

Defending What Is Ours:

Territorial Property Rights, Maps and Indigeneity in the Peruvian Central Rain Forest



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The front-page photograph is showing an indigenous community resident in Santa Martha fishing with a *tarrafa*, a fishing net. Photo taken by Ida Elise Magnussen.

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Akronyms

AIDSESEP – Asociación Interétnica de Desarrollo de la Selva Peruana (Interethnic Association for the Development of the Peruvian Rainforest).

CIPTA - Centro de Información y Planificación Territorial AIDSESEP (Center for Information and Territorial Planification AIDSESEP).

COFOPRI – Organismo de Formalización de la Propiedad Informal (Organism for the Formalization of Informal Property).

DEVIDA - Comisión Nacional para el Desarrollo y Vida sin Drogas (National Commission for Development and Life Without Drugs) (USAID).

FENACOCA – Federación Nativa de Comunidades Cacataibo (Native Federation of Cacataibo Communities).

GIS – Geographic Information Systems

IBC – El Instituto del Bien Común (The Institute of the Common Good).

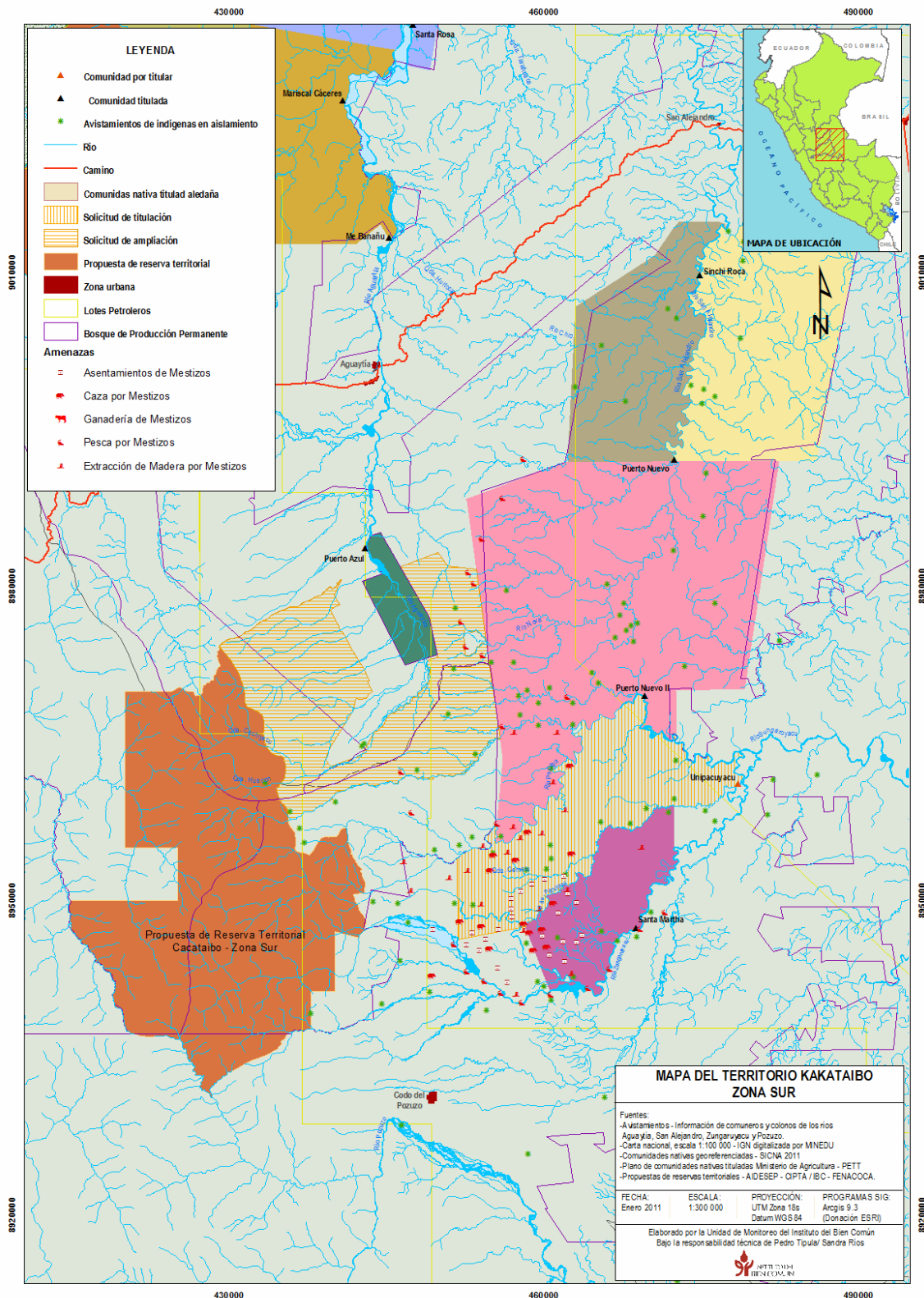
PETT – Programa Especial de Titulación de Tierras (Special Program for Land Titling).

SERNANP – Servicio Nacional de Áreas Naturales Protegidas por el Estado (National Service of the Natural Areas Protected by the State).

SICNA – Sistema de Información de Comunidades Nativas (Native Communities Information System).

SINAMOS – Sistema Nacional de Movilización Social (National System for Social Mobilization).

Maps over Santa Martha



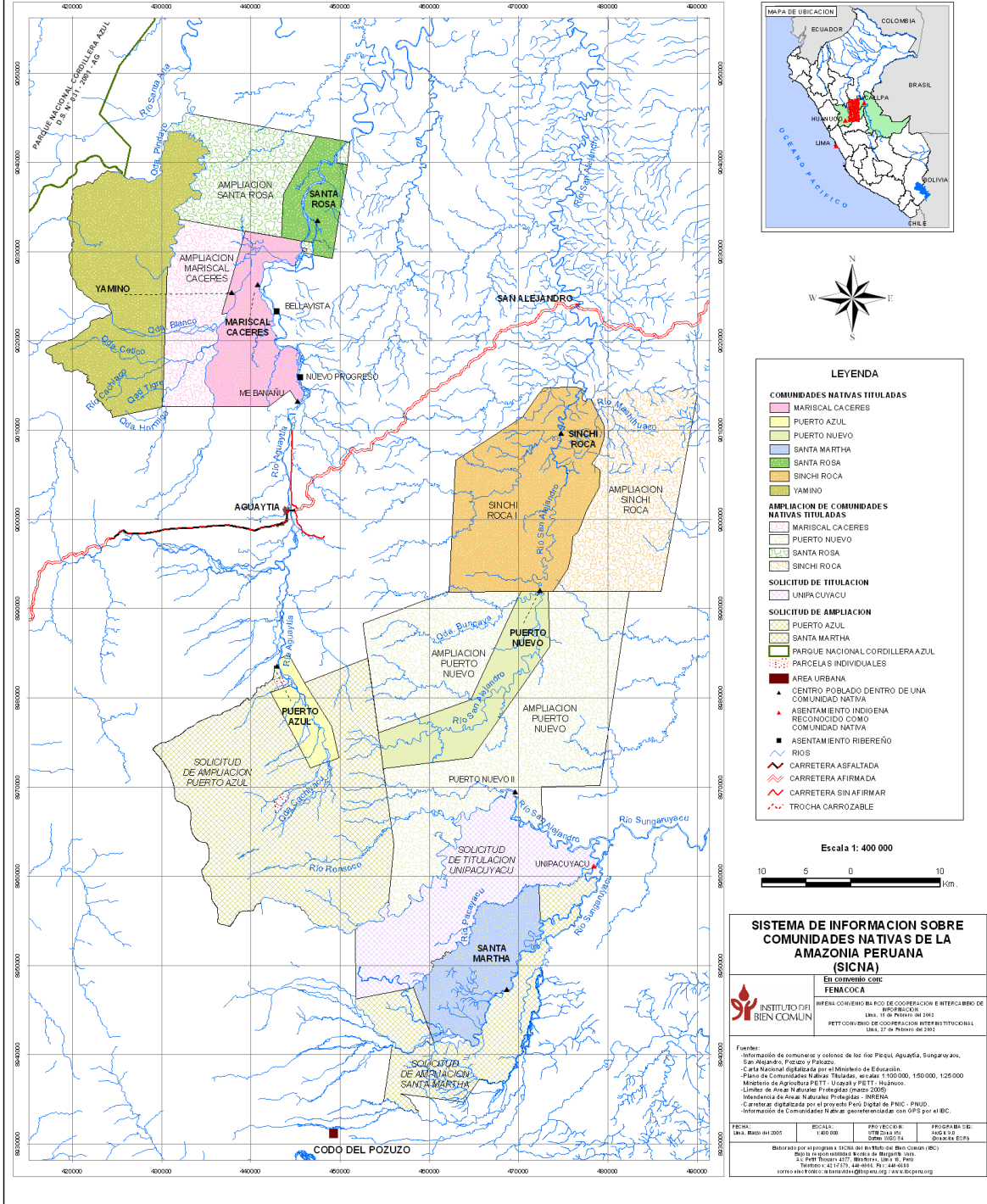
Map 1: Location of Santa Martha and presence of colonos in the community. Scale: 1:300 000. Prepared by Pedro Tipula and Sandra Ríos at the IBC. January 2011.

TERRITORIO DE LAS COMUNIDADES NATIVAS TITULADAS DE LOS RIOS AGUAYTIA SAN ALEJANDRO Y SUNGARUYACU

INCLUYE ASENTAMIENTOS COLONOS ALEDAÑOS

Pueblos indígenas Cacataibos y Shipibo

Afilados a la Federación Nativa de Comunidades Cacataibos (FENACOCA) y a la Federación de Comunidades Nativas de Puerto Inca y Afluentes (FECONAPIA)
Distritos Padre Abad, Irazola, Tournavista, Codo de Pozuzo y Puerto Inca. Provincias Padre Abad y Puerto Inca. Regiones Ucayali y Huánuco



Map 2: Map showing the titled areas of Santa Martha and the area solicited extension. Elaborated by IBC in collaboration with FENACOCA in March 2005 under det responsibility of Margarita Vara. Scale: 1: 400 000.

Introduction

They have no crown, they are not first class citizens.¹

[Acts of] savagery, barbarism and ferocity².

These two phrases were uttered by the then president of Peru, Alan García, after a violent encounter between indigenous peoples and the police in the city of Bagua and several other parts of the Peruvian Amazon on 5th of June 2009. The location that received most attention in the national (and to a smaller degree international) media however, was the city of Bagua in the northern part of the Peruvian Amazon. The conflict had its roots in the Peruvian Congress ratifying several legislative decrees affecting the indigenous communities in the country by taking away their right to consultation in the case of decisions taken by external agents such as the Congress and oil companies that directly would affect them. It also gave the Peruvian government the right to grant concessions to companies with duration of forty years without informing the populations living in these areas.

The statements made by García presented the case as if the police officers were the victims of the barbarous and uncivilized acts of the indigenous populations. According to some academics, the underlying issues for the conflict were the differing conceptions of land among the indigenous population and the government (Espinosa 2009; Hvalkof 2002; Renique 2009), a problematic I will partly deal with in this thesis though this also seems to be prevalent in the Peruvian state's granting of property titles to Native Communities³. The conflict in Bagua was largely the reason I wanted to do research on territorial property rights and indigenous peoples in Peru. Due to security reasons I however had to choose a different location for my fieldwork. As the title indicates, the focus in this thesis will be on indigenous territorial property rights and one community in the Peruvian central rainforest's quest for securing what is theirs. The main focus will be on the relationship between the indigenous population and settlers in Santa Martha, a Native Community in the Peruvian central rain forest (see Map 1 and 2).

¹ Cited in Espinosa 2009: 157.

² Cited in Espinosa 2009: 128.

³ I will discuss the category of Native Community in Chapter 2.

In 2007, García published a newspaper article with the title “El Síndrome del Perro del Hortelano” which can be directly translated as “the Syndrome of the Gardener’s Dog”. This has become a much-cited article on discussing the relationship between the government and the indigenous populations during García’s administration. In the article, he claims that the country has abundant resources that are not being used properly, above all in the Amazon (García 2007: 1, 3). According to García, investment in the country’s resources is a basic requirement for the country’s economic development. He claims that formal property by large companies can facilitate long-term investment in the rainforest. Giving property to huge concessions will give profit to the companies, but also employment for people living in the poorest areas of the country (García 2007: 1), García claims. “The gardener’s dog” he states, “does not exploit the resources in the rainforest, nor let anyone else do it” (García 2007: 1). This inhibits the country’s ability to grow economically and is thereby a hinder for progress. He states that if the land could be sold to big concessions, it would bring technologies that also would benefit the residents in the communities. According to García, to enable investment, it is necessary with secure private property (García 2007: 1-2).

One personality that argues along similar lines as García is the Peruvian economist Hernando de Soto. According to de Soto, property is a necessary condition for the creation and accumulation of capital. “Herein” he says, “lays the mystery of capital” (de Soto 2009). He claims that the reason the poor nations of the world cannot take part in capitalism’s benefit is their inability to produce capital (de Soto 2000: 5). In his aim to answer “why capitalism triumphs in the west and fails everywhere else” (de Soto 2000) de Soto claims:

[...] the mayor stumbling block that keeps the rest of the world from benefitting from capitalism is its inability to produce capital. Capital is the force that raises the productivity of labour and creates the wealth of nations. It is the lifeblood of the capitalist system, the foundation of progress, and the one thing that the poor countries of the world cannot seem to produce for themselves, no matter how eagerly their peoples engage in all other activities that characterize a capitalist economy (2000: 5).

He argues that since the indigenous communities realize their economic activities outside of the formal legal property system this inhibits their ability to grow economically. The formal property system is the place where capital is born, he states. He claims that through achieving a secure property title, the indigenous and the poor populations will be secured capital growth. However, even though many communities have achieved their property titles many years ago, they have not experienced the economic growth that de Soto is referring to. De Soto

furthermore argues that private property promotes social and political integration (2000: 207). Owning property makes one committed to a legal and political order, something that in turn guarantees property rights and the owner becomes a citizen in line with all citizens of the country. In his documentary (De Soto 2009), de Soto compares general property rights in Peru with the property rights in the Amazon communities, and concludes that property rights in the Native Communities have practically no function. He claims that it is only valid inside of the community (Chirif 2009: 10). He argues that the only way for the indigenous peoples to defend their rights is through economic power, and this economic power is only possible through companies and property.

The Peruvian anthropologist Chirif criticizes De Soto for being the inspiration of García's idea of "the syndrome of the gardener's dog" (Chirif 2009: 8). Chirif claims that the only difference between De Soto and García is the way they communicate their ideas. De Soto's intention "is to show that collective property is not real property that in addition constitutes a break for progress and the overcoming of property" (Chirif 2009: 8), Chirif claims. Indeed, there are similarities in the arguments of De Soto and Garcia. Both De Soto and Garcia argues that in order for Peru to prosper, it is necessary with private property and investment by companies to be able to produce capital. García claims that the way of life that the indigenous populations in the Amazon practice, goes against these principles and is a hinder for economic development. They also both perceive property as equal to capital. In this thesis however, I will show that the indigenous population not just in Santa Martha, but in most of the Peruvian Amazon practice a common property regime, which challenges the arguments of Garcia and De Soto. Furthermore, saying that the indigenous people dot produce capital is erroneous. Their capital does not simply consist in money, but their territories and its resources also have to be seen as capital. This thesis will therefore show that the way the Peruvian government perceive property is in conflict with the property regimes of the indigenous populations.

Introducing Santa Martha

Santa Martha is a Native Community in the central Peruvian rain forest. It is located at the foothills of the Andes mountain range. The residents are subsistence farmers and practice slash-and-burn agriculture. They also practice hunting and fishing to a large extent. Most also hold domestic animals. The majority if the residents are indigenous, belonging to the ethnic

group Cacataibo⁴. There is also a part of the population that is *mestizo*⁵. One indigenous resident in the community estimated the *mestizo* population to around eight per cent of the total population in the community. According to statistics from IBC from 2002, the total population in Santa Martha was at that moment 475, whereas the whole ethnic group numbered 7875 in total. Due to the general increase in the population from the 1960's, I think it is fair to assume that the population has had a slight increase during the last ten years from 2002 till today.

As is evident from Map 1, the community is invaded by non-indigenous settlers, or *colonos*⁶ that have come from adjacent areas, mostly from the Andes region in search for land. The presence of *colonos* affects the territorial practices of the local indigenous population, since they have established themselves inside of their titled land. Here they hold their cattle and practice agriculture. For analytical purposes, I consciously distinguish between the terms *mestizo* and *colono* in this thesis, although the majority of the *colonos* also are *mestizos*. The *colonos* are migrants (mostly male) that have come from other parts of Peru, in search for land, and have settled in the community. The *colonos* have, according to the native population in Santa Martha, encroached upon their land and settled there illegally. They are depredate the forests with their cattle ranching practices (some are having this as their only economic activity) and this is a major concern for the Cacataibo and the other legal residents in the community. According to Geiger, this is what defines settlers:

[...] settlers are people who have come to settle in an area, regardless of how they make their living there. Paramount is his/ her intention of taking if not permanent, then a least long-term residence in the new place. Different from itinerant traders, gold prospectors and the like, the settler's activity is not transient (Geiger 2008: 58).

Geiger (2008) adds to the definition that the *settlers* are primarily, but not exclusively, agriculturalists. He also points to the factor that colonization necessarily implies the immigration of a person or a group of people into a space that is already inhabited, something

⁴ I will discuss the ascription the ethnic group in Chapter 2.

⁵ Originally, a term ascribed to a person of mixed Indian and European descent, but now extended to denote any person coming from outside of the local community. As Lund Skar states, now: "to be a *mestizo* is not a question about race but rather an indication of a way of life" (1994: 23).

⁶ The Spanish term "*colono*" derives from the Latin word *colonus*, which means labourer, or inhabitant, which again derives from the Latin verb *colo* or *colere* which simultaneously mean cultivate and inhabit. A *colono* therefore has to be a person that occupies a land to inhabit it and exploit it, mostly through agricultural practices. There is therefore an overlap between these concepts (*colono* and settler), and I will claim that they can be used interchangeably.

that may cause conflicts between the migrants and the original population (which often are indigenous peoples) regarding access to the natural resources in the area (2008: 4).

Santa Martha has, like most indigenous populations in the rain forest, a history of exploitation from outsiders. Between 1925 and 1940 great cultural changes were experienced due to the contact with non-indigenous “patrons” that made the Cacataibo work as slaves in the extraction of timber, gold (by the Japanese colonist Yamato Tawa) and rubber and in agricultural production (by the Italian colonist Benturín) (Frank 1994: 155-157). The presence of these colonists as well as missionaries in the 1940’s caused a huge part of the population to become reduced because of epidemics of smallpox (Frank 1994: 156). This close contact with these *mestizo* outsiders also affected some of their traditional practices, as they got introduced to modern tools such as steel axes and machetes⁷.

Little previous research has been done in relation to the Cacataibo. A tendency in earlier writings about both the Cacataibo and Santa Martha has been to focus on myths and narratives, and how the social and cosmological order revolves around these (Wistrand-Robinson 1968, 1969, 1998, 2008; Girard 1958; Frank 1988, 1990). There has also been linguistic and missionary studies done on the Cacataibo (Schell 2008; Ritter 1997). There have however previously only been one anthropologist, in Santa Martha, namely Erwin Frank, who conducted several fieldworks in the 1980’s with a total duration about two years and a half. This thesis is thereby a contribution to this scarce research about this ethnic group.

Research questions

The aim of the thesis is to identify and analyse central dynamics in the encounter between the indigenous population and *colonos* regarding territorial property rights in the Native Community of Santa Martha. Which significance does the territory have in their everyday life? What are the consequences when someone settles inside of the community’s territory and exploits the resources belonging to the local population? What are the options and possibilities for defending it? Does the community’s organization of access to land coincide with the principles imposed on them by the power holders? Which consequences does it bring if it does not? What strategies and methods are employed by the local population in defending their territories? What is the potential to counteract external pressure on the territories if the people are not working together? Why have they had limited success in the defence of their territories? In this thesis I aim to answer these questions.

⁷ These goods were referred to as “the beautiful things of the Incas”, since they believed that they were made by the supernatural forces of the Incas (Frank 1994: 155).

Methodological approach and ethical considerations

The thesis is based on fieldwork conducted between January and August 2011. The main research method employed was participant observation. This implicated that my days mainly consisted in following my informants in their everyday activities. This included accompanying them working in their gardens, going fishing, cooking, washing clothes, as well as in other daily pursuits. I joined community assemblies, meetings and workshops with different NGOs and the indigenous organizations working in the province, as well as with the provincial and regional governments. I assisted all the community meetings, both the general assemblies and the meetings with the professors and the parents of the pupils in the school. This thereby gave me a broad impasse in the communal life. I conducted some formal interviews but this is only a small portion of my overall data. In most of my interviews, I used a tape recorder, when my informants allowed me to. The same applies for meeting situations. I found this a useful tool both in processing the data afterwards, at the same time as it allowed me to be more present in the situation, not having to write down everything that was said. Much of my data is also collected from informal conversations with my informants. I especially appreciated the conversations by the dinner table with my host family where I could ask the questions that were pressing in my mind (and that I sometimes could not ask when participating in various activities). The family always took their time to explain and answer my questions.

My informants included a range of person with different backgrounds and agendas; indigenous and non-indigenous community residents and NGO-workers, as well as people working at different levels of the government. I also established friendships with indigenous professionals that had moved out of Santa Martha and that were living and working outside of the community, either in Lima or other villages close to the community.

One of my challenges before and during fieldwork was to gain entry in an indigenous community. Before I left Norway, I had contacted innumerable persons and NGOs without getting a confirmation from anyone if they were interested in collaborating with me. Upon arriving in Lima, I personally visited the offices of different NGOs that were working in the area where I wanted to conduct my fieldwork. After considering different options that appeared, I chose to collaborate with the Instituto del Bien Común (IBC) which is an NGO that works with topics related to conservation and protection of the environment and the rights of indigenous peoples. The IBC office in Lima helped me get in touch with their local office in the city of Pucallpa. In Pucallpa, I was recommended to talk with the president of the

indigenous federation FENACOCA (Federación Nacional de Comunidades Cacataibo) who is originally from Santa Martha and with whom we organized the entry into the community. The rainy season and insecurity regarding accessibility, affected the moment for the entry into the community. Due to the growth of the river it was unclear if it was safe to travel with boat or not. My whole stay in the community I resided with the indigenous family that granted me the boat transport. During my fieldwork and as the months passed by, they became close friends.

The communication with my informants was mostly carried out in Spanish. Most of the time, I therefore did not encounter any communication problems as I speak Spanish more or less fluently. Due to my limited competence in the Cacataibo dialect however, I did not always understand everything that was being said. In the conversations between themselves when I was present, I have to admit that I often did not understand a word. When I asked, my informants translated part of what was said, but not everything, something that might have been a hinder for my in-depth understanding of the conversation and some aspect of community life. I could understand some words here and there, but this was not sufficient to carry out a meaningful conversation.

My status as a young foreign woman without a doubt has influenced my fieldwork in several ways. It has to a large extent defined which aspects of the community life I have been able to gain entry. At first, I found it difficult to enter the female realms and communicate directly with the women in the community, something that surprised me. I had expected that as a woman it would be more likely that I would first gain the trust of the female section of the population. However, the male segment seemed more interested in talking with me about my project and answering my questions. Here, the language also was defining for whom I communicated with. Whereas the women often spoke the local Cacataibo dialect when interacting with each other, the men mostly communicated in Spanish. This made it more natural to enter a conversation with the men. When approaching the women I felt that it was more difficult to just join the conversation both because of the language and because they were more reluctant. This however changed throughout my stay in the community. My status as a young woman also to some degree defined in which economic activities I could participate. For instance, I participated largely in fishing and agricultural activities. According to the local social organization, women in principle do not participate in hunting. It was therefore not natural for me to join the men going hunting.

A funny detail in relation to my identity as a foreigner is that most of the children in the community were afraid of me when I arrived. On one of my first days in the community,

an informant told me she had met one of the little boys running for life in the opposite direction from where I was sitting. She had asked him why he was crying, and he had pointed in my direction with his index finger only stuttering the word *gringa*⁸. He was afraid of me. Another incident took place a couple of days later when a little boy was hiding behind a tree in the path where I was walking to visit one of my informants. I thought that he was playing some kind of hide-and-seek, but his mother told me “he believes that you are a *pishtaco*”. I had to ask for an explanation. The mother explained that a *pishtaco* is a foreign person that kidnaps and kills children to steal their organs. The *pishtaco* is an Andean mythological figure who steals body fat to sell it to bishops or hospitals (Canessa 2000:705). However, the *pishtaco* is not only a mythical invention. In November 2009, several persons were arrested in the Huánuco and Pasco provinces in Peru convicted for having killed a considerable amount of people and extracted their body fat to sell it to the cosmetics industry in Europe. The knowledge of this incident may have produced more fear and caused scepticism towards my person. It seemed that the adults found it quite entertaining using this narrative to educate their children using me as a threat if they were not behaving well. Most of these children had never seen a white person before and this naturally caused insecurity and scepticism. These small incidents however worked as a form of icebreaker getting in touch with the mothers of these children, and my informants joked a lot about these stories throughout my whole stay in the community.

I tried as far as possible to inform my informants about what I was doing in the community. I also with regular intervals reminded my informants that I was going to write a thesis based on my stay in the community. They sometimes asked me questions about my work, if I felt I was moving forward, and if I “had found something interesting”. I did my best to answer these questions as well as trying to explain what an anthropologist does. I tried to be as open and honest as possible about my project and my intentions of staying in the community and I primarily experienced that my presence was appreciated. I furthermore found it useful that they previously had had an anthropologist staying in the community and that they therefore had an idea of what an anthropologist does⁹. I sometimes felt that they were comparing my work with the way he had been interacting with them. They constantly talked to me about Erwin Frank and it was obvious that his presence in the community had

⁸ A term often ascribed to any foreigner, first and foremost of European or American descent. This mostly means a white person.

⁹ Erwin Frank was a German anthropologist that conducted several fieldworks in the community from 1980-87 with a total duration of more than two and an half years (Frank 1994: 134).

left traces behind, as they always tended to get quite nostalgic talking about him. Unfortunately, Frank passed away in 2008, before he got the opportunity to return to the community (as he always said that he would when he left). One of my informants once said that I was just like another Erwin Frank, a student staying in the community to learn their ways of living. I found that quite touching as I always heard the people talking about him in these nostalgic and respectful ways.

Before starting the fieldwork, my project was approved by Norsk Samfunnsvitenskapelig Datatjeneste (Norwegian Social Science Data Services, NSD) which is an instance that works with securing that research in social sciences is conducted according to ethical standards. One of the things that I found challenging about my being in the field and the writing of my thesis was the ethical protection of my informants considering the fact that my field locality is a small place and that “everyone knows everyone”. In order to protect the integrity of my informants and in order for them to be unidentifiable, all the names in this thesis are pseudonyms except for the name of the community.

Due to earlier stays in Peru, I already had a network before I left for fieldwork. I found this of good help, knowing I was not all alone and having someone meeting me when getting there. Having a pre-established network in the country however also has its challenging sides. When I arrived in Lima, I lived with my boyfriend’s family. Living with one’s in-laws one has certain responsibilities and the family also had certain expectations to me. For instance it was more understandable that I was baby-sitting than being outside looking for contacts that could secure me an impasse in the rain forest. And besides, there were some difficulties understanding why I would stay such a long time in the jungle with an indigenous population. “Was I not afraid something would happen to me?” At the same time it made me reflect about the images about the indigenous as wild and dangerous that still is quite widespread in the minds of the general Peruvian, as the vignette to this introduction also might indicate.

Lastly, I consider it ethically challenging to spend a considerable amount of time with people, gain their trust, establish friendships, participate in their everyday life, gather information and then leave. I found it especially difficult having to leave the field when the community was facing hard times considering their territorial situation. I felt that I was in some way failing them. This was maybe the hardest challenge of all during my whole fieldwork period. However, I hope that writing this thesis can be a way to give something in return for everything my informants have facilitated for me during my fieldwork and a way of granting them the dignity and respect that they deserve.

Theoretical framework

Some key words in analysing the relationship between the indigenous population and the *colonos* are property, maps and (indigenous) identity. In the following I will outline the main theoretical perspectives that I will employ throughout the thesis.

