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América Latina: Perú

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Índice

Editorial	9
<i>Katarzyna Krzywicka</i>	

Dossier

América Latina: Perú

Coordinado por Marta Kania y Oscar Espinosa

Presentación

Perú: el bicentenario de la independencia	13
<i>Marta Kania, Oscar Espinosa</i>	
Indianidad en el debate: el derecho a la consulta previa en la etnopolítica peruana	21
<i>Marta Kania</i>	
La participación de los indígenas amazónicos en los procesos electorales en el Perú. El caso de las elecciones presidenciales de 2011, 2016 y 2021 ...	45
<i>Oscar Espinosa</i>	
La elección de Pedro Castillo: polarización, racismo y “terruqueo” en las elecciones presidenciales	77
<i>Fabiola Escárzaga</i>	
El estatuto jurídico de las instituciones religiosas en Perú	93
<i>Marta Zuzanna Osuchowska</i>	
La comunidad Shipibo-Konibo en Lima y el derecho a la ciudad	113
<i>Katarzyna Górska</i>	
La salud intercultural en la Amazonia peruana. Problemas y perspectivas en tiempos de pandemia	137
<i>Zuzanna Ogorzewska</i>	

índice	“En nombre del gobierno”, o algo diferente sobre la guerra en los Andes. Ponciano del Pino y la perspectiva polaca acerca de sus estudios sobre la violencia política	153
	<i>Joanna Pietraszczyk-Sękowska</i>	
	Información para los autores	171
	Guidelines for authors	173

Contents

Editorial	9
<i>Katarzyna Krzywicka</i>	

Dossier

Latin America: Peru

Coordinated by Marta Kania and Oscar Espinosa

Presentation

Peru. The Bicentennial of Independence	13
<i>Marta Kania, Oscar Espinosa</i>	
Indigeneity in the Debate. The Right to Prior Consultation in Peruvian Ethnopolitics	21
<i>Marta Kania</i>	
Amazonian Indigenous Participation in Electoral Processes in Peru. The Case of 2011, 2016, and 2021 Presidential Elections	45
<i>Oscar Espinosa</i>	
The Election of Pedro Castillo. Polarization, Racism and “TERRUQUEO” in the Presidential Elections	77
<i>Fabiola Escárzaga</i>	
The Legal Status of Religious Institutions in Peru	93
<i>Marta Zuzanna Osuchowska</i>	
Shipibo-Konibo Community in Lima and the Right to the City	113
<i>Katarzyna Górska</i>	
The Intercultural Health in Peruvian Amazon. Problems and Perspectives in Times of Pandemic	137
<i>Zuzanna Ogorzewska</i>	

Contents	
	“En Nombre del Gobierno” - the War in the Andes from a Slightly Different Angle. Ponciano del Pino and the Polish Outlook on His Research on Political Violence 153
	<i>Joanna Pietraszczyk-Sękowska</i>
	Información para los autores 171
	Guidelines for authors 173

Editorial

El decimotercer volumen de la revista *Anuario Latinoamericano – Ciencias Políticas y Relaciones Internacionales* tiene un carácter particular, ya que ha sido dedicado íntegramente a la República del Perú, que celebró sus doscientos años de independencia el 28 de julio de 2021.

La idea de celebrar este aniversario tan especial fue de la Dra. Marta Kania, investigadora de la región latinoamericana y del Perú de la Universidad Jaguelónica, quien asumió la coordinación científica del proyecto, e invitó a colaborar al Prof. Oscar Espinosa de la Pontificia Universidad Católica del Perú. Los autores de los artículos publicados en este volumen especial hacen una valiosa e importante contribución a la discusión actual sobre el balance de 200 años de la independencia de la República del Perú, la condición del Estado y sus instituciones públicas, la condición de la sociedad, la seguridad, los aspectos de los derechos humanos y, *last but not least*, el estado de las etnopolíticas.

Me permito informar a los interesados que sigue abierta la convocatoria para participar en el Dossier del volumen 14/2022 dedicado al tema “América Latina: facetas de la diplomacia contemporánea”. La fecha límite de entrega de contribuciones es el 31 de agosto de 2022. La publicación del volumen está prevista para el diciembre de 2022.

Invitamos a todos los interesados a colaborar con la revista *Anuario Latinoamericano* como autores de artículos científicos, reseñas de libros, así como informes sobre congresos, conferencias internacionales y simposios dedicados a los estudios latinoamericanos. Los requisitos de la publicación se encuentran en las últimas páginas de este volumen y en la página web de la revista.

En nombre de los autores del decimotercer volumen y de los miembros del Equipo Editorial de la revista *Anuario Latinoamericano* les deseo a todos nuestros lectores una provechosa lectura.

Katarzyna Krzywicka

Lublin, 24 de junio de 2022

Dossier

América Latina: Perú

Coordinado por Marta Kania y Oscar Espinosa

Perú: el bicentenario de la independencia. Presentación

Peru. The Bicentennial of Independence. Presentation

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En su libro clásico, repetidamente reeditado, *Nación y Sociedad en la Historia del Perú*, Peter Flindell Klarén afirma: “El Perú es un país con una historia rica, aunque dolorosa y tortuosa”¹ (Klarén, 2012). Siguiendo el destino del Estado peruano, es muy difícil no estar de acuerdo con esta evaluación de la historia peruana. En este volumen de *Anuario Latinoamericano* analizamos los 200 años de la independencia de la República del Perú, preguntándonos sobre el contexto de los importantes cambios sociales y políticos que acontecen en ese país y prestando especial atención a la situación de los pueblos indígenas –su estatus político-jurídico, implementación de sus derechos, su condición en las estructuras de la sociedad peruana.

La evolución de la política peruana muestra algunos fenómenos recurrentes que alternativamente colocaban al Estado en la posición de líder de la región en términos económicos y de desarrollo, o lo hundían en un abismo de sangrientos conflictos armados, golpes militares, golpes de Estado o revueltas sociales intersectoriales. La pregunta “¿Qué Nación? – ¿Qué Estado?” sigue esperando respuesta, porque los conceptos de nacionalismo criollo, indigenismo, populismo, neoliberalismo o pluralismo, adoptados como principios de la política peruana, no eliminaron las persistentes desigualdades sociales

¹ Peru is a country with a rich, albeit painful and tortuous, history [trad. M. Ochab].

y económicas, ni condujeron a la creación de una nación peruana verdaderamente integrada.

El 28 de julio de 1821, el general José de San Martín proclamó oficialmente la independencia del Perú en un acto público en la plaza principal de la ciudad de Lima, aunque la guerra contra el ejército español duró todavía hasta 1824. Casi un mes después, el 27 de agosto del mismo año, San Martín establecía que ya no debería haber más diferencias entre indígenas y no indígenas, que independientemente de su origen, todos serían igualmente “peruanos”. La integración del pueblo peruano, sin embargo, quedó sólo en el ámbito de los sueños y demandas de la primera etapa de la República. La unificación de la nación por medios administrativos no trajo los resultados esperados. En ninguna etapa del proceso de formación del Estado-nación peruano se formó una nación étnica-, social- o culturalmente uniforme. El Estado peruano no unificó a todos los peruanos, dejando a una parte importante de la población al margen de la corriente principal de la política y cultura del país. Durante dos siglos de la independencia, las divisiones geográficas (costa *versus* sierra) fueron superpuestas por antagonismos sociales, culturales y económicos. El conflicto entre el grupo criollo dominante y el grupo indígena marginado, así como la contradicción de las tradiciones y las diferentes necesidades de los dos componentes de la nación peruana, fueron un desafío para todos los programas nacionalistas en el Perú y aún están en el centro de todas las consideraciones sobre la identidad peruana.

En los tiempos modernos se ha rechazado la visión de un Estado monocultural y monoétnico. En 1968, al recibir el Premio Nacional de Cultura Inca Garcilaso de la Vega, José María Arguedas afirmaba: “No, no hay país más diverso, más múltiple en variedad terrena y humana; todos los grados de calor y color de amor y odio, de urdimbres y sutilezas, de símbolos, utilizados e inspiradores...” (Vadillo Vila, 2021). El eslogan “diversidad que nos une” fue mencionado también en los círculos gubernamentales en los años 2018–2020, al preparar el documento *Política Nacional de Cultura 2030* (Ministerio de Cultura, 2020), el cual promueve políticas afirmativas dirigidas a grupos en mayor riesgo o inequidad, tales como pueblos indígenas u originarios o pueblo afroperuano. Doscientos años después de las frases de general San Martín, podríamos preguntar ¿hasta qué punto se ha logrado efectivamente la construcción de un Estado unido, con la nación que reconoce y acepta su diversidad cultural?

¿Cómo se identifican y autoafirman los peruanos y peruanas? Es importante resaltar que, en el Censo Nacional de 2017, por primera vez en la historia de Perú, se incluyó una pregunta de autoidentificación étnica, aparte de la pregunta sobre la lengua materna. Eso permitió tener por primera vez información sobre la población que se autoidentifica como integrante de los pueblos indígenas u originarios, así como del pueblo afroperuano. El objetivo expuesto fue de disponer de información estadística para la formulación de políticas públicas dedicadas a sus derechos y aumento de su desarrollo integral (INEI, 2018).

De acuerdo con los Censos, de los 23 millones 196 mil 391 habitantes de 12 y más años de edad, el 60,2 % (13 millones 965 mil 254 personas) informaron autopercebirse como mestizos, el 25,8 % de la población de 12 y más años de edad se autoidentifica como parte de algún pueblo indígena y originario, así como el 16 % de la población censada, de 3 años a más, declaró tener como lengua materna una lengua indígena u originaria. Del total, el 24,9 % se autoidentifican como población indígena de los Andes, y el 0,9 % como población indígena de la Amazonia. La población afroperuana representa alrededor del 4 % de la población total. Se estima un total de 828 mil 894 habitantes afrodescendiente, de los cuales el 83,2 % son población urbana y el 16,8 % rural. El Censo registró además a 22 mil 534 personas que se autoidentifican como Nikkei (de ascendencia japonesa) y 14 mil 307 como Tusan (de ascendencia china). Tenemos también los datos de parte del Viceministerio de Interculturalidad. Según la Base de Datos de Pueblos Indígenas u Originarios (2021), se han identificado 55 pueblos indígenas u originarios: 51 son originarios de la Amazonia y 4 de los Andes. Asimismo, estos pueblos tienen como lengua materna a 48 lenguas indígenas u originarias, de las cuales 4 se hablan en los Andes, y 44 en la Amazonia.

Merece nuestra atención la cuestión de percepción de la diversidad cultural de la nación peruana. Perú es un país diverso, pero aún no reconoce y no acepta su diversidad cultural. Las prácticas excluyentes, la discriminación, en particular aquella de carácter étnico-racial, son prácticas incorporadas y constantes en la esfera pública, en los medios, en los discursos de los gobiernos de varios niveles. Los procesos de democratización y la postulada política de pluriculturalidad (adoptada formalmente en la Constitución de 1993) aún encuentran dificultades para su plena implementación. Al igual que en los países vecinos por los que avanzan las revoluciones sociales y políticas (Chile, Ecuador, Bolivia), el Perú también está en una lucha por la descolonización total de las relaciones entre los distintos sectores de la sociedad, sobre todo por el alejamiento de la política hegemónica y vertical del Estado hacia los grupos minoritarios, incluida la población indígena. De acuerdo con la *I Encuesta Nacional. Percepciones y actitudes sobre diversidad cultural y discriminación étnico-racial* (Ministerio de Cultura, 2018), más de la mitad de la sociedad considera que la diversidad étnico-cultural es importante para el país y para uno mismo (63 % y 61 % respectivamente). Sin embargo, una tercera parte de la población está de acuerdo con que sería mejor que se hablara una sola lengua (el español) y que los hijos no debieran seguir las costumbres de sus padres para evitar ser discriminados.

La cuestión de la condición política contemporánea del Perú y su estatus en la arena internacional nos lleva también al primer siglo de la independencia, cuando numerosos golpes de Estado y hasta ocho constituciones adoptadas en el siglo XIX reflejan la persistente inestabilidad política de la joven república. En la historiografía peruana esos tiempos son referidos como “el centenario de los *caudillos* y las constituciones”. Muchas veces fue el ejército

el que tomó el poder o influyó en la situación política del país. A pesar de los muchos recursos naturales, durante el siglo XIX Perú no pudo lograr una posición internacional adecuada. La dolorosa y humillante derrota en la Guerra del Pacífico (1879–1884) llevó el país al borde de la guerra civil y de una gran crisis social y económica.

En las primeras décadas del siglo XX, emergieron procesos sociales y políticos particulares que generaron algunos cambios en la esfera pública. Fue la época en la que se fundaron las primeras organizaciones gremiales y los partidos de masas, particularmente el APRA. Esto, sumado a la construcción de carreteras (Panamericana), las masivas migraciones de provincias hacia las ciudades y la demanda de servicios públicos, presionaron el Estado por políticas de mayor igualdad e integración social. En 1968, el poder lo tomaron los militares: Juan Velasco Alvarado, y luego Francisco Morales Bermúdez. Hasta 1975, el poder en el país lo ejercía oficialmente la Junta Militar (Gobierno Revolucionario de la Fuerza Armada), la cual llevó a cabo una serie de reformas radicales nacionalistas de izquierda, en primer lugar la necesaria Reforma Agraria, la nacionalización de los recursos naturales, el empoderamiento de los sindicatos y la independencia en el ámbito de la política exterior. Sin embargo, en los siguientes años la transformación política del país estuvo asociada con la crisis económica: aumentaron el desempleo, la deuda y la inflación. El narcotráfico también se desarrolló durante aquel tiempo. En los años 1980 hubo una fuerte ola de huelgas y, al mismo tiempo, comenzó una guerra civil con la organización Sendero Luminoso y las acciones terroristas del MRTA (Movimiento Revolucionario Tupac Amaru).

En 1990, las elecciones presidenciales ganó el candidato neoliberal, *political outsider*, Alberto Fujimori, quien, a través de las manipulaciones políticas y el autogolpe, ocupó el poder hasta el año 2000. La decisiva mejora de la situación económica del Perú (sobre todo, la inhibición de la hiperinflación) hizo posible introducir en la práctica un sistema de gobierno autoritario, aunque detrás de la fachada formal de la democracia. Los siguientes años del gobierno de Fujimori se caracterizaron por el ejercicio del poder a través de los decretos, pacificaciones brutales y represiones a la población civil. Todas las actividades relacionadas con el desarrollo de la infraestructura pública y la explotación de los recursos naturales estaban justificadas por las leyes de la economía neoliberal. La administración de Fujimori estableció reglas para facilitar la venta de tierras indígenas y adoptó nuevas regulaciones preferenciales para empresas privadas, facilitando que las corporaciones multinacionales participen en actividades mineras. Según el informe final de la Comisión de la Verdad y la Reconciliación (CVR) de 2003, la guerra civil, el terror y las políticas étnicas violentas del período 1980–2000 resultaron en la muerte o desaparición de unas 70 000 personas, de las cuales un 80 % procedían de provincias habitadas principalmente por comunidades indígenas y nativas (CVR, 2003).

A principios de la década de 2000, el Perú se recuperaba del trauma de 20 años de guerra civil y terror de la guerrilla de extrema izquierda Sende-

ro Luminoso. En noviembre de 2000, el Congreso de la República destituyó a Alberto Fujimori, poniendo fin al largo período de dictadura y represión. La República del Perú ha iniciado el camino de la transformación de un Estado de guerra y autoritarismo, a un Estado de paz y democracia. Sin embargo, el camino a la democracia no resultó ser fácil. Las últimas dos décadas de la historia del Perú están marcadas por la inestabilidad política y los persistentes conflictos sociales. El catalizador de la crisis política que ha ido creciendo desde principios del siglo XXI han sido los escándalos de corrupción entre la élite política, incluidos los presidentes en el poder durante ese periodo. Desde Alejandro Toledo Manrique (2001–2006) hasta Pedro Pablo Kuczynski (2016–2018), todos los presidentes, así como Keiko Fujimori, quien se postuló tres veces para este cargo (2011, 2016, 2021), se vieron envueltos en un espectacular escándalo de corrupción, el llamado “escándalo de Odebrecht”. Como señala Daniel Gallas, es difícil encontrar otra empresa en América Latina, o incluso en el mundo, que haya tenido tantas conexiones políticas de alto nivel en tantos países (Gallas, 2019). Fundada en el noreste de Brasil en la década de los 1940, Odebrecht fue durante un tiempo una de las empresas constructoras más competitivas de Brasil, ganando contratos no solo en América Latina, sino también en Medio Oriente y África. Corrompió a muchos representantes de las élites políticas de 10 países latinoamericanos, pagándoles 735 millones de dólares en sobornos a cambio de recibir (o promesa de recibir) contratos públicos financiados por los gobiernos locales. Odebrecht elevó la corrupción corporativa a un nivel completamente nuevo al crear en 2006 un «departamento de operaciones estructuradas», que trabajaba exclusivamente en el manejo de pagos ilegales a funcionarios. Se estima que en esta manera ganó cerca de 3 mil millones USD.

En el Perú, donde las transacciones de corrupción durante los años 2005–2014 se estimaron en 30 millones USD, los políticos fueron sobornados independientemente de su orientación política. Odebrecht había financiado sus campañas electorales a cambio de favores futuros. El escándalo ha desacreditado prácticamente a toda la élite política del país, ya que todos los principales partidos y actores políticos (cuatro expresidentes y el líder de la oposición) han sido involucrados. Expresidente Alan García Pérez, justo después de ser acusado de aceptar sobornos y arrestado, se suicidó en abril 2019.

La corrupción se ha normalizado a tal punto que, según los mismos peruanos, se está convirtiendo en una característica de la cultura peruana. El problema no terminó con la destitución del presidente Kuczynski de su cargo en 2018. Los hechos de noviembre de 2020, cuando el Perú estaba gobernado por tres presidentes: Martín Vizcarra, Manuel Merino y Francisco Sagasti, complementaron el cuadro de caos y una grave crisis de las instituciones más importantes del país. Martín Vizcarra (presidente en 2018–2020), quien intentó introducir reformas de anticorrupción, no solo fue destituido de su cargo como resultado de un golpe de Estado (el Congreso dictaminó que era «moralmente incapaz de desempeñar su cargo»), sino también privado de derechos políticos

por el parlamento en relación con el escándalo de *vacunagate*, que estalló en 2021. Resultó que durante la pandemia del COVID-19, el propio presidente, su familia y unas 500 personas de su formación política se habían vacunado con la vacuna de Sinopharma traída a Perú desde China unos meses antes de que comenzara la campaña oficial de vacunación en Perú.

Las elecciones presidenciales de 2021 terminaron con una inesperada victoria de un docente provincial Pedro Castillo. El transcurso de la campaña electoral reflejó la creciente polarización de la esfera pública en el Perú, la inestabilidad del electorado (que desde hace varios años vota mayoritariamente “en contra” y no “a favor”), la atomización y la debilidad del sistema de partidos, basado únicamente en el carisma de los líderes de los grupos particulares (Elecciones en el Perú..., 2021).

Ante la creciente crisis política, la pérdida de imagen de las autoridades más importantes del Estado y un caleidoscopio de gobiernos con el débil capital político e inestables estructuras institucionales, no sorprende que en 2018 la confianza peruana en la democracia estaba en el nivel muy bajo: solo el 17 % de la población creía que sus líderes gobiernan “por el bien de toda la población”, y solo el 45 % apoyaba y aceptaba la democracia como sistema de gobierno. En 2021, el año de bicentenario de la República, el 56 % de la población peruana señaló los problemas con el gobierno democrático de su país como la fuente principal de la situación inestable en el país, y solo el 11 % tenía alguna confianza en el poder y el sistema de gobierno (Latinobarómetro Informe, 2021, p. 30; 38).

La crisis política e institucional que caracteriza la esfera pública peruana y que se refleja en los recurrentes preguntas sobre la identidad peruana, en el persistente debate sobre las desigualdades económicas y en el cuestionamiento de la situación social, política y jurídica actual de ciertos sectores de la sociedad peruana, se han convertido en el principal línea de los artículos recopilados en ese volumen de *Anuario Latinoamericano*.

El artículo de Fabiola Escárzaga analiza el contexto del último proceso electoral presidencial de 2021, marcado por la polarización política y los insultos racistas. El resultado de las elecciones permitió que el maestro Pedro Castillo, sin mayor experiencia o capital político, vinculado al partido Perú Libre de extrema izquierda, ganara la presidencia de Perú frente a la candidata de extrema derecha, Keiko Fujimori. La atomización del voto de la derecha, por una parte, y la apuesta de los sectores populares por alguien cercano a ellos, y su descontento frente a la alta mortandad en la pandemia, y el discurso descalificador del adversario por Fujimori acusándolo de terrorista, explican el desenlace.

El texto de Marta Zuzanna Osuchowska discute un aspecto vinculado a la igualdad ante la ley de todos y todas las ciudadanas peruanas. En este caso, Osuchowska discute el especial vínculo histórico que existe entre el Estado peruano y la Iglesia católica, así como el estatus jurídico de las instituciones religiosas no católicas. Según la autora, la actividad de la administración religiosa en el Perú en la creación y reforma de los leyes sobre las actividades de

las asociaciones religiosas y la libertad religiosa da esperanza para el reconocimiento y posibilidad del pleno goce de los derechos de todas las denominaciones religiosas presentes en el territorio peruano.

Los artículos de este dossier se aproximan también a la problemática fundacional del Estado peruano y discuten, desde distintos acercamientos, algunos aspectos de la política peruana contemporánea donde los pueblos indígenas u originarios constituyen un actor fundamental. Marta Kania retoma la relación entre los pueblos indígenas y el Estado, analizando los procesos de identificación étnica y el proceso de la consulta previa, un mecanismo promovido por el sistema internacional de las Naciones Unidas que se funda en el derecho que tienen los pueblos originarios a la autonomía y la autodeterminación. Discute brevemente el curso del conflicto sobre “la indianidad” de las comunidades indígenas y presenta el problema de la terminología en contexto de las decisiones autoritarias del Estado llamado “colonialismo discursivo”, aún presente en la etnopolítica peruana después de doscientos años de la independencia.

Oscar Espinosa analiza las elecciones presidenciales de 2021, pero desde otra perspectiva. Su texto discute la participación de los pueblos indígenas amazónicos en las tres últimas elecciones presidenciales que tuvieron lugar en los años 2011, 2016 y 2021. Espinosa busca explicar las razones que dificultan una adecuada participación electoral indígena y su vínculo con los partidos políticos nacionales.

Katarzyna Górka se acerca a las sociedades indígenas contemporáneas en el Perú a partir de la experiencia de la comunidad del pueblo shipibo-konibo en Lima y sus intentos por ejercer sus derechos ciudadanos en el contexto urbano. Presenta la historia del barrio Cantagallo y cómo los residentes shipibo se posicionan, organizan la lucha política y colaboran con las instituciones municipales y nacionales. Según la autora, la comunidad de Cantagallo se opone activamente a la exclusión, las desigualdades y las injusticias que aún son una realidad para algunos de los ciudadanos, especialmente aquellos de origen migrante. Tal actividad en los ámbitos mencionados requiere una organización eficiente, pero, por otro lado, también es una fuente de una nueva subjetividad en la ciudad. Górka sugiere que la noción del derecho a la ciudad puede ser un concepto efectivo para las comunidades urbanas indígenas en la formulación y ejecución de sus derechos y ciudadanía.

Zuzanna Ogorzewska también se acerca a la relación entre el pueblo shipibo-konibo y el Estado peruano a partir de los servicios de salud intercultural en el contexto de la pandemia del COVID-19. Según la autora, la noción de salud intercultural se refiere a las prácticas culturalmente derivadas del sistema de salud contemporáneo y se puede interpretar como la estrategia política en torno a la básica atención médica en las regiones multiétnicas. Artículo de Ogorzewska aborda las diferencias entre las perspectivas de los profesionales indígenas y no-indígenas de salud en la Amazonia peruana. De manera particular analiza las iniciativas del Comando Matico y sus propuestas referidas a las prácticas de la salud intercultural.

