibited non-Natives from settling on native land, and the 1790s brought more treaties and protections for Indigenous people that ended up being ignored and unenforced. This ostensible protection of Indigenous rights began to shift when the 1823 *Johnson v. McIntosh* Supreme Court case included the concept of the Doctrine of Discovery in case law. The ruling set a precedent for the federal government to curtail the rights of Indigenous nations when it was deemed to be in the United States' best interest (Dziak, 2021).

Under the notoriously anti-Indigenous President Andrew Jackson, the 1830 Indian Removal Act forced Indigenous peoples westward to make room for white settlers. While the U.S. Supreme Court upheld Native peoples as sovereign nations, the Jackson administration was unaffected and created the treacherous Trail of Tears, resulting in the deaths of thousands during a forced westward march for relocation. In the latter part of the 19th century, the state gained more control over Native reservations and systematically stripped the people of their culture, forcibly assimilating them into U.S. culture, language, and law. For instance, the 1868 Peace Policy under President Grant replaced “Indian agents” with Christian missionaries to oversee reservations. Although intended to curb corruption, it ended up imposing assimilation to Christian values because missionaries-controlled reservation resources and law. The Dawes Act of 1887 further opened reservations to settlement by non-Natives (Dziak, 2021).

In 1924, Indigenous people were granted U.S. citizenship, and the Wheeler-Howard Act of 1934 promised improvements in education, healthcare, financial aid, restoration of local government on reservations, and employment assistance. However, in 1953, Congress passed House Concurrent Resolution No. 108, which terminated federal funding for reservations. In 1968, the Indian Civil Rights Act pledged protection for Native peoples under the U.S. Constitution, and subsequent rulings reinstated federal funding for reservations (Dziak, 2021). Unfortunately, by then, almost all of the original indigenous people from that territory (United States) had already been eliminated.

#### **4. The United States: Indigenous Social Movements**

Indigenous peoples in the United States have resisted colonization since the beginning, exemplified by the Cherokee Nation’s struggle against the Trail of Tears. Contemporary activism, as we recognize it today, began in Indigenous communities in the 1960s through movements like the Red Power movement, AIM (American Indian Movement), and various demonstrations. In 1969, 90 Native Americans occupied Alcatraz Island in an effort to reclaim it. Their demands included the return of Alcatraz, funding for its rehabilitation, and the establishment of a university. In 1970, members of the United Native Americans occupied Mount Rushmore to



reclaim the land granted to the Great Sioux Nation in the 1868 Treaty of Fort Laramie (Cooper, 2016).

In 1970, the first National Day of Mourning took place after the speech censorship of Indigenous peoples voicing their struggles at Plymouth Rock, Massachusetts, on the U.S. Thanksgiving Holiday. In 1972, protesters from the Trail of Broken Treaties Caravan occupied the Bureau of Indian Affairs offices for six days, armed with a 20-point manifesto. In the same year, the American Indian Movement (AIM) and parents in Minneapolis initiated community schools as an alternative to BIA and public schools with high dropout rates, promoting Indigenous culture strongly. In 1973, 250 Sioux members occupied South Dakota's Pine Ridge Reservation in the 71-day Wounded Knee occupation, the same site as the 1890 Wounded Knee Massacre, drawing global attention to unsafe living conditions and generations of mistreatment. In 1975, Native protesters took over the Bonneville Power Administration in response to the FBI's murder of Joseph Stuntz; the protesters demanded restitution for Stuntz's widow and an end to the undeclared state of martial law in South Dakota (Cooper, 2016).

In 1978, the Longest Walk, a transcontinental march for Indigenous justice, commenced at Alcatraz Island and concluded in Washington, D.C. with 30,000 marchers. Their aim was to draw attention to the suffering of Indigenous communities and the U.S. government's avoidance of treaty obligations. In 1981, the Fort McDowell Yavapai Nation of Arizona won a decade-long battle protesting the construction of the Orme Dam when the Interior Secretary announced that the dam wouldn't be built. In 1992, the National Coalition of Racism in Sports and Media was formed to protest the use of native imagery in logos/symbols in sports, marketing, and media. This movement gradually gained traction, leading many schools and sports teams to change their imagery (Cooper, 2016).

In 2004, the Save the Peaks Coalition was formed to address human and environmental rights concerns regarding Arizona Snowbowl's proposed developments on the San Francisco Peaks. Despite their efforts, the ski resort was allowed to expand. In 2011, a massive protest was launched against the Keystone XL Pipeline, which was planned to traverse tribal lands, resources, and sacred sites. The petition was rejected by President Obama in 2015. In 2013, the Havasupai Tribe filed a lawsuit against the U.S. Forest Service for

permitting uranium mining operations near Grand Canyon National Park without consulting the tribes, and a District Judge ruled in the mine's favor in 2015. In 2016, the Standing Rock Sioux initiated protests against the Dakota Access Pipeline (Cooper, 2016).

Native peoples in the U.S. have remarkably inspired national organization and garnered support for their causes through powerful public speaking, impactful demonstrations, engaging debates, and influential written media. This success has been particularly evident in the 20th century, as the Red Power Movement, AIM, and other national groups fully developed, enabling them to effectively combat government abuses and defend their rights.