Property and entitlement

As Hann (1998: 1) points out, and as we have seen in the cases of De Soto and García above, it has been an increased focus on the importance of having private property rights in order to achieve economic growth and political liberty. In order to discuss property rights and territorial conflicts, we have to distinguish between private and collective property (even though they are not totally opposed), and different ways of looking on and perceiving land. For instance, the indigenous populations that more closely relates with the environment on a daily basis may have a more phenomenological and direct relationship with the landscape than politicians working on territorial issues in an office in Lima.

Both Espinosa (2009, 2010) and Hvalkof (2002) argue that one needs to distinguish between “land” and “territory”. Whereas land refers to the environment seen as an economic resource, as a means of production as understood by a Marxist perspective, the territory has wider meanings. Territory also has a symbolic dimension by also referring to cultural identity and social organization connected to the land and on the right to self-determination (Hvalkof 2002: 94). Territory, in contrast to land implies collective rights as opposed to individual or individualized property rights (Hvalkof 2002: 94). By focusing on the property’s potential to produce capital growth, De Soto and García is not taking into account this conceptualization of the environment as territory. The land is from their perspectives seen as a type of commodity. By focusing on technology, big business and private property, they have a perspective on property as articulated by a Marxist understanding of capitalism. The international ILO-convention 169 also makes the same distinction between land and territory and makes it explicit that when talking about land they also include the aspects implicated in the concept of territory.

According to Hann, the sharp dichotomy between private and collective property remains from the time of the European colonization (Hann 1998: 24-25). Hann concludes that “[...] some very powerful models of property relations in the modern world are too simplistic” (1998: 45). This applies to both the liberal paradigm that favours exclusive private ownership, and the Marxist idea of state-ownership. Property has to be seen as a continuum from

individual to collective with many graduations. Hann would therefore not agree with de Soto in that private property is the solution.

Hann underlines that property relations have to be seen as relations between people (1998: 4). Property is not a thing. How property is defined vary in different contexts. By applying a wide concept of property that implies the “distribution of social entitlements” then property can be studied in a variety of contexts (Hann 1998: 7), he argues. Flora Lu (2001) agrees with Hann in that property is not a physical object. She states that “property is not a physical object such as land, but rather a right to a benefit stream that is only as secure as the duty and obligation of all others to respect the conditions that protect that stream” (Lu 2001: 427). It is the members of the society that decide the rules for the resource rights and the nature of property, not the resource itself (Lu 2001: 427).

Lu states that there exist four types of property regimes; state property, private property, common property and open access property regime (Lu 2001: 427-428). Common property, Lu states, can be viewed as private property for the group. It is not the same as an open access regime where there is no rules considering who has the right to exploit the resource which is a misconception done by many. Lu argues that many misunderstand Hardin’s thesis on the “tragedy of the commons” (1968) as based on a common property regime, when it is really based on an open access regime. A common property regime is not the same as an open access regime. Common property does not imply that the resources are open for all. It implies a definition of who have access, there are rules for the use of the resources and there are sanctions for not following these rules. According to Stevenson (1990: 57-59) common property lies somewhere between private and open access property regimes. Like in a private property regime the regime includes and excludes different persons from the use of the resources and the users control the resources being exploited. There are also a range of users of the resources like in an open access regime. But the common property regime can exclude problems like “the tragedy of the commons” (Hardin 1986) because there are a control of the members in the regime and the exploitation of resources. Lu claims that common property is the best way to manage common-pool resources (Lu 2001: 429).

A useful distinction that Gray (1997) makes is that between use, possession and ownership. Among the Arakmbut in the Peruvian Amazon, one part of the relation with the territory is through *use* of its common resources. This means, these are resources equally open for anyone in the community (Gray 1997: 112-115). The resources are collective property in their *potential* use in the future, not in the quality of its use in the present as would be the case in a

private property regime (Gray 1997: 116). This implies for instance the fish living in the rivers, gold resources and animals killed during hunting. It also includes fruits collected through gathering. These resources are open to anyone included in the locality. After the resources have been discovered and exploited by someone however, they belong to the person that discovers it, that is, the person who *possesses* it (Gray 1997: 115). A resource therefore is transformed from collective to individual through its use or consumption. In Santa Martha I for instance heard several times people saying, “I want to clear a plot to cultivate my beans on the other side of the river”, or “I have seen a nice place to cultivate maize *abajo*”. These statements were seldom met by rejections from the other community members. The Law of Native Communities legally secures *ownership* of the territory. This is however at a level external to the community, as we will see in Chapter 2. Gray argues that the idea of territorial ownership was imposed on the communities by the Peruvian state, due to the reason that prior to the granting of property titles regulated by the Law of Native Communities the use of the territory was organized according to usufruct (Gray 1997: 117). According to Gray, it is the combination of use, possession and ownership that constitutes property.

In contrast to De Soto and García that acknowledges the value of private property, the anthropologist Geiger argues that collective property titles can contribute to reducing or preventing territorial conflicts (Geiger 2008: 35). Private property is therefore not the best measure to secure territorial rights. Geiger also underlines that even though a group has formal rights over a territorial area, it does not necessarily guarantee that they can control the area in question as it formally would imply (Geiger 2008: 36).

These theoretical perspectives are also valuable in analysing the situation in Santa Martha where I will show how the differing perceptions and views on property between the indigenous residents, the colonos and the central and local government do not coincide, something which might cause conflict, as the episode in Bagua in 2009 also demonstrates.

The power of maps

In the granting of formal property rights, in addition to the title document, the map accompanying it is also important. These maps may also convey something about the view on property in the eyes of the map-maker, something which can be done consciously or unconsciously by the latter.

James Scott argues that there is a transformative power connected to maps (1998: 87). By this he means that maps cannot be seen as neutral, but that there are power connected to

them in that they present selected traits of the territory that it depicts. It is not the map in itself that inhabits this power. It is rather connected to the manner in which it is used and designed more or less pragmatically for particular purposes (1998: 87). There have been made different maps over Santa Martha, both by COFOPRI, the state institution responsible for the titling of territories and by the NGO IBC. These maps have been made for different purposes. COFOPRI's map were made to secure formal property rights to the community of Santa Martha at the same time as defining the free land outside of these areas. The maps made by COFOPRI is made to capture the attention of the state that for a long time perceived the Amazon rain forest as an empty space open for those who wanted to exploit it.

Peter Gow (1995) argues that the Piro in the rain forest in Peru do not perceive the landscape as it appears in a map. They do not have the same mental representation of the territory that they relate with. The map over their territory does therefore not serve as a reference point in relating to the landscape but simply as a device retrieved in conflicts with neighbouring groups over land claims. The Peruvian state that make the maps, thereby perceive their territory differently than themselves, since they do not have the same experience that one gets by being "implicated in the landscape" (Gow 1995: 51). This causes the state to make maps that do not necessarily correspond with the way the local population organize their territory.

Nevertheless, the maps cannot simply be used as tools by the ones in power, but also by the "power-less". This may for instance be done through participatory mapping where the aim is to carry out mapping order to defend territorial claims before the state (Chapin et.al 2005; Herlihy and Knapp 2003; Smith et.al 2003). Peluso use the word "counter-mapping" (1995) on the act of making explicit indigenous claims to an area by depicting it in a map to argue against claim set forth by the state to the territories that they dominate. By combining different facts in the map, Tsing furthermore argues that this can make the map become a "tour de force" (Tsing 1999: 417). All these perspectives therefore agree that maps may be used to make claims to contested territories. The maps may therefore serve as tools of empowerment. In the case of Santa Martha I will address how the maps made by participatory mapping between IBC and the residents in Santa Martha not are the maps to which the indigenous population employed most actively but rather the map made by the COFOPRI even though they excluded the resident from having exclusive property rights to these areas.

Indigenous identity in Latin America

Identity is an important aspect when the indigenous populations are fighting for their territorial rights. This is because they may make claim to their territories due to their identity as indigenous. Different aspects may be made prevalent in different context more or less pragmatically in order to achieve this. Ramos describes how indigenous peoples often become presented in an essentialized and simplified manner. She points out that people seem to make a connection between Indians and a wild untamed nature (Ramos 2003: 367). Slater also argues that the tendency to see the Amazon – or Amazonian nature – as a kind of Eden simplifies and gives a static picture of a much more complex and multi-layered reality existing behind these images (1996). “It obscures the people and places that actually exist there” (Slater 1996: 114), she argues. The conceptions people have of the Amazon is often based on essentialized ideas. Either they romanticize it as a paradise or they or they depict a negative erroneous picture of it as a “green hell” (Slater 1996).

The indigenous populations living in the Amazon are also often depicted in a simplified way; even as guardians of untouched nature or as endangered species (the last indigenous tribe un-contacted by modern civilization). This without seeing the people living there as a diverse group with different needs and values. Slater (1996) does not try to suggest a solution for solving the problem of an Edenic narrative; this is not possible she states, due to its strong hold in western outsiders thoughts (Slater 1996: 129). What we can do is be aware of the power of these kinds of images. Even if it were possible she is not so sure either if it would be advisable to dismiss these images which certainly can be used to meet specific ends (Slater 1996: 129-130).

Indeed, essentialist images are employed more or less pragmatically both by indigenous and non-indigenous in fighting for their rights. For instance, the indigenous can play on their role as protectors of the environment in global debates on sustainability in development projects and so on (Ramos 2003: 375). When they challenge the non-indigenous essentialist images that they belong to their natural environment and when they move outside of these limits they receive unfair treatment (Ramos 2003: 377). Even though theoreticians sometimes claim that essentialism is something bad, they are creating a blind spot. “As long as this blind spot persists we will always run the risk of colliding with reality” (Ramos 2003: 379). This same point is made by Warren (1998) who claims that in taking on a constructionist approach to indigenous identity, she experienced counter-reactions by her Maya informants who themselves operated inside of an essentialist rhetoric. Warren saw it as

rather paradoxical that the constructionist approach that states that culture is constantly changing that was aimed at defending the indigenous peoples, worked against its purpose in this context. The Mayas themselves defended an essentialist perspective with the main argument that they had been living there since “time immemorial” and therefore worked not to lose their culture. They claimed that the anthropology in this way worked as a kind of colonialism, by stating that the Maya adapted to external influence and as a result their culture change. This perspective did not contribute in defending their rights.

Also anthropologists like Posey (2008) through emphasizing the value of the indigenous knowledge, convey a certain picture of the Brazilian Kayapó as living in harmony with the environment that surrounds them. However, he has been criticized for putting too much weight on this indigenous knowledge in order to strengthen its political force. What he claims to be areas managed by the Kayapó were criticized by others stating these areas were in fact created naturally (Dove and Carpenter 2008: 4). Despite these critics however, his works have been widely acknowledged. Posey himself argued that what might seem natural is in fact managed by indigenous peoples and they can therefore be seen as guardians and conservationists of the environment. These ideas have to some extent influenced environmental policy (Dove and Carpenter 2008: 5). Posey thereby challenged the dichotomy of nature and culture, by showing that they are deeply intertwined and not that strictly separated.

As Ramos (2003) and Warren (1998) indicate, essentialist images might therefore not necessarily be negative and can be used more or less pragmatically, both by the indigenous populations themselves and their advocates. In this manner one may claim that identity also is constructionist in that it is constantly in flux and varies according to the context (De la Cadena and Starn 2007; Warren 1998: 73). If one is conscious about the use of the essentialist discourse it may be used positively, in contrast to the way we have seen that García uses it in the quotes in the vignette.

Essentialist and constructionist discourses of indigeneity

The way of imagining the indigenous have gone through profound changes. As Francesca Merlan (2009) argues, the concept of “indigenous” (from singular to the plural of “indigenous peoples”) has gone from being a way to distinguish between the “native” and its “others” in bounded localities to becoming an internationalized term. The concept “indigeneity” imply “first-order connection between group and locality” (Merlan 2009: 304), Merlan argues. It

implies “belonging and originariness and deeply felt processes of attachment and identification” (Merlan 2009: 304) to a specific locality and/ or to a specific set of people This internationalization of the term is for instance evident in the international conventions for the protection of the indigenous peoples like the ILO-Convention 169 and the UN Draft Declaration on the Rights of Indigenous Peoples. At least in an international context, indigenous populations have become more visible and recognized (Gausset et.al. 2011: 137).

Merlan states that the definition of “indigeneity” is on the one hand “criterial” which implies that there exist a set of criteria that define one person as indigenous (Merlan 2009: 305). On the other hand, it is “relational”; it is defined through relations between “the indigenous” and “others” and not by properties inherent to the indigenous peoples themselves (Merlan 2009: 305). They cannot that easily be distinguished and sometimes they overlap, and some focus more on the one or the other when writing about indigenous peoples. Maybury-Lewis argue that they are equally relevant (1997: 54) whereas De la Cadena and Starn argue that indigeneity does not get its meaning inside of the group itself but rather in relation to what is not considered indigenous (2007: 4). This also resembles the views of Barth (1969) that identity finds place in the encounter with others.

Indigeneity has become globalized because it is associated with universal frames for defining who are indigenous, and the idea that relationships between people and their “others” can be generalized (Merlan 2009: 306). However, this definition may not apply in all contexts. There may be places where people identify themselves with regard to some specific locality, a way of life or to specific people (Merlan 2009: 306). There are deep divisions inside of the field of anthropology about what should be understood by the term “indigenous”. By requiring several criteria to be fulfilled, many of the people due to the difficulty in finding a definition that suits all populations identified as indigenous peoples the United Nations Permanent Forum on Indigenous Rights have decided not to adopt any official definition but instead having a loose definition, by considering the peoples who self-identify themselves as indigenous as indigenous (Gausset et.al. 2011: 137). According to Gausset et.al. (2011: 141), anthropologists should stop debating whether to use the term “indigenous” or not, but rather discuss the contexts where they are being applied.

Merlan states that the Latin American was not part of the internationalization of indigenism in the same way as other continents (Merlan 2009: 310). She claims that it were the liberal democratic countries that were at the forefront and that Latin American states did not fall into this category (Merlan 2009: 310). The Spanish word *indígena* had other

connotations than the English word indigenous. In many places it connoted not only originariness and belonging but also an inferior native status, overlapping with *indio* (Indian) (Merlan 2009: 310). Ramos refers to “indigenism” as an American version of orientalism, consisting of images and representations by the “west” of the indigenous others (2003: 356). What Ramos terms *indigenismo* refers to a political movement and activities led by the intellectual elite aimed at protecting the rights of the indigenous population. “Indigenism” furthermore refers to images and actions by both indigenous and non-indigenous sections of the civil population, not simply intellectuals. Niezen refers to “indigenism” as “international movement that aspires to promote and protect the rights of the worlds ‘first peoples’” (Niezen 2003: 4).

Even though many Latin American states have followed the international “indigenism” by signing ILO-convention 169 and similar conventions there is often a big gap between policy and application (Merlan 2009: 311). This also applies to Peru as I will try to argue in this thesis. The indigenous peoples however consciously apply the conventions (as well as national laws) in their struggle for their rights. I will therefore claim that they take part in the international “indigenism”, even though the state might not do it to an equally large extent. They use their identity as indigenous peoples actively in claiming their territorial rights.

Following Merlan (2009), Ramos (2003) and Warren (1998) I will argue that their identity as indigenous can be used more or less consciously to achieve certain goals such as shown in the case of Warren showing that the indigenous themselves apply the kind of (essentialist) approach that we (as anthropologists) try to avoid.

Chapter outline

Chapter 1 will deal with the residents in Santa Martha’s relation with the landscape through an introduction of their landscape practices in everyday life. It will address the immediate, experience near, phenomenological dimension of the Cacataibos’ relation with the territory. The chapter will in this manner serve as a background for the subsequent chapters where the territorial conflict between indigenous and *colonos* will be analysed more extensively. The chapter will also address the concept of property and what practicing a common property regime implies for the residents in their everyday life.

In Chapter 2 I will go into the political dimension of the land in the dealing with territory and property. The chapter will address the rights granted the indigenous populations

in the national and international juridical system. I will show how the residents reflect upon their territorial rights and the threat by the colonos and how they make use of their indigenous identity in order to argue against the colonos and what they see as unfavourable government politics both at local and national level.

Chapter 3 will address the significance of maps as tools either for the ones in power in controlling the indigenous population, or for the indigenous population in order to defend their property rights to a territory. This approach can convey the relations between the indigenous population, the colonos and the state in the community. How can different conceptions of land and property be conveyed in a map? In which cases can maps be used as marginalization and in which contexts as empowerment?

In Chapter 4 I will change the focus from the residents in Santa Martha's relations with external entities, to addressing more closely the intra-community dynamics. How can these be important in understanding the success arte in defending territorial rights?

The final and concluding chapter will sum up the arguments in the thesis in order to get a broader and more complex understanding of the reality the resident in Santa Martha face, both in terms of territorial property and in the aspect as indigenous peoples.

1. Landscape relations and common property

Nelson: To us, the indigenous peoples, the land is very important. Without the forest, there is nothing. That is why we do not want to make *chacras*.¹⁰

Ida: But here many people have their own *chacra*?

Nelson: Yes, but to a very small extent. Only for subsistence. Not for commercialization.

I had this conversation with one indigenous informant from Santa Martha called Nelson shortly after arriving in the community. When speaking with him about the topic for my research in the break during a soccer game where he participated, these words came quite spontaneously. His statements reflect in several ways the importance of the landscape¹¹ for the indigenous populations in the rain forest. For the residents in Santa Martha, the landscape is crucial in everyday life, as it is both a source of subsistence as well as their place of residence, their home. In this chapter, I will describe landscape practices in Santa Martha. This description is crucial in understanding the territorial conflicts that will be the topic for the subsequent chapters. It makes it more graspable for example what implications it would cause for the residents in Santa Martha losing their land.

The aim of the chapter is to challenge romantic and static representations of the Amazon and its people, since as Slater (1996) indicates there is perhaps no place that is as exposed to such powerful and essentialized representations as the Amazon rain forest. Countering these Edenic imageries, I would like to convey a more complex and multifaceted picture by showing the dynamism in the residents' interaction with the landscape. As the conversation in the vignette might suggest, the landscape is their basis for life, and losing it would imply far-reaching consequences.

The chapter will start by locating the community in the landscape both geographically and socially, thus the context is important in understanding the ways of life in the community as well as the location in relation to potential settlers coming from nearby areas. I will go on by describing more extensively the social organization and people's relation to the landscape

¹⁰*Chacra* is the Spanish word my informants use about the areas where they cultivate their crops. It is in other words a kind of garden, which they clear in the forest. The *chacras* are usually located in a distance from the settlement. They practice slash-and-burn agriculture, which I will describe at length in this chapter.

¹¹ I consciously use the word *landscape* in this context, due to the focus in this chapter on the nearer phenomenological dimension, that is, the immediate relationship with the land. In subsequent chapters, I will use the word *territory* more extensively, as it implicates wider political spaces than *landscape*. I consider *territory* more suitable in a discussion about the political processes beyond the community level.

on a day-to-day basis. I will compare these practices with the research conducted by Erwin Frank (1994) in the 1980's to allow for a larger time-span on the landscape practices as well as demonstrating that it is difficult to talk about narratives of people having lived the same ways since "time immemorial". The topic of property will also be discussed, and I will argue against the perspectives proposed by Hernando de Soto (2000) and Alan García (2007) as indicated in the introduction focus on the importance of private property to accumulate capital. This is a perspective contradictory to the reality the indigenous population, not just in Santa Martha, but also in the majority of the indigenous communities in the Peruvian rain forest face, who practice a common property regime.

Locating Santa Martha

The Native Community of Santa Martha is located on the Andean foothills in the northern part of the central rainforest in Peru. The community is thereby located in one of the most elevated parts of the landscape in the Peruvian rainforest, the so-called high jungle¹². As Map 1 indicates, from the community, one may see the Cordillera Azul (the Blue Mountain Range), to the northwest. To the southwest, lies Codo del Pozuzo, the village where the district municipality and the nearest police station is located. The western territorial limit is shared with the neighbouring community Unipacuyacu. However, a small stream divides the two communities. The territory to the southeast is considered property of the state¹³. From Lima, there are numerous routes to access the community. One option is travelling by bus to the city of Pucallpa, which takes about twenty hours. Alternatively, one can take the more comfortable option, travelling by plain to the same city, which takes slightly more than one hour. From Pucallpa, one may take a *colectivo*¹⁴, which consists of travelling with a pickup for about four hours to the village of Puerto Sungaro or if one wishes to Puerto Inca. From here, one has to know someone who provides boat transport to Santa Martha. Depending on the season, the boat trip up-river takes between five and eight hours, while travelling down-river takes a couple of hours less. Another alternative route for entering the community is via the city of Oxapampa. From there one can go by *colectivo* to the city of Pozuzo, and from there to Codo del Pozuzo (called Codo colloquially). If one travels outside of the rainy season,

¹² Typical for the high jungle or *selva alta/ ceja de selva* is that agriculture is the main economic activity accompanied by hunting, and fishing (Pacheco 2009: 239). The high jungle is located between 400 and 1000 meters above sea level.

¹³ I will discuss this relation of property ownership in Chapter 2 and 3 more in depth.

¹⁴ A kind of collective transport where a group of people travel together in a pickup and each of the passengers share the cost of the transport by paying individual tickets.

one may access the community by motorbike from Codo. In the rainy season however, the road may only be accessible to one of the nearest hamlets or *caseríos* and from there one has to walk for several hours in dense forest in muddy terrain. It is more common and less complicated entering the community through Puerto Sungaro, than from Codo. This of course also depends on the season, since travelling when the water level in the river is low may be more time-consuming than travelling by *colectivo* or by motorbike from Codo. The trip from Lima to Santa Martha therefore takes some time and one needs to have contacts to travel the last stretch from Sungaro to Santa Martha. It is in other words not a trip that one undertakes without having a task to fulfil in the community.

As one may see of the Maps 1 and 2, the community is located just by the riverside of the Sungaruyacu River and many of the daily undertakings find place here, as will soon be outlined in the next section. By the river there is a port where all the boats come in. From the port there are small paths leading to the different houses that are scattered around in the community. The houses are built with wooden planks and have a characteristic construction built on posts that separates the houses from the ground to protect against the water due the elevation of the river during the rainy season. Traditionally the houses have roofs made of *yamino* leaves, but today many have replaced the leaves with corrugated iron, which they do not have to change every three or four years which is the case with the leaf roofs. There is a community centre where the school and a medical post are situated. In the centre of the settlement there is also a public telephone driven by solar panels located in the home of one of the families. This telephone is used by the whole community. The residents hold domestic animals and inside of the settlement cattle, pigs and hens are walking freely around. The population is practicing slash-and-burn agriculture and their *chacras* or gardens are located in some distance from the settlement.

In addition to their houses in the community, many families also have a house in Puerto Sungaro or in Puerto Inca. The people who have houses both in the community and in one of these two hamlets have originally constructed their houses there to live in the village while their children have been studying to finish their secondary education, since the school in the community does not cover the last three years of secondary school¹⁵. The residents in Santa Martha therefore leave the community on a regular basis to stay in Puerto Sungaro. Some families offer boat transport and gain some money from their passengers. When leaving

¹⁵ The education system in Peru is divided into three levels: *inicial*, *primaria* and *secundaria*. *Inicial* is for children younger than six years old. The children start at *primaria* at the age of six and it last for six years. *Secundaria* lasts for five years and is completed by the age of seventeen.

the community it is mainly to go to the provincial municipality in Puerto Inca or do transactions in the bank or the police station. Despite these important offices being located in Puerto Inca, many people live in Sungaro due to the reason that the costs of living is lower here¹⁶. However, Puerto Inca is considered more secure due to the reason that there is no police in Sungaro. The people also go to Sungaro to sell their timber. They also buy canned food and other groceries for their own consumption as well as to sell in their *bodegas*¹⁷ in the community.

The social and economic significance of the river

The community is surrounded by rivers and streams. The role of the river is therefore crucial. As Isla also demonstrates in her research in the Peruvian Amazon, for the *riberaños*,¹⁸ the river is at the centre of all their activities (Isla 2009: 4). The population in Santa Martha used to live on the riverbanks. The community has however been struck by several floods which have forced the population to relocate the borders of the community three times. This has affected both the geographical and social organization of the community. Firstly, it affected the settlement pattern. Originally, the houses were located in close proximity to one another, and closer to the river. After they were struck by the last flood in 2005¹⁹, the people started to reconstruct their houses in a farther distance from the river and higher up in the terrain to protect themselves from potential floods in the future. This made the people construct their homes more dispersed in the landscape. Secondly, this geographical relocation of the houses also brought the consequence that the people separated socially. I will come back to this topic in chapter 4, where intra-community dynamics will be addressed more closely. For now it suffice to say that the people do not interact that immediately as when all the houses were located together in a cluster.

One informant said that he had predicted that there would be another flood after the previous one, and had already at that time moved his house quite high up in the terrain, up on a little hill. He explained that when he moved his house up there, the people thought that he was crazy. Nevertheless, when his predictions turned out to be correct and his house avoided the flood, people changed their minds and moved their houses farther away from the river as

¹⁶ To come to Puerto Inca one has to go by boat something which makes it more expensive to transport goods here and groceries are therefore considerably more expensive here.

¹⁷ Small shop.

¹⁸ This term literally means people living by the river.

¹⁹ The two previous floods happened in the 1950's and the 1960's respectively. The original location was two hours upriver from the current location. The limits of the community were moved closer to today's location due to the increase of the water level in the river.

well. These floods affected the people in many ways. Many experienced having their houses washed away and lost all their belongings. Animals drowned and crops were destroyed. One of the sons in the family that I lived with told me with vivid details what happened on that specific day one evening during the supper. “Even though I was only a youngster back then, I still recall well the day of the flood”. He told me it was a 23rd of December and everyone was sleeping. They all woke up at three o’clock in the morning by someone calling “the water is coming!” His family’s house was washed away by the water masses but they somehow managed to save the materials and they could reconstruct their home with the same wooden planks as the old one. He observed proudly the roof construction of the house while talking. In addition to their dwellings, the school, the medical post and the church were taken by the flood. The residents managed to save the medical post, but they were unable to rescue the school and the church. A new school was built relatively quickly afterwards, but the church was never rebuilt²⁰.

As indicated above, the river is at the centre of many activities. Fishing is perhaps one of the most important ones. A common method employed here is using a fishing line. The fishing is carried out either from the boat or standing on the shore of the river. The most common bait is a type of earthworm that one search for by digging with a machete in the ground in the forest. Another method used almost just as much as fishing line is fishing with a leaf plant called *huaca* (lat.: *clibadium leiocarpum*). If one crushes the *huaca* leaves together, it forms a dark green mass. Sometimes one also mixes it with ashes so that it blends together more easily. This mass is then released into the small streams and when the fish eat it, they become dizzy and get easy to catch with the hands. When employing this method, the fisher needs to stand in the middle of the stream to be able to catch the fish (see Figure 1). This method is considered much more effective than fishing with a fishing line in the sense that it provides a larger amount of catch. However, fishing with a fishing line one can catch larger fish than with the *huaca*. When fishing with *huaca* it is normal to go together as a group, since the method implicates that one can catch a huge amount of fish. Men and women, children and adults participate in this process. The *huaca* may also be mixed with cooked cassava and released in the larger rivers as small balls. This mass is called *kichkina*. The main principle is the same for the *huaca* and the *kichkina*. Namely, that one releases the mass upstream, following the fish on its way downstream. When fishing with the *kichkina*,

²⁰ A new school was built by help from the organization DEVIDA, a branch of USAID, when the community eradicated the cultivation of coca.

sometimes additional tools are employed as well, like catching the fish with a fishing line, because the larger rivers sometimes are too deep to be able to stand in the middle. Another method that is employed here, with or without *huaca*, is fishing with a *tarrafa* (see cover photo of this thesis). A *tarrafa* is a round fishing net with a diameter of about two metres, with lead weights on its edges. The *tarrafa* has to be thrown into the river in a specific way so that it hits the surface in a wide-open manner. When it sinks into the water, the fish is caught inside of it. Fishing is also conducted with a regular fishing net in the larger rivers. Fishing is practiced both by men and women, but when fishing with a *tarrafa* it is normally the man who throws the *tarrafa* into the river, whereas the women helps the man taking the fish out of it when the *tarrafa* is under water.



Figure 1: An indigenous man fishing with the *huaca* plant in one of the smaller streams in the community. Photo: Ida Elise Magnussen.

Since the territory is common property, anyone can fish inside of the community. After the fish has been caught it belongs to the person who captured it. The river is also the site where the personal hygiene is taken care of. Here the people make their daily baths, brush their teeth and wash their clothes. It is therefore understandable that the residents were constantly concerned about the quality of the water in the river. If the water was turbid, it was not optimal conditions for washing clothes, or to take a bath. The people living in some distance from the wells with groundwater retrieved their drinking water from the river. When the river

was turbid this furthermore could negatively affect their health. The river was also an important and popular playground for the children during summer.