Perú: el bicentenario de la independencia. Presentación

Marta Kania, Oscar Espinosa

Al final, el artículo de Joanna Pietraszczyk-Sękowski nos traslada de la Amazonia a los Andes al discutir el trabajo del historiador Ponciano del Pino sobre las actitudes de la población andina en el conflicto armado interno que tuvo lugar en Perú entre los años 1980 y 2000. El objetivo del texto es demostrar cuán relevante para la investigación existente sobre el terror en los Andes es el interés de Del Pino en los micro-contextos de la guerra en la forma de rivalidades entre pueblos y dentro de ellos y, en consecuencia, su tratamiento de los actos de violencia política como resultado de procesos históricos. La autora discute principalmente el estudio titulado “En nombre del gobierno” y lo contrasta con su propia investigación realizada en las provincias de Huanta y La Mar en la región de Ayacucho en las últimas décadas.

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Indigeneity in the Debate. The Right to Prior Consultation in Peruvian Ethnopolitics

Indianidad en el debate: el derecho a la consulta previa en la etnopolítica peruana

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ABSTRACT

Two hundred years of the independence of the Republic of Peru and the ongoing debate on the multi-ethnic and multicultural character of the Peruvian nation are inextricably linked with the determination of legislative norms relating to the indigenous peoples inhabiting the territory of the state. The ratification of the ILO Convention no. 169 in 1994 did not contribute to the implementation of the rights set out in the document, including the right of indigenous peoples to the procedure of prior consultation and expressing free and informed consent to all state actions that may affect their quality of life. However, the wave of socio-environmental conflicts in the 21st century changed the relationship between the state and the indigenous population. As a result, in 2011, the Congress of Peru passed the Law of Prior Consultation (Ley de Consulta Previa) unanimously. Thus, Peru found itself in the vanguard of states introducing the right to consultations into the national legislative system, but this did not mean that all problems were solved. Since indigenous communities live in economically attractive territories, identification of the beneficiaries of the new Law has become the focus of a new conflict. The indigeneity

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of the peasant communities (comunidades campesinas) of the sierra and costa regions began to be challenged by both the mining lobby and government circles. In this article, using the historical perspective and referring to the acts and norms of Peruvian laws, I briefly discuss the course of the conflict and present the problem of the terminology and definitions used for the indigenous sector of Peruvian society concerning authoritative decisions of the state and the so-called “discursive colonialism”, still present in Peruvian ethnopolitics after two hundred years of independence.

KEYWORDS: Peru, indigenous peoples, prior consultation, peasant communities, indigeneity.

RESUMEN

Los doscientos años de la independencia de la República del Perú y el debate en curso sobre el carácter pluriétnico y pluricultural de la nación peruana están indisolublemente ligados a la determinación de las normas legislativas dedicadas a los pueblos indígenas que habitan el territorio del Estado. La ratificación del Convenio no. 169 de la OIT en 1994 no contribuyó a la implementación de los derechos establecidos en ese documento, incluido el derecho de los pueblos indígenas al procedimiento de consulta previa y a expresar un consentimiento libre e informado a todas las acciones estatales que puedan afectar su calidad de vida. Sin embargo, la ola de conflictos socio-ambientales de finales del siglo XX y principios del XXI obligó a cambiar la relación entre el Estado y la población indígena. Como resultado, en 2011, el Congreso de Perú aprobó por unanimidad la Ley de Consulta Previa. Así, el Perú se encontró a la vanguardia de los Estados, introduciendo el derecho a la consulta en el ordenamiento legislativo nacional, pero esto no significó que todos los problemas estuvieran resueltos. Dado que las comunidades indígenas viven en territorios económicamente atractivos, la identificación de los beneficiarios de la nueva ley se ha convertido en el foco del nuevo conflicto. La “indianidad” de las comunidades campesinas de las regiones de la sierra y la costa comenzó a ser cuestionada tanto por el lobby minero, como por los círculos gubernamentales. En este artículo, utilizando la perspectiva histórica y haciendo referencia a los actos y normas del derecho peruano, analizo brevemente el curso del conflicto y presento el problema de la terminología y definición utilizadas para el sector indígena de la sociedad peruana en relación con las decisiones autoritarias del Estado y el llamado “colonialismo discursivo”, aún presente en la etnopolítica peruana luego de 200 años de independencia.

PALABRAS CLAVE: Perú, pueblos indígenas, consulta previa, comunidades campesinas, indianidad, etnopolítica.

Introduction

The right to the prior consultation procedure (*consulta previa*) has become the basis of the current vertical participation policy, implemented between the state and the indigenous peoples inhabiting its territories. The right to

be consulted is one of the essential provisions of the *Indigenous and Tribal Peoples Convention no. 169* of the International Labour Organization (further: ILO Convention no. 169, date of entry into force: September 5, 1991). It is still the only international document recognizing indigenous peoples' right to consciously and freely participate in any decision-making process of public institutions and state administration bodies. The ILO Convention no. 169 defines the essential criteria and standards of the consultation procedure, indicating the need to apply it in all areas of state activities that may affect collective rights, concern indigenous territories, or directly representatives of indigenous peoples, therefore in the sphere of economic policy, the justice system, security or the broadly understood cultural policy. The document also emphasizes that to be able to reach an agreement based on free and informed consent, all activities must be performed in good faith, in a manner appropriate to the circumstances, and with the use of suitable means (ILO Convention no. 169, Art. 6.2; see also: Kania, 2021).

In Latin America, the prior consultation procedure can be interpreted from a broader historical perspective as one of the instruments of ethnic policy used in this area for many centuries. This procedure would follow a long tradition of *política de pacto* – negotiations and treaties concluded during the colonial period between representatives of the Spanish administration and authorities of indigenous communities. The policy of negotiations was introduced and implemented from the time of Charles I and Philip II (2nd half of the 16th century) through a system of indirect power and recognition of the status and authority of the local elites (*caciques*) as representatives of the *pueblos de indios*. Above all, it was used in the areas on the borders of the Viceroyalty of New Spain and Peru as an instrument of a new formula of pacification and subordination policy toward the so-called *indios fronterizos* (defined as “from conquest to pacification”, see: *Ordenanzas de descubrimiento...*, 1573). The strategy of treaties was supposed to lead to a compromise in diplomatic relations. It was based both on the European tradition (the negotiation procedures carried out in the Iberian Peninsula between the central government and representatives of the lower-level administration (e.g. *cabildos*) in the process of consolidation of the Spanish state) and the American practice (negotiations that were carried out in pre-Columbian times to conclude strategic and economic alliances between political organizations such as *señorio* or *altepetl*). Considering the policy of treaties and negotiating procedures of the colonial period, we must take into account the difficulties that had to be overcome to implement them. There was a problem of communication (the use of indigenous languages and the Spanish language); complex conditions of the negotiations caused by the low level of mutual trust (due to the previously conducted military aggression); the problem of the scope of the agreed final provisions, which had to be beneficial to both parties and expressing the goodwill to reach a compromise. The crucial was the mutual acknowledgment and recognition of the

authority of the negotiating participants (representatives of the Spanish and indigenous authorities) and the legitimacy of their decisions.

During the 19th century, such a form of inter-ethnic policy and the participation of representatives of indigenous people in the decision-making processes of new states were rejected. With the concept called *indigenismo republicano* has come the policy of indigenous peoples' marginalization, assimilation, and subordination to the dominant position of the authorities deriving from the Creole-Mestizo circles. There was no question of negotiation anymore, as the authority of indigenous leaders and the autonomy of their communities were not recognized officially. This situation did not change almost until the end of the 20th century.

The development of the concept of *indigenismo moderno*, formally implemented as a pro-Indian policy, continued to hide practices leading to the integration of the indigenous sector of Latin American societies. The overall vision of monocultural, homogeneous states, with a dominant position of the Creole-Mestizo groups, led to the continuation of the assimilation, hegemonic vertical ethnopolitics, therefore to the development of political programs, development plans, and administrative actions towards and for the indigenous peoples, but without their active participation. Only the end of the last century (especially the 1980s–1990s) brought significant changes in the relations between the state and the indigenous part of national societies. Along with the democratization processes, the accompanying concept of cultural pluralism, and the emergence of the contemporary, dialogue-based concept of interculturalism, the politics of negotiating and compromise have returned. The right to prior consultations enshrined in the ILO Convention no. 169, which in Latin America has been ratified by the most significant number of countries in the world¹, was also in line with the idea of ethnodevelopment (*etnodesarrollo*) promoted in this area as an alternative to the assimilation policy. Its central premise is to promote modernization and development processes while maintaining and being able to express one's own ethnic and cultural identity freely. It is also the result of the contemporary Indianism (*indianismo*) policy, based on respect for the right to self-determination and the cultural autonomy of indigenous peoples.

The Republic of Perú ratified the ILO Convention no. 169 through the *Resolución Legislativa N° 26253* of January 17, 1994. The Convention entered into force on February 2, 1995; thus, its provisions became binding in the Peruvian legal system, and following its content, since 1995, the state formally accepted the obligation to implement the procedure of prior consultation of any administrative or legislative decisions that would affect indigenous peoples and their territories. Over the years, however, this obligation was not respected. The Peruvian government was repeatedly criticized by national and international human rights organizations and expert forums (see: CEACR, 2009,

¹ 15 out of 24 countries during the 1991–2021 period.

pp. 686–689). The situation changed only due to the increase in the number of violent social and environmental conflicts that shook Peru at the beginning of the 21st century. They led to severe tensions in the internal politics (in the relations between the state and the indigenous peoples) and the weakening of Peru's image in the international arena. As a result, the government decided to take specific institutional actions, accelerating the development of appropriate national legislation and the implementation of consultation procedures.

The events of June 2009, known as the “Bagua Massacre” or “Baguazo”, became the flashpoint. The source of the conflict was the enactment of Laws 1064 and 1090, which, as part of the implementation of free trade agreements between Peru and the United States, facilitated the sale of land to private investors and mining activities in the indigenous territories of the Peruvian Amazonas Department. These laws were adopted without supplementing the provisions of the ILO Convention no. 169, primarily without implementing the prior consultation procedure. By residents of the Department, they were considered a violation of their rights to self-determination and territorial rights. The indigenous organizations of the Peruvian Amazon began protest actions demanding the repeal of the package of laws. In April 2009, some 5,000 demonstrators – mainly from the Awajún and Wampis tribes – blocked the Fernando Belaunde Terry Highway in a place known as *Curva del Diablo* in Bagua Province. As it is an important communication and transportation route, on June 5, after a 55-day blockade, the central government in Lima ordered the pacification and removal of the protestors. The brutal action ended in a clash between them and the police officers. According to official government sources, 33 people were killed in the confrontation (23 police officers and 10 indigenous), and around 200 were injured. To prevent the escalation of conflict, the new laws were cancelled, and on July 15, 2009, Congress established a special commission chaired by Guido Lombardi from Unidad Nacional. This commission presented 4 reports of its work, clearly indicating the lack of implementation of prior consultation procedures as the source of the conflict (Cavero, 2011). Another socio-environmental conflict was the so-called “Aymarazo”: protest of the residents of the Puno Department (Indian Aymara) against the introduction of *Decreto Supremo No. 083*, which granted mining concessions to the Canadian Bear Creek Mining Corporation. The request was made to cancel the planned investment – the construction of the Santa Ana mine in the district of Huacullani, province de Chucuito – pointing to the threat it posed to the environment by contaminating the hydrographic system, including the waters of Lake Titicaca. The government was accused of an absence of consultation or even a will to dialogue with the local population. A violent riot of May 2011 led to the blockade of the Peruvian-Bolivian border in the vicinity of Puno, brutal clashes with the police, and much damage to the public buildings in the city itself.

Under pressure from the public, to prevent further conflicts of a similar nature, the Office of the Ombudsman (*Defensoría del Pueblo*) proposed the

introduction of the right to prior consultation into the national legislation. In 2010, the Constitutional Court issued a decision (ATC 0022-2009-PI / TC) that revised the right to consultation as a constitutional right based on the ratification of the ILO Convention no. 169. On August 23, 2011, the Congress of Peru unanimously approved Law No. 29785 of the *Right to Prior Consultation of Indigenous and Tribal Peoples, recognized in Convention 169 of the International Labour Organization* (further Ley de Consulta Previa 2011). The Act regulated the procedure of implementing the right to prior consultation before approving any administrative or legislative measures that could affect indigenous peoples' collective rights, physical existence, cultural identity, quality of life, or development (Ley de Consulta Previa 2011, Art. 2). The Law was signed by newly elected left-wing President Ollanta Humala Tasso on September 6, 2011, at a public ceremony held in Bagua, the site of the aforementioned violent riot. We can interpret that official even as a kind of "political spectacle": the president, proclaiming pro-Indian slogans, wanted to demonstrate an official break with the neoliberal direction of Peruvian politics implemented by his predecessor, Alan García Pérez.

Peru is the first country to implement the right of prior consultation directly into its legislative system. Prior consultation procedures involve representatives of indigenous peoples in the decision-making process, particularly in formulating and implementing investment and development plans applied by the state in their territories. Based on intercultural dialogue, the inclusion is to lead to an agreement on the principle of specific administrative and legislative measures. Adopting an indigenous perspective on issues crucial for its existence is an expression of the state's recognition of its right to self-determination. The draft of the new Law was received positively by Peruvian indigenous organizations, which saw it as an essential step forward in the process of implementing the provisions of ILO Convention no. 169. However, this optimism faded when *Ley de Consulta Previa* was published. Its final version contained articles that were not consulted or not agreed with local indigenous organizations. Because of the next wave of protests, a special commission was appointed to which representatives of 6 indigenous organizations were invited. Despite the lack of unanimity and the resignation of some indigenous representatives, some amendments and regulations were introduced to improve the document. On April 3, 2012, *Regulation of the Norms of Prior Consultation Law* was published and entered into force the next day, under *Decreto Supremo No. 001-2012-MC* (Reglamento de la Ley del derecho a la consulta previa, 2012; Ministerio de Cultura, 2012; see also: Schilling-Vacaflor, Flemmer, 2013, pp. 11–18; Flemmer, 2019).

The implementation process of the *Ley de Consulta Previa* from the beginning has been conducted in a highly polarised atmosphere. On the one hand, indigenous leaders demanded the broadest possible definition of the beneficiaries of the introduced Law and the inclusion of as many indigenous communities as possible in the decision-making processes carried out con-

cerning the territories they occupy. However, it quickly became apparent that ethnic policies based on intercultural dialogue, respect for the right to self-determination, and indigenous peoples' autonomy pose a threat to the interests of the influential mining industry. On the other side, representatives of the energy and mining sectors presented negative attitudes toward the new Act. First of all, they questioned the right to be consulted among peasant communities (*comunidades campesinas*) in the Andean *sierra* area, claiming that the inhabitants of this region did not meet the "indigenous criteria" (Paucar Albino, 2014b; Paucar Albino, 2014c). Roque Benavides, CEO of Compañía de Minas Buenaventura S.A.A. (the main shareholder of the mining company Yanacocha, intended to implement the Conga mega-project in the Cajamarca province) during the mining convention in Arequipa in 2011 stated: "There are no indigenous communities in the highlands of Peru. There are peasant communities, which are a product of the era of General Velasco"². The company's finance director, Carlos Gálvez, in an interview with the TV program "Semana Económica", expressed his concern that the provisions of the new law would lead to a situation in which "anyone who clogs a feather will have the right to be consulted". This situation would paralyze any investments and industrial development and, as a result, threaten the state's interest (Paucar Albino, 2014a; Paucar Albino, 2014b). There were also those – among them the first lady, Nadine Heredia – who believed that the access to information technology deprived members of rural communities (*comuneros*) of indigeneity: if they were using cell phones or computers, they could no longer be called indigenous³. Peruvian President Ollanta Humala Tasso himself, in a TV interview on April 28, 2013, questioned the status of Quechua and Aymara peasant communities (*comunidades campesinas*) as indigenous peoples, calling them *comunidades agrarias* – "the product of Agrarian Reform" of 1969–1979. He also questioned the indigenous status of the Amazonian *comunidades nativas*, who for a long time have succumbed to the *mestizaje* processes caused by migration and industrialization. According to the president, the only indigenous peoples in Peru were tribes in the phase of initial contact or the so-called *no contactados* (Ávila, 2013; LaMula.TV, 2013)

The *Reglamento de la Ley de Consulta Previa* took into account the development of the Official Database of Indigenous Peoples of Peru (*Base de Datos Oficial de los Pueblos Indígenas del Perú*), which was to be publicly available and was to identify indigenous peoples eligible for the consultation procedures. However, the publication and release of the Database were deliberately

² "Peru is very diverse. In the highlands of Peru there are no indigenous communities. What exists are peasant communities. I was criticized for saying that they had been invented by General Velasco, but certainly, they were recognized by him. They are different communities than the Ashaninka communities of the jungle" (see: Diez, 2013; also Remy, 2013, p. 7).

³ In the popular political program "Hildebrandt en sus trece", the first lady, Nadine Heredia, was quoted as asking the then Deputy Minister for Intercultural Affairs, Paulo Vilca, "You have to change. A native who has a cell phone is no longer a native" (Paucar Albino, 2014c).

delayed, as there was fear in government circles that it would trigger an avalanche of claims from indigenous communities living in the country, who would demand special rights and paralyze any investments. The then Minister of Culture Luis Peirano stated:

No Database will be published because it can create confusion, unnecessary expectations, and problems of all kinds. We have a Database, but the Ministry [of Culture – MK] policy is to work from requests. When a community is somehow affected by an investment project, it can ask for the right to be recognized. (see: Maldonado Chavarri, 2013)

In the interview mentioned above, President Ollanta Humala agreed with that decision, explaining that if the Database were to be made public, “the next day, half of Peru would declare themselves indigenous” (LaMula.TV, 2013). Therefore, both the *Ley de Consulta Previa* and the *Reglamento* sparked lively discussions and a nationwide debate. The right to prior consultation became a part of the “political game” played by both the state and the indigenous leaders. The problem of disagreement and friction between public institutions and representatives of indigenous organizations not only concerned the final version of the documents so crucial for Peruvian ethnic politics. A fundamental to the entire consultation procedure is recognizing the authority and autonomy of the parties involved and the right of a given group to be consulted. Therefore the issue of the ethnic identity of Peruvians became once again at the centre of the public debate: to whom should the prior consultation procedure be applied? Who is entitled to invoke the new law, and who is not? How to define the beneficiaries of both the ILO Convention no. 169 and the Law of 2011? Those questions were not a novelty in Peruvian ethnopolitics and have already repeatedly echoed in the political debate of the Republic for several centuries.

Who is indigenous? Who has authority? Some comments about the terms, definitions, and official recognition of indigenous communities from a historical perspective

The most commonly used terms for indigenous communities in Peru and which have been cited in the debate on prior consultation procedures are *pueblos de indios*, *comunidades indígenas*, *pueblos originarios*, *comunidades nativas* and *comunidades campesinas*. Each of them was associated with a specific legal status of *indígenas* and was announced in a specific political and social context.

Looking for the sources of the official nomenclature, we should go back to the *New Laws of India* from 1542, based on which the colonial society of the Viceroyalty of Peru was divided into two parts, called republics: *república de los Españoles* and *república de los indios*. The indigenous peoples were dis-

placed by force to the *pueblos de indios*, secular reductions introduced in the Viceroyalty during the reforms of Viceroy Francisco de Toledo (the so-called *reducciones toledanas*, 1569–1581; see: Malaga Medina, 1974). In return, their collective rights and production methods were recognized as a tributary duty, their customs and traditions were respected (if they did not threaten the Catholic religion), and the authority of their leaders, called *caciques*, was officially recognized. According to Maria Isabel Remy from the Institute of Peruvian Studies in Lima, colonial legislation was to be an extension of the *status quo* of the pre-Columbian period: the inhabitants of the *pueblos de indios*, who previously operated in the Inca state under the control of a solid central authority from Cusco, became then the subjects and tributaries of the Spanish crown, which in return valued their land rights and local jurisdiction. The term *indios* referred to the inhabitants of the *sierra*, while those who lived on the border of the known and colonized world, i.e. in the Amazon, were perceived as savages (*salvajes* and *bárbaros*) (Remy, 2013, pp. 7–8; Kania, 2016, pp. 12–13; Contreras & Cueto, 2018, pp. 32–34).

A turning point for the status of indigenous peoples was the events of the 1820s and the independence of the Republic of Peru. By *Decreto Supremo* of August 27, 1821, General José de San Martín not only abolished indigenous tribute and guaranteed equality before the law for all Peruvian citizens but also cancelled the earlier colonial terminology and declared *indios* as Peruvians: “Aborigines shall not be called *indios* or *naturales*: they are sons and citizens of Peru and should be known by the name of *Peruanos*” (Salmón, 2012, pp. 83–91). A few years later, on July 4, 1825, a similar provision was made in a decree issued by Simón Bolívar in Cusco. It affirmed equal rights for all citizens of the Republic, releasing the *indios* from servant dependence and establishing that “henceforth they will be called Peruvians” (*Gaceta del Gobierno de Lima Independiente*, 1950, p. 67; see also: Contreras & Cueto, 2018, pp. 86–88). Those authoritatively imposed administrative measures were supposed to lead to the integration of all Peruvian people and eliminate any colonial nomenclature. However, there was not only the question of terms or designation. It was the socio-political status of indigenous peoples that was regulated by new legislation expressing the concept of *indigenismo republicano* – the assimilation or marginalization of indigenous communities, negating their right to cultural identity, the autonomy of jurisdiction, and the authority of their leaders. Except for the first Constitution (1822), throughout the 19th century, Republican constitutions expressed the idea of constructing a united, culturally homogeneous nation of “all Peruvians”. Nonetheless, in Peruvian legislation, indigenous communities from the *sierra* were called “semi-civilized”, and indigenous groups from the Amazonian *selva* were referred to as “savage tribes” (1832), “un-civilized natives” (1837), “barbarians”, and “reduced Indians” (1847) (Flindell Klarén, 2000, pp. 134–146; Kania, 2016, p. 13).

Attempts to systematically define the term “indigenous” based on clearly defined criteria appeared in the Peruvian public debate in the first half of

the 20th century. Although indigenous peoples constituted more than half of Peru's population (about 51.7%, see: Millones, 1973), they occupied the lowest social position and remained on the principal political and economic life margins. In the course of work on codifying their legal and political status, Erasmus P.S. Roca proposed a definition of *indios* based on their socio-political position and, above all, their constant economic inferiority. *Indios* were those who: "have been dependent on the owners of *haciendas* or *fincas*, working in the fields, animal husbandry or small workshops for little wages as *yanacunas*, *pongos*, *mitayos*, *tápacos*" (Roca, 1935, pp. 79–80). The ethnic and economic factors were also referred to by Atilio Sivirichi, the author of the classic publication *El derecho indígena peruano. Proyecto de Código Indígena* (1946). He pointed out that the term *indio* can be applied to the descendants of indigenous peoples, who were in social, political, and economic inferiority. They remained on the margins of political life and outside the democratic legal system of the state to such an extent that they were not subject to the dictates of general legislation. They were inhabitants of the country "who present a degree of cultural inferiority, conserving uses and customs in conflict with civilized life, and to those who, having the conditions mentioned above, and to avoid confusion, are registered in the indigenous record (*Registro de Indígenas*)" (Sivirichi, 1946, p. 29; see also Nalewajko, 1995). Luís E. Valcárcel, one of the leading representatives of the Peruvian *indigenismo*, was even more radical in his definition of *indios*: "Millions of Indians are proletarian and primitive, illiterate and ignorant of the language of the state, peasants or ranchers or both at the same time, pseudo-Catholics, minimal consumers, scattered in the immense extension of Peru" (Valcárcel, 1945, p. 99). The opinions of external observers did not differ much from those presented by the Peruvian circles. Moisés Poblete Troncoso, in his report for the International Labor Organization in 1938, emphasized the existence of permanent features of the indigenous part of the Peruvian population: their preserved cultural identity, illiteracy, or primary education and marginalization in social life (Poblete Troncoso, 1938, p. 11).