## 5. Colombia: State Racial Policies

Colombia's Indigenous population, constituting a mere 2% of the total population, faces an alarming decline, edging closer to extinction. Despite this small demographic share, Indigenous territories command a significant one-third of Colombia's land area, a recognition only recently granted (WWF, 2005).

Centuries before Columbus's arrival, Indigenous peoples inhabited present-day Colombia. The advent of conquest, however, brought slavery and widespread devastation to Native communities, leading to a staggering 90% decline in the Indigenous population within a century. Displacement from ancestral lands and degradation of territories ensued. Concurrently, the Spanish introduced thousands of enslaved Africans yearly to work on plantations and mines. These communities, such as San Basilio, organized revolts, culminating in the establishment of the first free town in the Americas, which remains intact today. Afro-Colombians and Indigenous communities find themselves disproportionately susceptible to poor treatment, meager wages, and substandard living conditions. This can be attributed, in part, to the State's inclination to delineate its population along ethno-racial lines, influencing legal frameworks and spatial organization. The concept of mestizaje in Colombia further exacerbates the challenges, as it implies the destined disappearance of Indigeneity and perpetuates a capitalist order that systematically dispossesses Indigenous communities (Minority Rights Group, 2008).

Following Colombia's independence in the 19th century, the government initiated the privatization of land and a "civilizing" agenda, dividing reservations and displacing Native communities from their lands. The political landscape became further complex with the founding of the conservative and liberal parties in 1849, sparking a political battle between Simon Bolivar and Francisco de Paula Santander. This tension eventually led to the War of the Thousand Days in the early 1900s, during which Native peoples took up arms to defend their rights and interests. Post-war in 1904, elites imposed stringent policies in Cauca, promoting capitalism through measures such as fencing territories, prohibiting mountain crop cultivation, and modernizing haciendas (Vanegas, 2008).

Political turmoil heightened in the 1940s and 50s, marked by the assassination of left-wing presidential candidate Jorge Eliecer Gaitan. This event triggered El Bogotazo, a violent conflict between political parties, resulting in mass urban flight and the establishment of the "National Front" agreement that provided fertile ground for guerrilla groups. The Revolutionary Armed Forces of Colombia (FARC), founded in the 1960s, became the largest guerrilla group until the 2000s. The 19th of April Movement emerged in 1970, utilizing coercive tactics, including recruiting minors, raping women, and intimidating communities. Their power grew, leading to nationwide attacks and checkpoint seizures, culminating in the 1985 Palace of Justice siege that claimed 101 lives. Simultaneously, drug prohibition escalated, contributing to drug cartel violence and increased urban flight, forcing some to leave Colombia altogether (MRM Story, Unknown). The rural campesinos, including Indigenous peoples, bore the brunt of these challenges. In 1989, Covenant 169 was enacted, granting Indigenous peoples the right to be consulted in government decisions directly affecting them. The new Constitution in 1991 included provisions for Indigenous rights, introducing a nuanced tension between Indigenous and universal rights (Vanegas, 2008).

In the early 2000s, the notorious cartel leader Pablo Escobar was assassinated, and the largest paramilitary and guerrilla groups negotiated peace talks, reducing violence and insecurity in the country. During the demobilization, Indigenous communities in Cauca had recovered 75% of the lands that had once belonged to their reservations. In 1996, the Colombian

Court decided that the government's decision to allow the Occidental Petroleum Company to exploit fields within the U'Wa people's territory was unconstitutional and violated Covenant 169/1989. However, in 1997, the Court did not uphold this same recognition of Native rights and compensated them monetarily for the damages done to their land instead of consulting with them (Vanegas, 2008).

As a whole, racial policy concerning the rights of Indigenous peoples in Colombia includes not only government-sanctioned dispossession and violence but also violations of rights by guerrilla and paramilitary groups. Colombia's fragmented history prioritizes the interests of corporations and capitalist progress over the rights of Indigenous peoples, even though their own Constitution grants them protections.

## **6. Colombia: Indigenous Social Movements**

Colombia's history of Indigenous disenfranchisement and abuse began with the arrival of European explorers and has since evolved to benefit a neoliberal capitalist state afflicted by the "resource curse" of oil. While the initial genocide of Native peoples was very successful, the remaining communities have fought back against their oppressors for centuries, even amid the political fragmentation and violence that has plagued Colombia since its founding in the 19th century. Their numerically small but strategic resistance has allowed them to gain legal recognition at a national level but has kept them in a neocolonial relationship with the Colombian government.

In response to the division and privatization of reservations and subsequent exploitation of Indigenous communities, the Nasa people of Cauca organized themselves against the colonial elites. Deprived of voting rights, political representation, and avenues for political participation, Indigenous people participated in the War of the One Thousand Days in an attempt to defend their interests, but lasting change eluded them. Post-war, as restrictive economic policies were enforced, Indigenous peoples once again rallied under "Quintín Lame" to protect their land and people from the white elites. Lame urged the people to persist in the struggle until their land titles were respected by the government, aiming to establish an Indigenous republic. While Lame initially used Colombian law to bring about change, he

faced heavy criticism for putting faith in colonial institutions. Unfortunately, his critics were proven right when he experienced limited success. Faced with the failure of the legal strategy, Lame and his supporters resorted to taking up arms against white landowners to reclaim their land, marking the establishment of the first known Indigenous guerrilla group in 1914. This organized revolt prompted suggested changes to legislation regarding political participation for Natives, but these proposals were rejected as the government persisted in its belief in the need for white control. Lame's fixation on using the legal system ultimately led to the demobilization of his movement and the triumph of white elites (Vanegas, 2008).