Moreover, the river is a crucial means for transport and mobilization. Particularly after the floods, when the river grew and it became the boundary marker of the community, it became necessary to have access to boat transport to move around. After people started to hold domestic animals like cattle, pigs and hens in the community, they had to move their *chacras* farther away from the settlement. This has had the implication that for many it is invaluable having a *peque peque*²¹ to travel to their *chacra*. When the only alternative is going by foot, it is obvious that one can save a considerable amount of time going by boat. Not everyone has a boat and those who do therefore offer transportation to those who do not.

In commercializing timber the river plays a crucial role. Selling timber is also a common way to secure an extra monetary income, a much-needed contribution to the family economy. Generally, the timber standing on someone's *chacra* is property of the owner of the *chacra*. This means that the person entitled to use one particular area can use or sell its timber resources. If you do not have your own *chacra*, you can ask someone to lend you part of his land or you can ask him to sell you the trees standing on his property. Normally the owner of the timber himself, transport the timber to Puerto Sungaro. The persons having assisted in logging the timber bind the timber together to a raft which they navigate downriver. On each raft normally go one hundred trunks with a length of about one and a half meters. The trip from Santa Martha to Sungaro takes between one and three days depending on the water level in the river. Commercializing timber is therefore a long and sometimes expensive affair when travelling means spending money on gasoline to the *peque peque*, and the costs of staying in the villages of Puerto Sungaro or Puerto Inca. Working timber furthermore requires a lot of hard physical work and demands a considerable amount of time. It implies cutting the trees with a chainsaw, cutting it up in smaller trunks, carrying the timber all the way to the riverside and lastly, tying it together to timber rafts (see Figure 2). The whole process can take weeks. Sometimes the owner of the timber also takes the timber to a sawmill where he processes the trunks into wooden planks to be able to sell it to a better price. It is therefore usual to travel with a considerable amount of timber for it to be profitable. The buyers of the timber are mainly people from the cities working for companies who buy it in Puerto Sungaro, and from there they take it further to bigger cities like Pucallpa or the capital city of Lima. From Lima,

²¹ A type of small boat with a special kind of motor, called *peque*, especially suitable for navigating when the water level in the river is low, something other kinds of motors cannot without ruining the motor when it comes in contact with the bottom which often consists of small stones.

it is then transported abroad. The most common species of timber for negotiation is *bolaina* (*bolaina blanca*) and *shihuahuaco* (*cumaru*). The advantage of the *bolaina* is that it grows fast and straight, something that makes it very suitable for wooden planks for construction of houses and the like. The *shihuahuaco* is classified as “hard timber” and is good to use in construction of houses as well as boats.



Figure 2: Community residents putting together a timber raft. Photo: Ida Elise Magnussen.

During my first weeks in Santa Martha, the residents told me there was not much commercialization of timber in the community. As the rainy season ended however, I saw quite a lot of it. During the rainy season, the water level in the river increases considerably and the river gets “rough” (*bravo*)²². This makes travelling with a timber raft quite dangerous. Moreover, it makes the travel downstream more time-consuming and more expensive. When the level of water in the river is similarly low, this might also pose a risk though the boat at regular intervals collides with the bottom or with the *palizadas*²³, something that makes the boat more prone to turn over. A low water level in the river makes the conditions for transporting timber optimal. Another reason the people were reluctant of telling me about the

²² One of the oldest community members named Federico told me that the river used to be called Rio Aventura, which literally means the Adventurous River, before it received its actual name Sungaruyacu because of the abundance of fish of the species Sungaro. *Yacu* means river in the Quechua language, which might indicate the proximity to the Andean highlands.

²³ A palisade. An assemblage of trunks and stick in the river. These can be dangerous if the boat collides with them. They become more visible as the water level in the river sinks.

commercialization was that they had an ambivalent relation to commercialization of timber. As the conversation in the vignette to this chapter might indicate, the forest is extremely important for the community and negotiating it would thereby imply that it would gradually disappear. In the following section I will address the importance of the landscape more extensively.

Everyday interaction with the landscape

The community has one property title embracing the community as a whole²⁴. This does not mean that one can clear a *chacra* wherever one likes within the community's borders. The residents have organized well the distribution of the land internally. The territory is divided into individual parts where each family has their own *chacra* where they cultivate their products. Any resident can clear a *chacra* on land that is not previously occupied by someone else. After one person has cleared an area for *chacra* and cultivated his crops there, he gets exclusive entitlement to this area. For an outsider like myself, it was sometimes hard to see, but the people residing in the community know exactly where their own *chacras* start and where their limits are. For instance, when I joined my informants working in the field they often told me while walking in the forest "here goes the limit between our field and the one that belongs to Don Eduardo", although I could not always identify what was the "marker" that divided the two. This is similar to what Gow points out in the case of the Piro who relates to the landscape through the people's relation with it. One has to be "implicated" in the landscape in order to learn about it and understand it (Gow 1995: 51). A person not having the same relation to the land will not perceive it in the same way.

The landscape is primarily an important source of subsistence. The community practice slash-and-burn agriculture where the primary crops are rice, plantain, corn, beans cassava, sweet potato and other tuberous roots like dale-dale. These products are produced mainly for their own consumption. Only to a very small extent do they practice commercial agriculture. I would claim that it is almost non-existent. Both men and women participate in in the agricultural production. Every crop has its time of the year when it provides fruits. It is important to know at which time of the year it is possible to sow each crop, if not it will bear limited fruits. Since the soil in this part of the rain forest is not very fertile, it is also important to know which soils are suitable for which crops. For instance the rice may only be cultivated in dense forest high up in the terrain (Frank 1994: 165). The main principle of the slash-and-

²⁴ I will analyse the process of property titling in Chapter 2.

burn agriculture is that one first has to cut down the smallest plants with a machete where one decides to clear a *chacra*. Afterwards, one cuts down the larger trees with a chainsaw. When all the vegetation has been cut down, one leaves the *chacra* for some weeks to let it dry before one burns all of it. This means one has to do it during summer when the sun is strong and it is not raining. After it has been burnt, one have to sow the crops quickly afterwards, preferably one or two days after the burning, before weeds and other undesirable vegetation starts to grow there. “How do you know if a place is suitable to clear a *chacra*?” I asked several of my informants. A common answer I received was “if there is dense forest there”²⁵, or “when it is raining it [the ground] does not turn into mud.”²⁶ This means one has to know the place well before initialising the work of clearing a field, not risking doing a lot of work and receiving bad crops or no crops at all. During the rainy season it is not possible to sow anything.



Figure 3: A chacra for cultivation of cassava. Photo: Ida Elise Magnussen

The Fernandez family, that I resided with during my whole stay in the community, had several *chacras*. They had one where they cultivated their rice, which was located more inside in the *monte*²⁷. That is, on a height in the dense forest. To go there we had to travel downriver by boat for about half an hour. Thereby followed about half an hour walking in dense forest to

²⁵ *Si hay monte.*

²⁶ *Cuando llueve no se hace barro.*

²⁷ The word my informants used when speaking about the denser forest. When people went hunting they often just said that they were going to the *monte*.

get to the place where the rice is cultivated; the *arrozal*. To bring the rice back to the settlement, they had to put the rice into huge sacks and carry the rice all the way back to the boat. The sacks were weighing between fifty-sixty kilos each. This had to be done many times during the season in order to get all the rice back to the settlement. Another *chacra* was located a bit further away from the settlement and here the family had their plantain and bananas as well as their dale-dale and cassava. The area was now also filled with *bolaina* that they were going to commercialize, now almost replacing the space of the plantain. The family also cleared space for another *chacra* for maize and beans while I was there in the month July.



Figure 4: An elder indigenous woman harvesting the cassava on her *chacra*. Photo: Ida Elise Magnussen.

The sowing and the harvesting of the different crops depend on the season. For instance, for the rice it took three to four months (depending on the species) from the sowing until it provided crops. The Fernandez family planted the rice in October and could thereby harvest it in February. After this first harvest they left the plants, and four months later, in June, the plants had crops ready to be harvested again. The second harvest however was less abundant than the first one. The plants now did no longer provide sufficient crops that it was profitable

to wait for a third one. They therefore had to do the whole process of slash-and-burn before they could sow new plants. Depending on the crop the soil loses its fertility after a certain period. The residents therefore usually move their *chacras* every two or three years (Frank 1994: 163).

If you do not have your own *chacra*, you may ask someone to lend you whole or part of his field. This is an agreement where the person who borrows the *chacra* does the whole process of working the soil and harvests the crop. When he is finished, he gives the land back to its owner. I saw several cases of this, where for instance the proprietor of the field did not have time or did not need all the space and lent a part of it to another person so that the area did not stand unutilized. Another type of agreement regarding land is what is called *jornalero*. This means you pay someone to work on your field, but the labourer does not receive anything in form of products from the field, but a salary of 20 Nuevos Soles²⁸ per day or 100 Nuevos Soles a week. Many people do this to receive an additional income, while the owner can concentrate on other tasks. When the time came when the Fernandez family had to start the process of clearing and preparing the *chacra* for burning, they hired a *mestizo* resident in the community to do this work. While he was clearing, cutting and burning, the family were working their timber. They paid the worker in cash and sometimes they gave him other goods like a flashlight, cartridges and other things he was in need of.

In addition to subsistence agriculture, many people also hold animals like cattle, pigs and hens. The Cacataibo did not originally hold these kinds of animals, which are practices introduced to the community through the *mestizos*. An elder women in the community told me one day I accompanied her on her *chacra* and her son-in-law's cows had destroyed some of her cassava crops that this was not a problem when she was young when they did not hold these kinds of animals. In the Cacatibo myths on how Bari (God) created man, there is a section where he after creating man and fire created the domestic animals. Even though they were created for the Cacataibo, the latter did not take them and Bari had to give them to the foreigners (Frank 1990: 60). This was why they did not hold domestic animals. The Fernandez family had about ten cows they tried to hold inside of an enclosed area. However, the cows often managed to get out of this area. In addition, they had three pigs and a couple of hens in the settlement. All the residents let their animals walk around freely inside of the settlement. This implies that the people have their *chacras* in a considerable distance from their dwellings to prevent the animals eating their crops. However, this still happened in some

²⁸ Equivalent to approximately 7 USD.

cases. Many choose not to hold animals exactly for that reason: “I do not want to bother my neighbours”. If they had animals however, they chose to hold them on their land far away from their neighbours so that their cows did not enter their houses. Angela told me she did not want to have that many animals for this reason. Towards the end of my fieldwork she told me she planned to stay more permanently on her *chacra* and have her hens and pigs there. Now that none of their children except Pepe and his wife were staying in the community she did not see the point of spending her time in the settlement.

The products from the cattle were not primarily for their own consumption. Often the owner sold their adult cattle and used the money earned to buy new calves, which costs less than an adult cow. The meat was not consumed by the comunards. The milk however, was both consumed by the owner and sold to other persons inside of the community. Sometimes the owner of the cattle also made agreements with another person to look after his cattle and where the caretaker receives part of the products from the cattle. He may for instance receive half of the share of the milk and half of the calves if the cows reproduce under his care.

Hunting is almost exclusively undertaken by men. Here the main prey is peccary, *sajino*, *ronsoco*, *majas*, different kinds of monkeys and birds. Eduardo did not know how to use a shotgun. It made him scared, he explained. He did not have the required training. It was therefore mostly Pepe who went hunting and provided the family with meat. He had experience using a shotgun and was a skilled hunter. Due to the reason that his wife was pregnant and gave birth while I was there, it was nevertheless limited the extent to which it was possible for him to go hunting. It is a widespread belief and practice that the man has to be very careful when he has a newly born son or daughter. Both he and the mother of his child need to abstain from certain kinds of meats, and if the man goes hunting accompanied by other men he should not be the one killing the animal. If he is however, then the baby has to be cured to prevent that the fathers’ acts badly affects his sons or daughters health. One day Pepe had killed a deer, and due to this, it was necessary to cure their baby daughter. The mother cut off part of the nail from the claw of the deer, wrapped it inside a piece of cotton, and put it on a plate together with some ashes from the fireplace. The baby was then rocked over the smoke that was produced. This was “so that the baby will not get ill”²⁹. For the

²⁹The little girl (that was only a few weeks old) was also already quite weak as she was already sick with what later turned out to be pneumonia. It was clear that the family connected the girl’s illness with her father’s activities though I was witness to several healing sessions to make her better. For instance, did the baby’s grandmother take one piece of an old fishing net and rubbed it over the chainsaw and the motor used to generate electricity. Then she did the same procedure as with the deer’s claw by burning it and rocking the baby over the smoke.

women the rules for what not to eat are stricter than for the child's father. For instance, she should not eat crocodile and other "brave" animals while she is pregnant and for a considerable time after her child has been born. These restrictions on how to eat is also based on beliefs from the myths of the Cacataibo (Frank 1990: 60). Due to these reasons the family consumed limited amounts of meat.

The forest is furthermore an important source for medicinal plants. Nevertheless, after the construction of the medical post the resident in the community do not practice healing with medical plants that extensively, even though there still are some people who know the properties of the plants and use them to heal people instead of "western medicine". I witnessed several healing sessions using local plants, as well as their use in everyday life. Several of my informants demonstrated that they knew the effects and possible uses of different medicinal plants. However, mostly they used medicines they received in the medical post. When one person has been cured with medicinal plants, one cannot use other medicaments because this may bring fatal consequences. The two medicinal traditions may collide, something that may cause the ill person's health condition to worsen.

There are also spiritual beliefs connected to the landscape. Shortly after arriving in the community I carefully asked about religion and cosmological beliefs. My host father Eduardo convinced me "the people here only believe in the Bible". After spending some time in the community however, I saw several things that contradicted his statement. Miguel, one informant from the neighbouring community Unipacuyacu, for instance told me that there are different kinds of spirits living in the forest. "There are several types of forest spirits. However, we no do longer see much of them because there is too much noise around here". He was referring to the noise of human activity using chainsaw and other noises produced by humans that scare the spirits away. Miguel told me that there exist different kinds of spirits in the forest. One of them is called *tsabë*. The *tsabë* appears disguised as a person that you already know. It might for instance appear as your husband, but it deceives you. "If you for instance have gone hunting together, you localize a peccary. He goes after the animal, while his wife stays behind. Suddenly, the husband appears in front of her saying: 'this is all that I managed to catch. A couple of crabs. Can you prepare this for me?' There he deceives her and perhaps he will kill her", he said. "However, if you can see his feet, they are not normal feet, and like that, you might disclose him". The *tsabë* has a foot that is cut in two (Frank 1994: 199). Frank adds that the *tsabë* has a bad habit of kidnapping wives and husbands to exploit them sexually. The *utano* is another spirit who also looks like a human being, but he has a

small body that does not become taller than one meter. It looks a lot like the *camanö*, the isolated indigenous tribe residing in the area (Frank 1994: 199). “Other class of spirit is the *inchinka* that eats people. It is like an old possessed devil that lives inside of the trees”, Miguel told me. “*Ñunshin* is like a spirit that you cannot see. It does not appear as a person”, Miguel stated. It seems that all these types of spirits appears and tries to trick the human beings as a punishment for exploiting the resources in their forests. It must however be emphasized that there were very few people speaking about these spirits. When Miguel told me about them, he had to think thoroughly to remember how it was. I will therefore claim that it is evident that these beliefs are not very strong today. There were also few people speaking of these spiritual beliefs. Some of my youngest informants told me that it was only the elders that had this knowledge.

Through the descriptions above, it is obvious that the landscape is crucial in the everyday life in the community. For the people in Santa Martha, the environment cannot be seen simply as a piece of land. There is much more meaning implicated in it than simply being a material object. Several sources (Espinosa 2009, 2010; Hvalkof 2002; ILO-Convention 169) operate with the distinction between *tierra* (land) and *territorio* (territory). *Tierra* is primarily the land seen as an economic resource, which has to be utilized for farming, cattle herding or other productive activities for it to serve a purpose for the society as a whole. This means that the land in some way is reduced to the terrain *per se*. *Territorio* however implies greater environmental spaces. It is not only the part of the land worked for subsistence purposes, but in addition, it includes the forests, the lakes, the rivers, in other words, the complete natural environment. The *territorio* also has sentimental and historical value connected to it in that it is the space where their ancestors lived. It also has a spiritual universe embedded in it as we have seen above. The Peruvian government however does not seem to take this dimension of the land as a territory into consideration in their legislation, by only recognizing their rights to the land that they are occupying for agriculture and cattle herding as I will come back to in Chapter 2.

Territorial practices then and now

By comparing my experiences in the field with the ones of Erwin Frank, I discovered some changes in the landscape practices in Santa Martha. Firstly, Frank observed during his fieldwork in 1980 and 1981 that there were only three *chacras* in the whole community where the population cultivated rice (Frank 1994: 164). It was in other words not a very common

crop. Furthermore, they did not produce it mainly for their own consumption, but also to a large degree for selling it in the local market. This was for the reason that rice is a crop that demands more work than other crops (Frank 1994: 165). Today I will claim that rice is one of the mayor crops and an important ingredient in the diet of the Cacataibo. Several of my informants expressed a perception of deficiency of the meal if it did not contain rice. Moreover, I did not observe any significant degree of commercialization of rice, except in some cases, where I observed that some families sold it in their *bodegas*.

Frank also observes that there were only three ways to get a monetary income; namely through the extraction of gold, timber and *sangre de grado*³⁰(Frank 1994: 170-174). In 1980, the prize of the gold increased enormously, something that led the activity of the extraction of this resource to reach a peak. After this year however, there were very few people extracting gold, and those who did usually were unmarried. At Erwin Frank's time, the Cacataibo also exploited gold in the river around the community. The residents in Santa Martha did not practice this during my fieldwork. Several of my informants confirmed this by statements such as "the gold is the last resource we are going to touch", due to the reason that it contaminates the river a great deal. One informant furthermore told me that he had thrown out some *oreros* (gold workers) from the community.

The extraction of timber used to be much more demanding than it is today. During the 1980's extracting timber implied having to live in a considerable distance from the settlement for months dedicating themselves exclusively to this activity. During the extraction, the people had to stay away from their house the whole year and live on the food that their patron provided, such as rice, pasta and tuna and other canned food (Frank 1994: 172). This impaired the ability to work on other *chacras*. Frank also indicates that it took considerably longer time to travel to Puerto Inca than it does today. Even though the extraction of timber still demands a lot of work, it is not that time-consuming as Frank describes in the 1980's. This might be one reason it is possible for the residents to participate in this activity today. Today there are several manners to get a monetary income. As described earlier, in addition to the commercialization of timber, money could be gained among other ways through offering boat transport, through selling cattle and products in their *bodegas*.

These changes in territorial practices thereby indicate that the residents in Santa Martha have not always lived the same ways and that the life in the community is not static (Slater 1996: 114). In addition, they now hold domestic animals which are practices

³⁰ A liquid from a tree, resembling human blood used among other thing to cure wounds.

introduced by *mestizos*. The community have also become more immersed in commercialization and monetary economy even though as the vignette to this chapter indicates, they have an ambivalent relation to it.

Property and entitlement

The territory in Santa Martha is collective in that each community member in principle has equal rights to use most of the resources in the landscape before it has been exploited. Therefore, one may for instance clear a *chacra* anywhere on the territory that is not already being in use by someone else. This is similar to the case presented by Gray, among the Arakmbut in the south eastern Peruvian Amazon (Gray 1997). Land is collective in the sense that every community member in theory can use any part of the territory. To possess one area individually one has to practice labour on that part of the territory. When this happens, the territory in question is no longer collective. Gray argues that “collectivity is thus embedded in the possibility of use in the future, not in the actual use of the present” (Gray 1997: 116). Production is the conversion of a collective possession defined by access to the resource into an individual possession based on labour (Gray 1997: 116). This is also the case in Santa Martha where every *chacra* is considered property of the family working on it. It cannot be used by anyone else, nor can anyone harvest the crops from another person’s *chacra*. Through the work implemented on the land it thus becomes the exclusive property of the user.

In the legal system through the Law of Native Communities, the indigenous communities are granted collective property rights through their property title. However, they also practice individual property internally, which are not rights given to one specific area, as the collective property rights given through their property title, but organized through agricultural or other economic activity on specific parts of the territory. Before the community obtained a property title, they had a notion of property based on usufruct. The notion of collective ownership of the territory arises out of the national society that imposes individual property notions on communities that originally organize property differently (Gray 1997: 120).

According to Stevenson, there are seven criteria that all need to be fulfilled in order for a territory to be classified as common property (Stevenson 1991: 39). Firstly, the resource unit has well delineated boundaries, physically, biologically and socially (Stevenson 1991: 40). In Santa Martha, this is also the case inasmuch as the common territory is defined in a property

title. It is defined with the exact coordinates on a map which territory belongs to the community. It also excludes other communities from the exploitation of the resources³¹.

This brings us to the second criteria, which is that there is a clearly defined group of users of the resources (Stevenson 1991: 40). There are people included, and people excluded from the use of the resources. This is for instance in contrast with an open access regime, which implies that anyone is a potential user, and where there is no specific group exclusively entitled to use it. The territory in the community is exclusively for the indigenous population and their husbands and wives (which in some cases are mestizo, but that have the right to entitlement to the territory in their status as married with an indigenous). People belonging to other ethnic groups are not included in the group of users.

The third condition is that there are multiple users included in the resource extraction. As Lu states, “common property is shared private property” (Lu 2001: 435). This means that there are no persons being entitled to use one separate segment of the territory as would be the case in a private property regime, where one individual exerts the control over a particular resource. Entitlements are only given by exploiting a resource. Several people have the right to use the resources (Lu 2001:435). If the resource is used by only one person, this would be private property (Stevenson 1991: 41). The community of Santa Martha has one common property title for the whole community. It is not given in the document who is entitled to use separate parts of the territory. The people also go together sometimes to exploit the resources, as in fishing with *huaca*.

Stevenson’s fourth condition is that there must be explicit or implicit rules about rights and duties for the use of the resources that every member of the property regime is aware of (Stevenson 1991: 41). The people in Santa Martha are for instance aware that one cannot harvest the products of a chacra that one has not cultivated oneself. This is an implicit understanding that every community member share. The same applies during hunting. In theory, the animal belongs to the person who discovered it. However, if other people participate in the hunting, the meat is shared with the people that collaborated in catching the prey. The population had a clear notion of which parts of the resources were private property, and which were common property. There is in other words some restrictions that determines how much of the resources can be used by every user (Stevenson 1991: 41). In practice however, this does not necessarily mean that everyone receives an equal share of the resources.

³¹ Even though as we will see in Chapter 2 there are people coming from the outside exploiting their resources.

The fifth condition is that all the users share the same entitlement to the resource *in situ* prior to capture or use (Stevenson 1991: 42). This stands in contrast to private property where one person has the exclusive right to one specific resource *in situ*. In a common property regime, one can only have ownership “through capture” (Lu 2001: 437, Stevenson 1991: 42). This means that all members have equal rights to one specific unit before exploiting or capturing that resource. The resources are open to any community member that wants to exploit them, but they must first kill the animal, clear and cultivate the garden, pursue and capture the fish and so on before he becomes the exclusive owner of the resource (Lu 2001: 437). The users in a common property regime may have expectations of exploiting certain amount of the resources, but not particular physical parts of them, as would be the case in a private property regime (Stevenson 1991: 42). The resource can therefore only be owned by an individual through capturing it, in which case it is transformed from non-exclusive entitlement to individual property (Stevenson 1991: 42). The same dynamics are in play in the Santa Martha, where everyone is a potential user of the resources before they are exploited through agricultural or other economic activities.

The sixth condition is that “users compete for the resource, and thereby impose negative externalities on one another” (Stevenson 1991: 40). This implies for example that when one person has gone hunting this has the consequence that fewer animals will be available for another person. If a group of individuals have been fishing with *huaca* in Santa Martha, this may imply that there are less fish for other people during the days to come. This may also be the case if someone has been hunting, this may affect the luck of another individual in this same area for a time afterwards. However, the group of users as well as the well-defined restrictions of use may limit the negative externalities, something that makes a common property regime different from an open access regime (Stevenson 1991: 43).

The last and seventh condition is that the owners of the resources and the users of the resources do not always coincide, even though they might do so in some cases (Stevenson 1991: 44). This implies that the resource regime may still be considered common property even though the community rents one part of the property to another person. In Santa Martha, the holder of the resources coincide with their users most of the time. However, as we have seen, they do not in the case of work as *jornalero* or in the cases where the owner of a field lends his land to another individual. Based on these seven criteria, Stevenson claims that:

Common property is a form of resource management in which a well-delineated group of competing users participates in extraction or use of a jointly held, fugitive resource

according to explicitly or implicitly understood rules about who may take how much of the resource (Stevenson 1991: 46).

In some respects, common property is like private property in that it has a clearly defined group of users. At the same time, there are people that are excluded from the use of the resources (Stevenson 1991: 57). There are clear rules for the use of the resources, that is, who can use the resources and who cannot. In other ways, common property share certain traits with open access property regime in that all the members in principle have equal rights to the resources *in situ* prior to capture. As well as in that the users compete for the resources and that one person's exploitation of the resources thereby affect the other members (Stevenson 1991: 57). Due to these similarities one might say that common property lies somewhere between private property and open access. There is no dichotomy between private property and open access, Stevenson argues (Stevenson 1991: 58).

Based on these seven criteria suggested by Stevenson (1991) I will claim that there exists a common property regime in Santa Martha. Through their legal property title, it is clear that there is a specific group of people that have the exclusive property rights to the territory, namely the community of Santa Martha. This property title excludes people that are not being part of the community from using the resources. There are also clear rules imposed by the community members themselves in that for instance the *colonos* are excluded from its property regime. At the same time, the territory is internally divided between the members of the community. *Chacras* become temporarily the property of the people who have cleared them, even though, every resource inside of the communal borders in principle is considered common property. That is, all community members have equal right to exploit them "prior to capture" (Stevenson 1991: 42). Everyone knows where there are *chacras* and where there are territories that potentially may be exploited by anyone, and the people respect that. On the areas already occupied by someone, other persons cannot do any kind of labour. Lu also makes the same observation in relation to the Huaorani where people in principle can choose any part of the land that they want to exploit to make a garden that is not already being in use by another individual (Lu 2001: 433). In Santa Martha, there are even common understandings about the areas that have previously been *chacras* but that now are abandoned and which now is secondary forest, or *purma* as these areas also are called. The person that previously had his *chacra* here is the owner of the territory constituted by the *purma*. When it comes to the practice of fishing, all the community members have the same rights to these resources prior to their capture. When one person has gone fishing however, no one has for

that reason the right to claim a part of his catch. The fish that one person has caught is his after capture and is therefore his private property. The same applies for animals brought home by someone from a hunt. The notion of private property may also be observed in the idea that the timber standing on someone's chacra must be seen as property of the person owning the chacra. No one has the right to do anything to this timber unless he has obtained permission by the person or family entitled to use the land.

Due to the reason that the communities are practicing a common property regime, the solution that De Soto suggests for the communities in the Amazon to prosper through private property is therefore not suitable for the local conditions here. Even though he aims to show in his documentary (De Soto 2009) that they have an idea of private property and negotiation through their involvement in the market, this does not imply that this is applicable to all aspects of their economic life. It seems that De Soto looks upon private property as a binary opposition to common property. However, as we have seen, common property shares certain aspects with a private property regime. This means that even though the community organize some of their resources according to a private property scheme this does not automatically mean that they have a private property regime. Hann also makes this point in that he refuses to accept the conceptualization of private and common property as binary opposites which he argues has been a tendency in what he calls a "Western liberal paradigm" (Hann 1998: 7). The fact that the indigenous populations in the Amazon have ideas about private property is therefore not necessarily for the reason that they practice an individual private property regime.

Property as discussed here can therefore not be understood as the characteristics of an object or a thing (like territory or a resource in it) but as social relations between people (Hann 1998: 4). It may be seen as a network that governs the use of an object or in this case a natural resource. This is manifest in the rules specified for their exploitation. The requisites for a common property regime for instance, as suggested by Stevenson (1997), depend on how the people included in this regime act in relation to each other in the exploitation of the resources in question. This is also in line with Hirsch who argues that landscape is social, that it is a cultural process (Hirsch 1995:23).