Along with the development of the *indigenismo* movement, interest was also drawn to the institution of indigenous communities – *comunidades indígenas*. Some Peruvian indigenists derived their organization from pre-Columbian times, pointing as their source to *Ayllu* social organization, typical for the Andean region. The word *ayllu* in Quechua and Aymara has a similar meaning and means genealogy, lineage, or kinship. This meaning indicates the nature of relationships between members of each *Ayllu*, which were based on kinship (Valcárcel, 1925, p. 165; Nalewajko, 1995, p. 107). The land was cultivated together, and the natural resources belonging to the community were used in common. The Peruvian politician and sociologist Hildebrando Castro Pozo, who conducted studies on the institution of communities, deriving them from pre-Columbian *Ayllu*, divided them into agricultural communities, agricultural-ranching communities, pasture and water communities, and

usufruct communities. According to him, fundamental for the existence and identification of those communities was common ownership of the land and joint work of their members, as well as the strong bonds of kinship nurtured by generations:

Each community preserves the memories of its unique descendants, that the ancestors or “grandparents” [abuelos], as the Indians say, previously lived on the top of those hills, where they still preserve and can admire the ruins of the buildings that served them as shelter. (...), and the supreme Malquis still survive, divine founders of the first family from which those that today constitute the ayllu are derived. (Castro Pozo, 1924, pp. 16–19)

Other authors, however, were inclined to associate the origins of *comunidades indígenas* with the aforementioned colonial system of *pueblos de indios*. For the management of the *pueblos*, the functions of local leaders were established, who represented them to the colonial authorities. After the pacification of the famous uprising of Tupac Amaru II (the 1780s), the post of *cacique* was abolished, and a new one was established: *alcalde de vara* (*varayoc* – the one who holds the symbol of power – *vara*), a leader who was elected every year from *pueblo* members, and who was responsible for the internal administration of the community. It was then that the name *comunidad* appeared. It was introduced in the resemblance of social units with a similar function in the Iberian Peninsula (*comuna ibérica*) (Lynch, 1979, p. 1; Flindell Klarén, 2000, pp. 44–53, Urrutia Ceruti, Remy, Burneo, 2019, pp. 14–16). *Pueblos (comunidades) de indios* functioned throughout the colonial period; then, in the 19th century, in terms of the assimilation policy, their autonomy was eliminated, the rights to community land were taken away, and the collective rights previously guaranteed were abolished. Despite the legal absence and assimilation processes, the indigenous communities survived, though transformed. Despite attempts to destroy communal land ownership and abolish the traditional functions of their leaders, they retained their authority of *varayocs*, *alcaldes*, and *ilakatas* even when they were not officially recognized at the state legislature level. They functioned as informal assistants to the local political and judiciary administration. A key and constitutive role in making decisions was the role of assemblies (*asambleas comunales*), in which all adult members of the group participated, sometimes excluding married or single women.

The pro-Indian policy of Augusto B. Leguía’s presidency (*Oncenio*, 1919–1930) influenced both the perception of indigenous people in Peru (for example, the state-promoted policy of their gradual integration through education) and the official recognition of the existence of *comunidades indígenas* and their collective rights. Official recognition was confirmed in article 58 of Peru’s Constitution of 1920: “The State will protect the indigenous race and

will dictate special laws for its development and culture in harmony with its needs. The Nation recognizes the legal existence of indigenous communities, and the Law declares the rights that correspond to them” (Constitución para la República del Perú, 1920). It was a new chapter in relations between the state and the indigenous sector of the national society. Based on the *Resolución Suprema* of August 28, 1925, the Indigenous Affairs Section of the Ministry of Development and Public Works was established. The process of registration at the *Registro Oficial de las Comunidades Indígenas* also started. The inscription process began in 1926; by March 1935, 481 indigenous communities had been written down. Some changes also took place in the internal organization of communities. According to Law no. 479 of August 22, 1921, the position of *alcalde de vara* was abolished, and a completely new leader appeared – a *personero de comunidad*. Since he was an intermediary between the community and the state, he had to be literate and Spanish-speaking. He represented the interests of his community towards the central administration, initiating and participating in negotiations relating to the recognition of land rights, social-help obligations, organization of education, and settlement of financial duties. The position of *personero* was performed *ad honorem*, and the duration of the *cargo* lasted one year (Castro Pozo, 1924, pp. 34-37; Poblete Troncoso, 1938, p. 47; Dobyns, 1970, p. 35).

The provisions of the 1920 Constitution were also included in the 1933 Constitution, which confirmed the existence and legal status of indigenous communities (Article 207) and guaranteed the integrity and inviolability of their communal property and rights (Article 208) (Constitución política del Perú, 1933). By the end of the Manuel Prado Ugarteche regime (1962), the number of officially recognized indigenous communities had exceeded 1569. According to the General Directorate of Indigenous Affairs, until 1961, they had 1,367,093 members, which constituted about 10% of the then population of Peru (see Dobyns, 1970, pp. 11–13; Nalewajko, 1995, pp. 107–120; Urrutia Ceruti, Remy, Burneo, 2019, pp. 20–21). However, it should be noted that the term *comunidades indígenas* used in both constitutions referred only to the indigenous peoples who lived on the coast and in the *sierra* region but did not refer to the peoples of the Amazonian forest. Furthermore, in a new Penal Code (1924) Peruvian population was divided into four categories: civilized peoples (*Creoles* and *Mestizos* from the coast); aboriginal peoples (*indígenas*); semi-civilized aboriginal peoples (*semicivilizados*); and wild peoples (*salvajes*). Inhabitants of the *sierra* were put into the category of “semi-civilized”, degraded due to abuse, hard work, and alcohol. At the same time, the indigenous of the Amazonian region were briefly defined as a population incapable of self-determination in both legal and economic terms (Penal Code, 1924, Art. 44 and 45; see Yrigoyen Fajardo, 2002, p. 160; Kania, 2016, p. 14).

Comunidades campesinas and comunidades nativas – ethnopolitical manipulations

Indigeneity in the Debate.
The Right to Prior
Consultation in Peruvian
Ethnopolitics

Marta Kania

The emergence of new terminology for the indigenous sector of Peruvian society was related to the inclusive social and economic reforms carried out during the government of General Juan Velasco Alvarado (1968–1975). The crucial to our considerations is the agrarian reform initiated by the *Ley de Reforma Agraria*, Act no. 17716 of June 24, 1969. The date of the bill's announcement was not chosen by chance. Since the time of President Augusto B. Leguía, June 24 has been celebrated in Peru as *Día del Indio*. Now, the celebrations were to have a new name, corresponding to the direction of reforms introduced by Velasco Alvarado and the process of recovery of indigenous communities – *Día del Campesino*. The term *indio* / *indígena*, perceived as a pejorative, racist, symbolizing the status of inferiority, deprivation of rights, and a state of marginalization, was replaced with the new, neutral term *campesino* not burdened with colonial discriminatory stigma. At the same time, the concept of *comunidades campesinas* was introduced into the official legislative terminology, replacing the previously used *comunidades indígenas*. Interestingly, even though the new terminology was imposed top-down, administratively, and without any consultation, it was quickly adopted by the members of the communities themselves. Nobody wanted to be called *indio*. Terminological manipulation was to eliminate previous discrimination and inequalities, shaping the belief in a Mestizo Peruvian society where all citizens were supposed to be equal and enjoy equal rights (Meetzen, 2007, pp. 139–142; Remy, 2013, pp. 11–12; see also: Rousseau, 2012; CHIRIPAQ, 2015).

Between 1970 and 1980, the number of communities officially recognized by the state increased significantly. In *El Estatuto especial de comunidades campesinas*, promulgated in 1970, and its successor *Ley General de comunidades campesinas* Act of 1987, *comunidades campesinas* were defined as:

(...) organizations with legal existence and legal personality, made up of families that inhabit and control certain territories, linked by ancestral, social, economic and cultural ties, expressed in communal ownership of the land, communal work, mutual aid, democratic government and the development of multisectoral activities. (Ley General de comunidades campesinas 1987, Art. 2)

From a contemporary perspective, we can say that these communities were the groups that had the most significant contact with the urban world and whose members participated in the processes of mass migration and industrialization, characteristic of Peru in the second half of the 20th century (Salmón, 2012, pp. 84–85, see also: Matos Mar, 1990; Flindell Klarén, 2000, pp. 341–343; Barié, 2003, pp. 486–488).

The term *comunidades campesinas* referred only to the inhabitants of the *sierra* and *costa* (primarily the Quechua and Aymara populations). However, it did not include the tribes inhabiting the Amazon area, for whom the term *tribus salvajes* was still used. Due to the intensive processes of migration and colonization of the north-eastern territories of Peru (the emergence of the so-called *colonos* in the Loreto Department), it became necessary to regulate the legal aspects of land ownership and grant legal status to the tribes living there. In 1974, by *Decreto Supremo* no. 20653 the *Ley de Comunidades Nativas y de Promoción Agropecuaria de las regiones de Selva y Ceja de Selva* was established. This Law became the driving force for the legislative and structural changes in the Amazonian areas of Peru. The new Law defined *comunidades nativas* as kinship groups that use the same language, cultivate common cultural traditions, and are related to a specific territory:

(...) they originate in the tribal groups of La Selva and Ceja de Selva and are made up of groups of families linked by the following main elements: language or dialect, cultural and social characteristics, possession and common and permanent usufruct of the same territory with the nucleated or dispersed settlement. (Ley de Comunidades Nativas, 1974, Art. 7)

In the 1970s, a new constitution was also being worked on. Chapter VIII of the document both confirmed the rights acquired by *comunidades campesinas* and *comunidades nativas* in earlier acts, emphasizing their legal personality, autonomy, and community right to land, and defined the type of their organization:

The Peasant and Native Communities have legal existence and legal status. They are autonomous in their organization, community work and use of the land, and economic and administrative matters within the framework established by Law. The State respects and protects the traditions of the Peasant and Native Communities. It promotes the cultural improvement of its members. (Constitución para la República del Perú 1979, Cap. VIII, Art. 161)

The terms *comunidades campesinas* and *comunidades nativas* are also used in the Peruvian Constitution of 1993, which is still in force today; thus, the term *comunidades indígenas* has disappeared permanently from the official legislative nomenclature:

The Peasant and Native Communities have legal existence and are legal persons. They are autonomous in their organization, in collective work, and the use and free disposal of their lands and economic and administrative matters, within the framework established by Law (...). The State respects the cultural identity of the Peasant and Native Communities. (Constitución Política de la República del Perú, 1993, Art. 89; see also: Barié, 2003, pp. 479, 490–494)

Important for considerations on the right to the prior consultation procedure are also the provisions relating to the authority and jurisdiction of the leaders of *comunidades campesinas* and *comunidades nativas*. They were recognized following common law and within the territories that belong to the given community, provided that the application of the law will not conflict with fundamental human rights (Constitución Política de la República del Perú, 1993, Cap. VIII, Art. 149).

Whom to consult? – contemporary formal bases of indigeneity

The need to reach an agreement on the definition of indigenous peoples appeared when international documents relating to their rights and regulating relations between indigenous peoples and the state were drafted; that is, when they became particularly important in the political and economic context. However, this definition cannot be found in the text of the ILO Convention no. 169, even though it is dedicated to the indigenous population of national societies. The document only provides guidance on what criteria should be considered in determining to whom the provisions of the Convention can be applied (including the prior consultation procedure). The final definition of indigenous peoples is left to the states that have ratified the Convention.

According to the ILO Convention no. 169, which is the normative reference for the Peruvian *Ley de Consulta Previa*, indigenous peoples are those groups that lived in a given area before conquest or colonization (historical and territorial criteria). Their members maintained their own social, economic, cultural, and political institutions during the formation of new states (the criterion of being different from the rest of society). Apart from the objective criteria, the emphasis was also placed on the subjective criterion, i.e. self-identification, related to the right to self-determination and autonomy (ILO Convention no. 169, Art. 1). The criteria included in the Convention follow the so-called “working definition of indigenous peoples”, as proposed by the UN Special Rapporteur José Martínez Cobo in his *Study of Discrimination against Indigenous Populations* in 1986 (Martínez Cobo, 1986). According to the author, the fundamental identification criterion is self-identification, while the remaining criteria (territorial, historical, and the criterion of dissimilarity) are indicative or supplementary.

As mentioned before, the problem of definitions, appropriate criteria, and adequate terminology applied to indigenous peoples became a primary issue in the debate in Peru over the implementation of the right to prior consultation. The opponents argued that the terms *comunidades campesinas* and *comunidades nativas* present in the official Peruvian nomenclature are not the same as the term “indigenous peoples” (*pueblos indígenas*) contained in the ILO

Convention. It is worth mentioning that the variety of terms applied to indigenous people living in the territory of Peru was criticized by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) itself. In its report from 2009, the Committee pointed out that the terms and criteria used in the Peruvian Constitution and laws did not comply with the ILO Convention no. 169 ratified by Peru, so it was not clear to whom the Convention should be applied. It was also emphasized that the terms “native communities”, “rural communities”, and “originated peoples” were used inconsistently, sometimes to mean similar or different groups, depending on the laws in question. It was also noted that while the application of the prior consultation procedure was perceived positively towards *comunidades nativas* in the Amazonian region, its implementation in rural communities of *sierra* and *costa* territories constituted a severe problem. Meanwhile, according to ILO experts, if these communities met the criteria set out in Article 1 (1) of Convention no. 169, they should enjoy the rights enshrined in it, regardless of what they were called. The Committee suggested that:

The Government [in consultation with the representative institutions of the indigenous peoples – MK] might develop harmonized criteria for the populations which the Convention may cover since the various definitions and terms used may give rise to confusion between rural, indigenous and native populations and those living in the highlands, the forest and cleared land. (CEACR, 2009, pp. 686–687)

Therefore, the enactment of *Ley de Consulta Previa* in 2011 made it necessary to rethink the problem of identification and appropriate terminology for the indigenous sector of Peruvian society. The provision of the ILO Convention no. 169 was adopted as a point of reference, stating that only those groups that meet the criteria indicated therein and whose collective rights have been threatened by state activity have the right to the prior consultation procedure (Ministerio de Cultura, 2014, p. 21). In Article 5 “Subjects of the right to consultation,” the new law states that: “the holders of the right to the consultation are the indigenous or native peoples whose collective rights may be directly affected by a legislative or administrative measure”. As for the participation of indigenous peoples in the consultation procedures, Article 6 states that they participate “through their representative institutions and organizations, chosen according to their traditional uses and customs”. In Article 7 “Criteria for identifying indigenous or native peoples”, the Prior Consultation Law specifies the elements that determine those groups. As “objective criteria”, it is indicated: “a) Direct descendants of the original populations of the national territory; b) Lifestyles and spiritual and historical links with the territory they traditionally use or occupy; c) Social institutions and own customs; d) Different cultural patterns and way of life”. The “subjective criterion” is related to the consciousness of the collective group of having an indigenous or original identity, that is, self-identification. At least,

Article 10 indicates that the identification of the indigenous or native peoples to be consulted must be carried out by the state entities promoting the legislative or administrative measure based on the content of the proposed measure, the degree of a direct relationship with the indigenous people and the territorial of their scope (Ley de Consulta Previa 2011, Arts. 5, 6, 7, 10).

As the implementation of prior consultation procedures aroused much controversy and was criticized both by indigenous communities and the mining lobby, the provisions of the 2011 Law were clarified and supplemented in the document *Reglamento de la Ley de Consulta Previa*. In the following articles, first and foremost, the recipients of the consultation and the institutions that represent indigenous peoples were precisely identified:

Art. 3k: Indigenous or Original People.

People that descend from populations that inhabited the country at the time of colonization and that, whatever their legal situation, retain all their own social, economic, cultural and political institutions or part of them; and that, at the same time, recognize themselves as such.

The criteria established in Article 7 of the Ley de Consulta Previa must be interpreted within the framework stated in Article 1(1) of ILO Convention 169. According to the given criteria, the population that lives organized in peasant and native communities may be identified as indigenous peoples or part of them. The names and terms used to designate indigenous peoples do not alter their nature or collective rights.

Art. 3m. Representative Institution or Organization of the Indigenous Peoples.

According to the indigenous peoples' uses, customs, own norms, and decisions, an institution or organization constitutes the mechanism of expression of their collective will. Its recognition is governed by the special regulations of the competent authorities, depending on the type of organization and its scope. Therefore, the term "representative organization" will be used in the Regulations.

Art. 7. Subjects of the right to consultation

7.1 The holders of the right to the consultation are the indigenous peoples whose collective rights may be directly affected by a legislative or administrative measure.

7.2 The holders of the right to the consultation are the indigenous people or peoples of the geographical area in which said the measure would be executed or directly affected by it. The consultation is carried out through their representative organizations. The indigenous peoples will appoint their representatives according to their own uses, customs and norms. (Reglamento de la Ley del Derecho a la Consulta Previa 2012, Art. 3k, 3m, 7.1, 7.2; see also discussion: Salmón, 2012, pp. 39, 107–111; Schilling-Vacaflor, Flemmer, 2013, pp. 16–17; Ministerio de Cultura, 2014, pp. 21–23; Flemmer, 2019, pp. 108–109).

Considering the proposed definition, using both objective and subjective identification criteria, we must not forget, however, that these are not and cannot be static norms or indicators. They change over time and are subject to many social, political, and cultural factors that affect the way of defining the communities and the terminology used formally by the state, and the process of self-identification of indigenous peoples. This is a natural phenomenon of social transformations that we observe not only in highly polarised Peruvian society but on a global scale. Tensions between public institutions that introduce a predetermined nomenclature and representatives of indigenous peoples who are subject to authoritarian definitions for administrative purposes may still recur from time to time and need revision of settled terms.

In the “Final Complementary Provisions”, the Prior Consultation Law establishes the Vice Ministry of Interculturality (VMI) of the Peruvian Ministry of Culture as the technical body of the Executive Power specializing in indigenous matters (Ley de Consulta Previa, 2011, art. 20). Among the functions entrusted to the Deputy Ministry, the preparation and updating of a Database on indigenous peoples were distinguished, along with an indication of their representative institutions and organizations. The VMI Official *Database of Indigenous Peoples* is still a reference tool that allows access to information on indigenous or native peoples identified by the state. It should be noted that the Database is declarative and only referential. Given its nature, which is different from a registry, it does not constitute rights. Its primary sources of information are the National Institute of Statistics and Informatics (INEI), the Informal Property Formalization Agency (COFOPRI), and data produced by the Regional Agrarian Directorates (Ministerio de Cultura, 2014). Concerning the identification of indigenous or native peoples, it is worth mentioning that the Vice Ministry of Interculturality approved a Directive 001-2014-VMI/MC entitled *Guidelines that establish instruments for the collection of social information and sets criteria for its application within the framework of the identification of indigenous or native peoples*. Based on this standard, the VMI has developed the *Methodological Guide for the Identification Stage of Indigenous or Native Peoples* (Ministerio de Cultura, 2014).

The original plan of the deputy Minister for Interculturalism, Ivan Lanegr, was to publish the *Database of Indigenous Peoples* shortly after the government announced the *Regulating Norms* (April 2012). However, the publication of the census (and only partially) did not begin until October 2013 (Ministerio de Cultura, 2013). Identifying and registering indigenous groups eligible for the prior consultation procedure was relatively quick in the Amazon region. *Comunidades nativas* were considered assimilated to a much lesser extent than the other indigenous groups in the country. It allowed (and still allows) them to maintain their dissimilarity from the dominant society, so necessary from the point of view of the *Ley de Consulta Previa* criteria. They are also homogeneous groups in terms of ethnic self-identification, the indigenous nature of which has not been questioned by public institutions or the mining sector. In the case of

the *sierra* or *costa* area communities, living on the economically attractive territories and constituting the axis of many environmental and social conflicts, the identification procedure was (and still is) much more difficult. For decades they were subject to assimilation processes, and their identity for several generations has been expressed through belonging to *comunidad campesina* – a rural, peasant community. It is worth mentioning that they called and recognized themselves as *comuneros*, not *indígenas*, because the term *indio* / *indígena* has been associated with discrimination, marginalization, and inferiority for many years. This puts the most significant obstacles in identifying communities Quechua or Aymara as indigenous peoples eligible for the prior consultation procedures. As late as April 2015, the deputy minister of interculturalism pointed out that none of the Quechua-speaking peasant communities was considered, even though they constituted more than half of the communities that should have been included in the *Database of Indigenous Peoples* prepared by the VMI. Until then, not a single consultation procedure had been completed (Salmon, 2012; Lane-gra, 2015; see more: Huber, 2021, pp. 118–120).

The National Census carried out in 2017 became extremely important for determining the ethnic structure of the Peruvian state and, in a way, verifying the functionality of the subjective criterion of self-identification. For the first time in Peru's history, next to the question about the native language or the language learned in childhood, the question of self-perception or own assessment of ethnic origins was included. The question about ethnic self-identification made the results of the census highly anticipated. It was interpreted in line with the actual recognition of the multi-ethnicity of the Peruvian state and a departure from the ethnopolitics implemented so far, intentionally diminishing the importance and number of the indigenous population in the structure of Peruvian society. According to the Census information and the information gathered at the *Database of Indigenous Peoples*, Peru is home to 55 indigenous peoples (*pueblos indígenas u originarios*) organized in *comunidades campesinas* or *comunidades nativas*: 4 of them come from the Andes area, 51 from the Amazon territories. 13 tribes are in a phase of initial contact or isolation (INEI, 2018, pp. 214–215).

By March 2022, 69 prior consultation processes had been completed, mainly in the mining sector and protected areas, and seven more procedures were being implemented.

Conclusions

The prior consultation law can be interpreted both as a “product” of the mobilization of indigenous peoples, who demand recognition of their political status and respect for their collective rights, and as a result of the evolution of international law, which places particular emphasis on the right to self-determination and autonomy. Respecting these rights means that the state should

not make any decisions and initiate any actions without taking into account the voice of indigenous peoples, thus ensuring that they regain and maintain control over their lives, both in the present and in the context of future development, on an equal footing with other members of the national society (Kania, 2021, pp. 164–165).

Ethnopolitics implemented in the territory of Peru almost from the very beginning was a real challenge for the governmental spheres. It was shaped by variables related to economic development, commercial prosperity, global changes in human rights, and reforms related to the nature and functions of the state. The state's attitude towards indigenous peoples was marked by protectionism, paternalism, policies of exploitation or marginalization, indifference, or forced assimilation. Today, despite the ratification of many documents guaranteeing indigenous peoples' rights, their ethnic and cultural identity is still denied, or criteria for their identification are imposed in line with the top-down, arbitrary vision of the state – a phenomenon that we can define as “discursive colonialism” (see discussion: Hernández Castillo, Cruz Rueda, 2021, pp. 408–415). The struggle of indigenous peoples for their rights is therefore also a fight for the right to define their own identity or, as Marisol de la Cadena and Orin Starn named it, an expression of “the tense dynamics between being classified by others and attempts to define oneself, from inside (...)” (De la Cadena & Starn, 2010, p. 11; see: Huber, 2021, pp. 133–134; also CHIRAPAQ, 2015).