In the early 20th century agrarian conflicts and reforms were prominent, which caused mass exploitation of rural peasants. The ANUC was formed to organize these peasants against exploitation, and although it did not achieve legal results, it symbolized an important moment of mass organization. At the same time, the Nasa people began their own organization efforts, in 1963, the Guambiano and Nasa leaders created the *Sindicato del Oriente Caucano*, which vindicated their right to land and autonomy. This organization also failed because it did not fully represent the needs of all Indigenous peoples. To remedy this, the *Consejo Regional Indígena del Cauca* was founded in 1971. They encompassed both Indigenous and peasant advocacy while also recognizing the specificity of the oppression of Natives, so they were very successful in recovering lands. The Movement Quintin Lame was formed to defend Native people from attacks from landowners and paramilitary groups, and it was eventually dismantled in 1991 in a peace agreement, and gained representation in drafting the 1991 Constitution. Today, Native peoples in Colombia continue to have very low levels of political participation because of local divisions and lack of access to voting places and resources (Vanegas, 2008).

## 7. Paraguay: State Racial Policies

Paraguay's Indigenous communities, like those throughout the Western Hemisphere, have confronted the challenges of settler colonialism since the first contact. The state's racial policies, reflecting this historical context, employ mechanisms such as erasure, exclusion, eradication, infantilization,

and exploitation. It is within these conditions that Indigenous peoples have responded through various forms of engagement with and resistance to the state. Gaya Makaran classifies these responses into three characterizations: the *Indio montés* or wild Indian, the *Indio encomendado* or encomienda Indian, and the *Indio reducido* or reduction Indian (Makaran, 2016). These categories highlight the diverse approaches taken by the Paraguayan state and Indigenous communities in their interactions.

The *Indio montés* refers to those who fiercely resisted conquest, continuously evading settlers by retreating into increasingly inhospitable regions. The *Indio encomendado* primarily denotes the Guaraní people who experienced the encomienda regime established as early as 1555, compelling them to become part of the colonial systems as a labor force (Makaran, 2016). Lastly, the *Indio reducido* describes the Guaraní residing in Jesuit missions from 1609 to 1767, avoiding exploitation under the encomienda system but facing the imposition of Christianity. These three distinctions illustrate the varying degrees of integration of Indigenous peoples and underscore the violent and pervasive nature of settler colonialism. The subtext suggests that the state's preferred strategies were dispossession, exploitation, and conversion (Makaran, 2016).

These mechanisms of colonization persist through the state's policymaking over the next few centuries. Carlos Antonio Lopez, the state's leader from 1844 until 1862, initiated legal erasure with the enactment of the Decree of 1848, leading to the lawful "disappearance" of Indigenous peoples for 133 years. Articles 1 and 11 were pivotal in this regard; the former dispossessed Indigenous peoples of their land "in exchange for illusory citizenship" (Makaran, 2016, p. ), while the latter declared that "the assets, rights, and actions of the aforementioned twenty-one nations of native peoples are property of the state" (p. ). Consequently, the indigeneity of communities was erased and disregarded as they were forcibly assimilated into the Paraguayan settler identity. Moreover, it is essential to note the patronizing nature of relegating an entire people to the status of "property of the state". Following this decree, the only Indigenous peoples recognized as such were those who chose voluntary isolation and resisted integration.

The communities that voluntarily isolated themselves from contact with the state were considered primitive, uncivilized, and threats to the nation-

state: Marakan writes that they were “closer to being enemies of the country than citizens” (Marakan, 2016, p. ). Thus, the state continued their attacks on Indigenous autonomy throughout the twentieth century via attempts at tribal reductions - *Ley de reducciones de tribus indígenas* (reductions of Indian tribe’s act) in 1907, and via the state’s agenda of assimilation, specifically under the nationalist government of 1936-1947.

Meanwhile, the state also implemented a practice of intense infantilization as it aimed to “civilize” Indigenous communities. Throughout the 20th century, the government sent Indigenous children to live with wealthy families under the guise of civilization, which often resulted in semi-slave labor. In this way, infantilization and exploitation frequently went hand in hand. Joel Correia (2021) introduces the idea that, just as patron-peon relationships occur on an interpersonal level, similar power dynamics take place between the state and Indigenous communities. *Patrón-peón* is the term used to comprehend the relationship between cattle ranchers and their workers. Patrons control resources and labor, perpetuating the imbalance of power between themselves and their workers, which Correia argues is an effective understanding of the Paraguayan state’s stance towards Indigenous communities.

Exploitation occurs in both of these patron-peon dynamics as the state encouraged the racialized labor that took place on cattle ranches. Until 1961 with Law 729, Paraguay “did not prohibit using indigenous labor without monetary compensation” (Correia, 2021, p. ). Moreover, the state’s land reforms, beginning with the sales of many landholdings in the Paraguayan Chaco after the Triple Alliance War that left the Paraguayan state with debt after its end in 1870, perpetuated the settler colonial trend of dispossession. Foreign investors bought land without consulting the Indigenous communities that inhabited it and were thus enclosed in new “properties,” becoming a “reserve labor force” for the ranches (Correia, 2021, p. ). As seen here, colonization is inextricable from the exploitation of the land and people: settler states seek power through land control.