Conclusion

The territory is crucial for the existence of the community of Santa Martha. It is not only a source of subsistence, but also a place to which they feel a belonging. The community cannot

be seen as static and with a primordial or perhaps perennial existence. It is dynamic, when it comes to territorial practices, which have gone through significant changes since Frank's time. Territorial practices that people might see as "traditional" have not always been the way they are today. The communities in the Amazon should as Slater (1996) argues, therefore not be seen as an untouched Eden. The community practices a common property regime, an aspect that does not fit the scheme that De Soto (2000) and García (2007) proposes and which led to the violent encounters in Bagua in 2009.

In the next chapter, I will look more into the political aspect of the territories by looking into the legal framework that defines their property rights. They are secured certain rights to their territories through their identity as indigenous peoples, but these frames imposed on them does not always fit with the way they organize themselves.

2. Territorial property rights, land titling and indigeneity

[...] we already have a major invasion of the territory. And if we are going to keep giving them [the colonos] the rope³², they will keep working, and we, where are we going to work? Maybe the community wants to do a project working timber [...] or we want to do other things, we are not going to have territory. This means, we have to take care of this territory, so that it no longer is going to be this invaded. Maybe our children want to look after animals, want to get to know animals [...], but there will be no place to get to know an animal if everything is going to be pastures, if everything is going to be *chacra*. As we all know, before, we could walk to the Huito [River]. Now, we can no longer walk. If we are going fishing, maybe they accuse us of robbing or doing some bad activity on their territory, in their place (Jorge, indigenous resident from Santa Martha).

During a community assembly in the month of May 2011 one indigenous resident in the community stood up and exclaimed these words. As is evident from the quote, the community suffers from invasions by *colonos* that have come from nearby areas in search for land. The community's location on the foothills of the Andes region makes it convenient for migration from these parts of the country. The residents were worried the *colonos* would keep encroaching upon their land, keeping up their cattle farming practices such that there would be no forest left for the resident to do other territorial practices not related to cattle farming and *chacras*. In Santa Martha, there is a situation of conflicting interests between the local indigenous population and the *colonos* when it comes to access to land. Several of the local inhabitants of Santa Martha expressed on different occasions that there is little land in the community that is not being exploited by someone. The presence of *colonos* in the community therefore makes land become even scarcer. This chapter will deal with how the community resonates around their property rights as indigenous peoples and the threat from the *colonos*.

Despite having an official property title granted by the state, the territorial situation in the community is complicated not only due to the presence of colonos, but also because of the lack of support from the (district) government. Geiger sees the granting of collective property titles as a means that can reduce or prevent conflict (2008: 35). This stands in contrast to the views of Hernando De Soto (2000) outlined in the introduction; his claim is that in order for the indigenous populations in the Amazon to benefit from capitalism they need to adopt

³² “*Si seguimos dándoles la sogá*”: if we keep facilitating the conditions for them [to stay in the community].

private property rights. By aiming to impose private property rights in the Amazon however, De Soto does not acknowledge that most populations in the Amazon practice a common property regime as seen in Chapter 1. Following Geiger (2008), if the organization of the territory is common, then the property rights granted by the governmental bodies must also therefore necessarily be collective. De Soto's arguments have got strong hold in the society however, and many indigenous communities are being persuaded into adopting a private property regime³³. Geiger's argument may also be contradicted due to the reason that a collective property title does not always help on the territorial situation. It does not guarantee that no one will come to settle in their territory. The property title may furthermore be a source of conflict if this implies being excluded from areas not included in the property title that the population traditionally have been using. The titling system is based on a legal system that does not always fit with the reality on the ground as we will see later in this chapter. Geiger argues that:

Where claims to land clash between the indigenous groups and the settlers, the settlers' entitlements have to be ranked second as their coming to the frontier represents an act of *internal colonialism* that has to be balanced by allowing the indigenous the right to closure (Geiger 2008: 36).

However, as will become clear in this chapter, the indigenous populations are not always favoured in these conflicts, thus Geiger claims that the presence of the colonos may be conceptualized as "internal colonialism". I will analyse such a conflict between indigenous and *colonos* in the community of Santa Martha. I will however start this chapter by introducing the indigenous population in Santa Martha. I will then outline the rights the indigenous populations are granted in the Peruvian (and international) legal system.

Indigenous identity in Santa Martha

The indigenous population in Santa Martha belongs to the Pano-speaking ethnic group Cacataibo. Other ethnic groups belonging to this linguistic family can be found in Peru³⁴, Bolivia and Brazil. The Cacataibo cannot be seen as homogenous group, and there are difficulties connected to the ascription and self- ascription of the group. There are several

³³ As the Peruvian anthropologist Oscar Espinosa told me "some government officials say to the communities: 'you should get private property. That is better'. However, this does not always benefit the indigenous communities" (Oscar Espinosa, personal comment).

³⁴ Other ethnic groups in Peru speaking Pano languages are: Amahuaca, Capanahua, Cashinahua, Isconahua, Mayo-Pisabo, Mayoruna, Nahua, Sharanahua, Shipibo-Conibo and Yaminahua (Egg 1997: 4).

terms in circulation, each with its specific connotations and that are being employed in different contexts. The most widely employed term by academics and other authorities is 'Cashibo'. It was one of the neighbouring ethnic groups, the Shipibo, who first started to use this term. In the Shipibo dialect the prefix 'cashi' means 'bat' whereas '-bo' or '-bu' signifies 'people', at the same time as it can be added to the stem so that it determines the plural of the substantive (Frank 1994: 218, Ritter 1997: 222, Wistrand-Robinson 1998: xi). It can thereby be translated as the "vampire-bat people" or simply the "bat people", which figuratively gives associations to vampires or cannibals (Frank 1994: 139). During the time when the Franciscan missionaries were present in their territories in the 18th century, there appeared a competition for the metal tools like machetes and steel axes that the missionaries were distributing. All the Pano-speaking ethnic groups united to get access to these goods. However, to impede the competition from other groups, the Shipibo, Setebo and Conibo spread a rumour about the 'Cashibo' being cannibals, something which made both missionaries and other outsiders such as scientific travellers to maintain a distance from this group.³⁵

Due to these associations with the term Cashibo, my informants in Santa Martha made it clear that this was a pejorative term they did not want to be associated with. Despite this wide disapproval of the term among themselves, Both Girard (1958) and Wistrand-Robinson (1998) make use of the term Cashibo, something that I find problematic due to the agreement among all the members of the ethnic group that it should not be used.

An alternative to Cashibo is the name 'Cacataibo'. This is the term that the residents from most of the communities self-identify with. This is also the term employed by the indigenous federation FENACOCA (Federación Nativa de Comunidades Cacataibo). Nevertheless, several of my informants, both from Santa Martha and Unipacuyacu expressed that they did not approve of this term due to the reason that "no somos caca" which can be translated as "we are not excrement"³⁶. The same observation is also made by Ritter (1997: 227). The latter however employs a fusion of these two terms, namely 'Cashibo-Cacataibo'. Since the members of the ethnic group do not agree about one common self-ascribing term,

³⁵ The easiest route to access the zone of Pucallpa and Ucayali River, where these ethnic groups were located, from Lima, were passing the Cashibo territories. By knowing these rumours about the Cashibo, the missionaries preferred alternative routes to reach their destination to avoid these supposedly wild and dangerous indigenous populations (Espinosa 2009: 131). These images of the Cashibo cannibals were so strong that they lasted for considerable time afterwards. During the epoch when the Maoist-Leninist guerrilla group Sendero Luminoso (Shining Path) was most active they were so afraid of the Cashibo that they did not dare to cross their territories during night (Espinosa 2009: 131). The Cacataibo themselves also took advantage of this legend during the terrorist era to avoid the group attacking their communities (Espinosa 2009: 131).

³⁶ 'Caca' is the Spanish word for excrement, and may bring to the fore these connotations, even though the origin of the word is not from the Spanish language.

Ritter states that one should use the term Cashibo-Cacataibo as the name of the ethnic group in order to carry out an effective communication (Ritter 1997: 228).

Most of my informants rejected all the terms mentioned above and agreed upon their self-identification as 'Uni', meaning "(real) men" or simply "people" (Frank 1994: 139). Nevertheless, it must be emphasized that which term is applied varies from one community to another and from context to context. Frank (1994) employed the term Uni though other authors used one of the first three terms mentioned³⁷. However, Frank emphasised that Uni cannot be considered a tribal name. According to Frank, the term is only used when the people are speaking of a group that he himself constitutes a part. Uni is therefore exclusively a self-ascribing term (Ritter 1997: 223). Frank used the term Uni as a general name for the ethnic group in his publications though he saw it as the only viable alternative to the negative term Cashibo (Frank 1994: 140). Frank is the only author that employs the term Uni in his publications.

It therefore seems that the self-identification of the ethnic group takes place on a local level, not at a general national level (Frank 1994: 150-151). This explains the huge divisions and disagreements to which term should be employed; both among academics and among the members of the ethnic group themselves. For the groups living by the San Alejandro River however, Cacataibo is the term most widely accepted. Ritter's informants here expressed clearly that "we are and we will remain Cacataibo" (Ritter 1997: 224). When I spoke with Miguel, the head of the neighbouring community to Santa Martha, Unipacuyacu, he indicated the same point that Frank, namely that Uni could not be considered the name of the ethnic group but rather a term to distinguish between "black and white". What he meant by this was that Uni simply distinguishes human beings from other creatures. This is in line with Ritter who argues that the term Uni cannot be used to denote the whole ethnic group, due to its linguistic significance, meaning only very generally "people" or "human beings" (Ritter 1997: 224-225). By adding an adjective, substantive or verb before the term Uni, one can describe a person in more detail. For instance 'Shipibo Uni', would thereby mean "people of the ethnic group Shipibo". Miguel therefore agrees with Ritter (1997) and Frank (1994) that the term Uni should not be employed as a general name for the ethnic group. This might also support the observation of another name that I also heard widely in use both by Miguel and other informants in Santa Martha, especially among the older generations, namely 'Nuquinbo Uni'.

³⁷ Girard (1958): Cashibo, Ritter (1997): Cashibo-Cacataibo, Montalvo Vidal (2010): Kakatai, Wistrand-Robinson (1998): Cashibo.

Literally, this term means “people or human beings of our possessor or master”³⁸. Figuratively it means “the sons of the sun” or “the sons of the Inca” implicitly carrying the significance “the sons of God” (Ritter 1997: 227). Nuquinbu Uni was presumably the name self-ascribed to a local group with their ancestors from Santa Martha. Yet, according to Ritter, it is unclear whether there ever was any group with this name or if it has a mythical origin (Ritter 1997: 227, footnote 9).

For my informants in Santa Martha the term Cacataibo served to distinguish themselves as Uni from their “brothers living in isolation” who are also called Camanö. Camanö consists of the stems ‘camán’ and ‘no’ which means ‘foreigner that lives in the heights’ according to Ritter (1997: 220). These two terms, Cacataibo and Camanö, were according to the Cacataibo in Santa Martha reserved for the indigenous populations in voluntary isolation. Since they considered themselves as rather different compared to them, both by physical characteristics as in the way of way of living (they were not considered “civilized” yet) they did not consider the term applicable to them. Despite this however, many of the indigenous residents in Santa Martha employed the term Cacataibo.

There is therefore no clear category for the identification of the ethnic group. Their identification as an ethnic group varies depending on who they relate with. This is in line with Barth (1969) who claims that ethnicity is situational; one may claim that the identity of the people in Santa Martha varies according to the context and the people with whom they relate. It thereby happens in interaction with others (Barth 1969: 10). Social boundaries are therefore important here. At a level of all the Cacataibo communities, identity is thereby processual (Barth 1969: 29). It is about identification (Jenkins 2004: 103).

To avoid any confusion I will employ the term Cacataibo in this thesis when speaking about both the ethnic group as a whole and the indigenous people in Santa Martha. This because the term Uni cannot be considered a name for the ethnic group but simply is being used at a very local level between themselves.

Indigenous peoples in the legal system

There exist several laws and conventions, national and international, designed to protect the rights of indigenous peoples. In a Peruvian context, the laws most made reference to are the Constitution, the Law of Native Communities and Agrarian Development of the Rain forest

³⁸ *Nuquinbu* is a fusion of the words *nucën* meaning ours and *ibu* meaning possessor or master (Ritter 1997: 227 footnote 8).

and the Piedmont of the Eastern Andean Slopes (most often referred to as Law of Native Communities)³⁹, and the international ILO-Convention 169.

In the Peruvian legal system, the indigenous communities are granted special rights in addition to the general rights they are secured as Peruvian citizens in the Constitution. Both the Law of Native Communities (article 7) and the Peruvian Constitution (article 89) clarify that the State recognizes the “legal existence” of the native communities and considers them to be “juridical persons”. According to the Constitution, they are “autonomous in their organization, in their communal work, and in the use and free disposition of their land, as well as in the economical and administrative, within the frames that the law establishes” (article 89). The Law of Native Communities defines “Native Communities” as “groups that originate from the tribal groups in the jungle and high jungle, and they consist of assemblages of families bounded by some principal elements: language or dialect, cultural and social characteristics, common and permanent tenancy and usufruct of the same territory, with nucleated or dispersed settlement” (article 8).

The Peruvian Constitution of 1979 recognized that the territorial property of the indigenous populations were inalienable (*inalienable*), unmortgagable (*inembargable*) and imprescriptible (*imprescriptible*) (Wray 2002: 11). Inalienable refers to the principle that one cannot commit any act of disposal against the property. It means it cannot be sold, purchased, rented or borrowed. Unmortgagable signifies that it cannot be used as a security for a loan. Imprescriptible means that the property cannot be removed, violated or claimed by other persons. One cannot superimpose titles on the land (Gray 1998: 170). In the Peruvian legislation there exists a rule of acquisition of property by prescription. This means that a person can attain the property if he can prove that he has been residing there for ten perpetual years and in good faith. If this were the case in the community, the person could not obtain the land this way due to the principle of imprescriptibility. The Law of Native Communities also grants the three principles (article 13). The same year that the law was promulgated, in 1974, the government of Juan Velasco (1968-1975) recognized that the indigenous peoples are legal persons with collective property rights to their territories (Isla 2009: 7). Velasco supported and promoted the creation of the local indigenous federations. This inspired to the creation of the indigenous organization AIDSESEP (Asociación Interétnica de Desarrollo de la Selva Peruana) the larger of the two national indigenous federations some decades later (Isla

³⁹ Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y de Ceja de Selva. The law is sometimes also traduced as Law of Native Communities and Agrarian Development of the Jungle and High Jungle (Narby 1989: 162).

2009: 7) as the indigenous leaders saw the need of a national-level organization. At the same time as respecting the native communities' rights however, Velasco introduced a concessionary system that still is in use to exploit the resources on indigenous peoples' land.

The Constitution of 1979 was modified in 1993 during the government of Alberto Fujimori. According to this constitution, the indigenous territories are no longer unmortgageable and no longer inalienable (Gray 1998: 175-76). In addition, if the territory is "abandoned" by the indigenous community, the government can give property rights to other actors (article 89) (Gray 197: 79). The principle of abandoned communities is problematic for many of the indigenous populations due to the circumstance that they practice slash-and-burn agriculture and shift their sites for cultivation on a regular basis (Isla 2009: 8) as we also have seen in Chapter 1. What might be abandoned in one moment might not be at another moment in time. Fujimori's government also implemented an expansion of the concessions for oil and timber in the rain forest that facilitated the exploitation from national and international companies, a process that escalated in Alan García's government (2006-2011) (Isla 2009: 8-11). As mentioned in the introduction, the ex-president García and de Soto saw the investment in the resources in the Amazon as crucial for the country's growth.

Alan García promoted privatization of the Peruvian rain forest by working to implement free-trade agreements with the United States, the European Union, Canada and China. In 2008 a free-trade agreement was implemented with the United States; the Peru Trade Promotion Agreement (PTPA) (Isla 2009: 8). In line with this agreement, the government issued 92 legislative decrees violating the indigenous rights stated in the ILO-convention 169, the Peruvian Constitution, the Law of Native Communities and other laws (Isla 2009: 10). The government changed the concession system to facilitate the privatization of the common territories. These changes in the legal system provoked the indigenous groups throughout the country to fight back by staging protests in 2008 and 2009, among other places in the Bagua region (Isla 2009: 14-15) as described in the introduction.

The titling of indigenous territories

The process of titling indigenous communities, started by the adoption of the national Law of Native Communities (DL 22175), in 1974. The law was subsequently edited in 1978, by Velasco's successor to presidency, Morales Bermudez (Gray 1998: 166). The law gives the indigenous peoples the right to get their territories titled. At that time, some titling was carried out through the government institution SINAMOS (Sistema Nacional de Movilización Social)

(Gray 1998: 166). During the second government of Francisco Belaúnde Terry (1980-1985), the colonization of the rain forest was intensified and the process of titling communities was almost paralyzed. Alan García (1985-1990) expressed a desire to title native communities, but blamed the small degree of activity on this front on the lack of economic resources to do it (Gray 1998: 166). The government of Alberto Fujimori (1990-2000) also showed little interest in titling communities. It is nevertheless the government of Alejandro Toledo (2001-2006) that have showed the lowest indexes of titling, both in terms of the number of communities titled and their total geographical size (Chirif and Hierro 2007: 180).

Throughout the years, there have been some fluctuations considering who assumes the responsibility for titling indigenous communities. Originally, it was the central government localized in Lima, and more specifically the Ministry of Agriculture that was in charge of the titling procedure. Later, it was transferred to the PETT (Proyecto Especial de Titulación de Tierras y Catastro Rural) which was an independent entity under the Ministry of Agriculture, after it had been the duty of the regional government for a short lapse of time in the beginning of the 1990s (Chirif and Hierro 2007: 181). Today, it is COFOPRI (Organismo de Formalización de la Propiedad Informal), an entity on the level of the regional governments that assumes the responsibility⁴⁰. COFOPRI holds the function of implementing the technical tasks in the process of the titling of peasant and indigenous communities. The aim of the formalization of the property is to give a judicial protection⁴¹. The process of shifting responsibility of the land titling from a national to a regional level resulted in a period where the titling process practically was paralyzed. In fact, the titling process is still paralyzed, but the indigenous organizations and some NGOs are now active in a public camping to put some pressure on the state officials responsible of this process (Eduardo Espinosa, personal comment).

Titling an indigenous territory is a long process with up to 26 stages (Gray 1998: 170-71; Gray 1997: 78). First, the community has to send an application to the Ministry of Agriculture to solicit an inscription in the national register. Then technical personnel visit the community and carry out a population census, a socio-economic survey, and make a sketch map of the territory (Gray 1998: 171). Based on this information collected by the technician,

⁴⁰ The Peruvian government is organized after a principle of decentralization; where responsibilities are distributed at regional, provincial and district levels which each have certain autonomy over their own affairs. At the local levels the municipalities are led by elected mayors and councils. The principal locus for political organization and state government is located in the capital Lima (Gray 1997: 67). In the case of Santa Martha, this implies that the regional government in Huánuco administers them on issues related to land titling.

⁴¹ <http://www.cofopri.gob.pe/index.aspx>

the Ministry of Agriculture makes a technical and legal report for the inscription, and the information from these reports is then gathered together and they draft a Directorial Resolution of Community Inscription (DRCI) (Gray 1998: 171). This DRCI has to be signed by the Ministry of Agriculture in the regional government (in the case of Santa Martha in Huánuco). A Notification of this Directorial Resolution is then sent to the president of the community and the local and district councils and the local Ministry of Agriculture. It is then officially inscribed in the National Register of Native Communities (Gray 1998: 171). After the inscription, the process continues with the demarcation of the territory. The Ministry of Agriculture makes a detailed visual inspection of the territory revising the boundaries and classifying the soil types to be able to classify the land type. When back in their offices, the soil is classified in three parts: those suitable for agriculture, those suitable for cattle herding and those classified as forest (Gray 1998: 171-172). The map is now drawn more detailed with the exact coordinates and with technical information produced in a Descriptive Memorial which is then sent to the local office of the Ministry of Agriculture (Gray 1998: 172). The latter then elaborates a testimonial from the Department of Agrarian Reform and Rural Settlement and a testimonial from the Department of Forestry and Fauna (Gray 1998: 172). The office of the regional government then elaborates a Technical Report and a Legal Report for the approval of the map. They also make a draft Directorial Resolution for the approval of the map. This Directorial Resolution is then signed in the regional government. The benchmark of the procedure (step 21) is the Notification of the map by the head of the community, the provincial or district council and the regional office of Ministry of Agriculture (Gray 1998:172). When these entities have signed the notification document, the map is legally binding. This is the minimum legal recognition of the property title. If there is “no appeal” within thirty days, a testimonial is signed by the Ministry of Agriculture Then a report on the classification of soil and on the technical-social study is approved (Gray 1998: 172).The approved titles are then registered on the regional office. Subsequently the title is sent to Lima where the process continues. In Lima the last step in the procedure is the inscription in the Public Registry Office in the regional government office, after the areas are approved by the National Cartographical Archival Mapping Programme, the soil classification is approved by the General Office of Forestry and Fauna, and a Ministerial Resolution is sent to the head of the Agricultural Ministry for Approval, and the Resolution is approved by the head of the General Office of Forestry and Fauna for the forest areas on the community lands (Gray 1998: 172). The higher the level of approval, the more judicial force the title is ascribed. However,

the process also becomes more expensive and comprehensive (Gray 1998: 173). In the case of Santa Martha, the title has not been inscribed in the Public Registry Office, but it has passed the step of Notification and the title is therefore legally binding.

The titling of Santa Martha and the presence of colonos

Santa Martha received its property title in 1986, during the government of Alan García (1985-1990). The communal territory of Santa Martha consists of 14 485 hectares and 6 000 m². However, the property title gives them only exclusive property rights to the land suitable for agriculture and livestock breeding. The part of the territory that in the state's definition is classifiable as "forest" is property of the state, but the community is entitled to use it⁴². This implies that they legally only have exclusive property rights to 9 077 hectares 4 000 m² of the community's territory, though the rest of the territory (5 406 hectares 2000 m²) is classifiable as forest according to the property title. It is however a question of definition what should be classified as forest and this is problematic for the residents in Santa Martha due to the reason that they practice slash-and-burn agriculture. Can swiddens be classified as forest or land suitable for farming? What about forest that are going to be used as swiddens? Moreover, what about the fact that people practicing this kind of agriculture do not have their *chacra* constantly on the same place? These questions are not taken into consideration by organising the territory in this manner.

The German anthropologist Erwin Frank was in the second half of the 1980's an important contributor in the process of titling the community. He did the job of demarcating the community's boundaries with his compass and other simple equipment, which produced data that served as a reference point for COFOPRI in designing the property title of the community. With the equipment they used back then, there is nevertheless a certain degree of inaccuracy, something that has caused later demarcations with more modern equipment, such as GPS, to produce slightly different results. This leads to a certain degree of uncertainty regarding where the limits actually can be drawn. However, there seemed to be consensus within the community that the territorial limits in the title document from Frank's time were the correct ones. Nevertheless, the residents were aware that it is difficult to know the preciseness of his measurements. Several of my informants therefore expressed a desire to do the physical demarcation again, but with the information from the Descriptive Memorial from

⁴²This is set in the Law of Native Communities article 11: "The part of the territory of the native communities which corresponds to land with forest aptness is assigned to their use and its utilization is governed by the legislation of the topic".

the title that Erwin Frank made as a starting point. This is a document that accompanies the map and the title document. It contains information about the exact location of the community with the territorial coordinates and other geographical details. With this document as a reference point, it would be possible to do the exact demarcation of the territory. According to Francisco, the president of the indigenous federation FENACOCA (Federación Nacional de Comunidades Cacataibo), the Descriptive Memorial is the most important document in connection with the property title, not necessarily its corresponding map.

There are also areas outside of the 14 485 hectares 6000 m² that are used by the inhabitants of Santa Martha but that are not included in the property title. The community has applied for extension of the territory (*solicitud de ampliación*) to include also these areas in the title. However, this application has not been approved by COFOPRI, and there are no other people that have been granted property rights to the area. This part of the territory was often just referred to as “the Extension” (*la ampliación*) and in Map 2 it is marked as a yellow area surrounding the community. As it appears on the map, this area is about double the size of the area they are now assigned in the property title⁴³. The Extension is utilized by the inhabitants of Santa Martha in their daily activities. Several families have their *chacras* here, and the area is used in other activities such as fishing. This area is therefore quite contested between the indigenous residents in Santa Martha and the *colonos* that both claim their rights to use this area.

The *colonos* claim that they have exclusive property rights to this area. This is, however, not true according to one indigenous community member called Luis: “This land is still free. It is not titled”. He moreover claimed that the Ministry of Agriculture had said that this extension belongs to Santa Martha. “That is why they cannot grant property title to the *colonos* for this area”, he said. However, on this part of the territory, the *colonos* have also established themselves and made pastures for cattle. “They enter in greater and greater number”, Luis told me.

The year 1984 became an important turning point in Santa Martha’s history. La Carretera Marginal; a road that connects the capital city of Lima with the city of Pucallpa (the capital city of the Ucayali region) in the central rain forest and that was finished already in 1942 was constructed a branch that connect it with Puerto Sungaro (Frank 1994: 134). The community members received the construction of the road with great enthusiasm; this because

⁴³ In the map, we can also see that most of the surrounding communities are in the same situation requesting territorial extension.

they had imagined that it would make it easier to be able to sell their products in the larger villages and cities outside of the community, something that would improve their economy considerably (Frank 1994: 135). However, with the road came other consequences. It facilitated a wave of immigration of *colonos* from the Andes region. Simultaneously, another group of *colonos* arrived from the areas upriver from the community and opened a smaller road here (Frank 1994: 135). Moreover, from the southern direction of the territory, arrived yet another group in 1986 (Frank 1994: 135). This had the implication that the community experienced pressure on all its territorial limits (Frank 1994: 134-35). This immigration process has exacerbated during the last decade, specifically after 2007.

Today, Santa Martha suffers from the presence of *colonos* mainly in the south western part of their territory (see Map 1). Due to the community's location in the highland jungle, most of the migrants come from nearby cities and villages in the Andes region, but some also come from other cities in the rain forest. The *colonos* come mainly in search of land, but also for work, for instance in the timber industry. As shown by the red symbols on the map, the *colonos* use the territory for timber extraction, hunting and fishing. In addition to their presence in Santa Martha and the neighbouring community Unipacuyacu, the *colonos* are also present in Puerto Nuevo and the area the community of Puerto Azul has solicited extension.

The *colonos* also practice livestock farming to a large extent, and some of the *colonos* have this as their only economic activity. This is an activity that demands large territorial areas and requires logging of most of the vegetation (see Figure 5). Some of my indigenous informants told me that the *colonos* even cut down trees of the wood species *bolaina* that they, as we have seen in Chapter 1, themselves commercialize. The indigenous saw it as a waste that the *colonos* were not even using the potential of the trees that they were cutting down, something they could do if they were selling it.

While the indigenous population in Santa Martha states the *colonos* are inside of the titled area, the *colonos* claim that the area where they have established themselves is not titled. They claim that the indigenous peoples have lost their property title because they have delayed so much in inscribing the title in the Public Registry Office for property titles. Some also proclaimed that they had the right to stay there because they had bought the land from "a gentleman". Some also said that they were paying some kind of property taxes to the district government in Codo del Pozuzo who had given them the right to use the land. The indigenous population themselves however, proclaimed that the *colonos* did not have the right to stay there because they had a property title. There is a superposition of property titles to the same

territorial area. There is an official one granted the indigenous populations by COFOPRI, and various informal titles granted the *colonos* by the mayor in the district government. In addition there are some *colonos* who proclaim that the territory is not titled to any part, and that the indigenous population therefore does not have more right to be here than anyone else. The inscription of the title in Public Registry Office is as we have seen, one of the last stages in the titling process. This registration has not been done in the case of Santa Martha. But, does this mean that they lost their property title for that reason? As we have seen in the process of property titling above, the minimum legal recognition is the Notification. Santa Martha has passed this step and therefore has obtained a legal recognition of their territories. Furthermore, due to the reason that the indigenous populations are secured the rights to their territories in the legal system, they should in theory not be in need of a property title. The discussion whether the property title is inscribed in public registers or not, is therefore not determining for the securing of their property rights. Despite this, there are conflicts between the indigenous population and the *colonos* regarding who has the right to stay in the community and who has not, as we will see in the following section.