In the end, we have to pass the voice to the indigenous peoples. In response to the attempts to discredit or even eliminate the presence of indigenous communities in Peru, Peruvian indigenous organizations announced the Pact of Unity of the National Indigenous Organizations. It negated various terminology introduced into Peruvian legislation, which masked the multi-ethnic nature of the Peruvian nation and limited access to globally recognized rights. The right to self-identification and the will to preserve one's ethnic and cultural identity are considered the most important criteria for identifying indigenous peoples:

WE REAFFIRM that, in Peru, all the peasant communities, native communities, rondas campesinas and other organizations descended from native peoples are indigenous peoples. Therefore, we have the right to self-identification and to the exercise, respect and application of all the rights of indigenous or originated peoples. (Pacto de Unidad de las Organizaciones Nacionales Indígenas, 2019, art. 2)

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Amazonian Indigenous Participation in Electoral Processes in Peru. The Case of 2011, 2016, and 2021 Presidential Elections

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La participación de los indígenas amazónicos en los procesos electorales en el Perú. El caso de las elecciones presidenciales de 2011, 2016 y 2021

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ABSTRACT

Through the analysis of the participation of the Amazonian indigenous peoples in the presidential elections of 2011, 2016, and 2021, this article illustrates how, two hundred years after Peru's political independence, they are still excluded from full-fledged citizenship. In the first part, it addresses the main obstacles to defining and measuring the indigenous vote, as well as the reasons that hinder adequate indigenous electoral participation. It then discusses the relationship between the Amazonian peoples and the national political parties, the experience of MIAP, and the formal restraints for the creation of an indigenous party. Finally, it analyzes the participation and electoral results in 22 districts located in the Peruvian Amazon region with a majority of the indigenous population. The data used comes from the Peruvian electoral institutions: the National Elections Jury (JNE), the National Office of Electoral Processes (ONPE), the official web portal Infogob of the JNE, and the National Censuses of 2007 and 2017. As part of an ongoing long-term research project, it includes data related to previous presidential elections as well as data from local and regional electoral processes. Moreover, it includes data from interviews with indigenous leaders and ethnographic observations.

KEYWORDS: *Peru, elections, Amazonia, indigenous peoples, electoral participation.*

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RESUMEN

A través del análisis de la participación de los pueblos indígenas amazónicos en las elecciones presidenciales de 2011, 2016 y 2021, este artículo ilustra cómo, doscientos años después de la independencia política del Perú, continúan siendo excluidos de una ciudadanía plena. En la primera parte del texto se presentan los principales obstáculos para definir y medir el voto indígena, así como las razones que dificultan una adecuada participación electoral indígena. Luego se discute la relación entre los pueblos amazónicos y los partidos políticos nacionales, la experiencia del MIAP y las restricciones formales para la creación de un partido indígena. Finalmente, se analizan los resultados de la participación y votación en 22 distritos ubicados en la región amazónica cuya población es mayoritariamente indígena. Los datos utilizados provienen de las instituciones electorales oficiales peruanas: el Jurado Nacional de Elecciones (JNE), la Oficina Nacional de Procesos Electorales (ONPE), el portal web oficial Infogob del JNE, y los Censos Nacionales de 2007 y 2017. En la medida en que forma parte de un proyecto de investigación a largo plazo que sigue en curso, incluye datos relacionados a elecciones presidenciales anteriores y también a procesos electorales locales y regionales, así como datos provenientes de entrevistas con líderes indígenas y observaciones etnográficas.

PALABRAS CLAVE: *Perú, elecciones, Amazonia, pueblos indígenas, participación electoral.*

INTRODUCTION

In 1821, a few weeks after proclaiming Peruvian independence from Spain, general San Martín, in a memorable speech, decreed that, from that moment on, “the aborigines shall not be called Indians or natives; they are children and citizens of Peru, and they shall be known as Peruvians.” (Anderson, 2006, pp. 49–50). With this decree, San Martín was trying to establish a modern concept of equal citizenship. Two hundred years later, the indigenous peoples in the Peruvian Amazon region still are discriminated against and marginalized, and their territories, nations, and autonomous authorities are still not fully recognized by the state, although these are rights established by the international indigenous rights legislation.

In these two hundred years, their access to electoral participation and to be elected to office has been limited. There has only been one Amazonian indigenous leader elected as representative to the National Congress and there has only been one indigenous candidate running for the presidential elections. This situation may be explained by the relatively late access to their political and electoral rights, the proportionally low number of indigenous voters, or the lack of efficient mechanisms of inclusion or positive discrimination in the electoral laws.

In the following pages, I will first discuss the difficulties to determine and measure the Amazonian indigenous vote. Then I will address some of the

main issues which constitute obstacles to adequate indigenous participation in electoral processes. I will also discuss the relationship between the Amazonian indigenous peoples and the Peruvian political parties, the experience of MIAP, and the legal restraints for establishing an indigenous party. Finally, I will analyze the last three presidential elections in Peru in 2011, 2016, and 2021 and the indigenous participation and votes in 22 districts in the Amazon with a majority of the indigenous population. For contextual purposes, I will also use information related to previous presidential elections, and local and regional elections.

I will rely mainly on the data given by the official Peruvian electoral institutions: the National Elections Jury (Jurado Nacional de Elecciones–JNE), the National Office of Electoral Processes (Oficina Nacional de Procesos Electorales–ONPE), and the official web portal Infogob of the JNE. As an ongoing long-term research project, I am also relying on data collected on previous occasions, including interviews with indigenous leaders and ethnographic observation. Some results of this previous research about the Peruvian Amazonian indigenous electoral participation have already been published during the last decade (Espinosa & Lastra, 2011; Espinosa, 2012, 2016, 2018, and 2020).

How to determine the indigenous vote and the indigenous candidates

One of the main difficulties in the study of indigenous electoral participation resides in the fact that it is not easy to discriminate the indigenous vote from the non-indigenous one, especially since there are no indigenous independent electoral jurisdictions (Madrid, 2005; Aragón, 2012; Pinedo, 2012). The same problem arises when trying to determine whether a candidate or elected authority is indigenous or not. In this case, the information presented by political parties or movements to the National Elections Jury (JNE) or to the National Office of Electoral Processes (ONPE) does not contain sufficient information, or the information given is not accurate.

Only in the cases in which the JNE or the Special Electoral Juries have determined the application of the indigenous quota, the indigenous candidates are explicitly registered as such. This is important to note because not all indigenous candidates run for office through the quota system. There have been indigenous candidates before the existence of Law 27734. There are also indigenous candidates who have run for different offices not included by the law, as is the case of candidates for mayors, regional governors, or representatives at the National Congress. And there are also parties or political movements that include more indigenous candidates than those legally required. Nonetheless, this formal criterion is not entirely reliable, since some political parties or movements have also presented candidates who were not indigenous to meet the mandatory quota requirement. In those cases when this ruse has

been denounced, the lists have been challenged or crossed out, but in others, the deceit has not been detected at all due to the way in which the registration is submitted and controlled.

Another criterion used for identifying the indigenous population has been through their surnames (Echevarría, 2001; Paredes, 2008; León-Ciliotta et al., 2019; Artiles et al., 2021). However, the trouble with this criterion is that many indigenous people have surnames common to other Peruvians. This has been the case of indigenous leaders and candidates for different local, regional, and national offices with Spanish surnames such as Pérez, Soria, Vásquez, Suárez, etc.; or with surnames from other national origins, as was the case of Pedro Tomón, the first Asháninka mayor whose surname was inherited from a Japanese ancestor. An approach based exclusively on this criterion could reinforce stereotypical or racist understandings of indigenous life and politics.

A more acceptable way to determine the identification of indigenous voters has been the reference to their maternal language (Paredes, 2008 & 2015; Ames & Ponce de León, 2012; Aragón, 2012; Sulmont, 2012). However, this path may not be reliable either, as not all indigenous people have an indigenous maternal language – some have lost it, as in the case of many Kukama-Kukamiria, although they continue identifying themselves as part of an indigenous people – and definitely not all of them register this fact in the official censuses.

Obviously, none of these criteria clarify in a satisfactory way whether or not the candidates are indigenous. The only way to do so would be for the political parties or movements to explicitly indicate the ethnic background of each of their candidates in a formal registration process. In this regard, the JNE, through Resolution 2174-2010-JNE, has tried to solve this problem by requesting more information on the candidates' registration forms. However, many candidates – or sometimes also their political parties or movements – hide their indigenous identity for fear of suffering discrimination. It is not easy to forget the long history of racist practices in Peru, which have not yet completely disappeared. For this reason, many people continue to avoid expressing their ethnic or cultural identity for fear of mistreatment, as was confirmed by the results of the 2017 National Census in relation to the question referring to ethnic self-identification.¹

A safer approach to determine the ethnic adscription of a candidate would be to revise if there is any information in the official *curriculum vitae* or resumé submitted to the electoral authorities establishing the candidate's indigenous background, such as their place of birth or residence, if they are

¹ The 2017 National Census has been harshly criticized for the way in which the questions were designed, and also for its implementation, which resulted in contradictory information and a high percentage of erroneous answers. For example, according to official results, more than 1,600,000 people surveyed did not respond to the question for ethnic self-identification or their responses have been tabulated under the categories: “does not know”, “does not answer” or “does not apply”.

or have been bilingual teachers, or if they have participated or have been leaders of an indigenous organization. In some cases, it is also possible to identify indigenous candidates who are publicly known for their trajectory

Amazonian Indigenous Participation in Electoral Processes in Peru. The Case of 2011, 2016, and 2021 Presidential Elections

Oscar Espinosa

District	Province	Region	2007 Total Pop.	2007 Indig. Pop.	% Ind. Pop.	2017 Total Pop.	2017 Indig. Pop.	% Ind. Pop.
Andoas	Datem del Marañón	Loreto	9 375	5 923	63,18	11 714	11 347	96,87
Balsapuerto	Alto Amazonas	Loreto	13 868	13 200	95,18	13 707	12 229	89,22
Cahuapanas	Datem del Marañón	Loreto	6 822	5 877	86,15	6 336	6 271	98,97
El Cenepa	Condorcanqui	Amazonas	8 513	7 333	86,14	9 891	8 880	89,78
Fitzcarrald	Manu	Madre de Dios	1 263	804	63,66	1 402	1 182	84,31
Imaza	Bagua	Amazonas	21 409	15 767	73,65	25 162	20 202	80,29
Iparía	Coronel Portillo	Ucayali	10 774	8 960	83,16	10 328	8 117	78,59
Napo	Maynas	Loreto	14 882	7 691	51,68	15 003	9 035	60,22
Nieva	Condorcanqui	Amazonas	22 192	15 724	70,85	18 626	13 889	74,57
Padre Márquez	Ucayali	Loreto	5 560	2 924	52,59	3 697	1 940	52,47
Puerto Bermúdez	Oxapampa	Pasco	23 028	11 648	50,58	17 249	10 434	60,49
Purús	Purús	Ucayali	3 746	3 604	96,21	2 860	2 729	95,42
Río Santiago	Condorcanqui	Amazonas	12 606	12 206	96,83	13 953	13 356	95,72
Río Tambo	Satipo	Junín	32 575	20 318	62,37	26 036	19 690	75,63
Rumisapa	Lamas	San Martín	2 561	1 358	53,03	3 456	1 951	56,45
San Roque de Cumbaza	Lamas	San Martín	1 508	861	57,10	1 635	900	55,05
Tahuanía	Atalaya	Ucayali	7 284	5 960	81,82	8 177	6 113	74,76
Tnte. Manuel Clavero	Maynas	Loreto	3 896	2 619	67,22	2 317	1 629	70,31
Torres Causana	Maynas	Loreto	4 865	4 301	88,41	4 230	3 570	84,40
Trompeteros	Loreto	Loreto	7 450	7 234	97,10	8 396	7 944	94,62
Yaquerana	Requena	Loreto	2 396	1 724	71,95	1 929	1 214	62,93
Yurúa	Atalaya	Ucayali	1 631	1 360	83,38	1 975	1 263	63,95

Table 1.
Amazonian districts with
a majority of the indigenous
population

Prepared by the author on the basis of National Census of 2007 and 2017

as indigenous leaders. Finally, in some cases, the electoral lists at local and regional levels officially register the candidates as being indigenous persons in order to fulfill the legal quota required. However, as mentioned before, this criterion is not entirely reliable, since some political parties or movements have presented candidates who are not Amazonian indigenous to comply with the law requirements.

These obstacles limit the possible analyses to trustworthy and available data. One of the more reliable sources is the National Census of Indigenous Communities, although sometimes there are also problems with this information. There have been cases of indigenous communities registered with only one inhabitant; a fact that definitely raises serious questions about its validity. Nonetheless, it is possible to analyze the information provided for the districts with a majority of the indigenous population. After a thorough revision of both the 2007 and 2017 censuses, there is a list of 22 districts located in the Peruvian Amazon region with a majority of its population identified as indigenous (cf. Table 1).² The analyses of the electoral processes shown here have been made with data from these 22 districts, although these are not necessarily the districts with the largest indigenous population.³

The limits to an adequate Amazonian indigenous participation in electoral processes

Indigenous electoral participation is relatively recent in Peru. The first elections in which indigenous people participated, both as voters and candidates, were the municipal elections that took place at the end of 1980, after the 1979 Constitution approved the right to vote for the illiterate. And although there were some measures to include the vote of indigenous people on previous occasions, these were restricted to the Andean population (Del Águila, 2009, 2011 & 2012). It was only with the 1979 Constitution that the Amazonian indigenous population could begin to exercise their political rights in order to elect and be elected (Tuesta, 1994; Paredes, 2008; Gamboa, 2009; Espinosa & Lastra, 2011).

Since 1980, they have taken an active part in all the electoral processes, although there are important differences between their participation in national presidential elections and the local and regional ones. One of these differences resides in the fact that their vote may have more influence on the outcome of

² The 2007 and 2017 Indigenous Census only includes the rural population who live in “native communities” and does not include the indigenous population living in the cities.

³ There were 23 districts with a majority of indigenous rural population according to the 2007 census, and 37 according to the 2017 census. Only 22 of these appeared in both censuses. The only district that has proportionally lost its majority of indigenous population is the Morona district, in the Datem del Marañón province.

the local and regional ones, rather than on the national ones. The Amazonian indigenous population represents approximately 2.5 to 3% of the total national population, and therefore their votes do not make an important contribution to the final outcome of the electoral process. At the same time, the rural indigenous population is more affected by the local and regional government's decisions and policies.

This fact also favors absenteeism among the indigenous voters in the Amazon region (Tuesta, 2003; ONPE, 2005; Quintanilla, 2020). A study conducted in 75 rural districts shows that in these districts there was a higher percentage of absenteeism at the national elections – nine percentage points of difference from the urban districts –, while in the case of the municipal elections there was only 1.2% of the difference (Quintanilla, 2002, p. 311). In the 22 districts selected for this study, for the ballotage in the presidential elections of 2011,

Amazonian Indigenous Participation in Electoral Processes in Peru. The Case of 2011, 2016, and 2021 Presidential Elections

Oscar Espinosa

Districts	2011	2016	2021
Andoas	58,02	41,42	34,83
Balsapuerto	68,76	64,44	54,20
Cahuapanas	69,08	54,02	40,28
El Cenepa	70,23	47,16	45,09
Fitzcarrald	57,57	48,25	39,60
Imaza	68,66	57,33	49,40
Iparía	55,01	47,61	47,90
Napo	61,52	54,95	46,13
Nieva	68,21	50,79	43,17
Padre Márquez	56,62	50,40	44,90
Puerto Bermúdez	45,08	57,52	51,29
Purus	54,65	45,08	48,96
Río Santiago	67,23	49,12	38,03
Rio Tambo	74,14	63,46	58,20
Rumisapa	84,48	85,69	81,79
S. Roque de Cumbaza	81,27	83,29	79,88
Tahuanía	58,15	56,52	50,74
Torres Causana	45,66	43,41	40,21
Trompeteros	59,72	44,63	40,94
Tte. Manuel Clavero	43,21	48,52	32,43
Yaquerana	56,81	59,65	53,93
Yurúa	45,08	42,75	37,03
Average	61,33	54,36	48,13

Table 2. Absenteeism in ballotage elections of 2011, 2016, and 2021 in Amazonian districts with a majority of the indigenous population

2016, and 2021, on average, between 48 and 61% of the registered voters participated (cf. Table 2).⁴

Another important problem related to the indigenous participation in electoral processes, and more specifically for the election of indigenous candidates consists in the contradictions of the quota system as an affirmative action policy. Indeed, the indigenous quota was included in the Peruvian electoral system in 2002 through Law No. 27734, a reform made to the Municipal Elections Law (Law No. 26864). This quota system establishes that at least 15% of candidates on all electoral lists must be indigenous if they live in regions with an indigenous population. The same rule also applies to the regional elections, according to Law No. 27683. However, this measure has had, in general, a negative impact. Despite the criticisms made by experts and researchers (Chuecas, 2007; Rasmussen, 2008; Pinedo, 2010 & 2015; Espinosa, 2012 & 2020; Paredes, 2015; Sánchez, 2018; Jaramillo & Valenzuela, 2019; Alegre, 2020)⁵ as well as from indigenous leaders and organizations (Idea Internacional, 2012; AIDSESEP, 2015; Hurtado, 2015; Defensoría del Pueblo, 2018), this law has continued to be applied in all the electoral processes to date.

Although the quota system directly affects the regional and municipal elections, it also brings into question the current procedures to elect representatives to the National Congress. The quota systems established by the Peruvian electoral laws – such as the indigenous, gender, and youth quotas – are designed to include a specific number of candidates in the electoral list, and therefore it does not guarantee that members of these underrepresented groups will be elected as authorities. A real affirmative action should establish a fixed number of seats for municipal and regional councilors and also for representatives at the National Congress, and not only in the lists of candidates.

Another negative consequence of the quota system has been the weakening of the Amazonian indigenous movement and its political party. Before the existence of quotas, most political parties did not include indigenous candidates in their lists. The few that did were either organized by the indigenous people themselves or were those that included indigenous demands as part of their political platform. This situation offered the indigenous voters a more distinct understanding of the position of the different parties or electoral movements vis-à-vis the indigenous political agenda. However, since the implementation of the quota system, all parties have the obligation to have indigenous candidates, and therefore it has become a common practice for indigenous citizens to distribute their votes among their acquaintances in the hope that one of them will be elected. This way of casting their votes relegates

⁴ There are also other reasons for the absenteeism. For example, the distance between the indigenous communities to the voting centers imply high costs in time and money.

⁵ Paredes (2015) is one of the few analysts who consider the impacts of the quota system from a more positive and optimistic perspective. However, it should be noted that the case study on which this opinion is based is not the most representative of the Amazonian indigenous reality in Peru.

the discussion about government plans or political platforms to a secondary position. A superficial analysis of any municipal electoral process after 2002, will show how the sum of votes for indigenous candidates who ran on different lists far exceeded the votes received by mestizo candidates who ended up winning the elections. As a result of this process, the Indigenous Movement of the Peruvian Amazon (MIAP) – the political party created by the indigenous organizations for their participation in electoral processes – was debilitated in such a way, that a few years later it finally disappeared, and with it, the possibilities of developing a national-level indigenous political party practically disappeared.

Amazonian Indigenous Participation in Electoral Processes in Peru. The Case of 2011, 2016, and 2021 Presidential Elections

Oscar Espinosa

The Amazonian indigenous peoples and the national political parties and leaders

There is a historical estrangement between the national political parties and the Amazonian indigenous communities. After forty years of electoral participation, it is clear that the Peruvian political parties have not been successful in attracting the Amazonian indigenous people, neither as members nor as voters. And although there are several reasons that could be proposed to explain this distance – including the long history of discrimination and subordination of the indigenous population by the Creole and mestizo elites –, ultimately, it is related to the fact that national political parties have not been interested in the welfare of the indigenous peoples, their rights and demands.

From the perspective of the Amazonian indigenous peoples, possibly one of the worst relationships with a national party has been with APRA. Since its origins, this party has propounded the idea of Peru as a mestizo country where the indigenous population will disappear sooner or later through a positively viewed process of modernization and miscegenation (De la Cadena, 1998). And although this ideological stance has not been explicitly formulated as such in party documents, it has influenced its politics since its origins. As Davies Jr (1971) has argued, the founder of APRA, Haya de la Torre, promoted an *indigenista* rhetoric for decades, but it never led to specific political decisions in favor of the indigenous population. The evidence for this lack of practical interest in defending indigenous rights or supporting their demands is supported by the policies implemented in the two times that APRA was elected for government, in 1986 and 2006. In effect, in the two administrations of President García, and especially during his second term in office (2006–2011), no social policies for the indigenous population were implemented, but on the contrary, several of those inherited from previous administrations were dismantled. Moreover, García, as the most prominent figure of APRA in the last four decades, has often referred to the Amazonian indigenous population of Peru in derogatory terms. The indigenous peoples have been particularly offended by his “dog in the manger” postulates (García, 2007a, 2007b & 2008),

as well as his statements during and after the protests that ended on June 6 of 2009 in the so-called “Baguazo”. On this occasion, President García (2010) indicated that the indigenous peoples were not “first-class citizens.”

The great majority of the Peruvian parties have been founded in Lima or in other large cities, and their main activities occur in urban areas. In rural regions of the country, political parties are active only in the context of electoral processes. Therefore, any attempt to explain indigenous political participation or preferences made solely from an analysis of the votes obtained in an electoral process will always be limited. This error, common to political analysts or journalists accustomed to partisan urban and mestizo political life, does not take into consideration the cultural and historical factors that predetermine and influence indigenous political life. Nonetheless, the numerical results of the electoral processes constitute an input for understanding indigenous politics and should not be entirely dismissed.

The political and ideological distance between political parties and indigenous communities can be seen, for example, in the electoral results. A total of 46 indigenous mayors have been elected between 1980 and 2018 as candidates running with national political parties. This number represents approximately 38.3% of the total elected mayors in this period, including both the district and provincial elections. However, the majority of them, 74 (61.6%), were candidates participating in regional political movements. Among these, and until 2006, a significant number of them, 22 mayors (18.3%), participated in lists of explicit indigenous movements.

Participation in national political parties occurs in certain situations and generally corresponds to specific alliances established between indigenous candidates of a region or province with these parties. In some cases, there are political parties that have a “dragging” effect on electoral processes due to the position of their presidential candidates or national leaders. In the last three municipal electoral processes of 2010, 2014, and 2018, the number of alliances with national parties has decreased, while the alliance between indigenous organizations and regional movements, such as Fuerza Loretana, Integración Loretana, or Sentimiento Amazonense, among others, have strengthened.

There have also been some interesting cases of coordination between the indigenous organizations and the national parties. One of these took place in the province of La Convención (Cusco) during the 2010 elections. On this occasion, representatives of the communities and regional indigenous organizations decided, in an assembly that took place in April 2010 in the community of Kirigeti, to participate with their own party Unidad Indígena Amazónica del Cusco. However, the requirements established by the electoral laws made it difficult for them to gather the necessary signatures to register, so they decided to participate in an alliance with the national party Peru Posible of former president Toledo. This agreement enabled them to present candidates without limiting their participation to the quota requirements. Thus, the candidates for mayor of the province and of two of its districts, Echarate and Kimbiri,

were indigenous. In the case of the Echarate district, in addition to the candidate for mayor, four of the seven candidates for council members were indigenous; and in the case of Kimbiri, the entire list was made up of indigenous candidates: the candidate for mayor and the five candidates for the Municipal Council. The end result, however, was not successful. In Echarate, Peru Possible ended in the fourth place out of nine, and in Kimbiri they ended in the eighth position, also among nine lists (Espinosa & Lastra, 2010).

In general, the Amazonian indigenous peoples aspire to have their own candidates and their own political party. Since 1990, and for more than a decade, the majority of the indigenous candidates participated in the local and regional electoral processes with the *Movimiento Indígena de la Amazonía Peruana*–MIAP (Indigenous Movement of the Peruvian Amazon), although its creation was made official in 1996 during the national congress of the *Asociación Interétnica de Desarrollo de la Selva Peruana*–AIDESEP (Interethnic Association of the Peruvian Jungle of that year), which is the most important national-level indigenous organization of the Peruvian Amazonian peoples (Espinosa & Lastra, 2011).⁶

Between 1995 and 1998, MIAP won in several districts. In the 1995 municipal elections, at least fifteen indigenous mayors were elected in Peruvian Amazonia. In the following elections of 1998, the number increased to seventeen, and in the year 2002, it descended to thirteen, probably due to the multiplication of indigenous candidates, the quota system, and sometimes also to a certain lack of unity in each district or province.