Thus, as cattle ranching surged throughout the Bajo Chaco, the industry required labor, which was secured through foreign land sales and consequent enclosures. Low pay and poor working conditions were rampant on such ranches and state officials denied rights to the Indigenous peoples living and

working there (Correia, 2021). In another example of the state's disregard for Indigenous wellbeing, throughout the 20<sup>th</sup> century, multicultural policies that supposedly offered new forms of recognition ultimately created “‘governable spaces of Indigeneity’ that advance capital expansion while limiting autonomy” (Correia, 2021).

Trends of state-sanctioned exploitation can be explicitly observed in the interactions between the Mbyá people and the Mennonite settlers of the 20<sup>th</sup> century. While Mbyá communities successfully avoided direct contact with the Paraguayan state, as will be discussed further later on, they were, nonetheless, displaced by Mennonite families. This dynamic involved a cycle of dispossession and exploitation, where complaints of mistreatment resulted in empty promises of investigation and retribution. Initially, the Mbyá people lodged complaints with the DAI (*Departamento Asuntos Indígenas*), and the subsequent request for a police investigation yielded no results (Reed, 2015). Over the next twenty years, complaints led to minimal actual change; any investigations, limited as they were, backfired with increased Mennonite aggression. The state's response was to offer Mbyá communities land for relocation. However, the Mbyá refused these offers, deeming the land invariably infertile and inadequate. They believed in their right to their original homelands, despite being invaded and deforested. In summary, the Paraguayan state has consistently demonstrated its unwillingness to defend Indigenous peoples from violence and, in fact, has actively perpetuated such violence through its policies.

In addition to the exclusion, infantilization, and exploitation characterized within the Paraguayan state's racial policies, there were also genocidal impacts. The Stroessner regime of 1954-1989 facilitated the deadly eradication of many Indigenous peoples via agricultural expansion and colonization of El Chaco, which can be understood as a second conquest. Such decimation was enabled through the spread of deadly and unfamiliar disease and the destruction of homelands. These actions had a particularly fatal impact on the Ache people in Eastern Paraguay due to the intense deforestation concentrated in that region. Recorded at 75% forest in 1973, Paraguay's east soon ranked fourth in the world's rates of deforestation with 3.5% removed each year. By 2015, only 14% of the original forest remained (Reed, 2015). Such environmental devastation was made possible since the



government considered it to be a kind of collateral damage necessary for the country's progress and modernization.

Three central reasons explain the aggressive territorial dislocation and deforestation in Paraguay. Firstly, the expansion of the cattle ranching industry necessitated more land for pastures. Secondly, as Stroessner's power weakened in the 1980s, he distributed acreage along the eastern border to poor mestizo campesinos in an attempt to "mollify the landless masses" (Reed, 2015, p. ). Thirdly, the growing demand for soy, initiated by Paraguay's soybean industry in 1967, contributed to these trends. By 2012, the country's soy industry had experienced significant growth, with 3 million hectares planted. Importantly, these pursuits took advantage of the "lack of legal property titles and regulations" (Makaran, 2016, p. ), resulting in the extreme dispossession of Indigenous communities.

New rights were granted in the 1980s and 1990s, but it is crucial to emphasize the disparities between text and context. In 1981, there was official recognition of Indigenous communities for the first time since the Decree of 1848, as discussed earlier in relation to legal erasure. The aim was "at the social and cultural preservation of indigenous communities" (Makaran, 2016, p. ). However, this recognition was sparingly and ineffectively enforced due to a "lack of political will and penalties" (p. ). In 1992, ethnic rights were granted constitutional status: the state recognized Indigenous peoples as citizens and guaranteed their rights on paper, but this, too, had limited impact. The discrepancies between newfound law and practice are evident in the continued usurpation of Indigenous land and the disproportionate rates of poverty among Indigenous communities. According to Makaran (2016), 77% of Indigenous peoples in Paraguay live in poverty, and 63% live in extreme poverty, compared to 38% and 15%, respectively, of the whole population. These numbers underscore the inadequacy of any new progressive reforms and point to the economic exclusion of Indigenous communities. The state's solutions have focused on disappearing Indigenous peoples rather than addressing poverty, highlighting the idea that legal recognition does not guarantee substantive change.

## 8. Paraguay: Indigenous Social Movements

Indigenous communities have taken it upon themselves to enact the change and resistance necessary for their survival. With strategies of selective refusal and engagement with the state, the Xákmok Kásek community in el Chaco, comprised of Sanapaná and Enxet-Sur peoples, have “shown that settler state power is not total but can be disrupted” (Correia, 2021, p. ). Indeed, Guinier and Torres (2014) write of social movements as arising “when ordinary people join forces in confrontation with elites, authorities, and opponents to change the exercise and distribution of power” (Guinier & Torres, 2014). The Xákmok Kásek community, specifically, was characterized by Correia (2021) as employing dialectics of refusal and engagement of the Paraguayan state. The Marandú Project helped to provide a framework from which to legally advocate for their rights and communities. This organization sought to inform communities about their rights and to cultivate leaders with knowledge of the law so as to better resist the state’s manipulative violence (Correia, 2021). It was short-lived—established in 1974 and ended by the Stroessner government in 1976, but it was successful in creating the *Consejo Indígena del Paraguay* (Reed, 2015).