Colonos, indigenous peoples and conflicting interests in Santa Martha

One day, we went to the Extension with a group of female informants, to go fishing with the *huaca* plant in one of the streams. On our way to the stream we passed the *chacra* belonging to one of the women called Teresa. Here we collected the *huaca* leaves and mashed them together in a big mortar made out of a wooden trunk with holes in it. The green mass that was formed, was put into several baskets which some of the women carried with them on the head. When we had walked for some time, we arrived to the stream. Along the stream, there are huge areas of pastures that belong to two *colonos*, two brothers from *la sierra* (the Andes). To get to this stream, one has to cross these pastures. As usual we started releasing the mass upstream and followed the fish on its way downstream. We were fishing for considerable hours and we had got a good amount of catch. In the afternoon, all the women in our group went back to their families to prepare their fish for supper. Later that night, when we were all back in the settlement and the fish already consumed, we were, as we often were at night, listening to the messages broadcasted on the radio. One of the messages was to *la señora* Teresa. The message said that she had to come to the police station in the district on the following day. She had been reported to the police. On the next day I went to talk with Teresa. She had no intention of going to the police station.

She knew what it was about, she said. She had been reported to the police for fishing in the stream of the two brothers. She told me:

They do not own this stream just because they have their cattle there. He is the owner of the cattle, not the stream. No one can be the owner of a stream. Besides, why does he not come here and confront me with it? What does it cost him? Why does he have to go to the police? He did not even sign that message with his own name.

The last time she was fishing in the same place, the *colono* had scolded her for fishing in “his” stream. Teresa told me this on our way to go fishing earlier that day. “If he shows up again I am going to tell him you are my daughter, as well as my lawyer. And then we will see if he will shut up”, she had told me. The other women were laughing. Nevertheless, she did not get the opportunity to say this to him before he contacted higher authorities. Teresa said that she could not afford going all the way to Codo del Pozuzo where the police station was located. Besides, she did not see the point in spending all her day at the police station. She told me that if she met him, she would use a special plant when shaking his hand. A plant that would inhibit his ability to talk, and then she would win this dispute. She furthermore expressed her anger by saying that this man was going to die together with his cows by the heat from the sun, because having cut down a huge amount of trees there would be shadow neither for his cows, nor for himself. In the end, he would be punished for his bad actions.

This case may serve to demonstrate the tensions between the indigenous peoples and the *colonos*. Neither of the two groups had papers stating that they had the right to claim the territory on the Extension. In the map accompanying the property title, this area is simply referred to as “terrain under the dominion of the state” (I will address this more closely in the next chapter). None of the groups therefore has exclusive property rights to the area but both argue that they have the right to use it. The mere fact that the *colonos* can report the activities of the indigenous peoples in Santa Martha to the police without having exclusive property rights to the territorial areas in question suggests that the police are favouring the *colonos*⁴⁴.

⁴⁴ Another case that might demonstrate this is a tragic event that happened in one of the neighbouring communities, Puerto Nuevo II, in July 2011. For a considerable time, the community had had problems with invading *colonos* staying in the community. They were depredate a large amount of trees and vegetation to clear space for cattle farming. One community member was trying to prevent that they were continuing to invade their territories. This led to a violent encounter where both the community member and his two-year old son were killed by the *colono*. Francisco told me that in this case the police was defending the *colono*. By feeling supported by both the Prosecutor (Fiscalía de la Nación) and the police, the *colono* had attacked the community member he told me. The presence of *colonos* is a problem that most of the indigenous communities are facing. Francisco, the president of FENACOCA indicated that there was a tendency that the police and the Office of the Prosecutor stand on the side of the *colonos* in these kinds of situations.



Figure 5: This photograph is depicting an area where one *colono* is practicing cattle herding. It is a plain area where practically all the trees have been cut down in order to clear space for pastures. Photo: Ida Elise Magnussen.

It also indicates that there are considerable power differences between indigenous and non-indigenous citizens of Peru. It shows the dynamics that Jorge points at in the quote in the vignette. It is now almost no place they can fish without the *colonos* saying it is prohibited. They even go through the police to inhibit them from fishing in the place that none of them have the formal property rights to.

As indicated earlier in this chapter it is however not only on the Extension that there are conflicts between the *colonos* and the indigenous. The *colonos* have established themselves on considerable areas of the titled territory. The indigenous population had gone several times to the border in order to dispel the *colonos*. According to my indigenous informants, the *colonos* had entered with the full conscience that the land was titled. In 2009 there had even been signed an accordance where several of the *colonos* had agreed that they would leave the community within 78 hours. This agreement was signed by the people from the community that had participated in a committee of vigilance to dispel the *colonos*. Despite this agreement however, the *colonos* had not left the community. In 2010, another act was

signed both by the *colonos* and the legal residents in Santa Martha; a non-aggression pact. The last one was signed in the district municipality and therefore has a legal value. The parties involved agreed that the community residents should stop the work to dispel the *colonos* until the territorial limits were confirmed by the COFOPRI, and the authorities in Codo. At the same time, the *colonos* should not do any kind of slash-and burn-activities and stop all the work they were doing there. Despite these agreements, the *colonos* kept up their activities inside of the titled areas in the community. When inviting the *colonos* to the settlement to explain what they were doing inside of the community in August in 2011, the community were given various answers.

One of the *colonos* informed that he had bought the land for 25 000 Nuevos Soles from another *mestizo* and that the transference of the land found place in the office of the judge (*juez*) in the district municipality. Others said that they had settled with the consent from another *mestizo* and simply paid him for the land without going through any legal entity. While yet others explained that they had simply settled on the land without consent from anybody. Some of the *colonos* also said that they simply were working as *peones* on another person's *chacra*. One indigenous informant from Santa Martha also told me that the *colonos* are deceiving each other. He said that there were *colonos* coming to settle in the community with the conscience that the land is titled. After a while he sells the land to another *mestizo* that arrives in the area, the last one in good faith not knowing that the land already has an owner in the community. When the community wants to dispel him however he does not know that he is in fact an invader.

Even though the community have their rights secured in the legal system, they did not receive much support from the district government. This was partly because the mayor had his own interests in the conflict. According to several informants, he had some hundred and twenty cattle inside of the communities of Santa Martha and Unipacuyacu that covers a total of about fifty hectares. He had also earlier been the president of the Association for Cattle Ranchers and Farmers in Codo del Pozuzo (AGACOP). His interests were according to Francisco, the president of the indigenous federation FENACOCA giving resources so that the *colonos* can look for free areas to make grasslands. The mayor had also on several occasions expressed that the community was not titled. According to the residents in Santa Martha, the authorities in the district were discriminating them, charging property taxes for the land from the *colonos*. The district municipality also stated that they disapproved of the legal recognition of Santa Martha as a Native Community. In this manner they were

supporting the invasion. This is also in line with the discussion in the beginning of the assembly. The mayor was mostly observed on his own, something which according to the residents in Santa Martha reflected his lack of popularity. The reason he had won the election was that he supposedly had given people money for voting for him⁴⁵.

The critique of the titling process

From its beginnings, Peruvian scholars were criticizing the titling process for being a kind of “institutionalized dispossession” (Barclay and Santos Granero 1980: 43-74, Chirif 1980: 15-24). This because titling the communities meant legally restricting which parts of the territory could be exploited. Giving the communities one demarcated area thereby affects their traditional territorial practices. For instance, practicing slash-and-burn agriculture implies that they have to move their *chacras* from time to time as the soil becomes infertile.

However, as many of the communities were, and still are, threatened by invasions from colonists in search for land, the titling process became a way for the communities to secure their rights to “what is left” (Barclay and Santos Granero 1980: 45), before it is too late. The concept of “Native Communities” was invented by the Peruvian state. This was a category that did not exist earlier in the Amazon, but which is inspired by the organization in the Andes (Narby 1989: 160). The social organization was rather mainly based on extended kin relations, and relations with the forest (Espinosa 2010: 245). The invention of the “Native Communities” therefore has been criticized though this did not correspond with the way these indigenous populations organized themselves before the implementation of this system (Gray 1997: 78). It created small “islands” within the Amazon that did not correspond with their view of the environment as territories; as one whole (Gray 1997: 78; Hvalkof 2002: 93-94) as seen in Chapter 1. In Santa Martha for instance, the property title does not include all the areas they are using in their day to day activities. Furthermore, their property regime does not divide the territory into individual parts that can be used by particular persons. Rather they practice as we have seen a common property regime where everyone has equal rights to the resources prior to its capture. The Law of Native Communities moreover encourages the Native Communities to practice agriculture and cattle ranching, though they are only secured exclusive property rights to these areas, whereas forests are property of the state and the indigenous populations therefore only use it in the state’s name. In order to secure their

⁴⁵ I am not sure if this is true, but this was expressed by several of my informants.

property rights, the indigenous populations must therefore make sure that as little land as possible can be classified as forest.

The titling process also facilitated the colonization of the areas outside of the titled areas. The Law of Native Communities was therefore not exclusively meant to support the indigenous people's territorial needs, but to secure the government the land that was not titled. There is in other words a double-ness connected to the titling process. At the same time as granting property rights to the indigenous populations, titling defines what is "up for grabs" for others. By defining which parts of the territory that belonged to the indigenous peoples, the state could claim the areas outside of these. This resembles a process that can be seen in Bolivia where the state privatized resources of gas and water in La Paz-El Alto and Cochabamba respectively, in order to accumulate capital (Spronk and Webber 2007). Spronk and Webber use the concept "accumulation by dispossession" (2007) taken from Harvey (2003) to describe this process where the government takes away the control of these resources from the local population for their own economic benefit. In Santa Martha, as in other indigenous communities in Peru, the state secures itself the right to the areas surrounding the titled areas. By granting property titles and giving them one bounded area, the Peruvian state is taking away from the indigenous population their territory in its totality, which for instance excludes them from the areas on the Extension. They are thereby giving the indigenous peoples certain rights at the same as they are depriving them of others. Since this is done for their own gain I will claim that this may be compared to the "accumulation by dispossession" that Spronk and Webber refer to.

In contrast to the case that Spronk and Webber discuss however, the Peruvian state not simply dispossesses in order to accumulate wealth. They do not only take in order to take, but they also give in order to be able to take. This is similar to the case described by Sawyer (2003) in the Ecuadorian Amazon. For the oil company ARCO in the Ecuadorian Amazon to be able to keep up their activities in the areas where there were indigenous populations, they helped the community obtain a common property title in order to make contracts with the local populations that were in favour of the establishment of oil concessions there. The company built alliances with the people receptive to oil development. The company believed that they could keep up their activities if they offered sufficient bribes to the local community. The community did not have sufficient resources to pressure the state into giving them the land title and had indeed been neglected on previous occasions when they had solicited titling (Sawyer 2003: 84). ARCO fixed this quite rapidly however, something that was attractive to

some residents. They organized the titling of the land they wanted to control. The company thereby acted pragmatically establishing alliances with the local indigenous population in order to be able to keep up their activities and gain money for their oil (Sawyer 2003: 84-85). This might be compared with the titling process in Peru where the state gives the indigenous population rights to one demarcated area in order to control the surrounding areas. By dividing the territory into communities, the state also makes the indigenous populations more legible (Scott 1998: 25) and easier to control. There is therefore an ambivalence connected to the titling process in that it grants property rights while it refuses them property rights to other areas that they are using. The titling process thereby does not acknowledge their way of relating to their environment as *territorio*.

Political organization of the community

In addition to the category Native Community in itself that is a state invention, the law imposes a non-indigenous political structure on the Native Communities. The appointment of these positions is carried out through elections every few years (every two years in the case of Santa Martha) (Gray 1997: 78). The political structure of Santa Martha is led by a board of directors (*junta directiva*). This board of directors consists of several authority positions. This political structure is not based on traditional leadership, but is imposed on the community through regulations in the Law of Native Communities. It is in other words a state invention. The highest authority is the *jefe de la comunidad* (community leader). He represents the community outwards. That is, he has to be inscribed in national registers with his name, and if someone from the outside wants to contact the community or wants to implement an activity in the community, he has to contact the *jefe*. The *jefe* is recognized by and has direct connections with the Ministry of Agriculture. The *segundo jefe* (vice leader) represents the *jefe* and acts as a kind of substitute when the *jefe* is absent. If so, the *segundo jefe* temporarily assumes the *jefe's* responsibilities and duties. The *secretaria de actas* (secretary of records) assumes the responsibility of writing the records for instance after community assemblies, whereas the *secretaria de economía* (accountant) has the control over the community's economical administration. The board of directors also consists of two *vocales* (vocals).

In addition to these positions, the community has an *agente municipal* (municipal agent) and a *teniente gobernador* (deputy governor) which, like the head of community, also have their second representative, secretaries and vocals. The *teniente gobernador* and the *agente municipal* are recognized by the municipality of the district of Codo de Pozuzo. The

agente municipal is responsible for implementing different kinds of work in the community. He is first and foremost responsible for ensuring the cleanliness in the community. The *teniente gobernador* assumes the responsibility of keeping order and security in the community. He is among other things responsible for contacting the police if a situation appears where its presence is necessary.

These authority positions are categories imposed on the community by the government. Frank argues that this structure of community government does not have much validity inside of the community. He calls it “an artificial government structure” (Frank 1994: 196). This is due to the reason that it only functions besides the community politics that is still based in family factions, “strong men”⁴⁶ and the principle of “equality” (Frank 1994: 196-197) he claimed. I will argue however that these ideas have changed since Frank’s time. The people did not tell me about, nor could I observe that it was any idea of “strong men”, nor authorities based on family factions. Today the community organize themselves mainly based on this “artificial government structure”. The people always referred to the *junta directiva* and the *jefe*. Through this structure, the *jefe* and the other authorities receive their legitimacy through their relations with the outside, namely the local government and not so much through their relations inside of the community. The authority categories are recognized and inscribed in public registers in the Ministry of Agriculture. They are therefore first and foremost acknowledged through their affiliations with the state on the outside and not so much on the powers exercised on the inside of the community. Both the category “Native Community”⁴⁷ in itself, and the political structure within it, is therefore not based on their traditional system of governance something which imposes the conditions for how they can claim their rights which must be done through a system which is not of their own creation, which is the topic for the next two sections.

The residents reflecting upon invasion and property rights

On a regular basis, the residents in the community arrange community assemblies. This is required by the political structure imposed on the community by the state described in the section above (Narby 1989: 159). Even though they are open for all community members

⁴⁶ According to Frank, there was a type of men among the Cacataibo that were characterized by their extraordinary strength, called *uni-cushi*. A *uni-cushi* always took action and initiative to implement an action. He was physically strong, had economic success and had artistic talents. A *uni-cushi* never asked for anything, he just took what he wanted. This challenges the idea of equality, in that being a *uni-cushi* allows one to do things that are prohibited for regular people (Frank 1994: 176-177).

⁴⁷ The concept of “Native Community” is adopted from the Quechua population in the Andes (Narby 1989: 160).

older than 18 years old, it was mostly the oldest residents who participated in these meetings. The youngest generation was rarely present. Both men and women (often with their small children) attend and are free to voice their opinions. All the meetings were held in the school building because they had not finished the project of constructing the *casa communal* (the community house). The community members often discussed the territorial situation in these meetings, even though it was not necessarily the main topic for the meeting.

One Saturday morning early in the month of July, Nelson, the head of the community, together with Francisco, the president of the indigenous federation FENACOCA, arranged a community assembly. Before the meeting started, Nelson was sitting by the desk in the front of the room by the blackboard, looking over his pieces of paper. Francisco was sitting in the middle of the locale, highlighting the document he was reading with a yellow marker. They were preparing themselves for the meeting. The few people present in the room were discussing the territorial situation of the community. They were discussing whether they should go to the border areas where the *colonos* were staying to go and dispel them.

Victor: We have to coordinate as a community and go all together. It is time we go see those people. To go to their fields, so that they will leave this place immediately. That we do not want to see them. So it ends!

Jorge: The [government] authorities are scared. They say that the land is not titled. The authorities in Codo have seen in which state Santa Martha is. They have said that it is not titled, that it has not been registered. 'Just go there. Just work', they say to the *colonos*. [...] since it is ours, we need to defend it. We are going to tell them it is ours.

Luis: The land is ours. We need to stop this. We have to tell them it is ours. Santa Martha has already been demarcated. That must be respected. COFOPRI will not come one more time to do the demarcation of the territory. It has already been done. The people need to respect that.

Jorge: We have territorial problems. More and more [people] are entering! More and more! We should start to defend at least a piece of it [the territory]. And if we cannot, then, between so many people that there is that sometimes fight over *chacra*, we need to share what we have.

Eduardo: Of course we can, Jorge. If they are inside of the community's land, we can throw them out.

Luis: Before, to go hunting was easy, to find a *Camano*⁴⁸ was easy. Now...

⁴⁸ The name ascribed the indigenous peoples living in voluntary isolation.

Claudia: ...[the sound of the] chainsaw send them [the animals and the Camanö] off far away.

Jorge: The amount of children that is there will not want to leave either. Maybe some authority will say: ‘just stay to be a resident’. Who are going to lose? We as working community residents. They will want to invade us.

The community members were concerned about the situation. It was an overall agreement that the *colonos* did not have anything to do in the community, even though the authorities in the district government did not stand on the residents’ side. The district government was accused of encouraging the *colonos* to enter the community, telling them the community was not titled. The presence of the *colonos* also affected the animals and this made hunting more complicated. Furthermore it gradually displaced the indigenous populations in voluntary isolation living there. However, despite the talking about going to see the *colonos*, many expressed that they were afraid of going to the borders, because on previous occasions when they had done so, they had been reported to the police. This was a fear that was real, as we also have seen in the fishing case above. The attendants were furthermore referring to the governmental structures like COFOPRI, in defending their territories. The fact that their territories had been legally recognized should be enough to be able to dispel the people staying illegally in the community.



Figure 6: Community residents discussing the territorial situation after the meeting in the school building. Photo: Ida Elise Magnussen.

They had been granted territorial property rights that the people had to respect. They had a property title. This was however not respected by the mayor in the district government as we have seen in addition to granting informal property titles had his own cattle inside of the titled are.

Francisco was concerned that so few people were interested in participating in the meeting. Nevertheless, something that surprised me was that Francisco started the meeting by posing a critique against anthropology. “Some anthropologists⁴⁹ have come to understand that this is a custom”, he stated. He was referring to the way he meant that some anthropologists were treating the difficult territorial situation in the community as a natural part their everyday life. “But we have to forget about this and do a conjoint effort to exclude the people that come to invade our territories. [...] I contradict the anthropologist for this”, he claimed. “Because he writes that the people live like this, and like that, that they do not have authorities, they work simply to have food on the table, come back in the evening and then sleep”. He continued by telling the participants that he had been to Lima in a workshop like that, and where one indigenous participant stood up and said:

These customs have I lived since my birth. I have not come to learn about this here in Lima. What I have come to learn is how to design a model of economic, social and cultural development to implement against the occidental, extractivist policies that invade our territories more and more. That is why I come there. Not to talk about how we live in our community. We are tired of this.

He was tired of telling about their way of life, and rather wanted to elaborate concrete actions in their struggle against outsiders coming to take advantage of their land. He was countering what resembles an essentialist discourse posed by the anthropologists. This stands in opposition to what Warren (1998) observes in the case of her Maya informants who countered the constructionist approach of the anthropologist in order to defend their rights as indigenous peoples. They made use of an essentialist approach to indigeneity to counter what they called the “colonialism of anthropology”. The anthropologist found that quite striking and ironic as she herself saw the constructionist approach as favourable in countering what she terms the “four fallacies of Indianness” (Warren 1998: 77). For the Maya, the essentialist rhetoric was a way for them to counter the Ladino definition of them as their subordinates (Warren 1998:

⁴⁹ It is unclear to me what kind of anthropologists Francisco was talking about. It is probable that he was referring to those anthropologists hired by the oil companies or by the state. It is an extended practice that these anthropologists organize workshops with indigenous representatives in order to convince them of the benefits of among other things, oil exploitation.

78). It was thereby an answer to domination that they were not adjusting their life to the Ladino. Francisco also criticizes the anthropologists' dealing with the indigenous peoples, but he nevertheless does it in another way than the Maya, by countering the essentialization of conflict in their way of life. Francisco continued by referring to the articles 13, 14 and 17 in the ILO Convention 169, which state that the governments should respect the rights of the indigenous peoples to the property and possession of the land they ancestrally have occupied for their traditional activities. Francisco explained that property refers to the part of the territory that already is granted a property title, while possession is the part of the territory that is not titled, but that is inhabited by and used by the community members. They should thereby be secured rights through the property titles and the territories they use, like for instance the Extension. "However, unfortunately, the government does not respect this convention, or the Law of Native Communities. They do not respect our collective rights", Francisco proclaimed. He continued speaking:

Even though Venezuela has been criticized by many countries, Venezuela does respect the territorial property of their indigenous peoples. In Venezuela, their territories are inalienable, unmortgagable and imprescriptible. The three of them. In Peru however, we only have one single defence; that it is imprescriptible. Bolivia however, does respect ILO Convention 169. In Bolivia, the indigenous peoples have right not only to their land [*terreno*], but also to their *territory* which is much more extensive than the former.

As addressed earlier in this chapter, the territorial rights of the indigenous peoples have become reduced from being, according to the Peruvian constitution of 1979, inalienable, unmortgagable and imprescriptible to simply being imprescriptible in the constitution of 1993. It therefore seems that the Peruvian Constitution is not taking the territorial rights stated in the Law of Native Communities into consideration that furthermore states that their territorial property of the native communities are inembargable, inalienable and imprescriptible (article 13). According to legal theory, the Constitution takes precedence over other laws, something which does not always benefit the indigenous populations when this implies that the Law of Native Communities is ranked second.

To be able to protect their territories, it was important that the people did an effort to make their rights prevail. If the state did not do a sufficiently good job, they had to find other strategies. "The only way to protect our forest is by defending it ourselves. No one will come to defend our forests if we are not defending it and if we do not protect it, if we do not

cultivate it”, Francisco continued. Still he kept referring to the legal system. He had brought the Penalty Law (Código Penal) through which several of the authorities in the community had been sanctioned. “We have also got our defence in this law”, he said. “I am going to read a part of it”.

So that we are not going to be afraid of the people that get into our territories. We are the only owners. Not even the state is the owner of our territories. They have not given us our territories, they have just recognized it. We have lived for hundreds of years in these places. Due to this it is not the government that has given us our territories. They have simply recognized it with a document, with a property title and a map.

There is thus ambivalence in Francisco’s statements here and what he says earlier in his criticisms of the anthropologists. By claiming their rights as indigenous peoples, they are still at least claiming a “priority in time and space” (Pratt 2007: 398-99). By arguing that they have lived there “for hundreds of years” Francisco claims that they have existed there since before the emergence of the state and the *colonos* in the community. He is thereby here making use of an essentialist discourse of identity. By claiming that the state have not given them their territory, simply recognized it legally, they are claiming a priority to these territories. Still, they are forced to claim their rights through this legal recognition by the government.

Francisco read the article 310 from the law, which deals with crime against the forest and other woodlands: “the person who without permission, licence, authority or concession from a qualified authority, destroy, burn, damage or log, in whole or part, forests and other types of woodland, natural or plantations, will be punished with imprisonment of no less than three years and no more than six years and with forty to eighty days of provision of community services”. Francisco kept reading article 310 c: “If the crime is committed inside of the lands of native communities, peasant communities or indigenous villages, protected natural areas, closed areas, forest concessions or private conservation areas recognized by a competent authority, the imprisonment sanction will be no less than five years and no more than eight years”. He then concluded that “the law is here! We are the only owners. There are people coming without the authorization from anybody”. By going through this system they did not need to be afraid of the people invading their territories because they had their rights in this system.

You have laws that protect you. Why can we not apply them as well, in order to make the people that invade us become judged like our own authorities? They abuse our

community members with this law. We need to be *mano dura*⁵⁰. We have to report them to the police. Without our consent, many hectares of forest have been depredated. They [the *colonos*] are paying for their pasture. They should pay us for the forests that they have destroyed as well.

If the community authorities had become convicted by way of the laws, they could go the same way to make the *colonos* become convicted as well. They needed to make use of the same system they were convicted by. The government was also partly to blame for the lack of respect of their territories in that they did not pay sufficient attention to the laws and conventions designed specifically for the rights of the indigenous populations, according to Francisco:

What the authorities are doing is that they implement the laws of the state of the rest of the national society and they do not make the difference between the indigenous community and the rest of the national population. As article 89 in the Constitution states, the native communities are autonomous in their organization and their free disposition of their lands. What does it mean to be autonomous? That I can decide my own development, [...] in accordance with my customs, in accordance with my reality. We have our own autonomy.

As a Native Community they were secured certain rights in the legal system. However, according to Francisco these rights were not respected by the Peruvian government. Even though they should be autonomous in their internal government, there is however an ambivalent aspect in this in that they still need to adapt to the legal system not of their own creation. As I will address in the following section, the resident in Santa Martha are making use of different discourses in defending their rights and countering the claims by external actors to their territories.

Two discourses⁵¹ on indigeneity: essentialist and constructionist

We have seen above that the system of Native Communities is invented by the Peruvian state. This applies both to the organization of the territorial property in the communities and the political structure within them. By organizing all the indigenous communities in the country within this same organizational structure, one may claim that indigenous identity in this way becomes essentialized. At the same time the indigenous populations must adapt to the conditions this system facilitates. This stands in contrast to the identity at a local level

⁵⁰ Literally the expression may be traduced as strong hand or iron fist. Figuratively it means to be tough on crime or imposing strict measures against crime.

⁵¹By discourse is implied a foucauldian understanding of the term: "the group of statements that belong to a single system of formation" (Foucault 1972: 121).

however, which as we have seen is dynamic and processual and varies depending on the context. Whether they identify as Cacataibo or Uni depends on whom they relate with. In addition as we have seen the community consists of a mixed indigenous and *mestizo* population, something which also stands in contrast to the uniform category of community that makes identity become essentialized. They are still categorized together as one uniform entity.

In addition to this essentialist discourse on indigeneity imposed on them by the Peruvian state, the population is also themselves pragmatically making use of an essentialist discourse by claiming that they have right to the territory because of their “prior occupancy of land” (Maybury-Lewis 2002: 6). Francisco states in the meeting that they have lived on the territories for hundreds of years and therefore has the rights to these territories. They have been living on these territories since before the emergence of the state and therefore have rights to be here. They have not received their territory by the state. The state has simply recognized it officially through some documents. The residents are therefore in a way making the same arguments as the Mayas (Warren 1998) by claiming a perennial existence on these territories. This is also in line with Ramos who argues that essentialized images can be used by the indigenous people in order to fight for their rights (Ramos 2003: 375). They must behave in a certain way for their voices to be heard. That is, according to the structures of their dominant others.

By making claim to the territorial areas they are using, but not granted in the property title as showed in the fishing case on the Extension, the residents furthermore defend their territories through their *de facto* rights (Bremner and Lu 2006: 502; Schlager and Ostrom 1992: 254) to their territory. That is, through their internal organization in the community through the use of the resources. This is what Francisco refers to as possession in the community assembly. They are also claiming their *de jure* rights (Bremner and Lu 2006: 502; Schlager and Ostrom 1992: 254) by constantly making reference to the Peruvian legal system. One might claim that they in a way need to act within the space they have been given within the nation state, even though as we have seen, this is not a space of their own creation. They can only claim their rights through the conditions imposed on them by the dominant governmental structure. This is a point also made by Tsing who argues that the nation-state policies always impose the conditions for the lives of the indigenous peoples within it (Tsing 2007: 39). This in turn determines the conditions for resistance and the way to fight for their rights. For their voices to make a political difference they need to relate to the nation-state.

They must in other words operate within the frames imposed on them by their dominant “other” (Tsing 2007: 39). Indigeneity is thereby connected to the national classifications and managements made by the state (Tsing 2007: 39). They must therefore operate within the space that the legal system opens for them. Even though we have seen that the identification of the ethnic group is dynamic and depends on the context, through the legal system their identity is essentialized. They are given rights through their status as a Native Community as a uniform and static entity. By imposing the same system on all the ethnic groups in the Amazon as one entity also implies a kind of essentialization. External definition by the state of the indigenous populations is therefore important, which Barth also acknowledges (Barth 1994: 182-183). This is also in line with Jenkins who acknowledges that one must pay attention to power and authority in identification (Jenkins 1994: 197, 2004: 100). In the assembly, Francisco refers to the Constitution, the Law of Native Communities and the Penalty Code in defending their rights.