The electoral success of MIAP has not excluded criticisms, both from within the indigenous movement and also from scholars. According to Rice and Van Cott (2006), in Peru, there were no ethnic political parties that were viable in electoral terms. To be “viable” or “successful” would mean to win one or more seats or offices, either at local or national levels of government, at least twice in consecutive electoral processes (Rice & Van Cott, 2006, p.714). However, although these requisites were fulfilled by MIAP, at least during the 1990s, nonetheless Van Cott (2005, p.141) has argued that it had limited success, “because it was unable to amass the resources necessary for registration and campaigning, and because of persistent fraud by local election officials loyal to other parties.” Another type of criticism made to MIAP was based on the permanent mistrust of national political parties and, therefore, the possibility of their leaders being politically manipulated behind the scenes. This was the case of some Shipibo candidates running with MIAP in the early 1990s, who were accused by other Shipibo leaders of being manipulated by the *Partido Unificado Mariateguista*–PUM (Espinosa, 2004).

However, MIAP was mortally wounded by the modifications made to the electoral laws, especially the quota system and the new requirements included

⁶ Van Cott (2003) mistakenly indicates the year 1999 as the date of creation of the MIAP, an error that she corrects afterwards (Van Cott, 2004), but which Huber (2008) repeats, nonetheless.

in the new Law of Political Parties (Law No. 28094). The latter, passed in November 2003, establishes that national political parties require “committees in at least one-third of the country’s provinces, located in at least two-thirds of the departments” (art.8). Thus, an indigenous national party would need to organize committees in 16 different regions. This requirement constitutes a practically unsurmountable obstacle due to the fact that there are indigenous communities – and eventually, indigenous organizations – in only 11 of the 23 departments. And, although, there are Amazonian indigenous persons living now in all of the Peruvian departments – as the last National Census recognizes – they do not always form part of an indigenous organization or an urban indigenous community.⁷

In the case of regional parties, article 9 of Law No. 28094, establishes the requirement of party committees in the majority (half plus one) of provinces of the corresponding region. Once again, the law hinders the possibility for the Amazonian indigenous peoples to have their own political parties. Only three departments – Loreto, Ucayali, and Madre de Dios – have indigenous communities in more than half of their provinces. This means that only in these three places it would be possible to have a regional indigenous party.

According to Julio Dávila (2005), these changes and restrictions openly contradict the spirit of the Peruvian Constitution and the ILO Convention-169, by not allowing the indigenous peoples the possibility of having their own political organization, and therefore, presenting their own political demands and alternatives to the rest of Peruvian society. They also constitute formal barriers that impede the creation of indigenous parties (Van Cott, 2003 & 2005), or enable the disappearance of those that already existed, as was the case of MIAP. Moreover, they challenge the argument which seeks to explain the lack of a national indigenous party in Peru based on the weakness or fragmentation of the Peruvian indigenous movement (Yashar, 2005; Paredes, 2008; Madrid, 2011), or the failure and crisis of MIAP due to the same reason (Chuecas, 2007).

In Peru, the very existence of an “indigenous movement” has often been problematized (Remy, 1994; Yashar, 1998; Quijano, 2006; Fernández, 2012), including in the case of the Amazonian indigenous peoples (Vega, 2009). Even those who have accepted its existence have explicitly established its “exceptionality” when compared to other Andean countries (Degregori, 1993 y 2002; Montoya, 1993; Gelles, 2002; Yashar, 2005; Pajuelo, 2007; Albó, 2008). According to Vega (2009), it is not possible to maintain the existence of an indigenous movement if there is not a unified organizational institution that represents the interests of the indigenous communities or peoples. However, the term “movement” was adopted by the social sciences to describe political and social organizations characterized by their flexibility, instead of following the

⁷ The Peruvian State does not recognize the urban indigenous communities. According to the Peruvian legislation only the rural “native communities” are officially recognized.

more rigid structures of political parties or other institutions. In Peru, there is a wide range of organizations and movements that, although they have different profiles, interests, or levels of institutionalization, all share a common ground: the defense of certain rights that could be considered as “ethnic” or “indigenous”. Therefore, the Peruvian “indigenous movement” would be more similar to the indigenous movements of Mexico or Guatemala characterized by Kay Warren (1998a y 1998b) as a series of initiatives and organizations with different degrees of ethnic identification, but that ultimately have in common a critical position against the nation-state model built around colonial heritage and the discrimination against its native peoples. In a similar vein, García & Lucero (2008, p. 319), discussing the Peruvian case, argue that most of the analyses have “ignored the variety and intensity of indigenous political activity in this country, preferring instead to focus on the apparent lack of organizational ability of indigenous people to form national alliances”; or, for the purposes of this discussion, it would be possible to add: “the focus on the lack of a national indigenous political party”.

Due to the new legal restrictions, in the 2002 municipal electoral process, MIAP was able to participate in only one province: Condorcanqui. A few months later, in December 2002, one of the final agreements of the XIX General Assembly of AIDSESEP, was to promote their participation in the electoral process through a renewed version of MIAP, in which the word *indígena* in its name would be replaced by the term *intercultural*. However, the obstacles brought by the reform of the electoral laws of 2002 and 2003 made it practically impossible for MIAP to register lists in the following elections, although it continued to exist unofficially for a few more years.

The impact of this crisis led most indigenous organizations to establish alliances with regional electoral movements. In April 2004, for example, former MIAP leaders from Ucayali met at Pucallpa in order to appoint its new regional authorities, discuss its reorganization, and plan its electoral strategies (Espinosa, 2004). Similar crucial political meetings occurred while I was staying at San Lorenzo, the capital city of the Datem of Marañón Province early in 2006, in which Máximo Puitsa, the official MIAP representative in the region, was also present. The leaders representing seven different indigenous peoples linked to CORPI, AIDSESEP’s regional office, discussed at length the possibility of participating in the electoral process with their own MIAP list. After a period of intense debates, the majority of regional leaders, due to the complicated requirements established by the electoral laws, decided to participate with a national party; and after several consultations, they finally chose to run with Unión por el Perú (UPP), whose presidential candidate was Ollanta Humala. However, the Achuar leaders decided to part ways and run with a different party, Somos Peru, who offered them the possibility of presenting a list headed by an important Achuar leader, Mateo Peas, former mayor of the district of Pastaza. The final result favored the UPP candidate, Emir Masegkai, an important regional Awajun leader who was previously elected, on three occasions, as

mayor of the district of Cahuapanas. This triumph was particularly significant because it was the first electoral process held after the creation of the province in 2005; having an indigenous leader as its first mayor was symbolically powerful. Unfortunately, neither Masegkai nor other indigenous leaders have won the provincial elections since then.

In more recent years, the indigenous organizations have continued discussing the importance of creating a new – and more solid – indigenous party that could replace the now extinct MIAP. According to some indigenous leaders, such as Gil Inoach (his personal communication of 2018), it would be essential for this new party to have a much stronger structure and a better internal organization, but it should also need to be more ideologically firm. Moreover, for him, a new indigenous political party should propose adequate answers to current-day national and international challenges, while at the same time expressing the world vision of the Amazonian indigenous peoples. It has to be a party that should advance the indigenous agenda while offering better living conditions for the non-indigenous population.

The presidential elections of 2011, 2016, and 2021

The Peruvian parties' lack of interest in the indigenous political demands is more noticeable during the presidential elections. In the 2006 electoral process, no national party included in its government program any concrete proposals originating from indigenous rights or demands. In some cases, declarative phrases were included in favor of cultural diversity; but these can easily be dismissed as slogans or clichés with no real programmatic political content. Only one party, Fuerza Social, indicated, and in a very general way, the “revitalization”⁸ of cultural knowledge and practices that were to be included also as part of its social policies (Vargas, 2006).

The situation slightly improved in the 2011 electoral process, partially due to the effects of the indigenous protests of 2008 and 2009 that ended with the event known as “Baguazo”, and which brought the indigenous demands to the forefront of national political debates. Nonetheless, there were only two parties with some explicit and specific proposals for guaranteeing indigenous rights: Perú Posible led by former President Alejandro Toledo, and Gana Perú led by Ollanta Humala, who in the previous 2006 elections run with UPP. It is important to highlight that, in the case of Gana Peru, there was a notable difference between the first government program presented as *La Gran Transformación* (The Great Transformation) and the second, more pragmatic plan elaborated before the ballotage, called *Hoja de Ruta* (Roadmap). This second

⁸ The indigenous peoples, their leaders and intellectuals harshly criticize the idea of “revitalization” of cultures or languages. According to them, there is no need for “revitalization” if the cultures or the languages are alive.

program was designed to attract more conservative voters, and therefore, all the social policies initially proposed to benefit the indigenous peoples were reduced to a single written line.

Most parties in 2011 continued the tradition of including some declarative phrases about the importance of the land titling process for indigenous communities, making nebulous references to the “revitalization” of indigenous traditional knowledge and customs, or mentioning the necessity to incorporate the indigenous population into the modern market economy. This was the case, among others, of the Partido Aprista Peruano (APRA) led by former president Alan García, or Fuerza 2011 led by Keiko Fujimori. There were also two parties that did not include a single sentence related to the indigenous

Districts	2011	2011-B	2016	2016-B	2021	2021-B
Andoas	Toledo	Humala	Fujimori	Fujimori	Humala	Castillo
Balsapuerto	Toledo	Humala	Kuczynski	Kuczynski	Acuña	Castillo
Cahuapanas	Toledo	Humala	Mendoza	Kuczynski	Lescano	Castillo
El Cenepa	Humala	Humala	G. Santos	Kuczynski	Humala	Castillo
Fitzcarrald	Humala	Humala	Fujimori	Fujimori	Castillo	Castillo
Imaza	Humala	Humala	Mendoza	Kuczynski	Castillo	Castillo
Iparía	Humala	Humala	Fujimori	Kuczynski	Castillo	Castillo
Napo	Toledo	Humala	Fujimori	Kuczynski	Salaverry	Castillo
Nieva	Humala	Humala	Mendoza	Fujimori	Humala	Castillo
Padre Márquez	Humala	Humala	Fujimori	Kuczynski	Acuña	Castillo
Puerto Bermúdez	Humala	Fujimori	Fujimori	Fujimori	Castillo	Fujimori
Purus	Fujimori	Fujimori	Fujimori	Fujimori	Acuña	Fujimori
Río Santiago	Humala	Humala	Mendoza	Kuczynski	Humala	Castillo
Rio Tambo	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori
Rumisapa	Fujimori	Humala	Fujimori	Fujimori	Fujimori	Castillo
S. Roque de Cumbaza	Humala	Humala	Mendoza	Kuczynski	Mendoza	Castillo
Tahuanía	Humala	Humala	Fujimori	Fujimori	Fujimori	Castillo
Torres Causana	Toledo	Fujimori	Fujimori	Fujimori	Salaverry	Castillo
Trompeteros	Toledo	Humala	Fujimori	Kuczynski	Fujimori	Fujimori
Tte. Manuel Clavero	Toledo	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori
Yaquerana	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori
Yurúa	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori	Fujimori

B = Ballotage

Table 3. Candidates with a majority of votes in the presidential elections and ballotages of 2011, 2016, and 2021 in Amazonian districts with a majority of the indigenous population

communities or to Peruvian rural communities in general. These were Alianza por el Gran Cambio, an electoral alliance of right-wing groups led by Pedro Pablo Kuczynski and Solidaridad Nacional, a center-right party led by the former mayor of Lima, Luis Castañeda.

In 2011, in the Amazonian districts selected for analysis, the indigenous people voted for three candidates: former president Alejandro Toledo, Ollanta Humala, and Keiko Fujimori. Humala won in ten districts, Toledo won in seven, and Fujimori in five (cf. Table 3). All the districts where Toledo won are located in the Loreto region. The votes for Humala came from different regions, but he ostensibly won in the Amazonas region, where the Awajún people constitute a majority. It is important to note that in 2011, also from this same region, was elected the first and only indigenous representative for the Peruvian National Congress, Eduardo Nayap, an Awajún leader who ran with Humala's party.

Madrid (2011) has argued that these three candidates, Toledo, Humala, and Fujimori appealed to indigenous voters through a mix of populist and ethnic offers. Madrid, however, is analyzing the 2001 and 2006 presidential elections and bases his analysis on voting results from provinces with a majority of the indigenous population, including both Andean (or highland) and Amazonian (or lowland) regions. A closer look at the Amazonian voters, however, may allow a more precise interpretation.

The votes for Fujimori came mainly from districts located in the Pasco, Junín, and Ucayali regions, all located in the central Peruvian Amazon region. In both the districts of Puerto Bermúdez (Pasco) and Rio Tambo (Junín), the Ashaninka and Asheninka peoples constitute the majority, while in Ucayali the majority is composed of the Shipibo-Konibo people. In the case of the Ashaninka and Asheninka, there has always been a strong bond with Fujimori, since the days of the internal armed conflict in the 1980s. After being forced by the Shining Path guerrilla to abandon their communities and to work for them in slave-like conditions, the Ashaninka found in president Alberto Fujimori and the Peruvian Military important allies. By the end of the 1980s, the whole region was under total control of the Shining Path, and it was only in 1991 when the Fujimori administration established three military garrisons in the area. With the support of the Ashaninka *ovayeriite* or *ronderos*, the military began a counteroffensive attack against the Shining Path guerrilla. For the Ashaninka, unlike the rest of the Peruvian citizens, the armed conflict did not end in 1992 with the capture and formal rendition of Abimael Guzmán. A small group of Shining Path guerrillas did not accept the rendition of its leader, and in alliance with drug-trafficking mafias have continued their military activities until now in the Ene Valley, a territory traditionally occupied by the Ashaninka people (CVR, 2003; Espinosa, 1994, 2013 & 2021; Barrantes, 2007; Villasante, 2012 & 2019). After all these decades of living in a continuous situation of danger and warfare, a large number of Ashaninka still consider former president Fujimori as an ally against the Shining Path and have faithfully voted for his daughter in the presidential elections.

Unlike Fujimori, both Toledo and Humala offered specific proposals for Amazonian indigenous voters, some of which corresponded to the demands of the indigenous movement. And although the policies implemented in both their administrations did not fulfill the expectations of the indigenous organizations, nonetheless they were more progressive and more responsive to indigenous demands than Fujimori's government in the 1990s or the Garcia administrations.

The differences between these governments can be traced through the changes suffered by the Peruvian office in charge of indigenous affairs. In 1992, Alberto Fujimori dissolved the Instituto Indigenista Peruano, the office for indigenous affairs created in the 1940s. He also dismantled the Ministry of Education's office for bilingual and intercultural education. Under international pressure, especially from the United Nations, Fujimori was forced to create it again in 1998, but with a new name: the Secretaría Técnica de Asuntos Indígenas (SETAI) within a new Ministry, the Ministerio para la Promoción de la Mujer y los Derechos Humanos (PROMUDEH). However, this office did not have the power to design and propose public policies, but only to collaborate in the implementation of general social policies in indigenous communities.

During the Toledo administration, in 2002, after the indigenous organizations insisted on an instance with greater hierarchy and power to define indigenous policies, CONAPA was created. However, its institutional limitations and questionable leadership by Eliane Karp – Toledo's wife and head of CONAPA – led to a crisis that did not end after replacing Karp with Miguel Hilario, a Shipibo-Konibo intellectual. Before the end his term, Toledo replaced CONAPA with the Instituto Nacional de Desarrollo de los Pueblos Andinos, Amazónicos y Afroperuano (INDEPA). This new organism gained autonomy and included, for the first time, indigenous representatives on its board. INDEPA, at least in this first version, did not last long. Early in his administration, Garcia dissolved it, and once again, under international pressure, had to reactivate it almost a year later. Afterward, Garcia kept this office inoperative throughout his term, by moving it from one ministry to another; so every year the state officials working there spent most of their time adjusting their legal status and procedures. Finally, in 2010, INDEPA was absorbed by the new Ministry of Culture, while the Vice-Ministry of Interculturality become the new state office in charge of indigenous affairs.

The Amazonian indigenous peoples and organizations are familiar with this history of political decisions, and they probably cast their votes based on this experience. Humala and Fujimori obtained the two highest numbers of votes nationwide, and in the run-off election, Humala won in fifteen districts selected for this study, while Fujimori only won in seven (cf. Table 3). In terms of votes, Humala obtained 38,686 votes in these districts, which meant that 70% of the valid votes were registered, while Fujimori obtained 16,494, or the 30% of the votes. The difference in these Amazonian districts is much larger

in comparison with the national voting percentages, in which Humala won over Fujimori by only 3 points (51.5% vs 48.5%). According to Lazo (2015), Humala obtained important support from the Peruvian indigenous population and from rural areas across the country; while in the case of Fujimori, Lazo mentions that she did not fare well, in general terms, with the indigenous population. The exception, as noted before, were the districts more affected by the internal armed conflict that are loyal to the Fujimori family.

After winning in 2011, one of the first laws passed by the Humala administration was the Law of Prior Consultation (Law No. 29785) as a political response to the indigenous protests and general social unrest related to environmental conflicts, intensely exacerbated during the Garcia administration. Moreover, in his last year in office, Garcia vetoed a Law of Prior Consultation passed by Congress in 2010. And although there was a wide national consensus about the urgency of legal norms to guarantee this internationally recognized indigenous right, it has received numerous critiques regarding its text and its implementation, both from a political and a legal perspective (Benavides, 2012; Gamboa & Sneck, 2012; La Rosa, 2012; Ruiz, 2014; Guevara-Gil & Verona-Badajoz, 2018; Ilizarbe, 2019, etc.).

The Humala administration also promoted other policies for the indigenous peoples, as was the case of the Law for Indigenous Languages (Law No. 29735), or the creation of territorial reserves for peoples in isolation and initial contact that were sabotaged during Garcia's government. Nonetheless, by the end of his government, Humala's pragmatic shift to the *Hoja de Ruta* could not reduce in a significant way the pending social debts towards the Amazonian peoples, bringing frustration and shattering their expectations.

After the "Baguazo" in 2009, there has been a growing consciousness in Peru about the situation and the rights of indigenous peoples. Thus, for the 2016 electoral process, the JNE established that all national political parties should include proposals for the indigenous peoples in their government programs (Resolution No. 0305-2015-JNE); and in its annex No.6, it adds that these should be formulated from an intercultural perspective. This requirement forced all nineteen participating parties to include at least a line or two regarding the indigenous peoples, although they were mostly generic phrases, similar to the ones presented in the previous electoral process. As Richard O'Diana (2016) has suggested, it is not enough to include in government plans proposals such as the endorsement of the law of prior consultation, environmental supervision, or the titling process of native communities. These are measures already established by Peruvian legislation and it should not be necessary to mention them at all. What is needed are more specific proposals to guarantee indigenous rights and their well-being.

In the case of the 2016 elections, for the first time in Peruvian history, an Amazonian indigenous leader, Miguel Hilario, from the Shipibo-Konibo people, ran for the Presidency with Progresando Perú. In the previous elections of 2011, there were two Amazonian indigenous leaders who were interested in

running for office: Miguel Hilario, and Alberto Pizango, although their candidacies did not prosper.

Pizango, a Shawi leader with a large political trajectory, played an important role as president of AIDSESEP during the indigenous mobilizations of 2008 and 2009. The attention given by the national and international media to these protests, and particularly to the tragic outcomes of the event known as “Baguazo”, converted Pizango into an important public figure. Due to his political background, Pizango was approached by the Partido Fonavista del Perú in order to launch him as its candidate; but soon after, this party chose the lawyer José Ñique as its presidential candidate. After this rejection, Pizango tried to run with another party, the Alianza para una Alternativa Para la Humanidad (APHU),⁹ but this party did not obtain enough signatures for its formal inscription.

Unlike Pizango, Miguel Hilario did not come from a background in the indigenous movement or from active participation in local or regional politics. Hilario became involved with evangelical churches very early in his life, and due to his interests and aptitudes received different scholarships that enabled him to pursue an academic career in the United States, obtaining a Ph.D. degree in Anthropology at Stanford University. Although his Ph.D. dissertation explicitly addresses the political participation of the Shipibo-Konibo people (Hilario, 2010), the first political activity of Hilario in Peru was as president of the Comisión Nacional de Pueblos Andinos, Amazónicos y Afroperuanos (CONAPA), the office for indigenous affairs created by the Toledo administration. Apparently, president Toledo invited Hilario to head this office after meeting him at an academic event at Stanford University, where both of them had studied (Pajuelo, 2007, p.87). These experiences, as well as his connections and kinship relationships with important Shipibo leaders and activists, led him to organize his own political party, the Partido Pluralista del Peru (PPP). However, in his first attempt he could not fulfill his desire because, just like Pizango, he could not gather enough signatures to register this party.

The failure encountered in 2011 did not prevent him to continue with this dream, and finally, he could participate in the presidential elections of 2016. On this second occasion, he run with another party, Progresando Perú, which did not present a political platform built on indigenous demands. As Santiago Alfaro (2016) pointed out that it was a party that reproduced the same economic and political discourse shared by all hegemonic parties. In the end, Hilario received only 75,870 votes in total, that is, 0.35% of the total votes cast, and 0.43% of the valid votes, ending in ninth place, out of ten. Both Pizango and Hilario did not have the support of the majority of the indigenous population. According to several leaders, these candidacies were the product of their individual plans and decisions, and not the consequence of a legitimate proc-

⁹ There is a play of words here, as APHU is pronounced in the same way as the word *apu* used in the Northern Amazonian region to design the local indigenous community leaders.

ess of consultation within the indigenous movement (personal communications, 2016 and 2017).

In 2016, the number of parties proposing specific policies in favor of the indigenous population also increased in relation to the previous electoral process. The party with the best programmatic proposal for the Amazonian peoples was Frente Amplio, led by Veronika Mendoza. This alliance was formed by different left-wing groups, some of which were seriously concerned with the environment and in favor of promoting a society that enables ethnic, cultural, and gender diversity. As part of its government program, Frente Amplio proposed the reform of municipal legislation in order to include indigenous “life plans”¹⁰, as well as the creation of an indigenous electoral district for the election of indigenous representatives to the National Congress.

A few parties –Acción Popular, Perú Posible, and Patria Segura – also made explicit in their own programs some indigenous demands, such as the continuation of the land titling process, the obligatory use of indigenous languages by state officials, as well as the promotion of intercultural bilingual education or intercultural health programs. The other parties only expressed some generalities regarding land titling or prior consultation processes, or made general remarks about the value of traditional cultures.

In this presidential election, Keiko Fujimori won in fifteen of the 22 districts selected for this analysis. Veronika Mendoza won in five, and both Gregorio Santos and Pedro Pablo Kuczynski won in one each (cf. Table 3). As mentioned before, Veronika Mendoza was the candidate of Frente Amplio, while Gregorio Santos represented Democracia Directa; both of these are left-wing political parties, and both won mainly in the Department of Amazonas. Fujimori won in the same districts as in 2011, but also in several districts in the Loreto region.

In 2016, Fujimori and Kuczynski went to the ballotage, where the latter obtained the presidency. On this occasion, Fujimori won in twelve of the 22 selected districts (cf. Table 3); however, in terms of total votes, Fujimori obtained 30,612 votes in these districts, less than the 32,371 obtained by Kuczynski, which represented 51% of the votes there. The districts in which Kuczynski won were mainly those in which Humala won in 2011, and Mendoza and Santos in 2016. These three candidates probably won in these places due

¹⁰ The “indigenous life plans” (*planes de vida indígena*) are the result of strategic planning processes produced after a series of consultations and discussions within an indigenous community or organization, or within an entire indigenous people. Its main objective is to determine their priorities for the future, and therefore it serves as a planning instrument similar to those used by governments, NGOs, or private enterprises. Indigenous life plans may be used for the construction of their autonomy as culturally and ethnically differentiated peoples, or, in a more pragmatic way, for negotiating appropriate policies or budgets with different state offices, including the municipal governments, as Frente Amplio proposed. For a more detailed discussion about the indigenous life plans, cf. Bolaños & Pancho (2008), Rosero & Sánchez (2009), Vieco (2010), among others; and for the Peruvian Amazon case, cf. Espinosa (2014).

to their left-oriented politics, and therefore, the vote for Kuczynski was based on a negative logic, as a vote against Fujimori, more than based on ideological or programmatic reasons.