The Xákmok Kásek began their state engagement by advocating for labor rights to combat the labor exploitation and poor working conditions, and then moved onto land rights. In 1986, they leveraged their new legal status to claim 20,000 hectares from the Estancia Salazar landholdings, but resulted in a stalemate, as the ranch owners refused to sell or subdivide, and the Xákmok Kásek refused their counter offer for different land, holding out for their ancestral lands (Correia, 2021). Similar to the cyclical dynamics of the Mbyá and Mennonite ranchers, they refused to drop their claims and stayed on the Estancia Salazar ranch as conditions worsened until they were eventually evicted by the ranchers to relocate nearby. A law outlined a process for land restitution but did little to resolve the Xákmok Kásek land dispute.

Since “relying solely on legal remedies reasserts state and settler colonial power” (Correia, 2021, p. ), Indigenous communities turned to direct action and enacted road closures in 2015. A framework of demosprudence is particularly apt here, as it “explores the ways that political, economic, or social minorities cannot simply rely on judicial decisions as the solution to their problems” (Guinier & Torres, 2014, p. ). The communities demanded

compliance with the Interamerican Court's 2010 judgment that found that the state had violated the community's "rights to life, property, and dignity" and called for reparations within three years (Correia, 2021). The idea of such a demonstration was to aggravate the Mennonite ranchers, the *patrones*, by closing roads and disrupting their business ventures because the state was more likely to comply with the landholder's needs since power always listens to power. In these ways, the *Xákmok Kásek* enacted a dialectic of both legal engagement on the state's terms and refusal on theirs to posit themselves as citizens with rights rather than "subjects of labor exploitation and dispossession" (Correia, 2021, p. ).

However, this has not been the only approach to resistance. The Mbyá-Guaraní of eastern Paraguay have unfalteringly enacted complete refusal to engage with the state. As forest people, they were hugely affected by the deforestation that accompanied the state's expansion of cattle ranching and soybean farming. In the three decades following 1980, forests were felled, and the country moved to the fourth-largest soybean producer in the world. Mbyá people bore the brunt of the deforestation (Reed, 2015). Due to the loss of home, many were forced to migrate to cities and found themselves unmoored in the new urban landscape. Still, once there, the Mbyá refused to assimilate. Up until this point, they had successfully isolated themselves within the forest, avoiding state legal processes such as the census and land titles, believing that paper trails could be used against them (Reed, 2015). They traveled to the city only as a last resort and there established an urban identity once again in opposition to the state (Correia, 2021). They refused to take part in any organizations that provided healthcare or legal services, including *the Asociación de Parcialidades Indígenas* (API) or *the Marandú Project's Consejo Indígena del Paraguay*.

The Mbyá-Guaraní opposed any efforts to establish colonies or join any established enclaves in the city due to their previously mentioned moral opposition to titling land. This constant opposition is unique from other Indigenous communities in Paraguay's cities, such as the Maká, who established themselves as a cohesive unit in 1985, and other Guaraní communities who have transitioned more easily into urban life. The Avá-Guaraní, for example, elected a leader, petitioned for urban land, and are recognized as an Indigenous community. The Mbyá-Guaraní, on the other

hand, confront state agencies and assert their opposition to the state even through displacement. They occupied Plaza Uruguaya, a park in La Asunción, in 2007 to press their claims for land. Their occupation lasted for four years until conservative politicians in office removed them from the plaza in 2011. Still, they continued to demonstrate under the imperative of acquiring land in forests to return to: dissatisfied with anything besides large parcels of adequate land. Reed (2015) writes that the Mbyá “wield their presence in the city as a challenge to state authority”, embodying an admirably stubborn form of resistance. Their maintenance of opposition and insistence on independence and autonomy represent one of the strategies of resistance and social movements.

## 9. Bolivia: State Racial Policies

Bolivia’s Indigenous communities have also faced a slew of exclusionary policies from the state under the guise of land reform and multicultural policies throughout the second half of the 20th century. Prior to then, the country’s Indigenous-state dynamics were defined by a largely feudal style of productive relationships that supported hacienda production. Indigenous peoples were denied citizenship and rights, excluded from inhabiting cities and instead serving in “semi-feudal conditions as peasants or miners” (Horn, 2018). They were thus separated from the economies, politics, and societies of other Bolivian ethno-racial groups (Horn, 2018). Moreover, the attempted destruction of their cultural practices, facilitated and perpetuated by the exploitative labor dynamics, designated them as a low social rank (Tockman, 2016).

The national revolution of 1952 ended 70 years of oligarchies and gave all Bolivians, including Indigenous peoples, the right to vote. It also ushered in an era of agrarian and education reform. In 1953, the president Víctor Paz Estenssoro, signed off on the “first large-scale land distribution” (Fontana, 2014), which sought to end this system of bondage and supported the peasant unions (Fontana, 2014). As with Paraguayan policies, these new reforms did not translate into realized implementation. Bolivia’s Indigenous peoples were still marginalized as their political agency was withheld (Tockman, 2016) and the state’s formal granting of land did not result in much actual change. Indigenous peoples were allocated land but the plots were small, specific, and all in all unsustainable for traditional lifeways that depended on communal and fertile land.