They are however not only making reference to the national framework, a national indigeneity. For the indigenous authorities to achieve influence outside of the local level, their opinions must resonate both nationally and internationally (Tsing 2007: 57). They are also making use of an internationalist indigeneity (Merlan 2009: 303), by referring to the international legal framework through referring to ILO-convention 169. This is done through the indigenous federation FENACOCA and its president Francisco who come to the community to inform the residents about the rights they have in this international legal system for indigenous peoples. By indicating a world collectivity of indigeneity, identity is also in this manner essentialized. This is for instance done by Francisco in comparing the rights if the indigenous people in Peru with the rights the indigenous people have in Venezuela and Bolivia. By being secured their rights in the same legal system through the ILO-Convention 169, they should not be worse off than their neighbours even though he claims that the Peruvian state does not respect their collective rights. This grand focus on the universal laws for indigenous peoples are manifestations of the adoption of a more “global” or transnational understanding of what it means to be indigenous, (Merlan 2009). Nevertheless, even though in the internationalization of the category indigenous it is often treated as if it was one, there are a range of different identities included in it (Merlan 2009: 320). As Gausset et.al. claim, in the international legal framework there is no definition of indigenous peoples since it is impossible to get one that apply to everyone and in every contexts (2011:137). In the United Nations Forum for Indigenous Issues has for instance decides to adopt no formal definition

and the fact that one self-identify as indigenous is enough to be considered indigenous (Gausset et.al. 2011: 137). The international legal framework therefore acknowledges the constructionist nature of indigeneity. This stands in contrast to the Peruvian legal system that has a definition of Native Communities based on the community organization in the Andes region that does not fit with the traditional organization in the communities in the jungle. This is also recognized by Erwin Frank which saw that the political structure was an “artificial government structure” (1994: 196).

In both the internationalist indigeneity and the national Peruvian indigeneity, ethnic identity furthermore becomes essentialized. Nevertheless, the voices that the indigenous peoples express are not only results of the pressure imposed on them by their powerful others. The indigenous peoples also need to make new strategies for expression within these frames (Bigenho 2007). It is therefore important to acknowledge not only external manipulation on the state of the indigenous peoples but also how the indigenous peoples act within the system imposed on them by the former.

By more or less pragmatically employing an essentialist discourse one may therefore claim that indigeneity is in this manner also is constructionist. This is also a point made by Warren (1998: 78) who claims that even though her Maya informants made use of an essentialist discourse in order to defend their rights, this essentialism was use pragmatically to achieve a certain end even though their identity in their everyday life is more flexible and in flux. As we have seen in the section about identification of the ethnic group, identity changes depending on the context. Indigeneity is thereby not a “fixed state of being” (de la Cadena and Starn 2007: 11). It rather changes according to the context and with whom one relates. As we have seen above, the way the Cacataibo relate among themselves and others depends on the context. De la Cadena and Starn argue that it cannot be considered something that has been the same since times immemorial but rather a conscious or unconscious selection of elements which is dynamic and can change according to the situation (de la Cadena and Starn 2007: 3). It is relational; something which implies that it is constituted and reconstituted through the encounter with others. It is a process where what it means to be indigenous and how it is manifested differ in different contexts and where different goals for its manifestation are prevalent. I thereby argue that the constructionist and the essentialist discourses are not opposed but rather function together and are intertwined. In Santa Martha, this is evident through their emphasis on the fact that they can claim a prior occupancy of the land. This is both an argument made by Francisco and the rest if the residents in the meetings.

At the same time they adjust their claims to the legal frame, where indigenous identity is essentialized by supposing an international collective identity as indigenous. This shows that identity can be used pragmatically in order to make claims to what is theirs even though they do not belong within one clear ethnic category. This demonstrates a constructionist tendency in that it can be employed differently in different contexts, more or less consciously and sometimes even pragmatically in order to achieve a certain end. Francisco plays an important role in this process by informing about their rights. Essentialist images must therefore not necessarily be used negatively.

Conclusion

There is a conflict of interest over land between the indigenous population in Santa Martha and the *colonos* that have settled in the community. This implies contested claims to areas that both uses in their economic activities, as for instance the fishing case has demonstrated. The community experience limited support from the district government where the mayor himself is one of the invaders and have his own interests in the conflict. The system of titling indigenous land, as well as the organization into Native Communities, and its political structure is an invention made by the state. In order to be able to defend the right to their territories however, the indigenous population in Santa Martha need to act within this frame of external categories of governance. The indigenous population thereby have to make use of an essentialist discourse on indigenous identity in order for their rights to be respected. This is done through making reference to their rights they are granted in the national and international legal system. In order for their rights to be heard they need to adapt to this system imposed on them by their powerful others. By employing these discourses consciously however, I also argue that identity in this way is constructionist in that it depends on the contexts which aspects of it that are most prevalent. Identity and land is thereby closely linked in that they can make territorial claims through their identity as indigenous.

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3. Defending territorial property rights through maps

[...] the native inhabitant's map is held not in the hand, but in the head, preserved not on paper, but in memory, in the form of a comprehensive spatial representation of his usual surroundings (Ingold 2011: 219).

In the preceding chapter I have showed how the indigenous population in Santa Martha reflected upon the threat from the *colonos* and their territorial rights through their identity as indigenous peoples. They made use of an essentialist and internationalist discourse of indigeneity which at the same time shows that identity is constructionist and that different goals for its manifestation are prevalent in different contexts. In this case the goal was to defend their territorial property rights in their aspect as indigenous peoples. In this chapter I will go one step further on this argument, by discussing how the residents make use of schematic representations of the territory, namely maps, as evidence to justify that the territory is theirs. The maps are among other things one of the most important documents elaborated during property titling. These are also tools which the indigenous population is not making use of in their everyday interaction with the environment, but which nevertheless is the language which their external powerful others understand, namely the Peruvian state. Still, maps are not neutral and can be interpreted and used in a range of ways by different actors. Maps cannot reproduce the territory it is supposed to represent in its totality. The maps are not simply representations, but rather creations of the reality they depict and they are in this manner not neutral. In this chapter I will other words show how maps can be used to delimit and demarcate land claims and titles (Herlihy and Knapp 2003: 308) as well as how they can be used against land claims.

There have been made a range of maps over the territory of Santa Martha by different organizations and institutions and the community members expressed a concern for which map over their territory was the correct one. By correct I mean in a sense that it contains the most accurate information about the area. Before going into this, I will start by presenting some theoretical perspectives on maps. Then, I will analyse the maps over Santa Martha in

relation to these perspectives. How can an analysis of maps provide a useful tool in understanding territorial dynamics? Under which circumstances do maps empower or marginalize indigenous peoples? How can an emphasis on maps say something about the relationship between the indigenous population and the state?

Maps as tools of marginalization or empowerment?

Traditionally, maps have not been an integral part in anthropological analysis. In the cases where it has accompanied the ethnography, it has mostly been included to locate for the reader the area where the author has conducted his or her fieldwork (Chapin et.al. 2005: 621). The analysis of the making and using of maps for political purposes has become more common during the last decade and a half. Many anthropologists are for instance involved in mapping of indigenous territories to legitimize these groups' rights to the territories in question. "Participatory mapping" or "participatory GIS"⁵² is an approach that has appeared more widely after mid- and late 1990's (Chapin et.al. 2005: 623). Participatory mapping implies that the map makers collaborate directly with the local populations in elaborating the maps (Herlihy and Knapp 2003: 304). Participant observation was the inspiration to the development of this method and it also has phenomenological roots (Herlihy and Knapp 2003: 304-305). The method arose in Latin America due to the need of maps over the territories of the indigenous populations that in the 1990's were quite deficient (Herlihy and Knapp 2003: 306). In this manner, mapping is used in order to help indigenous populations make claim to their territories and resources. The method is therefore used for political purposes (Chapin et.al 2005: 620). The mapping of indigenous land has been (and still is) a useful tool for the indigenous peoples in their process of defending their territories. However, due to the need of economic resources and technical expertise to do the mapping of the territories, mapping is still a "science of princes" (Harley 1988: 281 cited in Peluso 1995: 387). There are for instance very few GIS laboratories inside of the indigenous federations in the poorer countries. In Peru, there are two GIS laboratories that practice participatory indigenous mapping; CIPTA (Centro de Información y Planificación Territorial Aidesep) within the indigenous federation AIDSESEP, and SICNA (Sistema de Información de Comunidades Nativas) at the office of the non-indigenous NGO IBC (Herlihy and Knapp 2003: 309; Smith et.al. 2003). However, according to Peluso, mapping is "unlikely to become a 'science of the masses' simply because of the level of investment required by the kind of mapping with the

⁵² Geographic Information Systems

potential to challenge the authority of other maps” (Peluso 1995: 387). This means that indigenous mapping in most cases necessarily has to be acted out by someone with the required expertise and equipment as well as the required economic resources. The community has therefore collaborated with the IBC in making a range of maps over the territory. This NGO is furthermore associated with the indigenous federation FENACOCA that Santa Martha constitutes a part of.

The geographers Herlihy and Knapp (2003: 303) argue along the same lines as Peluso (1995) by stating that mapmaking has gone from being a tool of the people in power to becoming a source of empowerment for the indigenous peoples, which also resembles Tsing’s (1999) approach to maps, who shows that adding information to the maps for instance about how the local population uses the territory, they can be used to reclaim their rights to the areas in question. Maps can in other words be important tools in order to defend and legitimize territorial claims. The method of participatory mapping gives indigenous peoples the same status as the researcher by being part of the map-making process, and the knowledge of the two parts are looked upon equally (Herlihy and Knapp 2003: 304). Participatory mapping is therefore very much a political act in its use to serve a specific purpose (Herlihy and Knapp 2003: 310). Nevertheless it has to be done with the interference of NGO’s or other actors with the required resources, as Peluso states. However, the anthropologists Chapin et.al. argue that the word “participatory” has been overused and abused (2005: 627). It is being used in so many disciplines and contexts that the word has a range of different meanings connected to it, and it is furthermore difficult to draw a division between participatory and non-participatory (Chapin et.al. 2005: 627).

Maps may therefore be used not simply as tools for the ones in power (the state), but also by the “power-less” (indigenous populations). Tsing (1999) describes how Mankiling villagers collaborate with environmentalists to make maps over their territory in order to defend their rights as tribal peoples. Nancy Peluso uses the concept “counter-mapping” (1995) to mean “the use of maps to argue against state claims by spatially depicting the explicitness and historical priority of local resource control” (Tsing 1999: 412). Peluso states that mapping has generally been used by colonial powers to dominate others, but she underlines that the local groups also can use it as a tool and “evidence” of their territorial rights. Tsing however argues that “the precise technology of mapping do not narrow down the truth but instead open territorial classifications as a matter of democratic public debate” (Tsing 1999: 417).

Tsing describes a process of collaboration in map-making between a local indigenous population and environmentalist in the Meratus Mountains on Kalimantan. By adding different layers of information to the community map, it makes it a “tour de force” (Tsing 1999: 417). By putting the timber concessions, the community halls, the use of the territory’s resources and so on into the same map, it makes the rights of the Mankiling villagers count as much as the rights of the loggers. When these different layers of information is presented in separate maps, it gives the reader a “choice” between which interests to support depending on which map he is looking at. Together however, the reader cannot ignore certain aspects of it, as they are all presented in the same map. As Scott argues, the information selected to be displayed in the map can be used pragmatically to serve a special purpose. In the case of Mankiling the map can be used to defend their traditional territories. By including a range of different information in the same map instead of having several separate ones, the map gain more force as all the claims to the area get equal value.

Scott argues that there is a kind of transformative power connected to maps (1998: 87). This power is not an attribute of the map itself, but rather by the persons or institutions that create or use the maps. Putting all the information about the specific territory into one single map would necessarily imply that the map would be overloaded with information. The map-making process is therefore a selection of certain traits of the place that the map aims to represent. This implies that the map is not a neutral representation of the reality it is supposed to depict but rather a more or less conscious selection of facts presented to serve a specific purpose. Therefore, unless the map ignores information necessary for its use it cannot be seen as deficient (Scott 1998: 87). The purpose of a map is in other words to simplify and summarize the territory in question to the specific purpose that it aims to serve. This means that there can be made a range of maps over the same territory that looks differently depending on who makes it, who is going to use it, and what purpose it is supposed to serve in that specific context. The map can therefore be used as a tool more or less pragmatically for political purposes. However, even though the map is made to serve a specific purpose, it either serves or fails to serve this purpose (Scott 1998: 87).

The anthropologist Orlove (1991) also argues that different persons may perceive the same territory differently, something which results in the emergence of totally different maps over the same territory between let us say the state and the local population. He describes the making of different maps by peasants and government officials over the area around Lake Titicaca, in the Peruvian Andes. He discusses two processes in the analysis of maps. The first

is “analysis of form”, and the second is “analysis of practice” (Orlove 1991: 4). While the first refers to the map in relation to the specific landscape it depicts, the second form of analysis also includes the peoples’ viewing of the map and their purpose for turning to that specific map (Orlove 1991: 5). However, even though the map has been designed for a specific purpose and for a specific selection of persons, being a material object it can be viewed in other moments in time and with other purposes, by other people. The same map may therefore be subject to multiple interpretations. Orlove suggests that by taking all these aspects of the making and use of maps into consideration this makes the study of maps an analysis of the “social life of things” (Appadurai 1986). Orlove therefore has an approximation unlike the other approaches presented above that looks either upon how the maps are being used by the power-holders to exercise power or by the powerless as an instrument of empowerment. In Orlove’s case, it seems that both the peasants and the government representatives perceive themselves as the legitimate possessors of the area and at the same time, they believe that the other part recognizes this right and accept their claims to the area. The maps in this case can therefore be used to interpret the understandings that each part have of the conflict. Different maps over the same area can therefore tell different stories about the territory and peoples’ relationship with it.

Gow (1995) argues that in the community of Santa Clara by the Bajo Urubamba River in the Peruvian Amazon the indigenous peoples do not see the territory as it can be seen in a map. In the map, one cannot see the social reality that lies within the territory. The landscape, he argues, needs to be seen as a “lived space” (Gow 1995: 59). With this, he means that it cannot be understood by an abstract representation like in a map. You have to be “implicated in the landscape” to understand and learn about it (Gow 1995: 51). In the landscape are embedded personal relations through histories about the ancestors. It is the home of the forest spirits and their source of subsistence. In other words there is a whole cosmological universe implicated in the landscape. All these aspects of the territory cannot be captured in a map.

The Peruvian state does not have the same knowledge as the local population of the landscape. For the people in Santa Clara, the map that accompanies the document of the property title cannot be used to orientate oneself in the landscape, nor does it give special rights to particular persons to defined parts of the territory. The relationship with the territory is so complex that this document is only representing a little piece of the relationship they have with the landscape.

For the Peruvian government however, this map is used as the basis for how property rights are distributed. This creates a power-relationship between the state and the indigenous, where the politicians decide how the territories in Santa Clara are divided between the people that live there based on the state's own interpretation on the territory.

In other words, Gow's main argument is that the complex reality of the community cannot be represented in a map. Moreover, the map simplifies the reality that it is supposed to describe. Maps are therefore not just neutral representations of the reality but it creates the reality including some aspects while excluding others. Gow argues to a large extent along the same lines as Scott. The same map can tell a very different story of the reality it is supposed to describe depending on the information that appears in it. The same applies for Orlove who shows that different persons can have quite different perceptions and thereby make different representations of the same geographical area.

Tsing and Gow agree that the maps are not neutral but politically loaded. In contrast to Gow however, Tsing sees the map as a useful tool to defend the rights of the indigenous peoples. Gow sees it at the same time as a false representation of the reality that it is supposed to depict. Maps are not only neutral representations but they also create the reality that they are supposed to represent. Landscape is not only lines on a piece of paper, but rather tools of power. Even though the environment cannot be presented in its totality in a map, the map still serves as important weapons both for empowerment and marginalization. They must necessarily be simplification of the social reality lying behind it, but this is also a requirement following Scott for them to get their force. At a continuation of this I will address how maps over Santa Martha have been perceived by the residents in the community.

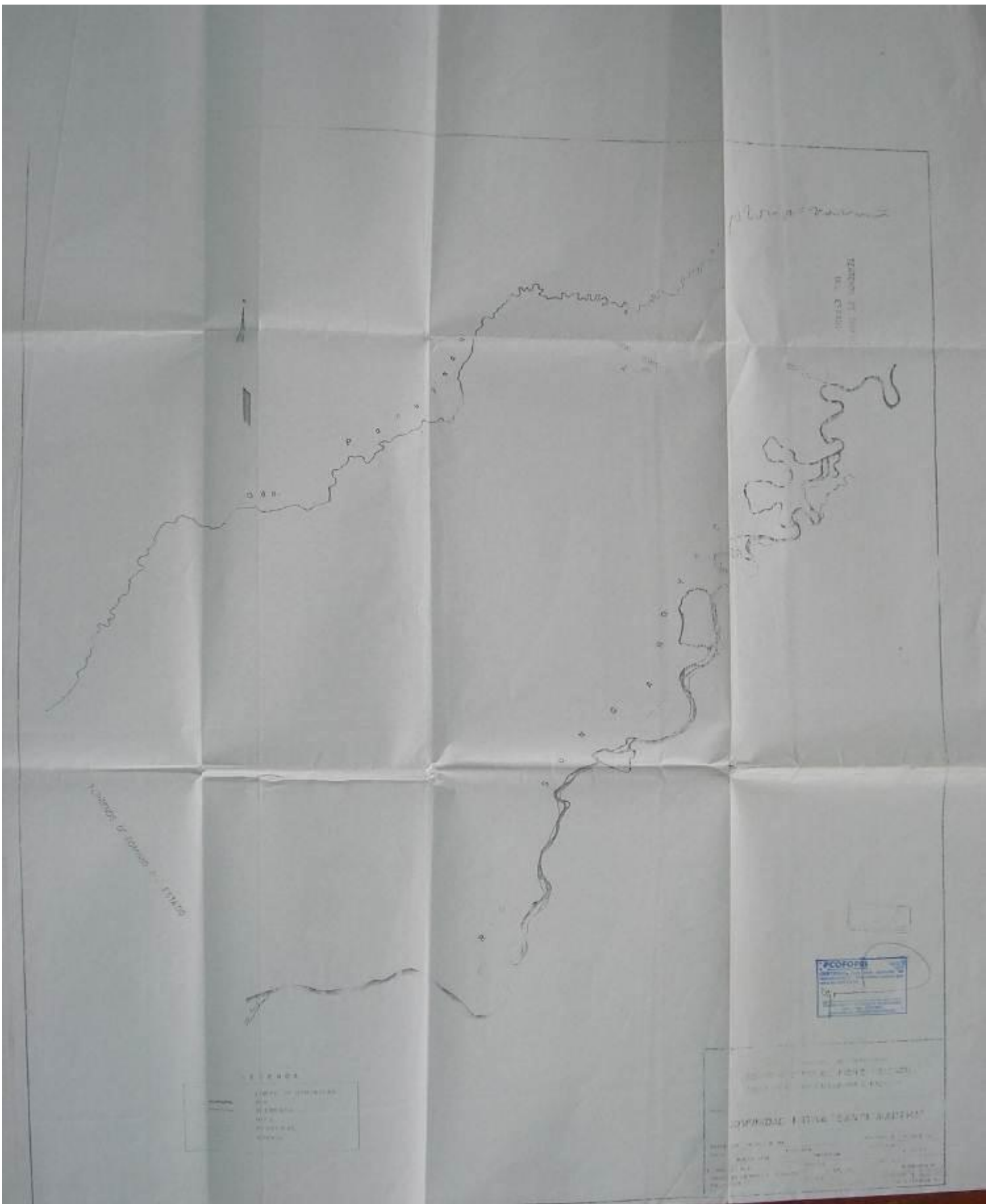
Maps in Santa Martha

In line with the theories presented above, there have been made different maps over Santa Martha which one may claim have been made by different processes and for different purposes. In this manner one may claim that they are made to serve a specific political agenda. In this section, I will examine maps made by two institutions; one governmental and the other non-governmental. One made by the state agency for land titling, COFOPRI, and three maps made by the NGO IBC (el Instituto del Bien Común).

As we have seen in Chapter 2, an important part of the titling of indigenous land is the elaboration of a map over the community. Map 3 is the map elaborated by COFOPRI during

the titling process in 1986. The map is in a strict sense of the term, a simplification of the territory that it represents. It is made on a plain white paper with faint lines marking the community's outer borders. At the long margin of the territory to the right on the map, one can see the Sungaruyacu River and on the other long edge to the left one may see the stream called Pacuyacu. On the short edges is written "land under the dominion of the state". The community Unipacuyacu which is located on the other side of the Pacuyacu stream does not appear on the map. The area denominated the Extension, as described in Chapter 2, is also left out. The map does not say anything about directions and the reader unfamiliar with the area will not know which way is facing north or south. The map does in other words not say anything about the socio-geographical environment surrounding the community. Inside of the area marked as Santa Martha's territory, there is no information about geographical details such as rivers or streams or other environmental attributes. The map does not contain information about the internal use and distribution of the territory even though the local population knows who has the right to use determined parts of the land. For people from the outside, like representatives from the Peruvian government, not having the local knowledge of the use of the territory, they use the map as a source when granting titles and property rights. It is a simplified depiction (or creation if one likes) of the territory. Therefore, when used as reference point when granting property rights, it might in some cases not favour the interests of the local populations in question. This might also be the case for *colonos* coming in, not knowing the rules of the territorial game settling in areas already being used by the original population. On the map appears a lot of empty space, but this does not totally correspond with the reality on the ground. The titling of the community defines the area belonging to the indigenous populations at the same time as the land belonging to the state. This process is reflected in this map, as it is only the outer limits that is demarcated, as well as the territory belonging to the state is marked with capital letters. On the right hand corner at the bottom, one can see COFOPRI's stamp, something which gives the map an official legal value.

As already mentioned, the map does not contain much information about what can be found outside of the communal territory. It is thereby in a way similar to the map the oil company ARCO made over the territory of a Quichua population in the Ecuadorian Amazon where they has established their oil wells (Sawyer 2003: 78).



Map 3: This is the map accompanying the property title of the community elaborated by COFOPRI in 1986.

This map only included the information of interest for the oil company; the name of the mayor cities and the location of the oil well. The territory was in a way “disconnected” with the world around it (Sawyer 2003: 77). The map did not show the social and political relations around it. The area appeared as empty⁵³ (Sawyer 2003: 78). It appeared as a “neutral space of nature” (Sawyer 2003: 83). The same apply for COFOPRI’s map. The map does not show that there is another community on one of its borders. It does not show the area the residents refer to as the “Extension” that is being used by the residents in their everyday economic activities as seen in Chapter 2. It does not show the conflict-ridden political nature of these areas between the *colonos* and the indigenous. It is therefore a lot that is not included in this map. The map presents the community as an isolated piece of land. It can easily be seen as an object implicated in the understanding of the environment as *tierra*. For people not knowing the area, they could be totally ignorant of the social and economic dynamics in this area. This way of separating the space from its contexts may be seen as a strategy for claiming authority to these spaces (Sawyer 2003: 79). In this case, to the areas outside of the communal territory granted a property title as showed in Chapter 2. Through the titling of the community, the colonization of the areas around it becomes easier, both for the state and the *colonos*. By depicting it as empty nature, it conceals the competing claims to the area between the *colonos* and the indigenous population. COFOPRI’s map shows no sign of human activity in the area.

One might claim that the state map (COFOPRI’s map) indicates their lack of knowledge about, and perhaps limited interest in the internal organization of the communal territory. Nevertheless, as Scott (1998) argues, all maps are made with a specific purpose. In this case, the purpose of COFOPRI’s map is to demarcate the communal territory of the community in order to grant a property title to this area. This is also done in order for the state to be secured the property of the areas on the outside of it. The map cannot perhaps in this sense be seen as deficient since it serves its intended use as seen from the perspective of COFOPRI.

⁵³ This brings out associations of the depicting of the amazon as “empty” as emphasized by the Peruvian ex-president Belaúnde (1963-1968). This “myth of the vast Amazonian emptiness” is also described by Smith (1982). Belaúnde conceptualized the Amazon as “land without people for people without land” (Espinosa 2009: 143) and encouraged a colonization of these areas. He operated with the slogan “the conquest of Peru by Peruvians” (Contreras and Cueto 2010: 320). Belaúnde encouraged people from the highland to settle in the rainforest (Gray 1997: 76). This was to integrate also these areas into the country’s economy. However, this was without thinking about the people living there. It was also during the government of Belaúnde that the Carretera Marginal was constructed as we have seen in Chapter 2 facilitated a wave of *colonos* to enter the indigenous peoples’ territories in the area.

In addition to showing which areas the indigenous population are entitled to use however, it at the same time defines which areas can be seen as property of the state, as we have seen in the preceding chapter. It also fails to acknowledge the Extension that they use in their daily practices. The state map therefore do not acknowledge the notion of environment as territory as described in Chapter 1, includes the environment in its totality; the phenomenological relation with the landscape.

IBC's maps

The map from the title document is not the only map made over Santa Martha's territory. The IBC have their own system for map making, called the Native Communities Information System (SICNA) which is a GIS laboratory as already mentioned in this chapter. In 1996, Oxfam America⁵⁴, established a working agreement with a local office of the AIDSESEP, to utilize their GIS laboratory to design a reliable mapping and database service for the native communities of Peru (Smith 2003: 359). In 1998, this mapping system and the SICNA laboratory was transferred from AIDSESEP to the IBC office based in Lima (Smith 2003: 360). The IBC relies on a variety of sources when making their maps. They collect data from the National Geographical Institute (IGN), from PETT, from the indigenous federations AIDSESEP (CIPTA) and FENACOCA, from their own system of geo-referencing SICNA, and from SERNANP (Servicio Nacional de Áreas Naturales Protegidas por el Estado) who provides information about natural protected areas and proposals for territorial reserves. The IBC are interacting directly with the communities during all the stages in the mapmaking. The maps from IBC are thereby based on a combination of local knowledge and scientific knowledge (Smith et.al. 2003: 359). Being an NGO however, the IBC does not have the authority to formalize the maps. Their maps are therefore not officially recognized by a public institution or organ. When the IBC visits the communities to do the mapping, they use COFOPRI's maps as their starting point and a reference. With these officially recognized maps they go to the field to work with the communities. Since the people working within the IBC are not themselves from the communities, the only way to elaborate the maps is by doing it in direct coordination with the local population that have the required knowledge about the territorial areas in question. It is desired both by the IBC and the communities themselves to take part in this process and that both parties in principle should participate on equal terms. In

⁵⁴ Oxfam America is an international organization located in Boston founded in 1970. It works with issues connected to poverty and hunger relief and strives to secure justice. It works independently of the US government, and receives no economical support from here (www.oxfamamerica.org).

the same way as the indigenous communities are dependent on the technical knowledge of the personal working in the IBC to make the maps, the IBC are also dependent on the knowledge of the indigenous populations to be able to make the map as accurate as possible. The two parties are therefore mutually dependent and equally participating in the process. I will therefore claim that the maps are elaborated through participatory mapping even though Chapin et.al. are sceptical of the use of this word, and the difficulty of distinguishing it from non-participatory (2005: 627).

According to one employee in IBC responsible for mapping, there are several reasons their maps were made. The perhaps most important one was that they wanted to capture the attention of the state, the private oil companies and the public in general. The aim of making the maps was show what many, for many years, did not want to see, she stated. Before, there were no maps or geographically referenced information about concessions for extractive activities on indigenous territories and natural protected areas for instance. The indigenous communities were invisible for the state, something that was reflected through their map. The IBC employee told me that:

As an NGO, we consider that the maps may be used to fulfil our goals of being independent, objective and responsible with the information that we transmit through them [the maps]. Further, they permit us to monitor in a way what the state may inform about the topic, or what it might be avoiding as well.

Their objective with the maps is therefore highly political in that they want to convey information that previously was inaccessible or simply non-existent on maps. This might perhaps be looked upon as an answer to what has been termed the “myth of the vast Amazonian emptiness” emphasized by the Peruvian ex-president Belaúnde (1963-1968) (Smith 1982). Belaúnde conceptualized the Amazon as “land without people for people without land” (Espinosa 2009: 143) and encouraged a colonization of these areas. One may therefore argue that the maps made in collaboration between the IBC and the native communities can be seen as an act of “counter-mapping” (Peluso 1995) in arguing against these views of the Amazon as an empty area with resources ready to be exploited. In this manner, they hoped to give the indigenous peoples a voice regarding the use of their territories. By adding information of both scientific and indigenous knowledge to the maps they become a source of power. They thereby resemble what Tsing refers to as a “tour de force” (1999: 417) by adding information of the presence of the indigenous peoples on these

territories and their use if it. The map adds a whole range of information that for instance is not present in the maps made by COFOPRI. They get many layers of information that is not made visible in the “disconnected” map made by COFOPRI. Even though they use COFOPRI’s map as a basis when making their maps they, develop these maps with more information. They in a way try to improve the maps made by the state, even though they do not neglect them. As we have seen by the process of titling communities in Chapter 2, the maps made by COFOPRI are made based on information recollected in the field, but it seems like the indigenous population is not that participating in all the stages of the development of the maps, in contrast to the map-making carried out by IBC through participatory mapping.