The indigenous vote against Keiko Fujimori was also based on the concrete historical experience suffered by the Amazonian peoples both during Alberto Fujimori's government as well as the more recent experience of the Garcia administration. An important group of indigenous leaders made a public declaration reminding this history and, thus, rejecting Fujimori as defending "anti-Amazonian and anti-indigenous" policies (Rengifo et al., 2016). In the same public statement, they denounced Fujimori's declared intentions of respecting life, earth, and the environment as false. They also criticized the Peruvian Constitution promoted by Alberto Fujimori because it meant a "new offensive to privatize indigenous territories", an attack against the indigenous peoples and their territories that continued through the alliance of *fujimorismo* with APRA that ended with the explosion of Baguazo. According to these leaders, Keiko Fujimori not only remained silent but actively supported the policies of Alan Garcia's administration, such as those based on the "dog in the manger" postulates. Moreover, they recalled how the *fujimorista* representatives in Congress voted against the prior consultation law in 2010 (Rengifo et al., 2016).

In the 2021 presidential elections, once again, the majority of political parties did not include specific policies for the indigenous peoples in their government plans. The exceptions were Frente Amplio, with Marco Arana as a presidential candidate, and Juntos por el Perú (JPP), with Veronika Mendoza, who parted ways with Arana approximately a year after the 2016 elections, when they obtained 20 seats in Congress. Arana kept control of Frente Amplio, while Mendoza founded a new party, Nuevo Perú, which could not comply with the required signatures in time for the 2021 elections, and therefore established an alliance with JPP.

The same as in 2016, Frente Amplio proposed the creation of an indigenous electoral district in order to secure seats for indigenous representatives, both in Congress and in the Andean Parliament, and it also repeated its proposal to include the "indigenous life plans" in municipal programs and budgets. It also included new proposals, such as the creation of an autonomous office with indigenous representation to monitor the exercise of indigenous rights, specific proposals designed to improve the situation of indigenous women, and measures for guaranteeing the rights of indigenous peoples in isolation or initial contact, among other policies.

As in 2016, Mendoza's program included several concrete proposals to guarantee the exercise of different indigenous rights related to their territory, health, education, political participation, administration of justice, etc. Its proposals included: the modification of the quota system in order to guarantee seats for indigenous representatives in Congress, the Andean Parliament, and also in regional, provincial and municipal councils; higher education programs

to train professionals for intercultural practices in the health, educational, and justice systems; the creation of a specialized committee, with representatives from the indigenous organizations, destined exclusively to guarantee the territorial rights of the indigenous peoples, etc. Finally, it mentioned the urgency of a new Constitution that should include the recognition of ethnic pluralism, the rights of Mother Nature, and the promotion of the “Good Life” (*Buen Vivir*), in a similar vein to the cases of Bolivia or Ecuador.

Unlike Frente Amplio and JPP, Perú Libre, the left-wing party led by Pedro Castillo, only mentioned the indigenous populations two times in its government program. The first one expressed its compliance with the prior consultation law, which, as O’Diana (2016) has indicated, should not be part of any plan as long as it is already part of the current national legislation. The other mention refers to the inclusion of indigenous and peasant communities in the administration and benefits related to the economic activities developed in their lands. In this sense, Perú Libre expresses a coincidence with other parties on the right or center-right who consider the indigenous communities as economic entities, and not as autonomous peoples with their own history, culture, and rights. It also follows the tradition established by the military regime of the 1970s that created the “native communities” in the Amazon region as agrarian organizations.¹¹ In other words, they are considered as forms of rural ownership and not as forms of ethnic organization, and this logic would explain why they are formally registered by the Ministry of Agriculture, instead of the Ministry of Culture, which is the office responsible for indigenous policies.

Peru Libre’s lack of interest in the indigenous political agenda can also be explained by the more conservative way in which they view and assess ethnic demands; an interpretation common to the majority of Peruvian left parties inspired by the Marxist tradition. In recent times it has become more arduous to define with precision what it means to be a left party (Beck, 2006; Madrid, 2010; Gudynas, 2010; Levitsky & Roberts, 2011; Gargarella, 2014; Adrianzén, 2018, etc.). From certain perspectives, it would be possible to identify two main left political tendencies in Peru in the last few decades. A possible way to understand these tendencies would be from a chronological or historical perspective, as is the case of the distinction made by Adrianzen (2018) between the parties active during the 1960s, 1970s, and 1980s and the leftist movements created in more recent times. According to Adrianzen, these new movements break a large tradition in Peruvian political history; a rupture that he laments. However, the difference between a “traditional” and a “new” left – or “new new-left” in Adrianzen’s terms – could be appraised from a different perspective. The latter’s political agenda is heavily defined by the importance

¹¹ Both the Law of Native Communities of 1974 (Law No. 20653) and the law of 1978 (Law No. 22175), which is still the law currently active, constitute the “native communities” as agrarian organizations regulated by the Law No. 19400.

of environmental issues and by the role played by specific groups whose political platforms are developed alongside identity frameworks (women, indigenous peoples, afro-descendants, LGTBQ+, etc.); while the “traditional” left is defined by class-oriented policies inspired in orthodox Marxist theories.

In effect, an enduring question within Marxism has been the role played by ethnic identities or by rural peoples. In the case of the peasantry, the main question within Marxism was about their place within society and within a revolution. Marx himself, in his last years of life, became more interested in the study of this social group, especially in the case of Russia (Hobsbawm, 1965; Shanin, 1984). However, mainstream Marxism remained fixed on the idea of a subordinate role of peasants in relation to the working class and/or the party, based on a quote from *The Eighteenth Brumaire of Louis Bonaparte*, where Marx (1994 [1852], p.124) claimed that peasants could not represent themselves, but must be represented. Several scholars have already clarified that Marx did not exclude gender, ethnicity or other socio-historically constituted categories – which place individuals and groups in social hierarchies in capitalist societies – as unimportant, reducible to class position, or only understood in terms of class (Postone, 1993; Roseberry, 1997; Patterson, 2009). Nonetheless, the majority of the Peruvian political parties influenced by orthodox Marxism during the 20th and 21st centuries have emphasized the importance of class over ethnicity.

This tradition was reinforced by José Carlos Mariátegui (1979 [1928]), who defended the idea that the so-called “Indian problem” was to be solved by adequate economic and social policies. Moreover, since the 1960s, most of these parties conflated the ethnic identities of the indigenous peoples with the identity of a “peasant class”. This has also been one of the reasons why there has not been a more solid indigenous movement in those regions in Peru where there was a strong presence of left political parties with ties with peasant unions. The most radical position regarding the role of ethnic groups has been that of the Shining Path, which considered any ethnic expression as backward and anti-revolutionary, and that should, therefore, be eliminated. This attitude explains the large number of indigenous persons murdered with extreme violence and sadism during the internal armed conflict (CVR, 2003).

The predominant ideology of Peru Libre follows the “traditional” orthodox Marxist perspective, while their allies from Nuevo Peru (Veronika Mendoza’s party) and other progressive sectors belong more clearly to the “new” left. For example, in Castillo’s inaugural speech, for the first time in two hundred years, different Amazonian peoples were mentioned by name; however, six months later, there was not a single significant policy implemented in favor of the indigenous peoples; and several prominent members of Peru Libre have been harshly criticized for expressing sexist or homophobic ideas or practices.

Keiko Fujimori’s government plan, as in previous elections, made only a couple of generic remarks about the value of the indigenous cultures and the respect they deserve. These phrases, as well as the idea of promoting an “inter-

cultural” dialogue or perspective, have become sound bites repeated constantly by politicians and have found a place in the Peruvian citizens’ common sense. According to Levaggi (2021), the idea of interculturality as an ethical-political proposal has not irradiated public policies or a legal framework related to the rights of indigenous peoples, who are perceived as another “vulnerable population” that must be attended to.

Finally, the other political parties, as Zegarra (2021) has summarized, have also made generic proposals. They either have insisted upon already established legal procedures – such as the process of prior consultation – as if they were new commitments, or eventually, have formulated proposals of a purely economic nature linked to the exploitation of natural resources. In a similar vein, Levaggi (2021) agrees that, for most parties, the indigenous communities and peoples only exist as long as there are extractive activities developed in their territories. This would be true, not only for the right or center-right parties but also for Perú Libre, as was mentioned before.

In 2021, in the selected districts, the vote was more dispersed between a larger number of candidates. In 2011, the vote was divided between three different candidates. In 2016, the number increased to four, and in 2021, they were seven. Fujimori won in seven districts, Humala and Castillo won in four each, Acuña in three, Lescano in two, while Mendoza and Salaverry won in one each (cf. Table 3). In terms of ideological orientation, Castillo and Mendoza could be classified on the left, Humala and Lescano on the center-left, and Acuña and Salaverry on the center-right. Humala and Lescano won in the Northern districts where the Awajún and other Chicham peoples¹² are the majority while Acuña and Salaverry won in several districts in Loreto where Fujimori won in past years. And as in the previous elections, the districts located in the Selva Central area maintained their loyalty to Fujimori.

Castillo and Fujimori obtained the largest number of votes, so they were the two candidates in the second electoral process in 2021. This was the third consecutive electoral process in which Keiko Fujimori went to the ballotage, and on all three occasions, she lost. In the 22 selected districts, Fujimori won in seven and obtained 22,874 votes, which represents 27% of the total votes; while Castillo won in fifteen, obtaining 53,165 votes (cf. Table 3). Once again, the majority voted in favor of the party more oriented to the left, while also expressing their rejection of Fujimori, with the exception of their loyal districts located in the Selva Central region and a few others who feared a communist regime.

¹² Since 2018, the indigenous peoples formerly considered as Jivaro or Jivaroan have expressed their desire to be recognized as Chicham peoples. This change was promoted through a public declaration made by Shuar and Achuar leaders after the Yápankam congress, a political and academic meeting where this issue was widely discussed. Afterwards, other Chicham peoples, such as the Awajún and Wampís, among others, have subscribed this position. For more details, cf. Deshoullière & Utitijaj Paati (2019).

Conclusions

Amazonian Indigenous
Participation in Electoral
Processes in Peru.
The Case of 2011, 2016,
and 2021 Presidential
Elections

Oscar Espinosa

The history of electoral participation in the Peruvian Amazon confirms the interest and demand on the part of the Amazonian peoples to assume an active role in making decisions that affect their lives, which include the possibility of having an indigenous political party. At the same time, a growing number of indigenous voters mistrust an electoral system that hardly includes them. This mistrust is more evident in the case of the presidential elections – as demonstrated by a large absenteeism –, but has also been growing in the local and regional elections.

Part of the limitations for indigenous electoral participation comes from a legal framework. The current electoral laws establish strong formal restrictions for the creation of national or regional indigenous political parties or movements, and at the same time, the quota system does not guarantee a minimum of seats at the local, regional or national levels.

These limitations have not impeded the indigenous organizations to find ways to express their interests and more specific demands. In the electoral arena, this has meant the establishment of alliances with regional movements. And sporadically the discussion between the indigenous leaders about the constitution of a national party to adequately replace MIAP recurs in formal and informal settings.

Electoral politics is only one of the many possible ways in which Amazonian indigenous people live and express their political life. The indigenous organizations continue representing their interests vis-à-vis the state, participating in formal and informal spaces of dialogue and negotiation with state officials, but also through public declarations, and eventually through protests and mobilizations.

In recent years, there have been important developments in relation to their demands for autonomy and self-determination, which are fundamental rights of the indigenous peoples internationally recognized by the United Nations system. One of the results of this process of internal political debate within the indigenous societies in the Peruvian Amazon region has been the creation of autonomous governments. The most advanced, and probably the best-known case, is that of the Gobierno Territorial Autónomo de la Nación Wampis–GTANW (The Wampis Nation's Autonomous Territorial Government), which is still waiting for the state's official recognition since 2015. And in recent years, the Arakbut, Shipibo-Konibo, Awajún, and other indigenous peoples are also engaged in similar processes.

The lack of official recognition of these autonomous governments is only one of the forms in which the Peruvian state continues to marginalize and subjugate the indigenous peoples. The lack of implementation of social policies during the last three decades by the different administrations corroborates it, although there may be some exceptions. And the analyses of the political programs presented by the national parties during the last three electoral processes confirm

a general lack of interest in Peruvian society towards the demands and the rights of the indigenous population.¹³ These forms of political exclusion, added to everyday expressions of racism and discrimination towards the Amazonian peoples in Peru, show that, after two hundred years of general San Martín's proclamation, equal citizenship for all Peruvians is still a pending task.

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¹³ This is not, however, only the case of Peru. In recent decades there has been a significant setback in relation to the protection of indigenous rights in practically all Latin American countries, as has been corroborated by independent studies conducted by institutions that are not directly engaged in human rights activism, such as the Comisión Económica para América Latina (CEPAL, 2014).

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La elección de Pedro Castillo: polarización, racismo y “terruqueo” en las elecciones presidenciales

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The Election of Pedro Castillo. Polarization, Racism, and “Terruqueo” in the Presidential Elections

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RESUMEN

El objetivo del artículo es de analizar el contexto electoral de polarización política extrema que permitió que el profesor Pedro Castillo, sin experiencia y capital político, del partido Perú Libre, de extrema izquierda, ganara la presidencia de Perú frente a la candidata de extrema derecha Keiko Fujimori. La atomización del voto de la derecha, por una parte, y la apuesta de los sectores populares por alguien cercano a ellos, así como su descontento frente a la alta mortandad en la pandemia, y el discurso descalificador del adversario por Fujimori acusándolo de terrorista, explican el desenlace. Se recurrió a fuentes hemerográficas, para reseñar el proceso electoral y a fuentes bibliográficas para analizar los antecedentes históricos.

PALABRAS CLAVE: *elecciones en Perú 2021, Pedro Castillo, Keiko Fujimori, terruqueo, racismo, Generación del Bicentenario.*

ABSTRACT

The objective of the article is to analyze the electoral context of extreme political polarization that allowed the politically inexperienced Professor Pedro Castillo of the extreme left-wing party Peru Libre to win the Peruvian presidency against the extreme right-wing candidate Keiko Fujimori. The atomization of the right-wing vote, on the one hand, and the preference of the popular sectors for someone close to them, as well as their dissatisfaction with the high death toll in the pandemic, and

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Fujimori's disqualifying discourse of his adversary, accusing him of being a terrorist, explain the outcome. We used newspaper sources to review the electoral process and bibliographic sources to analyze the historical background.

KEYWORDS: *Peru 2021 elections, Pedro Castillo, Keiko Fujimori, terrorism, racism, Bicentennial Generation.*

Introducción

La pregunta central que busca responderse en este texto es cuáles fueron las condiciones que, contra todo pronóstico, llevaron al profesor Pedro Castillo a la presidencia del Perú. Él proviene del campo popular, es un profesor de educación básica que labora en una zona rural, perteneció a las rondas campesinas que combatieron a Sendero Luminoso y carece del capital político y cultural de los que participan en la política nacional de Perú. Para explicar tan sorprendente resultado electoral es necesario analizar el contexto histórico, así como las implicaciones del hecho que altera significativamente el escenario político peruano en este año 2021 que es el del Bicentenario de la Independencia del Perú y lo acerca a los procesos de los países vecinos (Bolivia y Ecuador) que a partir de 2006 y 2007 tuvieron gobiernos de izquierda.

Para ello se analizará el paradójico contexto electoral en el que, producto de la atomización y falta de acuerdos entre los partidos y candidatos de derecha, quedaron como contendientes para la segunda vuelta electoral de abril de 2021 dos opciones antagónicas, una de derecha y otra de izquierda extremas y que polarizaron aún más el ambiente político peruano: Keiko Fujimori y Pedro Castillo. Así mismo se analizarán los argumentos racistas del discurso de la derecha para descalificar al candidato Castillo y a sus votantes y los argumentos de impugnación de la elección. Se observará el uso del “terruqueo”, es decir, la descalificación de toda opción de izquierda, sindical, popular o de movilización por la defensa de derechos, como pertenecientes a Sendero Luminoso o al Movadef.

Sostengo que estos recursos políticos del fujimorismo y la derecha no fueron tan eficaces como en procesos electorales anteriores, tanto por el contexto de la pandemia que ha significado un elevado número de muertes y empobrecimiento masivo y por la crisis económica derivada de la pandemia y de las medidas de confinamiento rígido establecidas, evidenciando la incapacidad y el desinterés de la clase política para resolver las más apremiantes necesidades de la población. Como por el hecho de que se haya “colado” a la segunda vuelta electoral una opción plebeya con la que los sectores populares pudieron identificarse, que era invisible para el sistema de partidos y la política “nacional” relatada por los grandes medios de comunicación, cuyo escenario único es la capital, Lima. Mientras tanto los votantes de Castillo se comunicaron y articularon a través de otros recursos comunicacionales, más eficaces: las redes sociales.

Analizaremos las formas del racismo vigentes en la sociedad peruana, la fragilidad democrática del sistema de partidos dejado como herencia del fuji-morismo y la hegemonía que este ha mantenido en la sociedad peruana hasta ahora, así como el uso del terruqueo como estrategia política para impedir el fortalecimiento de alguna opción de izquierda en el país.

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La debilidad del movimiento indígena en Perú

Hay un elemento que distingue el proceso peruano del boliviano y del ecuatoriano que lograron en el siglo XXI la impugación del neoliberalismo, la caída de los gobiernos neoliberales y la llegada a la presidencia de ambos países de gobernantes con proyectos antineoliberales, de izquierda e identificados con los intereses y demandas de los sectores populares, en particular de los indígenas, lo que derivó en la promulgación de constituciones que postulan la conformación de Estados plurinacionales¹. Ese elemento es la mínima autoadcripción como indígenas de la población que tiene los atributos de la identidad indígena (persistencia de la propiedad comunitaria de la tierra, el trabajo colectivo y el autogobierno, habla en lengua quechua, cosmovisión propia, etc.). Lo que ha impedido la conformación de un movimiento indígena de alcance nacional y su eventual aportación para conformar una correlación de fuerzas más favorable a los intereses populares.

Esta mínima autoadcripción indígena en Perú es resultado de una eficaz política desindianizadora, que tuvo como base la reforma agraria de 1969, promulgada por el gobierno antimperialista y antioligárquico del general Juan Velasco Alvarado (1968–1975), que estableció que las comunidades indígenas pasaban a ser comunidades campesinas, y las de la Amazonia se denominaron comunidades nativas. Con la reforma agraria se pretendía eliminar la explotación servil a la que los terratenientes sometían a la población indígena en la sierra, y eliminar discriminación a los indígenas, eliminando la identidad indígena. En realidad se buscaba eliminar la identidad colectiva de los indios, que se consideraba un obstáculo para la modernización del campo. Se establecieron cuatro modalidades de propiedad de la tierra, dos de ellas cooperativas que quedaron subordinadas al control gubernamental y limitaban la autonomía indígena².

También las izquierdas marxistas asumieron esta perspectiva desarrollista de lo agrario, que pretendía que la reforma agraria había terminado con las formas de explotación precapitalista, y había logrado descomunitarizar y desindianizar, lo que consideraban positivo para la revolución socialista futura, por-

¹ No discutimos aquí en qué medida se alcanzaron tales propósitos, puede verse Escárzaga (2016).

² Las Cooperativas Agrarias de Producción (CAP), las Sociedades Agrarias de Interés Social (SAIS), las Comunidades Campesinas y las Empresas de Propiedad Privada o Individual (Pasara, 1982).

que estos atributos culturales eran la causa del atraso y el obstáculo para que se constituyera el sujeto revolucionario: el proletariado. Los propios campesinos asumieron el cambio de nombre como favorable para ellos en la búsqueda de liberarse del estigma y la opresión que representaba ser indígenas. Así, los campesinos dejaron de ser indígenas por decreto, pero mantuvieron su condición de comuneros y ese fue en adelante el eje de su identidad: comuneros andinos, pues eran sus formas de posesión y de organización colectiva del trabajo lo que les permitía sobrevivir y no las políticas agrarias del gobierno.

Lejos de resolver el problema en el campo la reforma agraria resultó contraproducente en varios sentidos. Por una parte, las formas de propiedad de la tierra establecidas no se ajustaban a las necesidades de la población campesina ni resolvieron el problema de la tierra ni incrementaron la productividad. La desaparición de las formas de control de la tierra por parte de los terratenientes generó nuevos problemas en el campo, sobre todo en el norte, con la expansión del abigeato al que los campesinos debieron dar respuesta con sus propios recursos a través de la creación de rondas campesinas en cada comunidad para enfrentar a los abigeos, pues ni el aparato judicial ni las fuerzas del orden estaban disponibles para los campesinos. El descontento en el campo persistió y la conflictividad entre distintos sectores del campesinado se agudizó. Tales elementos facilitaron la penetración de la organización armada Partido Comunista del Perú-Sendero Luminoso (PCP-SL) en el campo andino, en donde inició su acción armada en 1980. En el sur del país, a mediados de la década de 1980 los campesinos comenzaron a movilizarse para exigirle al gobierno reconvertir nuevamente las SAIS en comunidades (Escárzaga, 2009).

Las dificultades para la organización de un movimiento indígena en Perú también son consecuencia de los efectos desestructuradores de la guerra interna que enfrentó al PCP-SL con el Estado peruano en el que los campesinos e indígenas fueron la base social de ambas fuerzas y la intensidad de la violencia ejercida por ellas tuvo en los campesinos a sus mayores víctimas. La incorporación de los campesinos como fuerza contrainsurgente que enfrentó a la organización insurgente introdujo o potenció el enfrentamiento entre los propios campesinos³, que también fue una estrategia de la insurgencia para incrementar el conflicto.

³ Las rondas campesinas surgieron en 1976 en la localidad de Chota en el norte del país, pero en sus inicios fueron rechazadas y perseguidas por las autoridades, a pesar de que ellas impidieron de manera eficaz que SL penetrara en sus territorios. En las zonas del centro y sur de los Andes las fuerzas armadas crearon en 1983 Comités de Autodefensa (CADS), incorporando a los campesinos bajo la amenaza de considerarlos como miembros de SL si no la combatían. Finalmente, el gobierno de Alberto Fujimori, a partir de 1990 reconoce la utilidad de las rondas campesinas como fuerza contrainsurgente y las incorpora en su estrategia militar y les proporciona armamento y dirección como parte de los CADS. Ese fue uno de los factores que le permitieron desarticular a la organización armada (Escárzaga, 2009).

La prolongada hegemonía fujimorista

Otro elemento fundamental en la vida política peruana es la persistente hegemonía del fujimorismo. Alberto Fujimori fue presidente de 1990 al 2000. En su campaña presidencial argumentó la corrupción del sistema político, el carácter elitista de sus miembros y la necesidad de eliminar las barreras burocráticas para la economía popular. Basándose en ello construye una identificación de los sectores populares con su persona por ser ajeno a esas élites políticas. Él es un ingeniero y profesor universitario de ascendencia japonesa que representa el logro del éxito con el esfuerzo y méritos individuales y gana la presidencia con una campaña barata hecha con sus propios recursos y el apoyo de su familia. En la primera vuelta electoral su perfil era cercano a la izquierda, pero para la segunda da un viraje radical en su programa de gobierno hacia la derecha neoliberal, asumiendo en gran parte el programa de su adversario derrotado, el escritor Mario Vargas Llosa. Como presidente, para mantener su popularidad recurre al constante acercamiento físico con las poblaciones pobres del campo y la ciudad y se disfraza con el atuendo típico de las poblaciones a las que acude en las frecuentes giras en las que entrega las obras de infraestructura social y los apoyos materiales de sus programas asistencialistas. Esta estrategia tendría una gran eficacia.

En abril de 1992 Fujimori dio un autogolpe de Estado por el que modificó el funcionamiento del sistema político peruano, canceló al Congreso y expulsó a la vieja clase política. Creó un Congreso unicameral que redujo a 130 el número de congresistas; convocó a una Asamblea Constituyente y promulgó una nueva Constitución en 1993. La izquierda electoral había alcanzado una fuerza política importante⁴, pero durante el gobierno de Fujimori va prácticamente a desaparecer de la escena política. Luego de desalojar a la clase política Fujimori promovió la conformación de una nueva elite económica que acumuló riqueza gracias a la corrupción fomentada por el gobierno, y también una nueva clase política, y a controlar los medios de comunicación, con ello va a construir una gran capacidad para controlar la vida política peruana.