However, nearly forty years later in 1989, the 169 Convention of the International Labor Organization (ILO) ruled that Indigenous peoples were

entitled to “special territorial, cultural, and self-determination rights” (Fontana, 2014), which was then ratified by Bolivia in 1991. In 1994, the Law of Popular Participation (LPP) was enacted, granting more opportunity for local political participation by Indigenous and peasant groups. The 1995 elections led to 29% of public offices being filled by Indigenous and peasant candidates across 200 municipalities (Tockman, 2016). Law 1715 in 1996 was constructed under the neoliberal government of Sanchez de Losada, which distinguished between individual and collective land tenure rights (Fontana, 2014). Introducing the Tierra Comunitaria de Origen (TCO), it institutionalized the “collective titling of large areas of land to social organizations formally recognized as Indigenous” (Fontana, 2014). Fontana (2014) also notes that this form of collective tenure allowed for a more efficient titling process due to issuing a single property title for a large area of land. Indigenous communities in the lowlands predominantly opted for these collective land titles, and as of 2014, 18 municipalities have begun converting into Indigenous autonomous territorial units (Fontana, 2014).

Despite these successes, which were indeed long overdue, urban Indigenous peoples face disproportionate rates of poverty (Horn, 2018). “Indigenous” has long been considered a synonymous of “rural” and so urban Indigenous communities are excluded from Indigenous rights-based development (Horn, 2018) and recognition of rights only take place in rural areas, “places conventionally associated with indigeneity” (Horn, 2018). Of course, this trend has its roots in colonialism as settler conquest established indigeneity as conflated with primitivism and as an “antithesis to urban life” (Horn, 2018). So, policies that were successful in granting collective land titles to many Indigenous peoples excluded those in the cities: urban legislation recognizes only individual property rights (Horn, 2018).

As the 1990s gave way to the 21st century, Bolivian policy transitioned from multiculturalism, which, similar to Paraguay’s approach, combated outright legal erasure but otherwise served as a means for further exploitation, to plurinationalism. In 2009, the constitution was updated with articles 17 and 18 to recognize cities as intercultural communities whose needs should be met through “an intercultural education and healthcare system” (Horn, 2018). In 2010, new Indigenous rights and developmental principles were established. Overall, the Bolivian state has seen some success in transforming its policy towards Indigenous communities and supporting Indigenous autonomy.

## 10. Bolivia: Indigenous Social Movements

This success was not without significant pressure from Indigenous communities. Indigenous land claims are founded in a “strong ethno-identitarian narrative” (Fontana, 2014, p. ), which was often at odds with the class-based identity structure that tends to prevail. Peasant and *campesino* unions of the second half of the 20<sup>th</sup> century were a dominant form of organization and were contingent upon the class aspect of their identities. Peasants opposed the TCO format of collective land titles, preferring individuality and emphasis on their roles in production while Indigenous peoples primarily sought to restore their homelands and traditional lifestyles (Fontana, 2014). The divisions between identity articulation and priorities solidified separate categories of Indigenous and peasant. Amidst changing political climate of the 1980’s, as neoliberalism rose following the end of a dictatorship, the ethno-cultural organization of *Confederación de Pueblos Indígenas de Bolivia* (CIDOB) gathered speed in the lowlands. The *Cosejo Nacional de Ayllus y Markus de Qullasuyu* (CONAMAQ) followed ten years later in the highlands. Both Indigenous organizations protested the disproportionately low numbers of Indigenous circumscriptions and representatives (Tockman, 2016). As the concept of demosprudence seeks to explore, social movements and organizations such as these “enable those who are shut out of a majoritarian political process, to nonetheless open up nodes in the decision-making practices of a democratic society” (Guinier & Torres, 2014, p. ).

In the late 1980s, amidst an economic crisis and failed land reforms, rural Indigenous movements exerted pressure on both national governments and international organizations, following a rights-based approach to development and the recognition of Indigenous rights (Horn, 2018). This organized pressure resulted in the aforementioned 1989 ILO 169 Convention on Indigenous and Tribal Peoples. In 1994, Bolivia began its process of recognizing languages and respecting ancestral territory (Horn, 2018). The demands for territorial self-governance were acknowledged when the plurinational state of Bolivia incorporated Indigenous autonomy into its 2009 constitution.

Still, Tockman (2016) notes that relatively few Indigenous communities have taken advantage of the opportunity for increased territorial autonomy and explains the inadequacies of colonial cartography. Though an important space for self-governance, the municipalities are often inconsistent with ancestral territory and must follow a liberal design of governing structure. Conversions

to autonomous municipalities are most likely to happen in the highlands, where 85% of the municipalities (215 of 252) are majority Indigenous (Aymara and Quechua peoples) while the collective land titling is more popular in the lowlands (Tockman, 2016).

Despite the high rates of poverty and exclusion from legislation, Indigenous communities have developed their own forms of politics within neighborhood organizations. In El Alto-Bolivia, communities have “reproduced rural Indigenous governance principles, such as leadership rotation or collective work schemes in the context of their neighborhoods” (Horn, 2018). In Santa Cruz, Bolivia, urban Indigenous communities have both utilized rural governance and claimed official recognition and representation (Horn, 2018). In these ways, urban Indigenous peoples are also constantly revitalizing their identities and practices in some cases, and developing a political voice and agency. Not because it was handed to them, but because they have made it so.