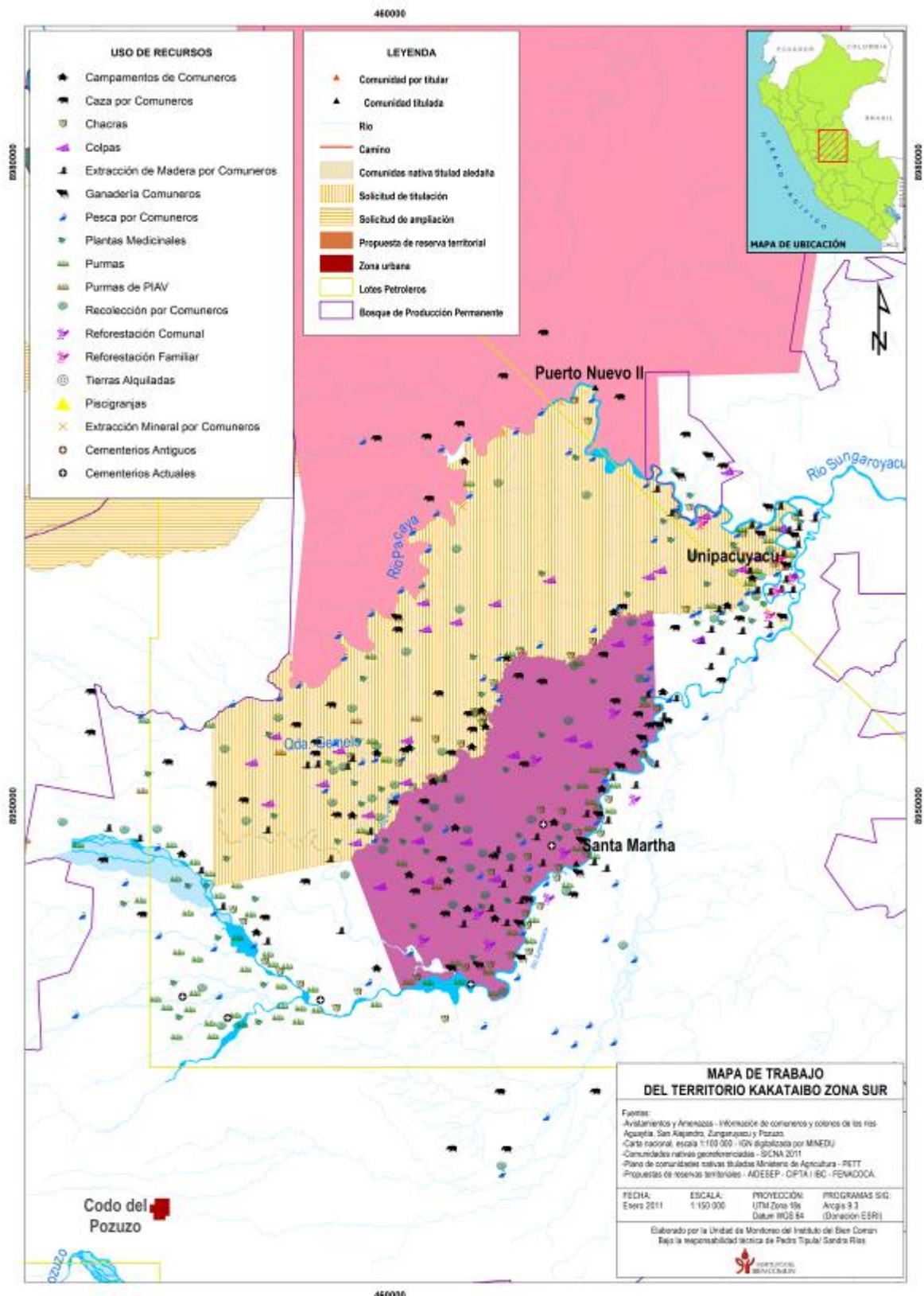
In comparison with Map 3, Map 1 made by the IBC is much more packed with information. In the map, Santa Martha appears as a pink area. The shape of the territory can be recognized from the shape of the territory from COFOPRI’s map. The map furthermore shows the community’s location in relation with the surrounding Cacataibo communities. To the northwest, Santa Martha borders with the community of Unipacuyacu. This community is marked as a yellow and striped area, something which indicates that it does not have a property title. However it is recognized as a Native Community. To the southwest, is located the urban area of Codo del Pozuzo. The orange field to the west furthermore shows that there exists an application for constructing a territorial reserve in the area. Furthermore, it includes information about the geography inside of the community, such as rivers and streams. The black triangle at the eastern limit of Santa Martha’s territory indicates where the settlement is, something which shows the presence of people in the community. The red symbols scattered on the map show that there are *colonos* in the community and which kind of economic activities they practice. The *colonos* are present not only in Santa Martha but also in some of the surrounding communities. They practice hunting, cattle herding, fishing and extraction of timber. They also have their houses there, which are marked on the map as red and white squares, in both Santa Martha and Unipacuyacu’s territories. In addition, the green stars indicate where there have been observed Camanö; indigenous populations in voluntary isolation. This makes it evident that not only is there human activity in the area. They are furthermore from at least three different ethnic groups; *mestizo* (colono), Cacataibo and Camanö. The map also includes information about the location of oil concessions, which indicate external intervention in the area. At the right hand corner at the top, the map also indicates in which part of the country the indigenous communities are located, as well as the country’s borders with Ecuador, Colombia, Brazil and Bolivia. It also shows the Pacific

Ocean to the west. The map can therefore not be seen as disconnected as COFOPRI's map, by linking it to its socio-political surroundings. The written letters at the bottom of the map saying "*mapa del territorio kakataibo zona sur*" (map over kakataibo territories, southern zone) also indicates that there are other Cacataibo territories further north. The reader thereby gets aware that they are now only watching a part of the Cacataibo territory. Due to all this information it is therefore rather easy for the reader to locate the community, both physically and in other ways.

In Map 2, the territory of Santa Martha appears as a blue area. The yellow area surrounding it is the area the community is soliciting to get included in their property title, the so-called Extension. Similar to Map 1, it includes information about the location and size of the surrounding communities. In addition, it includes the areas that they are soliciting to get extended and the actual extensions of all of these Cacataibo communities. It is therefore evident that in addition to the titled areas there are areas the residents use not included in the title, something the COFOPRI's map do not acknowledge by calling it territory under the dominion of the state. The map furthermore includes the rivers and streams and the roads in the area, which indicate how to approach and enter the communities.

These two maps made by the IBC therefore show that the community is not an isolated piece of land but shows the socio-political organization inside it and surrounding it. By showing the human presence in the area, they want to show the state that these areas in fact were not empty, as the IBC worker being part of elaborating the maps indicated.

Even though Maps 1 and 2 do not include that much information about the internal use of the territory in the community by its residents, Map 4 includes details about the local populations' use of the community. It is marked where they have their houses. In the map appears information about the areas where the population is practicing reforestation, areas where they have their *chacras*, where they practice hunting, fishing and so on. The map thereby shows human activities not only inside of the titled areas but also on the area of the Extension, even though this area not is marked with this name on the map. The map indicates that the residents do practice fishing, hunting, recollecting, they extract timber and some families are practicing reforestation here. Some also have their cattle here. This might indicate how property is distributed in the community. However, due to their practice of slash and burn agriculture, these maps have a limited life span for the reason that the community members are constantly moving their areas for cultivation for instance.



Map 4: Map showing the use and agricultural practices in Santa Martha and Unipacuyacu. Prepared by Pedro Tipula and Sandra Ríos. Instituto del Bien Común January 2011.

When I showed this Map 4 to Eduardo, he said that the areas that appear in the map as areas of reforestation do not coincide with the reality in the community. No one practice reforestation in these areas, he stated. The areas marked as “land under the dominion of the state” in COFOPRI’s map is showed in map 4 as being used for exploiting timber, medicinal plants and as an area where they are practicing hunting both by the community members and the *colonos* in map 4. A limit in the process of mapmaking is therefore that it is difficult to include dynamic practices on a piece of paper. This is a point also seen in the case of Gow (1995). The social reality lying behind the map is much more complex than what can be drawn. Rather than a representation, the map is therefore a creation, since it cannot represent in its totality the social reality lying behind it. Especially since these are dynamic and changing.

Critique of COFOPRI’s and IBC’s maps

According to an engineer working at the IBC in Pucallpa, the community members in Santa Martha considered the SICNA information simply as referential. They did not approve of their maps and often expressed that IBC’s maps were not correct. It seemed that despite the maps being made by participatory mapping they still were in low esteem.

I talked with several informants about the maps, both the one elaborated by IBC and COFOPRI. It seemed that most of the community members had seen an older map by IBC than the one I had retrieved over Santa Martha’s territory (Map 1). Many residents in the community stated that IBC’s maps cut off part of the territory for the benefit of the *colonos*⁵⁵. The night I arrived in Santa Martha I had a conversation with my host father Eduardo about the plan for my fieldwork and he brought up the topic about the maps. “The maps elaborated by the IBC that I have seen, are not correct” he stated. “COFOPRI’s map however coincide with our territory”, he exclaimed. He continued by explaining that the maps that IBC had made, leave out a part of the community’s territory, favouring the *colonos*. His statements made me curious and on the following day (when it was easier to see in daylight) I showed him the maps that IBC had given me. At the same time he retrieved a copy of COFOPRI’s map from inside of the house. We compared the two maps and found that they coincided to a large extent. He said that the map by the IBC that he had seen earlier was not correct but that the one I had was good regarding the outer limits of the territory.

⁵⁵ If they meant that the IBC had done it on purpose or not, is unclear to me

I heard the same story from a community member called Luis. In a conversation, he mentioned that there exist several maps over Santa Martha, and that none of them are correct, except for COFOPRI's map. He also stated that IBC's maps were not correct for the same reason as Eduardo indicated, namely that they moderate the territory. He showed me a book published by IBC about the Cacataibo⁵⁶ where it appears a map. This map is correct he said, in terms of its definition of the outer boundaries of the community. The map was almost identical to Map 1. "The map lacks a range of geographical details however", he said. For instance, the information about the rivers and streams are not correct and other details are also left out of the map. "But it does coincide with COFOPRI's map" he said, regarding the outer territorial limits.

One afternoon I sat in IBC's office in Pucallpa working on the computer, when Francisco, the president of the indigenous federation FENACOCA showed up. While waiting for one of the workers in the organization, we were talking and Francisco got aware of the map hanging on the wall depicting the area of all the Cacataibo communities. "This map is not correct", he exclaimed. He continued by stating the same that Eduardo, namely that the map-makers had cut part of the territory to the benefit of the *colonos*. He carefully drew a faint line on the map with his pen where he believed that the real border line was. In a community assembly held several months afterwards, Francisco described the same situation by stating that IBC's mapping is deficient. "We were wrong that IBC have destroyed our map. It is not like that. When they did the work with the Extension they have modified the original map, the titled one [map]", he stated. He explained that the engineer making the map over the community had mistaken one river with another river running parallel with the river that defines the real community limit, and therefore had defined the community borders some seven kilometres farther southeast than the original map, and like this he had cut two thousand hectares of the community's territory. The IBC had taken the information from this map and have put it in their cartographical information base, he stated. In the assembly he took out a map and showed where IBC had done the mistake. Francisco stated that it was necessary to do a new demarcation of the territory. It was necessary to reconfirm the community's boundaries. To implement this, he said, they did not need COFOPRI's map. All they needed was the Descriptive Memorial, the document accompanying the map in the property title, describing the exact geographical coordinates of the community defining the exact borders of the community. With this information they could make a new map over the community based on

⁵⁶ Vidal, Abner Montalvo. 2010. *Los Kakatai. Etnia Amazonica del Perú*. Lima: IBC.

the information about the coordinates that delimit the community's territory. It thereby seemed that COFOPRI's map was the maps the indigenous population had the most faith in. In defending their territories this was the map the residents looked upon as the most important one. They expressed a certain degree of scepticism towards the maps made by IBC despite the fact that they had been part in the process of making these maps.

Following Orlove, visions of land and property may furthermore be conveyed in maps in that different persons may perceive the same territory differently. These different visions of land may cause totally different maps over the same territory. This might explain why the maps made by COFOPRI and IBC are so different. Whereas the state see the importance of distinguishing the community from its surroundings to define the areas that themselves and others can use, the interest of IBC is to make counterclaims to these areas. However, people also turn to maps for different purposes. The residents in Santa Martha tended to turn more to the map made by COFOPRI than the maps made by IBC, even though they had been part of the process of making the latter. The most important was to make claims to their territory, and the most important was therefore delimiting the outer borders. Even though the map was rather simple, it served its intended use. Even though one may claim that the maps made by COFOPRI may marginalize the indigenous populations, the same map may be used by the indigenous population in order to make their claims to the area.

The map may say something about the relationship between the indigenous and the state in that the map made by COFOPRI had one single purpose, namely to grant property rights as well as defining the areas that may be claimed by the state. It may also say something about how people view land. It is not necessarily the map with the most information contained in it that is the one given most force. This is seen in the case of Santa Martha in that it was the map made by COFOPRI that was most constantly referred to as the correct one and as the most important one in order to secure their territorial rights, despite of it being the simplest one. This might thereby counter the statements made by Tsing in saying that more information may give the map its force.

Conclusion

There existed a real concern among the residents in Santa Martha about which map over their territory was the correct one. Understandably, it was important to get the borders right thus the borders is defining what part of the territory can be called their common property and that they thereby can claim their rights to. In this chapter I have addressed maps by the state

institution for titling of land, COFOPRI and by the NGO IBC. The maps made by IBC contain much more information than COFOPRI's map. One important reason might be that they in principle were made to serve different purposes. COFOPRI's map was made to distinguish Santa Martha's territory from the surrounding territory and defines at the same time the state's territory. The community members also made use of it constantly by referring to it when discussing their property rights. In this case they tried to use it as a tool of empowerment in setting forth claims to their territories. The maps of IBC's maps contain lots of additional information. It contains information about the rivers and streams, the presence of invaders in the community, the locations of concessions and territorial reserves. Despite these strengths of IBC's maps, the map the community members referred to as the correct one was the simplest one, the map of COFOPRI. This is after all the original map over their territories and it is an official map. In other words, following Scott (1998), the map did not leave out information necessary for its purpose as the purpose simply is to distinguish their territory from the territory that is not theirs. The resident uses it as a tool of empowerment, while the Peruvian state used it to distinguish indigenous land from state land and they can therefore serve to marginalize indigenous populations by giving them one delimited area which does not fit with their territorial practices. The simple way the map of COFOPRI has been drawn may also reflect something about the relationship between the indigenous populations and the state in that it has limited information of the territory due to the lack of knowledge or perhaps lack of interest in the life within the borders as long as the state land is defined. It certainly appears as disconnected with the world surrounding the community. Either way the maps can be important in saying something about how people view the landscape and perhaps even property. The maps made by IBC were certainly made for counter-mapping (Peluso 1995) but it is not necessarily the one that contains most information that gains more force. The case from Santa Martha outlined in this chapter counter this argument posed by Tsing (1999).

4. Intra-community dynamics and territorial defence

If the people are disunited, people can just leave and enter. On the contrary, if they are united, who is going to enter? No one! Because they know that if they go there, they will lose (Jorge, indigenous resident in Santa Martha).

There have been some discrepancies. A united people are like steel, and no one can break it. But, a disunited people are like glass. In any moment it breaks in thousand pieces. A united people are a united people and there is no authority, no matter how powerful it might be, that can make it relapse (Juan, mestizo primary school teacher in Santa Martha).

In the preceding chapter we have seen that maps may serve as useful tools in defending territorial property rights. In both chapters 2 and 3, the focus was on the relationship between the indigenous population and external entities. In Chapter 2, I argued that in order for the Cacataibo to be able to defend their rights, they need to adjust their claims to the system imposed on them by the state through the legal system and not through their traditional political organization. In Chapter 3, I showed how this could be done through the employment of maps, which is also a “modern” invention not actively employed by the Cacataibo in their everyday relation with the landscape and the environment, but simply in relation with *colonos* and the state in setting forth territorial claims. In this chapter I will have a different focus, addressing more closely the dynamics at an intra-community level.

To a large extent I sympathise with the arguments posed by Gow (1995), Tsing (1999) and Peluso (1995). Maps can be important in defending rights to their territory and their identity if the community does a conjoint effort. However, what they do not do is address is what happens if the community is not working together. What is the potential to counteract external pressure on their territories if the people are not working together? Can they still be effective in defending their rights? This will be the topic for this chapter.

The problem of disunity

Something that struck me shortly after arriving in Santa Martha was the large degree of disunity in the community. This was a problematic that the residents in the community were largely aware of and that was discussed vividly in the assemblies. This counters the observations made by Frank (1994) in the 1980's. He observed that the Cacataibo in Santa

Martha were careful that negative comments about a person were not being expressed openly when the person was present or that words were not spread through rumours to the person being spoken badly about. For instance, Frank observed that when someone started criticizing another community member, others interrupted him inhibiting the person speaking in finishing his critics (Frank 1994: 189).⁵⁷ There was an interest in preventing open confrontations. Why do people seem more prone to disunity today than during Frank's time? What are the causes for internal disputes in the community? I will try to address this in the following section.

Demographical factors affecting unity

When I asked a community member called Jorge about the reason for disunity he pointed to the fact that many community members had been living outside of the community for a while, accompanying their children that had been studying to finish their secondary education. The people mainly left to live in Sungaro or Puerto Inca. These people only a few years ago started to come back to the community and the people were therefore only recently starting to unite again, he told me. Many people left in 2007 and 2008. In addition to the people that went to live in Puerto Sungaro, others left to live on their *chacra*. The people thereby divided. Some residents from Santa Martha furthermore established the annex called Alianza⁵⁸, which originally consisted of indigenous peoples from Santa Martha until *colonos* started to settle there around 2007. The majority of the residents from Santa Martha came back to the community, but some stayed in Alianza since they had established romantic relationships with the *colonos*. Even though the annex originally exclusively consisted of indigenous residents, now, the majority of the residents in Alianza are *colonos*. However, because the *colonos* had married indigenous women, it became more difficult to dispel them.

As mentioned in Chapter 1, many people still have houses both in Sungaro and Santa Martha and spend time both in the community and in the village, even though their children already finished their education there. There is also a flow of people connected to their assumption of authority positions. For instance, Nelson, the *jefe* in Santa Martha, left the community on regular occasions. In addition, the community also had Francisco that was president of FENACOCA as a community member. Most of the time he spent outside of the

⁵⁷ In the past (before 1930), open conflicts often included weapons and could end in deaths, something which caused a considerable reduction of the population (Frank 1994: 190-191).

⁵⁸ Alianza is included in the titled area of Santa Martha and is therefore considered part of the community. However, the annex has their political leadership separated from the community. The people from this annex therefore seldom attend the assemblies in Santa Martha unless they want to consult about a specific topic.

community, but he came to the community sporadically to hold meetings. When the residents had been living in different locations, this also had the consequence that the community members had not communicated with each other that intensively as when staying inside of the community. In addition, some people have as mentioned lived on their chacras and have not been in much contact with the rest of the residents in the community.

When the people started to hold domestic animals, this also affected the relations between people in the settlement. Animals encroaching upon other people's chacra for instance could be a basis for conflict when they were destroying their crops. This practice of holding cows, pigs and other domestic animals also affects the community by polluting it with their faeces around the community. "Before, the community was beautiful", Jorge told me one day we were sitting together in his parents-in-laws home. "The whole community was like this" he said, while indicating on the clean ground in front of us. "There were no animals going freely around leaving their excrement everywhere, like now", he said. This was also mentioned by other informants. It therefore seemed like the people were conceptualizing order in the community also through cleanliness.

In addition, "before the community was very united" Jorge said. "The houses were located in close proximity to each other. When someone had killed a peccary, they shared with everybody. Everyone received a piece of the meat", he remembered. As described in Chapter 1, the community has been stricken by several floods, the last one in 2005. The floods have affected, among other things, the settlement pattern in the community. The community went from having a nucleated settlement pattern where all houses were located together, to having a more dispersed pattern. This has had the implication that the residents now are living in larger distance from each other. Hence, as Jorge's statements might suggest, the flood did not only affect the physical distribution of the houses in the community, but also the social organization and the general unity of the community.

One worker from the IBC in Lima had a hypothesis that a mixed population might also have affected the unity in the community. I think that this hypothesis might be at least partly true. Several of the women in the community were married to *mestizos* that originally had come to the community to work timber. This has led the population to becoming more mixed, and the mestizos and the indigenous parts of the population was not necessarily always share the same values and ideas. With the population becoming more and more mixed when the indigenous and *colonos* got children together, there were also no clear definition as to what it means to be indigenous. "There are not many pure indigenous left in the community" Jorge

told me. He admitted that his father was a *mestizo*. Only his mother was a “pure indigenous”. There is a certain degree of tension in connection to this mixed population. For instance, they would never allow a *mestizo* to become a *jefe*. They had been accepted as community members through their marriages with indigenous women, but they would never be allowed to make decisions for the community.

There are also other factors indicating this ambivalent relation between these two ethnicities. One evening before there was going to be held an election to change the *jefe*, I spoke with Orlando, the *segundo jefe* in Santa Martha. Orlando was a *mestizo* from Lima who had coupled with a girl from the community and together they had a daughter that was now nine months old. He told me that he did not agree that they should change the *jefe*, since there already had been a lot of change. The previous year they had had three different *jefes* and now they were also going to change the current leader. “What do they achieve when they change the *jefe* all the time? Nothing!” Orlando stated a bit upset. He also pointed to the factor that “to be able to inscribe the territory in the Public Registry Office it is necessary to also inscribe the *junta directiva*. But if it changes all the time, how are they going to be able to do this?” He considered the territorial problem as rather easy to solve. However, what was missing were the economic resources and the willingness of the people to do it. “Everything that the *jefe* wants to do, he has to do with money from his own pocket”, he said. He furthermore said that the people were not working together, but rather criticizing each other, and they therefore did not accomplish anything. At the same time, he added that the *mestizos* in the community were the most hard-working ones: “in the end, we, who do not even have our origins here, are the ones that are going to work to defend the territory”, he said while laughing. The indigenous section of the population, however, had another version of the story. They often told me that the *mestizos* did not care about the problems in the community. One indigenous informant told me “it is a mistake to say that the community does not have problems. In every community, there are problems. Saying that is like saying that you do not care”. While the *mestizos* said that they were the only ones working to defend their rights, the indigenous said that the *mestizos* did not support the community on these issues. There were thereby certain tensions in the relationship between the indigenous and the *mestizo* part of the population.

To sum up, there were a range of factors connected with demography that affected the unity in the community. These demographical factors made both the physical and social distance larger between the community residents, something that made cooperation difficult.

Communal leadership and disunity

There was not just a general disunity, but there was a lack of trust directed towards the jefe. On evening, Jorge, an indigenous resident and the *agente municipal* in the community, started telling me about leadership and mistrust towards the leaders. There were several reasons the people did not have faith in the leaders.

The *jefes* started to grab the community's money without even bringing a result. Not even a document. [...] How do you for instance spend one thousand *soles* [about 375 USD] in one journey? They [the *jefes*] do not even bring a result when they come back. There started the mistrust.

He was referring to the fact that several of the *jefes* had travelled with money belonging to the community to go to public offices to consult about different documents related to the territorial situation. They had come back with nothing left of the money and without bringing anything back to the community. For instance, they had not achieved getting the territory inscribed in the Public Registry Office. This made the people doubt the trustworthiness of the leaders. The authorities in the community were accused of corruption and for not thinking about the community, but primarily of themselves. This was also a point underlined by several other residents in the community. Don Federico was one of them. Federico was one of the oldest community members and had his house located according to the old settlement pattern just by the riverside, but quite isolated from his neighbours. He had a humble little home with leaf roof, just big enough for his wife and himself. In the month of May, before the community was to arrange a meeting to change the current *jefe*, we had a conversation in his home. Federico was highly critical about the leadership in the community:

Federico: The authorities here [in the community] are not for their people. They get hold of the money. They sell timber, sell land and with this money they eat, drink, with this they dress. [...] That is why I do not go to the assemblies. I do not believe them when they talk. The people here are like that. Here, when people want to become an authority they are fighting, sometimes while drunk. In my administration it was not like this. There were five or six policemen [...] There is no order, *señorita*.

Ida: And now, you are going to elect another *jefe*?

Federico: Yes, but we still do not know who it will be. I hope that he will not be bad, *señorita*. That he cares about his village. It is nice when the community is working. When the authority is no good, he is not worth anything.

As this conversation illustrates, there is a lot of mistrust towards the authorities' administration and the utilization of their powers. Federico accused the authorities for selling the community's resources and then abusing the money, using them on themselves. Because of this, Federico did not bother listening to them in the assemblies as what they were saying could not be trusted. This mistrust might be one indication of the general lack of attendance in the assemblies that I could observe as well as Federico's statements indicates. He did no longer come to the assemblies though he did not have faith that they would be able to do anything. He was looking back on how it was earlier when he himself was a community leader. He remembered everything as being more organized. As is clear from the conversation, the community was going to replace the leader once again. They needed a leader that primarily worked for his community and not only according to his own interests.

There were certain requirements that the *jefe* needed to fulfil in order to be a good leader. It was however a general tendency in the community that the authorities were criticized for not living up to these expectations. The *jefe* is elected by the residents in the community through the community assembly. He is in principle elected for a period of two years. However, there has been a tendency in Santa Martha during the last years to replace the *jefe* before this period is completed, often after only having had the position for a couple of months. Something that I noted shortly after arriving was the general dissatisfaction with the work of Victor, the then *jefe de la comunidad*. Despite having assumed the responsibility only one month before, the inhabitants were claiming that he "did not do anything" and expressed a desire to replace him. Victor himself however, claimed that the community was not supporting his work. "When I entered this position they did not even give me one piece of paper, he said to me one day I visited him in his home. "[...] It was like they were saying: 'you are now the new leader, do whatever you want'", he told me. He showed me all the documents he had retrieved during his period as *jefe* and said that he had personally travelled to the regional government's office in Huánuco to collect these documents. Among the documents was the property title, with the map over the community, as well as the Descriptive Memorial. "The community did not even help me with the economic resources to do this travel", he said. He had to finance the trip with money from his own pocket. He felt that his work was not met with the voluntariness and support of the community.

About two months after this conversation with Victor, when he had been a leader for about three months, the community arranged a meeting to elect not only a new *jefe*, but to change the whole *junta directiva*. Even though the meeting had been announced on a note on

the wall outside of the school building several days before, many of the residents in Santa Martha expressed their lack of knowledge about the implementation of a meeting on that particular day. Several of the people who had showed up at the meeting even claimed the agenda for the assembly was improvised though the note did not include it. However, for several weeks, Victor had attempted to arrange the meeting without success. When he assumed the position as a leader, it was with the knowledge that there were to be held a new meeting to decide if he would continue or not after he had completed the period of transition. That is, the period the assembly had agreed he would be *jefe*, due to his previous position as *segundo jefe* when the former leader resigned. In the meeting, Victor said that “it is up to you if you want to re-elect me or replace me. I put myself at your disposal”. He continued by stating that “I will not make problems if you want to replace me [...] I will work peacefully on my *chacra*”. These statements indicate a way of saying that if the population did not support him, it was better he worked for himself, not bothering to work for people who did not appreciate the work he was doing. “With or without this burden, my life is the same”, he said. He also said that it depended on the assembly, not on himself if he kept working or not. Most of the people present in the assembly however agreed that the *jefe* had to be replaced:

Eduardo: I think we should replace the *jefe*. I am not part of the *junta directiva*, but I am a resident in the community. I have the right to reclaim, what I live, what I feel. During these ninety days, we have seen almost nothing. We should appoint a leader. We do not see anything. We have many internal problems that we have to solve here, inside of the community. We do not see anything. We should change him. We have a huge territorial problem. Very extensive. [...]

Nelson: [...] yes, we are changing the *jefe*. This is not a game; it is the commission of a community, [it is] the future. [...] We have to choose someone with a strong character. Someone that put things straight. Someone who says ‘yes!’, not just ‘later, later’.

Simón: We have to change the leader.[We have to elect] someone who is working well.

Angel: We are full of problems. We are cero per cent. We are frozen in cero per cent. There is no management. There is nothing right now. We have to change the *jefe*.