La nueva Constitución estableció la legislación neoliberal que facilitó la llegada del capital extranjero especialmente en la actividad minera, privatizó los sectores estratégicos nacionalizados por el velasquismo⁵, eliminó leyes favorables a la fuerza de trabajo y a la propiedad campesina y estableció una legislación contrainsurgente violatoria de los derechos humanos, que fue muy eficaz para terminar con la insurgencia de Sendero Luminoso. A partir de la captura de su dirección en 1992, la organización armada fue desarticulada.

La derrota de Sendero Luminoso, la atracción de capitales extranjeros para la explotación minera y la superación de la inflación fueron los logros que,

⁴ Alfonso Barrantes Lingán gobernó Lima entre 1984 y 1986, representando a la coalición Izquierda Unida.

⁵ Petróleo, minería, medios de comunicación.

promovidos desde el amplio y diverso aparato comunicacional conformado como base de su control político sobre la población (varios diarios, la llamada prensa chicha, televisoras y radiodifusoras), permitieron una gran legitimidad al gobierno de Fujimori y su permanencia en el poder por más de 10 años, el cual se presentó como un gobierno electo democráticamente (1990, 1995 y 2000), pero actuó en los hechos como una dictadura militar encabezada por un civil. Fujimori construyó un liderazgo populista de derecha basado en el contacto constante con los sectores populares y la identificación de éstos con su condición de *outsider* y su otredad étnica en tanto japonés.

Fujimori inició un tercer mandato presidencial a partir de julio del 2000⁶ pero fue cuestionado por cometer fraude contra el candidato Alejandro Toledo. Se produjeron grandes movilizaciones en su contra desde todos los rincones del país en la denominada Marcha de los Cuatro Suyos⁷. Pero sobre todo cayó al perder el apoyo del gobierno de Estados Unidos, porque se descubrió que el gobierno peruano estaba vendiendo armas a las Fuerzas Armadas Revolucionarias de Colombia (FARC). Presionado, Fujimori presenta su renuncia en noviembre de 2000, cuando estaba de gira en Japón, asumiendo como presidente de un gobierno de transición Valentín Paniagua, presidente del Congreso. En su mandato establece la Comisión de la Verdad, que aborda el período 1980 a 2000, pues además de investigar el conflicto armado pretende también considerar las violaciones de derechos humanos cometidas por el gobierno de Fujimori y las organizaciones armadas durante sus gestiones. El gobierno de transición resulta sumamente débil y no logra eliminar la hegemonía fujimorista. El fujimorismo se queda como la única expresión política de la derecha capaz de mantener la hegemonía. Desde el autogolpe de 1992 Fujimori construye un discurso de legitimación por la búsqueda de dos objetivos centrales: derrotar el terrorismo de Sendero Luminoso y traer la prosperidad al país por la vía de la reinserción de Perú en el mercado mundial a partir de la exportación de minerales (Escárzaga, 2009).

Las movilizaciones contra el extractivismo

La afectación creciente por el extractivismo, sobre todo minero, que el gobierno fujimorista legalizó y facilitó, y la necesidad de defenderse de sus efectos sobre la población, estimuló procesos de organización y de lucha de las comunidades campesinas de los Andes y las comunidades nativas de la Amazonia. Tenían a su favor la posibilidad de recurrir a una legislación nacional e internacional favorable a los intereses indígenas a los que se podía apelar y un

⁶ Burlando las restricciones constitucionales para una segunda reelección con el argumento de que la primera elección en 1990 no había sido hecha bajo la Constitución promulgada en 1993.

⁷ Apelando a la memoria prehispánica. El Tahuantinsuyo gobernado por los incas fue el imperio de los Cuatro Suyos, o regiones que lo conformaban.

conjunto de organizaciones no gubernamentales (ONG) dispuestas a apoyar los procesos de organización y de lucha. Otro factor favorable fue el ejemplo exitoso de las experiencias de organización y lucha en Bolivia y Ecuador.

Así, en 1999 se conformó la Confederación Nacional de Comunidades Afectadas por la Minería (CONACAMI)⁸ para enfrentar al extractivismo minero y sus consecuencias sobre las condiciones de vida de las poblaciones rurales y urbanas. A partir de una estructura organizativa que era inicialmente una ONG ambientalista, se fue conformando una organización política, que expresaba los intereses de los sectores campesinos e indígenas afectados por el nuevo ciclo del capital y que buscó hacer las veces de un movimiento indígena en Perú. Para ello se propuso fortalecer la identidad indígena de sus integrantes: un proceso de reindianización de los campesinos comuneros que en algunas regiones fue aceptada, pero en otras, como en el norte del país, fue rechazada. Luego de algo más de una década de movilizaciones la CONACAMI se debilitó por los conflictos internos y las disputas por el liderazgo y por la apertura electoral en el nivel local que convirtió a los dirigentes de las movilizaciones en candidatos a congresistas o en funcionarios locales y regionales (Escárzaga, 2009).

La elección de Pedro Castillo: polarización, racismo y “terruqueo” en las elecciones presidenciales

Fabiola Escárzaga

La continuidad fujimorista

En 2005, Alberto Fujimori⁹ intenta volver a candidatearse a la presidencia en las elecciones de 2006, pero lo detienen en Santiago de Chile y se le inicia un juicio de extradición por delitos de lesa humanidad¹⁰. Se impide así que se convierta en presidente nuevamente, pero su hija Keiko, que había sido su primera dama desde 1994 al 2000¹¹, regresa de lleno a la política y se convierte en la congresista con mayor votación en 2006, mostrando la vigencia del fujimorismo como único factor de articulación de una derecha incapaz de conformar un bloque legítimo. En 2007, su padre fue extraditado a Perú, enjuiciado y sentenciado a 25 años de prisión por graves violaciones a los derechos humanos, corrupción y abuso de autoridad. Desde entonces la carrera política de Keiko se planteó como su primera gran meta lograr la liberación de su padre (Burt, 2021).

Desde el Congreso Keiko Fujimori va a dar continuidad al fujimorismo. Construye un partido llamado Fuerza Popular¹², convirtiéndose en una fuerza

⁸ En sus inicios se denominó Coordinadora y en 2003 cambió a Confederación (Padilla, 2013).

⁹ Autoexiliado en Japón y con ciudadanía japonesa.

¹⁰ Promovido por el juez español Baltazar Garzón.

¹¹ En lugar de su madre que había denunciado actos de corrupción del entorno familiar de Alberto Fujimori.

¹² Durante la presidencia de Alberto Fujimori no se conformó un partido político sólido, todo giraba en torno al presidente y su asesor, el siniestro Vladimiro Montesinos. En cada elección el partido tuvo diferente denominación: Cambio 90, Cambio 90-Nueva Mayoría, Perú 2000.

política fundamental. Cuenta con un grupo amplio de políticos experimentados formados durante la presidencia de su padre y con una base social muy amplia, la construida con asistencialismo y control de los medios de comunicación. También hay un fuerte posicionamiento antifujimorista por parte de la izquierda electoral y de otros sectores. Keiko ha sido candidata presidencial en 2011, 2016 y 2021. En los tres casos ha llegado a la segunda vuelta, pero en los tres casos no ha logrado ganar la presidencia porque se ha impuesto el bloque antifujimorista que en los procesos de 2011 y 2016 fueron articulados por el escritor premio Nobel de literatura Mario Vargas Llosa, quien, desde España, como paladín del neoliberalismo cuestiona el autoritarismo y la corrupción de quien desplazó a las élites tradicionales y creó un Estado mafioso. Pero el fujimorismo ha logrado con sus votos el control del Congreso y a través de él sigue decidiendo los destinos de Perú, gobernando indirectamente.

La suma fragilidad del sistema político post-Fujimori y la debilidad de los gobiernos posteriores los ha obligado a convertirse en aliados o han sido víctimas de un fujimorismo que desde el Congreso ha presionado sistemáticamente a los gobiernos, imponiendo su agenda o generado ingobernabilidad, como las leyes antiapología del terrorismo cada más severas, ante una amenaza terrorista inexistente, y otras leyes favorables a los intereses de su grupo económico. Y es que la vigencia de la hegemonía fujimorista en torno a Keiko se sustenta en el argumento de la persistencia de la amenaza terrorista, que solo el fujimorismo puede enfrentar. Su estrategia, como la de Alberto Fujimori desde 1992, es magnificar la amenaza senderista.

Gracias a la hegemonía fujimorista en el Congreso, durante el anterior período presidencial (2016–2021) ha habido un prolongado proceso de desestabilización dirigido por Keiko y su partido que en 2018 logró que el presidente electo en 2016 Pedro Pablo Kuczynski, un presidente neoliberal, fuera obligado a renunciar acusado de corrupción, no obstante que el 24 de diciembre de 2017 decretó el indulto presidencial que le permitió a Alberto Fujimori pasar a prisión domiciliaria bajo el argumento de su debilitada salud. Asumió la presidencia su vicepresidente Martín Vizcarra (Burt, 2021).

En septiembre de 2019, Vizcarra disolvió el Congreso porque le negó la confianza al gabinete presidencial, en enero de 2020 se eligió un Congreso que funcionaría durante año y medio, y que quedó fraccionado en 9 partidos, sin que alguno obtuviera mayoría absoluta. En noviembre de 2020, Vizcarra fue depuesto por el Congreso, sin investigación de por medio, acusado de “permanente incapacidad moral”, pese al rechazo de la opinión pública, que consideraba inoportuno destituir al presidente en medio de una pandemia y sin motivos suficientes. El 10 de noviembre Manuel Merino, presidente del Congreso asumió como presidente de la República, en lo que se consideró un “golpe de Estado” parlamentario. La crisis política propiciada por la desestabilización fujimorista encendió la movilización protagonizada por la llamada Generación del Bicentenario, fundamentalmente integrada por jóvenes urbanos. Fue un ya basta en contra del fujimorismo que lo decide todo y gobierna a través

de Congreso, sin haber alcanzado la mayoría que le permitiera ocupar la presidencia. La movilización cuestionó las severas desigualdades que atraviesan al Perú y que han sido potenciadas por la pandemia. En la movilización dos jóvenes fueron asesinados por la policía. La movilización logró la renuncia de Merino cinco días después de haber asumido el cargo y en su lugar asumió el 16 de noviembre la presidencia de la República el presidente del Congreso Francisco Sagasti, miembro del Partido Morado, opositor a la vacancia de Vizcarra, quien se comprometió y logró unas elecciones limpias en medio de la pandemia (Díaz Zanelli, 2021). Este estado de ánimo sin duda influyó en el resultado de las elecciones de 2021 y le restó votos populares al fujimorismo.

El desprestigio y debilidad del sistema político peruano se ha acentuado también por el hecho de que todos los presidentes desde Alberto Fujimori han sido acusados de corrupción, varios de ellos envueltos en el escándalo de Odebrecht, empresa brasileña de la que recibieron fondos para sus campañas electorales a cambio de favorecer a la empresa en el otorgamiento de concesiones para la construcción de grandes obras de infraestructura. Alejandro Toledo está prófugo en Estados Unidos; Alán García se suicidó para evitar la cárcel; Ollanta Humala, su esposa Nadine Heredia y Pedro Pablo Kuczynski y Martín Vizcarra están en la cárcel. El último quinquenio, el país tuvo cuatro presidentes: Kuczynski, Vizcarra, Merino y Sagasti. Keiko Fujimori también tiene un juicio abierto por el delito de lavado de activos vinculada a la financiación de las campañas de su partido en 2011 y 2016 por parte de la empresa brasileña Odebrecht, entre otras.

La elección de Pedro Castillo: polarización, racismo y “terruqueo” en las elecciones presidenciales

Fabiola Escárzaga

El sorpresivo triunfo de Castillo

En el contexto peruano que hemos caracterizado es un acontecimiento sorprendente que Pedro Castillo haya ganado la presidencia. ¿Cuáles son los factores que lo hicieron posible? Por una parte, es producto de la debilidad de la propia derecha y su incapacidad para articular sus intereses mafiosos en una candidatura viable o, tal vez, un error de cálculo y la subestimación total de los posibles adversarios. En la primera vuelta electoral el 11 de abril se presentaron 18 candidatos y entre ellos solo dos de izquierda: Pedro Castillo por Perú Libre y Verónica Mendoza de Juntos por El Perú. Ella obtuvo en las elecciones presidenciales de 2016 el 20 % de los votos, pero no logró pasar a la segunda vuelta, quedó en tercer lugar por una mínima diferencia. De acuerdo con la Junta Electoral Nacional (JNE), en la primera vuelta electoral Pedro Castillo obtuvo el 19 % de la votación y Keiko el 13 %, un resultado polarizado pues Keiko es la extrema derecha y Pedro Castillo de una izquierda radical. En la segunda vuelta electoral, el 6 de junio, Castillo obtuvo el 50,12 % de los votos, derrotando al 49,87 % de Fujimori (Burt, 2021).

Pedro Castillo Terrones, de 51 años, representa algunos atributos de lo indígena en Perú, es un maestro rural de Cajamarca, departamento del norte del

país, campesino y *rondero*¹³, padre de tres hijos. Su esposa es evangélica, tiene una maestría en Psicología educativa por la Universidad César Vallejo. Castillo es el primer candidato presidencial que encarna los atributos de la ruralidad serrana, al “Perú profundo”. Su símbolo de campaña fue un lápiz y siempre usa el típico sombrero de los campesinos de Cajamarca. En su campaña prometió una transformación total mediante una Asamblea Constituyente. Es ultraconservador en temas como el matrimonio igualitario, el aborto, la eutanasia y la pena de muerte. Su mensaje de campaña fue “no más pobres en un país rico”. Se comprometió a desarrollar políticas que mantuvieran la estabilidad económica, al mismo tiempo buscaría promover un “verdadero desarrollo económico” y construir “un Perú inclusivo, un Perú justo, un Perú libre, sin discriminación” (Gestión, 2021).

Castillo se dio a conocer nacionalmente al conducir la masiva huelga sindical de docentes en septiembre del 2017, como dirigente de una facción disidente del Sindicato Unitario de Trabajadores en la Educación del Perú (SUTEP) para exigir que el Gobierno eleve los sueldos de los docentes y no destituya a los que no superaron evaluaciones en el marco de la carrera pública magisterial. Su facción, Comité Nacional de Reorientación (Conare-SUTEP), fue vinculada por las autoridades con integrantes del Movadef.

Castillo estaba totalmente fuera de la política nacional¹⁴, pero asumió como candidato del partido Perú Libre en lugar de la cabeza de la agrupación Vladimir Cerrón, un dirigente de izquierda radical, neurocirujano formado en Cuba que fue presidente regional del Junín (2011–2014). Cerrón fue acusado de corrupción por la construcción de una obra pública, y por ello fue inhabilitado electoralmente para evitar que fuera nuevamente candidato presidencial, y a su falta entró como candidato emergente Pedro Castillo. Por eso pasó desapercibido para los grandes medios de comunicación de Lima que no lo consideraron un peligro. Su campaña transcurrió a través de las redes sociales, más por iniciativa de los propios votantes que como parte de una estrategia electoral de Perú Libre o del candidato (Gestión, 2021).

Como en anteriores elecciones, la polarización étnica y social se manifestó regionalmente, en la ciudad de Lima, con un tercio del electorado, el 64,5 % votó a favor de Keiko, en provincias serranas como en Puno, Cuzco, Apurí-

¹³ Miembro de las *rondas campesinas*, la organización de base que fue un factor importante para la desarticulación de Sendero Luminoso porque en el campo repelieron la entrada a sus comunidades de la organización armada y en la estrategia contrainsurgente de Fujimori se convirtieron en un actor muy importante y con mucha legitimidad. Pero a la vuelta del siglo las rondas campesinas se convirtieron de fuerzas contrainsurgentes en la organización de base que constituyó la Confederación Nacional de Comunidades Afectadas por la Minería que, utilizando los recursos organizativos, el armamento y la experiencia en el uso de la fuerza de las rondas enfrentaron a las empresas mineras y a las fuerzas policíacas (Escárga, 2009).

¹⁴ Nunca antes postuló a la presidencia. En 2002 candidateó a la alcaldía de Anguía por el partido Perú Posible, de Alejandro Toledo. Militó en él desde el 2005 y fue miembro del Comité de Cajamarca. Su militancia concluyó en 2017, tras la cancelación del partido político por no pasar la valla electoral en los comicios del 2016 (Gestión, 2021).

mac y Huancavelica más del 80 % votó por Castillo. En el Congreso (de 130 integrantes) Perú Libre, el partido de Castillo, tiene la primera minoría, con 37 escaños, seguido de Fuerza Popular (fujimorismo) (24), Acción Popular (17), Alianza para el Progreso (15), Renovación Popular (13), Avanza País (7), Juntos por el Perú (5), Podemos Perú (5), Somos Perú (5) y el Partido Morado (3). La fragmentación del Congreso impone la necesidad de establecer acuerdos. Más del 90 % de los representantes no tiene experiencia legislativa y el 50 % recién se inscribió en un partido (Tapia, 2021). Castillo estableció una estrecha alianza con Verónica Mendoza, de Juntos por el Perú. Una de las dificultades que enfrenta el gobierno de Castillo es que no tiene un partido propio, y hay diferencias significativas con las posiciones más radicales de Vladimir Cerrón que trató de imponer su hegemonía en el gobierno de Castillo.

Otra variable fundamental que explica el sorpresivo triunfo es desde luego el contexto de la pandemia por COVID-19. Perú tiene la mayor mortalidad de todo el mundo¹⁵, debido a un sistema sanitario deficiente producto del neoliberalismo que no tiene capacidad ni interés de atender las necesidades de la población. La cuarentena sumamente rígida que impuso el gobierno de Vizcarra implicó una gran afectación para la sobrevivencia de una población mayoritariamente dedicada al trabajo informal y precario.

El terruqueo como estrategia política

Como señalamos antes, el discurso fujimorista legitima su proyecto con el argumento de que Alberto Fujimori logró derrotar a Sendero Luminoso y consiguió incorporar al Perú al mercado mundial a partir de la actividad minera y por ello es indispensable, es el salvador de la patria. Además del discurso, se elaboró una estrategia que revive periódicamente la amenaza de Sendero Luminoso, con la realización de atentados en regiones amazónicas donde persisten grupos armados supuestamente vinculados a SL, cada vez que la coyuntura política lo requiere¹⁶. Para mantener vigente este discurso, el fujimorismo tiene el control de una gran parte de los medios de comunicación que le ha permitido instalar tales argumentos en la mayoría de la población durante un largo período.

En 2009, se creó el Movimiento por Amnistía y Derechos Fundamentales (Movadef), organización política que en 2013 buscó ser la expresión electoral

¹⁵ De acuerdo con la página sobre el coronavirus de la Universidad Johns Hopkins (Baltimore, EE.UU.) Perú ocupa el primer lugar en mortalidad, con un total de 208.381 y 641 muertes por 100,000 habitantes (consultado el 18 de febrero de 2022).

¹⁶ El 23 de mayo hubo una matanza de 16 personas, incluidos dos niños, en una localidad del Valle de los Ríos Apurímac, Ene y Mantaro (Vraem) zona de producción de hoja de coca. Las autoridades lo atribuyeron a remanentes de Sendero Luminoso. Informaron que en el lugar aparecieron panfletos que llamaban a boicotear las elecciones burguesas: No ir a votar. Votar en blanco. Votar en nulo o viciado (BBC Mundo, 2021).

de Sendero Luminoso. Inicialmente aglutinó a sectores diversos, pero asumió formalmente como ideología el Pensamiento Gonzalo y eso sirvió para que le fuera negado el registro como organización política al considerarla como una organización que hace apología del terrorismo. La existencia de la organización y su actividad política le dio al fujimorismo un argumento fuerte para afirmar la vigencia de la amenaza senderista y actualizar su discurso salvador. El terrorismo senderista es el oxígeno que alimenta el fuego fujimorista.

Luego, en septiembre de 2017, al cumplirse 25 años de la captura de la dirección de Sendero Luminoso, Maritza Garrido Lecca salió en libertad al cumplir su condena. Después de ella otros cuadros importantes de la organización alcanzaron la libertad. Ese fue el detonante de una nueva actualización del discurso de la supuesta “amenaza senderista” y del correspondiente recrudecimiento de las leyes contra la apología del terrorismo promovida por el fujimorismo, a partir de la cual se acosa, recriminaliza y obstruye la sobrevivencia de los expresos senderistas que salieron de la cárcel porque cumplieron largas condenas, y que difícilmente son ya una amenaza al orden y menos una amenaza armada, porque la organización insurgente fue derrotada y desarmada y ya son viejos todos. En el discurso hegemónico del fujimorismo el terruqueo es un elemento central.

“Terruco” es un término quechuaizado por el que en los inicios de la lucha armada la población campesina se refería a los miembros de Sendero Luminoso, luego, los terrucos fueron construidos como el enemigo público de los campesinos, y después el terruqueo se extendió a lo indígena, a la población migrante de las zonas andinas, sobre todo a los que vienen de Ayacucho, cuna de la organización armada y en donde más presencia tuvieron y más importantes bases campesinas conquistaron. El terruqueo es racista al descalificar al otro, que es el enemigo, fundamentalmente al indio que representa una amenaza para la dominación de las élites. Gracias a la capacidad del fujimorismo de controlar los medios de comunicación y todos los espacios públicos, el terruqueo se extendió a toda la izquierda, por más electoral y pacífica que sea (Pighi Bel, 2021), y a todos los que cuestionen el relato fujimorista y pretendan hacer otra evaluación de la vida política del país: “son terrucos, son enemigos” (Agüero, 2021).

El soporte jurídico de la criminalización por el terruqueo es la Ley de Apología del Terrorismo que se estableció desde los años 1980, pero ha ido actualizándose y diversificando el delito y endureciendo las penas. En el siglo XXI los sucesivos gobiernos usaron la acusación de terrorismo – no sólo en términos discursivos sino en términos judiciales– para perseguir a los participantes en las movilizaciones en contra de la minería a los que se acusó ya no de apología sino directamente de terrorismo. Fue una política de criminalización del movimiento social y para el encarcelamiento de los dirigentes (Silva, 2016).

En la campaña del fujimorismo por la segunda vuelta electoral en 2021 se acudió a la violencia racial del terruqueo. Pedro Castillo fue “terruqueado”. Para desprestigiarlo fue vincularlo con el Movadef. También a Vladimir

Cerrón se le imputó ser cercano a Movadef. A continuación, se presentarán algunas muestras del terruqueo en la campaña electoral.

Daniel Urresti, uno de los candidatos presidenciales “terruqueo” a la candidata de izquierda Verónica Mendoza llamándola “Terrónika”. Luego de la primera vuelta, Keiko Fujimori magnánima, le ofreció a Castillo: “no terruquear a nadie, y hacer un debate de ideas” (Pighi Bel, 2021).

El racismo antiindígena es uno de los componentes del terruqueo y está normalizado. Presentamos varias muestras de ello. En una conversación de WhatsApp entre jóvenes fujimoristas frustrados con los resultados de la elección se decía: “Ayacucho merece ser destruido” y “En esos lugares voy a tirar mi basura en el piso, escupir en la calle, violar a sus mujeres”. Los jóvenes aspiraban a ejercer el terror impune que sufrió la población indígena en los tiempos del conflicto armado a manos de grupos armados y militares (Avilés, 2021). Cuando Castillo ingresó a una clínica de Lima por problemas respiratorios, a fines de abril, el exministro Carlos Bruce, parte del equipo de campaña de Keiko Fujimori, le deseó pronta mejoría y le recordó: “Parece que el abundante oxígeno de la costa le afectó por estar acostumbrado al poco oxígeno de la sierra”. Poco después eliminó el tuit, pero no se disculpó. Hacía referencia a dos ideas racistas sobre la población indígena: 1) que los indígenas de los Andes no piensan bien porque el oxígeno no les llega al cerebro, y 2) que no deben moverse de su lugar (el campo), y mucho menos ir a la capital para hacer política (Pighi Bel, 2021).