Finally, not all Bolivian Indigenous resistance has stayed in the realm of legal pressure. Disruption and demonstration are also a key method of protest and have been seen used in several instances. This kind of social outcry was used in the face of the 2000 Water War in Cochabamba-Bolivia and the 2003 Gas War in La Paz and El Alto-Bolivia. The fight over natural resources, with one side extractive and the other protective, also demonstrates that Bolivia, with its more radical and effective reform, still maintains trends of disregarding the wellbeing of land and people in the name of profit. In response to such ideologies, *vivir bien* suggests a framework for post neoliberal and pro indigenous development and it emphasizes harmony between human and nature. Therefore, the impacts of social movements extend beyond the law, as Guinier and Torres (2014) articulate their capacity to “narrate new social meanings, often through their interaction with, and resistance to, more conventional understandings”.

## 11. Canada: State Racial Policies

Canada, despite being socially perceived by many as historically and presently “raceless” and “innocent of racism” (Haque, 2015), is decisively neither and never has been. This is particularly evident in its settler colonial past and present, starting with the “doctrine of discovery”, which declared conquest to be righteous and justified the colonization of the Americas along with the genocide of its Indigenous people. Settler colonial violence took various forms, and as it spread from east to

west, it manifested as deadly diseases. By the 1860s, when settlers reached western North America, unfamiliar diseases had significantly reduced the Indigenous populations (Canning, 2018). Another frequently employed strategy involved the intentional destruction of food sources. Settlers, hunting for sport, decimated the bison population, which had been a crucial resource for Indigenous communities that used the meat and hides. The colonial project hinged on acquiring land and resources, employing tools such as the outright murder of Indigenous peoples through bounty offers, deceitful treaties destined to be broken, assimilationist agendas, and the imposition of new religions (Canning, 2018).

Canada's residential schools, operational from the 1870s through the 1990s, perpetuated colonial violence by facilitating the assimilation of Indigenous children into the dominant settler culture, aiming to "civilize" Indigenous populations. These schools also sought to sever the tie between land and people, serving the state's interests by vacating the land for white settlers (Haque, 2015). Children in these schools endured various forms of abuse, including malnutrition, beatings, sexual exploitation, medical malpractice and experimentation, and even death (Canning, 2018). An essential component of the "cultural invasion" was the "breaking down of Indigenous spirituality, family relationships, and cultural practices" (Canning, 2018), and the residential schools embodied this agenda. The forced attendance at understaffed and underfunded boarding schools, rampant with psychological and physical abuse, exemplifies Canada's state-sanctioned violence towards Indigenous populations. In contemporary times, these patterns persist through high rates of incarceration for First Nations and Indigenous peoples (Canning, 2018).

Attacks on language and education were also a principal component of assimilationist attempts. The Canadian state used language policies and racial exclusion in an effort to preserve the national unity of the white settler state (Haque, 2015). They posited Indigenous languages as primitive and "barriers to civilization and modernity" (Haque, 2015, p. ). The constitution act of 1982 recognized certain treaty rights but failed to make any reference to language rights. Canada, along with most settler states, drags its feet when it comes to making any real change as its government officials were slow to sign UNDRIP and consequently slow to implement it. Canning writes of Canada's policies towards Indigenous peoples, saying they are that of "refusing necessary change, and therefore of allowing, or mandating by policy, the resulting chaos" (Canning, 2018, p. ).



## 12. Canada: Indigenous Social Movements

As the Canadian state has enabled and encouraged continuous attacks on Indigenous sovereignty, specifically via environmental destruction, Indigenous groups rise up in resistance. Many battles are fought in both the courtrooms and in the streets, such as with the trans mountain pipeline. Initially, Indigenous communities sought to be part of the environmental review and consultation processes but when that had little effect, they went to court. Construction continued while it was still being legally disputed and so Indigenous protestors blockaded streets in response. In 2017 and 2018, the construction was slowed and then stopped, which is a testament to the grit and savvy of the protestors. Nonetheless, the federal government has claimed to eventually continue construction, in a promise that disregards Indigenous sovereignty (Canning, 2018).

The trend of mass mobilization and organizing gained momentum in 1969 with protests aimed at blocking the passage of the White Paper. This federal legislation posed a significant threat to “Indian status” by seeking to eliminate treaty rights, transfer federal responsibility to provinces, and abolish the Department of Indian Affairs (Haque, 2015). However, Indigenous scholars responded by releasing publications such as Harold Cardinal’s *The Unjust Society*, which declared the policies to be a mechanism of cultural genocide, and the National Indian Brotherhood’s *Indian Control of Indian Education*, which advocated for Indigenous agency over education (Haque, 2015). These responses represent a several-pronged approach to resisting state oppression: legal arguments as with the trans mountain pipeline, blockades, and academic responses.

In the spirit of complete refusal, many of Canada’s Indigenous social movements have achieved success through large-scale blockades. Blockades prove to be an effective strategy as they garner the attention of policymakers by disrupting society without requiring vast numbers of people. Additionally, as noted by Canning, they subvert the norm of the state enclosing and policing Indigenous peoples because, in this context, Indigenous communities are restricting mobility instead of being restricted. A notable example occurred in 1984 when the Tla-o-qui-aht and Ahousaht First Nations in Clayoquot Sound, BC confronted a logging corporation whose operations posed a threat to their land. The court granted injunctions to both parties, preventing Indigenous blockades and the corporation’s plans to clear-cut (Canning, 2018).