Despite the fact that the community had had a person leading the community the last three months, the people were conceptualizing the situation as if they were without a leadership. This was something that made Victor quite angry: “if you say that I during these three months, ninety days, have not done anything, this is a lie. However, I appreciate the trust you

have given me during these three months”, he said. Victor himself however agreed that they should change the jefe: “We should change the jefe at once. If I continue in this position the people will not come to the assemblies, they will leave this place displeased. It is better we change at once”. Even though most of the people present in the assembly agreed to change the *jefe*, the elections did not take place until a week later, due to the reason that only a small percentage of the population was present. The community thereby had one week to analyse and think about who they were going to choose.

One community resident called Pedro started speaking and stated that he was an old community member as well as the founder of Santa Martha, and therefore had the right to share his opinions. “The youth may govern, but they do not know anything”, he said. “How many leaders have we had after you replaced me? And they have not arrived at anything”. He continued by stating that “my grandparents have never been professionals, but they have worked for their village. The example that I carry is that I am the founder of this community. I am always here, present [...] I have worked for years. I have been the leader two times. Even now, I can become a leader. I know my community. I have titled my community”.

On several occasions Pedro underlined that he was an old community member and therefore had the required knowledge to lead the community. However, most of the residents in Santa Martha expressed disbelief towards his statements and actions. “Pedro is a liar”, was an expression I heard quite often. He said that he was the founder of the community. Nevertheless this was not true according to many residents. According to his brother “he is too young for that. And besides, if he is the founder of the community why does he not know more about the community’s history?” he asked. Pedro also underlined the importance of both his parents being indigenous, to legitimize his “pure” origins. One of his half-brothers however, told me that Pedro’s father was a *mestizo*, not an indigenous. Moreover, Pedro had grown up in a city outside of the community and had arrived to Santa Martha when he was an adolescent. Pedro also stated that he had titled the community, which also turned out to be a false statement. “Erwin Frank has titled the community. If it were not for him we would not have this title”, Nelson and several other community members claimed. Pedro had simply accompanied Frank when he was measuring the area, I was told. But it was Frank that had done all the work, the people agreed. But why did he keep telling all these lies? “That is because he wants to become the new *jefe*” several of my informants told me. “He thinks that he can become a *jefe*, but we will never elect him again”, Dina, one of the elder women in the community expressed slightly irritated. She claimed that Pedro had been selling part of the

territory on the Extension. She stated that they would no longer have him or anyone from his family as a *jefe*. The people were afraid they would sell more of the community's territory, she explained. Nelson expressed the same, and that he did not understand how he could sell his own territory.

Even though I suggest that Pedro and his closest family was the most criticized in the community, it was however not only Pedro that was criticized for selling off territory or for abusing the community's resources. Several community members told me that Eduardo had received a considerable amount of money from an oil company (the Canadian company Petrolífera) for the seismic investigations they had done in the community years ago, during his period as *jefe*. This was money that belonged to the community, but that the community claimed they had never seen being used. "We have not seen anything being done with this money" one of my informants told me. Most of the people accused for corruption or another kind of deceiving had one thing in common; they had all been *jefe* at some moment in time.

On the day of the elections there were slightly more people present in the school building than the week before. There were even people standing outside of the locale, because inside, there was no place left to sit. In the assembly, the community agreed on two candidates to choose between through an election. The names of the two candidates were written on a blackboard that was threatening to fall down. The people present then had to go up one by one, in front of everybody and draw a symbol under the name of the candidate they wanted to give their vote. The voting process lasted for about half an hour and the people standing outside were invited inside to give their votes. It was an even election between the two candidates, where the winner received 28 votes and the other candidate received 23. Nelson was the candidate with most votes. Nelson was an indigenous community member in his early forties. He had no wife or children in the community, and therefore lived together with his sister and five of her children and one of their younger brothers. He did not have his own *chacra*, but he helped his sister working on her. He therefore felt that he was rather free to dedicate himself to doing a good government. However at the same time he did not have any economic resources, he said. He nevertheless was motivated to do an effort for the common good of the community, under the condition that the population supported both him and his *junta directiva*. After he had been elected, he uttered the following words in the assembly:

We have to work with the primordial topic that we always live fighting for; the territorial issue. A long time ago the authorities have been reported to the police. Almost the whole

population. As you have elected me, I am depending on your support. Not as much economically, but morally. This is what makes the authorities feel power. [...] I am asking each one of you to have trust in us [the *junta directiva*]. We are working for the good of each one of you, both economically, culturally and educationally.

I asked several of my informants what they expected from a jefe. “What is a good *jefe* for you?” I asked Fernando, a young community member in his early twenties. “Even though the community does not have a lot of resources, the jefe should look for resources and allies for support. Perhaps NGO’s”, he said. “In addition, he should collaborate with the *agente* and the *teniente*, because now I see that they are not working together”. He told me that the *junta directiva* was not very united. When I asked Hilda the same question, she answered that “the *jefe* needs to ensure a good management of the medical post and the school, and he has to do the demarcation of the territory and arrange assemblies”, she answered. “Now, the jefe is not doing anything” she stated. She was also disappointed that he always arranged an assembly when there was a *faena*⁵⁹. This of course affected the implementation of the *faena*. “If there is an assembly, then there is no *faena*”. Or the people do not show up at the assembly. She also stated that the previous *jefes* did not do anything either. “After Simón was jefe it has not worked well”, she told me. When the people wanted to change him, he refused to give up his position. He wanted five hundred Nuevos Soles [about 188 USD] for leaving the position. Because of this, his name still appears in the National Registers of Native Communities as *jefe de la comunidad*, and because of this the community could not carry out the necessary procedures in order to inscribe the territory in the Public Registry Office. The *teniente gobernador* and the other authorities are not doing anything either Hilda claimed. The *junta directiva* is not working together. “Pedro was a *jefe* for twenty years”, she said. “He worked well”. “It all worked well until Simón entered”, she stated. “Now, no one is doing anything”.

To sum up, there were certain requisites that the jefe needs to fulfil in order to carry out a good government which most of them did not fulfil. Firstly, he had to be an indigenous resident. They would not allow a mestizo to become a *jefe*. Secondly, and this is related to the first one, the jefe needed to have knowledge of the community and the community’s history.

⁵⁹ A *faena* is the name of a kind of communal work that the residents carry out for the community as a whole as for instance cleaning the school, the football court or the area around the medical post. For instance the members of the state program *Juntos* have to clean one part each of the area around the school. A *faena* is different from a *minga* in that a *minga* is when one family gathers relatives and friends to do some kind of work for them. After the work is done, the family or person that arranged the *minga* arrange a party where the collaborators receive food and alcoholic beverages. In a *faena* however, the work is done for the good of the community as a whole and not for one particular family which is the case in the *minga*.

This required knowledge was for instance one reason the community would never permit a *mestizo* to become a *jefe*. “It has to be someone from the community who knows the community well and that knows its history” I was told on several occasions. They have had and still have *mestizos* in the *junta directiva*, but never as a leader. Thirdly, a leader should devote himself looking for allies for economic and moral support since the community did not have these resources itself. Fourth, he should arrange community assemblies at regular intervals. Fifth, he should ensure a good management of the education and health of the residents through caring about the management of the school and the health post.

When the *jefe* did not live up to these expectations, this made the people stop trusting him and it thereby was difficult for the *jefe* to mobilize the people.

Mistrust between leaders and community residents

A couple of days after the elections I spoke with the woman that had been appointed *secretaria de actas*. I asked her how she considered Nelson as a *jefe*. “The last time he was a *jefe*, he spent all the community’s money, but hopefully he will not do it again”, she said. When I talked with Fernando about Nelson, he said that “I hope he will do a good government. The last time he was a *jefe*, he did not know how to manage the money. The community had some money, but it all finished when he was a *jefe*. [...] As the people saw that he was abusing the money, they replaced him”. He also added that “Nelson has a lot of knowledge about the territorial situation in the community, and should be capable of doing something to fix this situation”.

Almost two months after Nelson had entered the position as a *jefe*, the people were discussing his revocation. The reason was, like in the case of Victor, that he was “not doing anything”. After assuming this position he moreover had spent considerable time outside of the community, doing different paperwork connected to his recent designation of responsibilities. The great majority of the community members were expressing their doubts about what he had done outside the community for such a long time. Some were suggesting he had been selling part of the territory. Some were even proclaiming that they had heard that five men had given him money for this land in Puerto Sungaro. Others were even stating that he had bought a car for this money together with the president of the indigenous federation FENACOCA. A couple of days later Nelson arranged a meeting wanting to discuss what he had been doing all these days outside of the community. Nelson stated that he did not understand where the information about selling territory and receiving money came from:

I am not working for myself. You have given me the guarantee. You have appointed me. With you I have achieved it. The authorities always say ‘this is my administration’. Enough of pride! As an authority I will never be more, because you are the foundation. I am guiding you, and you help me navigate. I do not want you to feel bad, disadvantaged. [...] In my heart and in my mind, there is no negotiation of land. The children are going to need land. I am not doing this for myself. I am alone, I can leave whenever I want. But, I want to do something for you. [...] I do not want to deceive you. I do not have this mentality.

When the jefe had spent some time outside of the community, the people almost automatically assumed that he was doing something that was not beneficial for the community. The people were mistrusting of the leaders. However, this mistrust was mutual. Nelson told me one day when I visited him in his home that he was embarrassed about the community. He was concerned that if someone was coming to visit the community he as a *jefe* would lose face when they see which condition the community is in. He told me that he was ashamed of the residents in the community. He even called them “*sachanativos*”, which must be interpreted as a pejorative term. The prefix *sacha* means “resembling” or “similar to” or even “false”⁶⁰ while *nativo* simply means native or indigenous. By this, he meant that the population did not act as if they were indigenous peoples. They looked like indigenous people but they were not acting according to an indigenous mentality. They did not work together as a community. “Everyone is working for their own good” he said. When the people were not supporting him, he did not get the desire to work either, he expressed. He stated that in contradiction to others, he was not working for his own good but for the community as a whole.

By recognizing that the mistrust in the community is two-ways between the residents in the community and the leaders, this indicates that there might be structural factors behind the disunity in the community, and not just personal characteristic by the leader. These structural factors can be related to demography as seen in the first part of the chapter. Based on the ethnography above, I will claim that it is demographical factors that cause disunity. The mistrust towards the leaders is an expression of this disunity. But what are the consequences for the residents of this disunity?

⁶⁰ An example is the word *sachavaca*, which is the name ascribed to the animal tapir. This is because it has certain characteristics which make it resemble a cow, which is *vaca* in Spanish. The prefix *sacha* however is from the Quechua language and is often put in front of any Spanish word. For instance in the words *sachacamote* (a tuberous root similar to sweet potato), *sachaaaji* (a spice similar to chili) etc.

Consequences of disunity

One consequence of the general mistrust in the community as well as the mistrust towards the leaders is lack of cooperation between the community residents. Felipe, one resident present in the assembly on the day of the elections for instance stated that:

We have to be steadfast. What is it worth that the *jefe* has a lot of knowledge of the community? If we as a village are not united, the head will not be able to do anything. If we do not help him in his position, he is not going to do anything. A community is like a company. If it does not have allies, it does not get anywhere. We have to stay together. We should not leave him [the jefe] alone. If we do not stay together, we will not do anything.

This statement reflects that the disunion was something that the residents was aware of and reflected upon. Felipe argued that the reason they did not get anything done was that they were not working together. They were accusing the *jefe* for not doing anything, but he could not do the work all by himself, like Nelson also pointed out, both by referring to the residents as “*sachanativos*” and through his statements in the assemblies. Felipe’s statements also are in line with the quotes in the vignette to this chapter. If the people did not support the *jefe* he would not be able to do anything.

On another assembly held early in July, Nelson addressed the accusations directed towards him regarding the negotiation of land. He was mentioning the importance of the community working together to be able to achieve something, instead of criticizing the *jefe* for “doing nothing”. He emphasized the fact that he did not have any children, or a wife in the community, but rather the willingness to work with the residents in the community. Yet, he needed their willingness as well to be able to work. Now, he felt that the people were not supporting him:

I do not want to benefit for myself. [...] I want to share with you the little I receive during my managements. If we one day find a bread, we should all eat this bread. I am not thinking about myself. I am thinking about all this. To be an authority, to be *jefe* is not only watching my own kitchen, but everyone’s kitchen. That is why I have been appointed head of the community [*jefe de la comunidad*]. If I was acting according to my own tastes, it would not be called “community”. [...] It depends on each one of us that we organize. Why do we not come together? Why? What do we want? [...] Sometimes we disunite because of some misunderstanding. Sometimes because of some politics. Why do we not practice an indigenous politics, and come together more? Why? [...] *Señores*, hereafter I want you to think that we will unite and work together all of us. To achieve a goal. This is the administration of the community. I will never say ‘my administration’ if we have done it all of us together. [...] This is going to be the pride of all of you, not

mine alone. [...] We have to be conscious about what we are doing. Today is the moment that we should stay together. That is why the *invasores* [invaders] are coming; we are weak. That is the reason, because we are disorganized, uncoordinated. We do not come together. [...] We have to come out of this jam fast. We have mistrust towards everyone that enters as a *jefe*, because we have been deceiving each other a lot. Herein lays the problem. The authorities have been deceiving. You do no longer believe. You say ‘You are the same. You are a liar. You have come to deceive’. You have mistrust. You do no longer believe. You think that we all lie.

Nelson was thereby saying it directly to the community that the problem was that they were not working together. Everyone was working according to his own interests, and did not practice what he conceptualized as an “indigenous politics”. As he said, the denomination “community” indicates an idea of a unity. As this was not the case, they did not achieve anything regarding the territorial situation or other issues for that matter. When they did not stand together, this made it easy for the *colonos* to enter the community, he claimed. They were weak because everyone was working according to their own tastes. When people from the outside notice this, they can enter the community because they know that they will not be met by any hindrance. This is in line with the arguments made by Juan, the primary school teacher, and Jorge, in the vignette. By not staying together they were simply like a glass that easily could be broken. The *colonos* could enter without anyone stopping them. When discussing the topic, several of my informants expressed that they had faith that the difficult territorial situation could be solved, but that the problem was that the community was a bit disunited. There was an indication that they were unable to withstand external pressure in their territories by the *colonos* due to the reason that they were not collaborating. Nelson also stated that the people were too busy discussing whether people had sold territory or not that they were unable to treat the topic of the territorial problem. Luis agreed by stating that “there is only going to be a little piece left of our territory”. “There you see”, a mestizo named Angel continued.

They are already depriving us. They are already invading us. Damn, here we are psychologically mistreated! They keep encroaching, they keep encroaching. Where are they, no? For me, the best alternative is to do something. To go and make the rights that the state has given us, prevail.

Many people nodded approvingly of the statements set forth by Angel. One of the consequences of the people not working together was that the *colonos* kept coming. When

they saw that the local population are not working together, and that each of the residents has his own interests, this facilitates the opportunities for settling there, something also pointed out by Jorge:

We are in doubt, and therefore we are here to clear up things and start to work. I think we should clear this up as a directive and as members. A *jefe* has been elected to defend his community. Not to create more problems, nor to negotiate. To the contrary, to help defending our land. We are fighting here at the limits, but the people [the colonos] are already more inside. Perhaps later when we are realizing this we are not going to have territory. No one is going to have land. [...] It is the resources of our children. There is not going to be resources. Perhaps, all is going to be pastures like on the other side [the Extension]. We are not thinking anything for them. We should think about them as well. We need to defend [our territory], *señores*.

Jorge thereby argued that the community was using too much time discussing if the accusations are true or not. The obsession with these comments has caused the residents not even realizing the severity of the situation of the colonos. According to Jorge the *colonos* are going to deprive the community of all its resources before they are even managing to come together to revise the severity of the situation along the community's borders. He thereby argued that they have to clear up the internal problems in the community to start to work before it was too late. Francisco continued by referring to another dimension of the problem of withstanding external territorial pressure, by speaking about the rights that they were secured in the legal system:

As a native community we are protected by ILO convention 169. Through the laws, customs, our own culture, and territory from many years back. We should be strong. Have this courage. If I did not have my obligations in FENACOCA, I would go tomorrow. I am always accustomed to this. You should carry this. Here we have brave young people with one single decision. This is the legitimate defence that we have. This is important and something that other communities do not have. The people are complaining. No one is going to solve this problem if it is not us. One needs to have this in mind. We still have to defend our rights in Santa Martha. There are loads of documents that we have made when we have gone to Codo del Pozuzo. Despite this, we keep being invaded.

Francisco thereby argued that in order to make their rights prevail, they had to do an effort themselves. Even though they had the legal system in the back, no one was going to come to them with the intention of defending their territories if they did not themselves do an effort. This might explain their lack of success in countering the pressure on their land on earlier occasions. As he said, they had the documents like the non-aggression pact as described in Chapter 2, in addition to the rights secured in the legal system, and therefore have sufficient evidence to claim their territories, they only lacked the willingness to work together. This lack of effort by the residents as a consequence of the disunity had thereby affected the ability to do something about the problems of colons on their territories.

Conclusion

There is a general ambience of disunity in of the community. We have seen that there is a range of factors causing disunity in the community. Most of them were connected to demographical factors. I will claim that the mistrust towards the leaders is an expression of disunity rather than a cause. The lack of trust towards the leaders in turn causes a lack of cooperation which makes it more difficult to be able to mobilize to withstand pressure from the outside. The discussions in the meetings however indicate that the community members were reflecting upon the situation in the community and the reason for the history of limited success in defending their rights. It is therefore obvious that the people were conscious about the problems in the community and the roots of the disunity.

Concluding remarks

The territory in Santa Martha is crucial for its residents. By being a source of subsistence, the territory is a basis for their survival. They practice a common property regime which implies that there are clear rules for the use and distribution of land. The presence of *colonos* in the community is therefore a huge concern for the residents in Santa Martha as it makes land become scarce. The conflict with the *colonos* and the way the residents in Santa Martha reflect upon their rights as indigenous peoples, may demonstrate the point that Wade makes that class is involved in the Indian social movements in Latin America in that the struggle for material goods underlies their effort to defend their territories (Wade 2010: 97). There is also a link between land and identity in the Amazon region in that the indigenous population may claim their rights to their lands because of their identity as indigenous. However this land is often exploited by colonists and the state (Wade 2010: 99).

The community practice a communal property regime, which stands in conflict with the manner the Peruvian state looks upon property. Conflicting visions of property may to a large degree explain the indigenous protests in the Amazon in 2009 referred to in the introduction. The quotes by the ex-president Alan García in the introduction demonstrate to a large degree not just the visions of the state of the indigenous populations in Peru. The conflicts in Bagua also serve to demonstrate the differing visions of land. The Native Communities only have exclusive property rights to the land they use in cattle herding or in agriculture as stated in the property title of Santa Martha. This indicates that the state perceives their land as *tierra* (land as economic resource) and fails to acknowledge that their visions of land include the *territorio* (the environment in its totality which includes all the areas the residents occupy in their daily undertakings) and does not include rivers and forests which they use according to principles of common property in order activities. When García and De Soto emphasizes that the country may progress through the investment in the resources in the rain forest, it therefore seems that they perceive the environment as *tierra*, and do not see the wider meanings and spaces implicated in it as it also implies a source of life and do not simply monetary income.

As a Native Community, their identity as indigenous is important in defending their territories. At the community meetings held at regular intervals, the residents were often discussing the territorial situation in the community and what strategies to use to improve it.

They were reflecting a lot in the situation. The residents made use of both essentialist and constructionist discourses of indigeneity in this process. The essentialist approach is evident through arguments such as those posed by Francisco of their prior occupancy of land. Through the legal system such as the Law of Native Communities and ILO-Convention 169, a general category of indigenous peoples is constructed. In this manner identity is also essentialized. In order for their voices to resonate however, the need to operate within these frames. By doing this more or less consciously and pragmatically this show that indigeneity is not static but can be adapted to fit different realities and for achieving certain ends. As Slater (1996) states, these essentialist images cannot be avoided but they can be employed more or less positively. In this case they can be used to defend territories against invasion. Francisco, the president of the indigenous federation played an important part in this process through informing the community about their rights. This stands in contrast to essentialist images employed negatively by Alan García as seen in the vignette.

They residents also claim their property rights through the employment of maps. These are schematic representations of a complex reality and are made by people not being implicated in the landscape in the same way as they are themselves. The map made by COFOPRI is an important part of the property title. In addition to being used by the state in granting property rights to the indigenous populations, it is also a way for the state to define what is open for others to exploit. The territory that is marked as property of the state in this map however, is marked in the maps made by IBC as an area that Santa Martha is soliciting to get included in their property title. These maps are made through participatory mapping. However, despite this, the map most made reference to by the residents in Santa Martha was the map made by the COFOPRI. Even though the maps made by IBC contained much information which Tsing claims can give the map force, the amount of information included in the map was not important in this setting. The overriding concern for the residents in Santa Martha was that the limits were correct. Turning to the state map may furthermore be seen as an expression that they must operate within the frames of the state to defend their territories. This since the map made by IBC does not have any legal force. Even though the map reflects the states vision on land that fail to acknowledge that the practices of the residents cannot be easily be defined on a map due to the reason that they are dynamic and they move their chacras at regular intervals. However, they still tried to defend their rights though the map made by the state, something which shows that there is a room for manoeuvre. The quote in the beginning of Chapter 3 by Ingold, indicates that the person living in the area that is

depicted in the map does not relate to it though the map, but rather through cognitive maps, which resembles Gow's point of view. The case from Santa Martha demonstrates the contrary however. Namely, that the people actively have to relate to the maps in their everyday life. This indicates that they can read the maps and relate to it even though it is not how they relate to the landscape in their everyday life, which also is underlined by Gow.

The community thereby made use of different methods or tools in order to defend their rights. Both the legal system and the maps however are their own creations. Due to this huge desire for the situation to be improved, the community still have had limited success in defending their territories from external pressure. The reasons for this are manifold and I will only suggest some of them here. One is the lack of concern from the district mayor, who himself is one of the *colonos*. A second reason has been that there is disunity and internal conflicts of interest in the community. This affects the mobilization potential and the cooperation between the residents in the community. The low success rate in defending their territory from territorial pressure from *colonos* that has exacerbated during the last three decades (after the construction of a road that facilitated the entrance into the community, as seen in Chapter 2) has been largely due to the lack of disunity in the community. In a way the community must therefore not simply be seen as passive victims of the *colonos* invading their territories but they were also partly blaming themselves for not doing anything about the situation. The leadership structure in the community is a state invention and this makes it difficult for the leaders to live up to both the expectations from the residents as well as the state also requiring certain things from the leader. A recurring aspect in all these episodes on defending their territories is the fact that they must somehow find a space within the power structures imposed on them in order to set forth their claims.

In this thesis I have been critical to the Peruvian state's dealing with the indigenous populations and their territorial property rights. In June 2011 the country elected a new president, the ex-military commander Ollanta Humala. Shortly after he entered parliament, in September 2011 Perú ratified as the first country in the world the Law of Prior Consultation for the indigenous populations. In brief, it consists of the principle that the indigenous communities have the right to get consulted in the case of politics implemented in their territories that would directly affect them. Many of the residents in Santa Martha expressed their sympathy for Humala and stated that he furthermore was the only candidate to have mentioned the indigenous populations in his speeches during his presidential campaign. Whether this will affect the situation of the indigenous populations or not is unclear. Will he

go in the steps of his predecessor García, or will his period become “the Grand Transformation”, as he himself has named his plan of governance?

Epilogue

“We have problems, señorita Ida”. This was the opening phrase in a telephone conversation I had with Eduardo a few days after I left Santa Martha in August 2011. There was a concerned tone in his voice. After having reflected on the situation and their disunity being the main reason for the lack of success in earlier attempts to dispel the colonos, the community had finally managed to establish a committee of vigilance to go check on the situation on the community borders. They had found eight men clearing space for chacras and pastures the same day as Eduardo called me. They had brought the colonos to the settlement to let them explain themselves in the community assembly. With no support from the district government that disapproved of their legal recognition as Native Community, the community contacted other authorities in the province of Puerto Inca, and allies like the IBC and indigenous federations. In September, Francisco informed me that they had formed a commission consisting of representatives from different institution, both of the state and the civil society. The commission came to the community to verify if there was depredation of forest in the community and if there were invasions in the communal territory, and to dispel the colonos that were there. In the aftermath of having had the colonos inside of the settlement, the leaders in Santa Martha got reported by the colonos to the police once again, this time for crime of abduction against the colonos. They received support from a lawyer. But they did not have the economical means to pay for it. Even though I have limited information about the situation, these recent events still show that there are some new dynamics in play.

The community was uniting more frequently now, Angela assured me. “We are more united than before” she said. “We are already in this huge problem. We will go to the borders again. We need to keep fighting for our borders”, she told me. These happening made me reflect upon the situation that I had observed during the months I spent in the community, where I observed a lack of cooperation between the residents. What was the reason they managed to get together now? Was the raising awareness about the root of the problem discussed in the assemblies a reason? Is this social change a result of the structural factors or was it the acts of the newly elected jefe de la comunidad Nelson that facilitated the mobilization? Was it the encouragement by Francisco and the information of their rights that was the decisive factor? Maybe even the recent national presidential elections made the residents become more optimistic about the prospects for change? Even though the law was ratified after these incidents, maybe the change of president García gave hope of a different reality for the indigenous populations in the country? Or perhaps it was a combination of all of these factors? I do not have the answer but these certainly are important events in their everyday struggle for their territories.

Glossary

Agente municipal:	Authority position within the political structure in the community, and forms part of the <i>junta directiva</i> .
Chacra:	A garden where the residents in the community cultivates their crops.
Colono:	A colonist or settler who has settled in the community illegally.
Huaca:	A leaf plant used during fishing.
Invasor:	Invader, often used interchangeably with <i>colono</i> .
Jefe de la comunidad:	Head of the community.
Junta directiva:	Board of directors.
Mestizo:	A person of mixed race. Originally used about people of mixed Indian and European decent. Used by the residents in Santa Martha to denote people from a city outside of the community.
Peón:	A person working for a patron, for instance in timber extraction, agricultural work or in cattle herding.
Peque peque:	A small motorboat.
Secretaria de economía:	Secretary of economy.
Segundo jefe:	Second head of the community.
Señorita:	Miss.
Tarrafa:	A kind of fishing net.
Teniente gobernador:	Member of the <i>junta directiva</i> responsible of keeping order in the community.
Territorio:	Territory. The environment in its totality that do not only include the land as an economic resource but also the rivers, the forests and so on. A term often used as an opposite to <i>tierra</i> .
Tierra:	Land as looked upon as an economic resource.
Vocal:	Member of the <i>junta directiva</i> in the community.

Appendix

Law of Native Communities (Ley de Comunidades Nativas, DL 22175).

Artículo 7

El Estado reconoce la existencia legal y la personalidad jurídica de las Comunidades Nativas.

Article 7

The state recognizes the legal existence and legal status of the Native Communities.

Article 8

Las Comunidades Nativas tienen origen en los grupos tribales de la Selva y Cejas de Selva y están constituidas por conjuntos de familias vinculadas por los siguientes elementos principales: idioma o dialecto, caracteres culturales y sociales, tenencia y usufructo común y permanente de un mismo territorio, con asentamiento nucleado o disperso.

Article 8

The Native Communities are rooted in tribal groups in the jungle and high jungle and are constituted by sets of families linked by the following main elements: language or dialect, cultural and social characteristics, common and permanent tenure and use common of one territory, with nucleated or dispersed settlements.

Artículo 13

La propiedad territorial de las Comunidades Nativas es inalienable, imprescriptible e inembargable.

Article 13

The territorial property of the Native Communities are inalienable, imprescriptible and unmortgageable.

The Peruvian Constitution of 1993

Artículo 89 - Comunidades Campesinas y Nativas

Las Comunidades Campesinas y las Nativas tienen existencia legal y son personas jurídicas.

Son autónomas en su organización, en el trabajo comunal y en el uso y la libre disposición de sus tierras, así como en lo económico y administrativo, dentro del marco que la ley establece. La propiedad de sus tierras es imprescriptible, salvo en el caso de abandono previsto en el artículo anterior.

El Estado respeta la identidad cultural de las Comunidades Campesinas y Nativas.

Article 89 - Rural and Native Communities

The Rural and Native Communities have legal existence and are legal persons.

They are autonomous in their organization, in their communal work and the use and free disposition of their land, as well as in the economic and administrative, within the frames that the law establishes. The property of their land is imprescriptible, except in the case of abandonment as seen in the previous article.

The state recognizes the cultural identity of the Rural and Native Communities.

ILO Convention 169 - Convention concerning Indigenous and Tribal Peoples in Independent Countries

Article 13

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

2. The use of the term *lands* in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.

3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 17

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.

2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.

3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

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