Blockades are a very popular strategy. There were thirty Indigenous-led protests and blockades in the summer of 1990, most of which were in response to the Oka Crisis, which was a conflict at Kanasatake in Ontario over the municipality's attempt to build a golf course on sacred burial grounds. In a "serious and widespread shut down of economy and society" (Canning, 2018, p. ), protestors across the country enacted blockades in solidarity. In 1995, there was the Stoney Point Ojibway First Nation's occupation of Ipperwash Provincial Park in Ontario as a last resort for reclaiming their land. In 2012, there was another mass mobilization in response to legislation against environmental laws, under the banner "Idle No More", Indigenous peoples took to the streets following Indigenous women and grassroots First Nations leaders (Canning, 2018). Despite being unsuccessful in blocking the legislation, this is an example of the unwavering commitment to resistance. A year later, Mi'kmaq people opposed the drilling and fracking projects planned for Elsipogtog, New Brunswick and won their fight (Canning, 2018).

Blockades serve as an outlet for protest and resistance against the state. They are one strategy of what Guinier and Torres (2014) consider "popular and purposive mobilizations" seeking "significant, sustainable social, economic, and/or political change". Blockades also call into question the nature of trespassing. Can Indigenous peoples ever really be trespassing on their own land while the government forces roads and pipelines through their homes? As Canning writes (2018), direct action becomes "unavoidable, and inevitable, when people who are negatively affected by something are denied the power to change it" (Canning, 2018, p. ).

## CONCLUSIONS

All six of these countries share histories of settler colonialism in which the imposition of statehood dispossessed Indigenous peoples of their homelands and lifeways. Their timelines take different forms: for example, Paraguay's land reforms don't reach their devastating peak until the late 20th century with the influx of cattle ranching and soybean farming, during which time Bolivia had begun its slow and initially ineffective process of recognition, Peru looked to multiculturalism and neoliberalism, Colombia introduced new rights-based laws but also faces unrest from guerrilla groups, and the governments of Canada and the United States had turned to assimilation as its primary prerogative. We have identified four major characteristics of a settler colonial state's approach to its Indigenous population: eradication and genocide, land theft, assimilation and cultural corrosion, and

labor exploitation. The six countries of our focus incorporate these characteristics into their colonial projects to varying degrees.

Paraguay's genocide of Indigenous people came in two waves: first, with the birth of the nation-state, and second, with the complete deforestation of its eastern border. In the 1900s, Paraguay began its agricultural expansion in earnest, and by the late 1900s, the government had effectively transformed the landscape from that of Indigenous homelands to the sites of environmental violation. The eradication of Indigenous peoples in Colombia, Bolivia, Canada, and the United States was, like in Paraguay, the result of extractive projects and displacement. The genocidal attempts in Canada and the United States were extensive and nearly immediate, as the states explicitly required land for settlement. Land theft and displacement are perhaps the defining characteristics of settler colonialism, as that was the purpose of the states' genocidal attempts. In this way, the governments of all six countries centered their need for land—for natural resources, for agricultural ends, for settlement—in their policies concerning Indigenous peoples. Assimilation and cultural corrosion were and are principal components of the United States and Canada's racial policies, while Peru, Colombia, Paraguay, and Bolivia instead leaned on exclusion. Canada's legacy of residential schools clearly illustrates its assimilationist and "civilizing" agenda as it attempted to purge Indigenous communities of their cultural heritage and replace it with the settler language and practices. Finally, labor exploitation was most central to Paraguay's policies as they required the Indigenous inhabitants to work their new ranches and fields. While all six governments were and are exploitative, it is particularly apparent in Paraguay's history.

There are rich histories of Indigenous resistance in the face of this state-sanctioned injustice. Resistance manifests as small- and large-scale organization, activism, and protest, inside and outside of legal frameworks. The racial policies of colonial states are cause for protest but also inform the states' reception to such protest. Population size and access to resources are consequences of colonial states' various unjust racial policies and have impacts on the possible scale and scope of social movements. Still, our findings have shown that Indigenous resistance is persistent and enduring. As Guinier and Torres (2014) outline in their work on *demosprudence*, people cannot rely entirely on courts to introduce necessary change or redress harms and so must challenge "unfair laws through the sounds and determination of their marching feet."

Indigenous people everywhere resist colonial states. Indeed, the very continued existence of Indigenous communities proves the failure of settler colonialism. Yet, it is a pervasive project that persists today. Different communities opt for different forms of resistance: many choose to engage with the state for recognition and legal rights, while others opt for voluntary isolation, as with Paraguay's Mbyá people, or partial integration, as with Bolivia's urban Indigenous populations. Others choose direct action, as with Canada's pattern of Indigenous-led blockades. Many do a mix of all three—state engagement, degrees of withdrawal, and direct action or protest—and also resist in their day-to-day revitalization of traditional and cultural lifeways. All in all, despite the undeniable successes, such as Bolivia's plurinational status, this is a fight that will continue indefinitely - until people can live in peace and without the oppression of a settler state.

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