Las denuncias por fraude con las que Keiko pretendía anular las elecciones, luego de la segunda vuelta expresaban también el racismo pues asumían que en las serranías y en los lugares alejados los partidarios de Castillo habían llenado las ánforas y las actas a su antojo, y por ello había que suprimir los votos indígenas, quienes según este discurso no sabían ejercerlo y por tanto no merecían el derecho al voto¹⁷. Por ello no sorprende que el Nobel de Literatura Mario Vargas Llosa, se convirtiera en el mayor defensor de Fujimori, pues además de la defensa del libre mercado, percibe a los pueblos indígenas como bárbaros rezagos de un pasado que tarde o temprano cederá y se disolverá en una sociedad mestiza que solo habla español. Así pues, Pedro Castillo por su identidad étnica y su discurso antielitista es la amenaza de un apocalipsis de sus privilegios y del control que ejercen en el Estado (Avilés, 2021).

El triunfo de Castillo es un triunfo plebeyo, popular, provinciano, serrano, del Perú marginado, de los pobres. La sierra andina ha votado masivamente por Castillo y ha votado contra Lima. Los terrucos le han dado la victoria a Castillo, a quien la derecha también llama “terruco”. Para esas poblaciones excluidas, la victoria de Castillo es una reivindicación y una esperanza.

¹⁷ En la Constitución de 1979 se otorgó por primera vez el voto a los analfabetos, léase los campesinos quechuahablantes.

Conclusión

Hay mucha debilidad en el gobierno de Castillo y este sistema de gobierno peruano definido en la Constitución de 1993, que eventualmente puede permitir una nueva estrategia del fujimorismo para destituir al presidente bajo cualquier argumento. Es un gobierno precario con muchas dificultades, pero representa la expresión de un sector mayoritario popular andino, y una parte de él fue en el pasado parte de la base social fujimorista. La pandemia propició esta polarización entre derecha radical e izquierda radical de la segunda vuelta electoral, que permitió un triunfo muy ajustado de la izquierda de Castillo, gracias al desplazamiento de votantes de sectores populares de la sierra y también de la costa. Este es un fenómeno novedoso porque se afirmó la identificación con la identidad y condición de clase de Castillo por encima de la construcción hegemónica del fujimorista y su control sobre los medios de comunicación que no garantizó el triunfo. En cambio, los votantes populares se afirmaron como marginados y olvidados por los gobiernos y candidatos neoliberales de las últimas décadas, identificándose con quien hablaba el mismo lenguaje que ellos. Esto muestra un avance político por romper con la hegemonía fujimorista que ha paralizado la vida política de los sectores trabajadores, populares, campesinos e indígenas mediante la amenaza de ser acusados de apología del terrorismo y ser encarcelados. De manera que la estrategia de desarticulación de la movilización antiextractivista de CONACAMI a partir de la cooptación por lo electoral tuvo una salida imprevista para los grupos políticos dominantes.

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The Legal Status of Religious Institutions in Peru

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El estatuto jurídico de las instituciones religiosas en Perú

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ABSTRACT

Peru is a country with a predominantly religious population, with traditions and culture directly linked to religion, especially Catholicism, which is one of its fundamental elements that has a decisive influence on the formation of Peruvian society's values and basic legal principles. In this context, Peru has created a system of relations with religious entities, established in the Constitution, which has been progressively developed through laws and regulations on religious freedom and case law; except for the agreement concluded with the Holy See, the State has not signed specific agreements with other religious entities, and it is not expected that such agreements will be concluded in the near future. The purpose of this article is to clarify the current system of relations between the state and religious associations in Peru, with particular reference to the issue of the legal personality of religious entities.

KEYWORDS: *Peru, religious associations, concordat, registration, constitution.*

RESUMEN

Perú es un país con una población predominantemente religiosa, con tradiciones y cultura directamente vinculadas a la religión, especialmente al catolicismo, que es uno de sus elementos fundamentales que influye decisivamente en la formación de los valores y principios jurídicos básicos de la sociedad peruana. En este contexto, Perú ha creado un sistema de relaciones con las entidades religiosas, establecido en la Constitución, que ha sido desarrollado progresivamente a través de leyes y reglamentos de libertad religiosa y de la jurisprudencia; salvo el acuerdo celebrado con la Santa Sede, el Estado no ha suscrito acuerdos específicos con otras entidades

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religiosas, y no se espera que se celebren en un futuro próximo. El objetivo de este artículo es aclarar el actual sistema de relaciones entre el Estado y las asociaciones religiosas en Perú, con especial referencia al tema de la personalidad jurídica de las entidades religiosas.

PALABRAS CLAVE: *Perú, asociaciones religiosas, concordato, registro, constitución.*

Introduction

The historical process of development of the system of religion-state relations in Peru has been influenced by the state's relationship with the Catholic Church. To this day, this religious association has a separate legal status from other religious communities in Peru. The long-lasting patronage regime that prevailed in Peru for several centuries influenced the specific shape of the secular state model, which guarantees freedom of conscience and religion and the equality of religious associations, but, due to history and tradition, grants the Catholic Church a separate place among them. The basic principles of state-church relations, which, in the secular religious-friendly model, consist of autonomy and independence of both entities, began to develop only in the second half of the 20th century. Their legal basis is found in the Constitutions of 1979 and 1993, the Concordat of 1980 and the Religious Freedom Law (*Ley de Libertad Religiosa*) of 2010 (Rodríguez Ruiz, 2018, pp. 147–156; García-Montúfar Sarmiento, Alegre Porras, 2009, pp. 597–650).

Peru is the society in which the Catholic Church is historically the most rooted and the most active among other religious communities. According to census data, about 76% of the population professes Catholicism (INEL, 2018). Alongside the Catholic Church, Judaism and Islam also belong to the so-called historic faiths, whose origins in Peru date back to the 18th and 19th centuries. The last 50 years have seen a significant increase in the number of different evangelical denominations, grouped mainly in the National Evangelical Council (Concilio Nacional Evangélico del Perú, CONEP) and in the federation Union of Evangelical Christian Churches of Peru (Unión de Iglesias Cristianas Evangélicas del Perú, UNICEP).

Apart from the fact that the population is predominantly Catholic, the presence of Catholicism in the public sphere is widespread, such as images of the Virgin Mary and saints in parks and squares, as well as on religious festivals, Mass and *Te Deum*, attended by the President of the Republic and the leading authorities of the country (Sánchez, 2002, p. 75). Peru also hosts one of the most important Catholic religious manifestations in the world, i.e. the celebration of the procession of the Lord of Miracles (Señor de los Milagros), whose image parades through the streets of Lima every October and which is attended by more than one million faithful during the procession. By Law 29.602, the Lord of Miracles was declared the patron of Catholic religious spirituality

in Peru (Vinces Arbulú, 2014, pp. 135–164). The elements of religious manifestation have created and perpetuated social customs and legal institutions around the Catholic religion, which is part of the cultural identity of Peru¹.

It must be emphasized that the Constitution of Peru recognizes the right to freedom of conscience and religion, individually or in concert with others, as a fundamental human right, and the state guarantees its respect. The limit of its exercise is that it does not offend morality or disturb public order. Peru has ratified all multilateral treaties that recognize the right to religious freedom, and the Constitution of Peru provides that treaties are part of national law. Moreover, the norms relating to the rights and freedoms recognized by the Constitution are interpreted under the Universal Declaration of Human Rights and the international treaties and agreements ratified by Peru².

On the other hand, in terms of institutional relations, within a system of independence and autonomy, Peru recognizes the Catholic Church as an important element in its historical, cultural, and moral formation. The state respects other religions and can also establish cooperation with them. The Constitutional Court indicated the Peruvian constitutional model. However, it is not a religious state. It recognizes the Catholic Church as an integral part of a historical, cultural, and moral formation having a decisive influence on building many of society's values³. Peru signed an international agreement with the Holy See on July 19, 1980, which recognizes the independence and autonomy of the Catholic Church and establishes cooperation as a system to regulate mutual relations. To date, Peru has not concluded agreements with non-Catholic religious denominations. Their legal framework is limited to the Constitution and the Law on Religious Freedom and implementing acts (Adrianzén Olivos, 2013; Valderrama Adriansén, 2015, pp. 574–578; Valderrama Adriansén, 2010, pp. 551–555).

Relations of the state with the Catholic Church – a historical and legal perspective

Christianity as the official religion of the Spanish Empire, of which the Viceroyalty of Peru (Virreinato del Perú) was a part, was the only permitted worship

¹ Sentence 06111-2009-PA/TC in the Linares Bustamante case, where the removal of crucifixes from court offices was requested. In this case, the Court held that the religious freedom of non-Catholics is not violated, nor does the State give up its secular status, since crucifixes not only have religious significance in public spaces, but also express values of cultural identity, linked to the history, culture and traditions of Peru.

² Fourth final and transitory disposition: “Las normas relativas a los derechos y a las libertades que la Constitución reconoce se interpretan de conformidad con la Declaración Universal de Derechos Humanos y con los tratados y acuerdos internacionales sobre las mismas materias ratificados por el Perú”.

³ Sentence 06111-2009-PA/TC pt. 26.

specified in the Spanish monarchical constitution better known as the Constitution of Cadiz (Constitución Monárquica Española, Constitución de Cádiz) of 1812. After independence, Peru continued to recognize it as the official religion in most of its constitutions, including 1933 in force until 1979 (Abad Yupanqui, 2008, p. 171–175). The Catholic Church is part of most countries' historical and cultural heritage in the Western world. In this sense, this is also the case in Peru, which in its 1993 Constitution recognizes it as an important part of the country's historical, cultural, and moral formation. Today, in terms of the number of adherents, it is the majority religion in the American continent and Peru (Carpio, 1999).

For centuries, Latin American countries have shared a common history as heirs to the Spanish Crown. What stands out during this historical period is the close relationship between the Catholic Church and the monarchical power, organized legally by royal patronage, which included the economic support of the Church by the monarchy (Flores Caldas, 2018, pp. 343–353). Peru gained independence in 1821, but the new republican government did not propose breaking with the monarchical patronage system. It decided to maintain it as a prerogative and privilege inherited from the Crown, still sticking to the confessional model of interference in the government of the Church and returning to supporting the cult and its clergy⁴. The national patronage in Peru has two peculiarities: on the one hand, it is its duration, since it was formally in force for a hundred years; on the other hand, it was recognized by the Holy See as the only one among Latin American countries (Valderrama Adriansén, 2007, p. 137). This continuity of the old legal framework of the monarchy was possible because there was a collective mentality that took for granted the link and cooperation between Peru and the Catholic Church and the assistance that had to be given to the latter to carry out its mission. In this context, it is necessary to analyze all the legal acts, including constitutions, that Peru had in the nineteenth and early twentieth centuries (Vargas Ugarte, 1962, p. 291)⁵.

In turn, Peruvian constitutions of the twentieth century defined the state's relations with religious denominations differently, depending on the politics of the time. Thus, in 1915, Law 2193 repealed the constitutional norm that did not allow other religions to manifest themselves publicly. The 1920 Constitu-

⁴ This is evidenced by the Provisional Statute (Estatuto Provisional) of 1821, which targeted the religious aspect by declaring Peru a denominational Catholic nation. In turn, Christians who did not adhere to the Catholic religion were given the opportunity to obtain permission from the government to worship.

⁵ R. Vargas Ugarte, *Historia de la Iglesia en el Perú*, 5 vol., (Lima – Burgos 1953–1962), vol. 5, p. 291. For example, the Constitution of 1823 declared in art. 8 that „La religión de la República es la católica, apostólica, romana, con exclusión del ejercicio de cualquier otra”. Subsequently, the Constitution of 1860 prohibited the public practice of any religion other than Catholicism. Until 1895 the propaganda activities of the Protestant Churches were not noticed by the population. At the same time, the Catholic Church tolerated the new Republic's exercise of *de facto* patronage. It was only in 1878 that Pope Pius IX explicitly approved the Patronage of the Republic, which remained in force until 1978.

tion, on the other hand, was confessional, although it prohibited persecution on the grounds of opinion or belief⁶. The 1979 Constitution, which came into force with the end of military rule, established a new model for the state's relations with the Catholic Church and other religions and, most significantly, ended the system of national patronage. Religious freedom was introduced as a fundamental right, and a separation system was established, along with the principles of independence and autonomy with cooperation. Explicit mention was made of the Catholic Church, recognizing it as an important element in Peru's historical, cultural, and moral formation (Flores Santana, 2016, pp. 2–6).

The legal status of the institutions that make up the Catholic Church

Peru signed an international agreement with the Holy See on July 19, 1980, which recognizes the independence and autonomy of the Catholic Church and establishes cooperation as a system for regulating mutual relations. According to the provisions of the Concordat, the Catholic Church has a legal personality of a public nature. The enjoyment of such status extends to the Peruvian Episcopal Conference, archbishopsrics, episcopal offices, prelates, and apostolic vicariates, both those existing at the time of the entry into force of the Concordat and those that the Holy See may subsequently create⁷. Entities dependent on them, such as parishes, missions, diocesan seminaries, and ecclesiastical councils, are also covered by the above status (Santos Loyola, 2008, pp. 360–363).

The Holy See notifies the creation of archbishopsrics, bishopsrics, prelates and apostolic vicariates to the President of the Republic. The notification itself causes the diocese or ecclesiastical jurisdiction to have a public legal personality in Peru⁸. In the case of parishes, diocesan seminaries, church councils and missions, the Concordat has not established a notification requirement. They enjoy this status from the moment of their creation by the competent authority they depend on. In practice, however, this has created a problem of legal security since the Peruvian state cannot verify the authenticity and vali-

⁶ It was accepted that the Nation adhered to the Catholic religion and that the state protected it, but did not prohibit other faiths from publicly manifesting their own worship. Also new was art. 23, which stated that “Nadie podrá ser perseguido por razón de sus ideas ni por razón de sus creencias.”

⁷ Concordat art. 2: “La Iglesia Católica en el Perú continuará gozando de la personería jurídica de carácter público, con plena capacidad y libertad para la adquisición y disposición de bienes, así como recibir ayudas del exterior”.

⁸ Concordat art. 6: “La Santa Sede comunicará al Presidente de la República la creación de cualquier diócesis o jurisdicción eclesiástica, sin cuya notificación no gozarán de la situación jurídica que le reconoce el numeral III de este Acuerdo. Trámite similar se realizará para la supresión de jurisdicciones eclesiásticas”.

dity of founding documents of a purely canonical nature. The difficulty lies in the fact that no system has been developed to confirm the existence of these institutions to the Peruvian authorities. It is important to stress that all the aforementioned entities do not have to be registered in public registers. Despite the clarity of the norms mentioned earlier, the above-mentioned ecclesiastical institutions are often treated as private entities, which requires them to be registered in the public registers and present civil statutes indicating the members who manage them⁹.

In the case of religious and secular institutes and associations of apostolic life, the Concordat states that religious orders, congregations, and secular institutes may organize themselves as associations according to the Peruvian Civil Code, respecting their internal canonical regime¹⁰. It means that their development in the Peruvian legal system will take place in the sphere of private law. According to the Civil Code, they can organize themselves as associations, and their internal canonical regime is respected. This formula has given rise to a debate about whether the said institutions become Peruvian civil associations or remain in their activities as ecclesiastical institutions (Flores Santana, 2009, pp. 180–181).

As a rule, each norm operates and produces its effects in its legal sphere. However, in those countries where the legal system corresponds to the principle of cooperation and religious freedom, it is common for their particular law on religious matters to take into account and attribute certain effects to norms of confessional origin, provided that agreements have been concluded with the religion in question or other cooperation mechanisms have been established. Such an example is Peru, whose international agreement with the Catholic Church refers to the canonical regime. Therefore, if a state regulation speaks, for example, of religious communities, dioceses, parishes, places of worship, or churches, it has in mind those entities that canon law regulates in its legal sphere. The Concordat in this aspect referred to the Peruvian Civil Code of 1936, in force at the date of its conclusion, which had an explicit provision on religious institutions¹¹. It indicated that to register a religious community, it was sufficient for the relevant superior to declare in a public act what its objectives were and to confirm that it was an association approved by the Church. Given the fact that Peruvian law observes provisions coming from the internal canonical regime, according to which the provisions of the constitutions and canonical statutes are applied, as well as in the Code of Canon

⁹ Some vicariates and prelates are registered in public registers in the Peruvian highlands and jungles.

¹⁰ Concordat art. 9: “Las Órdenes y Congregaciones Religiosas y los Institutos Seculares podrán organizarse como Asociaciones, conforme al Código Civil Peruano, respetándose su régimen canónico interno”.

¹¹ Civil Code art. 1057: “Para la inscripción de una comunidad religiosa, basta que el respectivo superior declare en escritura pública cuáles son sus fines y que es una asociación permitida por la Iglesia”.

Law itself, it is necessary to favour the position that these institutions are an ecclesiastical entity that is not transformed into a civil association but rather changes its form through the entry in the public registers of legal entities. The explanation for this formula is that the parties chose not to create a separate register for the institutions of the Catholic Church and preferred to align them with the register of associations. It refers to the registration formalities of the Civil Code, which allows ecclesiastical institutions to operate in Peruvian law without giving up their canonical nature, with Peru committing to respect the legal system of the Holy See. Non-Catholic religious institutions do not have their legal status, in which case the provisions of the Civil Code regarding civil associations apply to them, according to which, if the association is religious, its internal structure is governed by statutes approved by the relevant ecclesiastical authority (Santos Loyola, 2014).

Given the above, it must be considered that the Peruvian Episcopal Conference, archbishops, bishops, prelates, and vicariates are jurisdictions of the Catholic Church created by the Holy See and, as such, have a legal personality of a canonical nature. They are not Peruvian juridical persons and therefore act exclusively on behalf of the Catholic Church and are governed by canon law, including the Concordat. The norms of the Civil Code do not apply to them, nor can they be treated as NGOs. In Peru, they have a public status, which allows them to function within the Peruvian legal system, but this does not mean that they lose their canonical nature and status. They are not obliged to register in public registers. Their authority and legal representative is the cleric appointed by the Holy See as archbishop, bishop, coadjutor, prelate, or vicar apostolic. It is worth mentioning that an appointment to any of these positions is notified by the Apostolic Nunciature to the President of the Republic, who grants the appropriate recognition for it to have civil effects¹². The same criteria apply to church councils, diocesan seminaries, parishes, and missions, with a public juridical personality.

Regarding religious orders, congregations, and secular institutes, these institutions remain canonical legal persons whose internal the State must respect the canonical regime. This norm stems from the fact that these institutions are not constituted as civil associations since they cannot have a civil and a canonical character at the same time. It should be stressed that the concordat norm relating to their legal status, organized as associations in accordance with the Peruvian Civil Code, refers to the code in force at the time of the treaty's conclusion, namely the 1936 documents, which contained an explicit provision on religious entities. According to the same Civil Code,

¹² Concordat art. 7: "Nombrado un eclesiástico por la Santa Sede para ocupar algún cargo de Arzobispo u Obispo o Coadjutor con derecho a sucesión, Prelado o Vicario Apostólico, o para regir alguna diócesis temporalmente, la Nunciatura Apostólica comunicará el nombre del mismo al Presidente de la República antes de su publicación ; producida ésta el Gobierno le dará el correspondiente reconocimiento para los efectos civiles".

Catholic religious communities of an associative nature were registered as religious communities according to a public act issued by the relevant superior. Therefore, this concordat norm must be interpreted concerning the registration formalities established in the now-defunct Civil Code, which allowed institutions of consecrated life to operate with full legal force under Peruvian law without giving up their canonical nature. The international agreement states that their internal canonical regime will be respected for these institutions, and consequently, there is a reference to canon law as statutory law. In other words, since these institutions operate in the civil sphere, the binding sources of law will be the constitutions or canonical statutes of these institutions and the Code of Canon Law. For this reason, it is necessary to consider the content of the registered statutes and the provisions of canon law that applies to them.

The parties' common intention to the Concordat was to bring the legal activity of religious orders and congregations into line with the regime provided for in the Civil Code of 1936. Still, the introduction of the new code does not change what has been agreed upon about religious orders and congregations of the Catholic Church. Indeed, the Concordat, as an act of international law, is a hierarchically higher source of law than national legislation. It cannot be maintained that, in light of the promulgation of this code and because of the provisions of its norms, all religious orders, congregations, institutes of consecrated life, and associations of apostolic life of the Catholic Church in Peru should be considered Peruvian civil associations. Such an interpretation would mean that Peru would not respect what has been agreed upon in an international agreement through an internal norm. Therefore, the current Civil Code provisions under the regime of religious freedom should be interpreted as norms addressed to institutions of non-Catholic faiths, and in any case, to civil associations with religious purposes (Valderrama Adriansén, 1998, p. 18).

Religious administration in Peru

Religious denominations in Peru are non-profit civil associations. However, in practice, problems arise at the time of their registration because there is no administrative entity to certify who the ecclesiastical authorities of the religious denominations appointed to approve the statutes of the religious association are. For this reason, the state found it necessary to introduce a unit in its structure that could be responsible at the administrative level for the relations between it and various denominations other than Catholicism. A corresponding change in the structure of the Ministry of Justice (Ministerio de Justicia) was introduced in 2002 when the Directorate for Interconfessional Affairs (Dirección de Asuntos Interconfesionales) was incorporated into the National Directorate of Justice (Dirección Nacional de Justicia), whose main objective is the administrative task of "coordinating and promoting executive relations with other

denominations”¹³. Obviously, in this situation, denominations other than Catholicism are involved. The main justification for such a change is to strengthen religious freedom by the normative imperatives described in the Peruvian Constitution and the international norms to which Peru is a signatory.

The Directorate for Interfaith Affairs was initially tasked with responding to enquiries and coordinating on matters within its competence, drafting reports and the process of approving donations from abroad to religions, and other functions assigned to it by its superiors. It was also entrusted with legalizing the signatures of the ecclesiastical authorities of denominations other than Catholicism, which had previously been registered in the relevant register, in the migration documents of their personnel and other ecclesiastical documents, for use abroad for civil purposes. The Directorate for Interfaith Affairs was responsible for maintaining the Register of Non-Catholic Religions. In addition, it issued an opinion on the suitability or inappropriateness of registering a denomination in the Register and was responsible for enabling the registration of a denomination by order of the National Directorate of Justice (Dirección General, 2021. pp. 121–125).

The Peruvian Ministry of Justice and Human Rights currently has the Directorate General of Justice and Religious Freedom (Dirección General de Justicia y Libertad Religiosa, formerly Dirección General de Justicia y Cultos). It consists of two separate departments: one for matters relating to the Catholic religion and the other for matters relating to other religious organizations. Both were created in 2002.

The Directorate for Catholic Church Affairs (Dirección de Asuntos de la Iglesia Católica) is the body that replaced the General Directorate for Ecclesiastical Affairs (Dirección General de Asuntos Eclesiásticos), and its purpose is specifically to manage relations with the religious denomination, which has been the dominant religion in Peru since its inception as a state. In turn, the Directorate for Interconfessional Affairs (Dirección de Asuntos Interconfesionales) is the body primarily responsible for managing the Register of Religious Entities. It also coordinates relations between the state and religious institutions. It promotes religious freedom in the country and directs and coordinates actions to deepen the state’s cooperation and relations with religious entities other than the Catholic Church within a framework of healthy secularism and state neutrality. Its objectives are: to disseminate the normative framework on religious freedom in Peru; to make public officials aware of the state’s treatment of religious entities within the framework of human rights, tolerance, and non-discrimination, as well as religious diversity and pluralism; to orient people in the exercise of religious freedom, in its individual and collective dimensions, in its derived rights and its relations with state entities, within the framework of the legislation on this matter; to maintain the Register of Religious Entities (Sánchez-Lasheras, 2016, pp. 170–172).

¹³ Decreto Supremo núm. 026-2002-TUS, 25 de julio de 2002.

The 2011 Decree created the Advisory Commission for Religious Affairs (Comisión Asesora en Asuntos Religiosos), composed of persons with expertise in matters related to the Registry's remit. This body was advisory. The Commission's task was to report and give opinions on matters relating to the application of the relevant provisions of the Religion Act and matters relating to the signing of cooperation agreements and consultations carried out by the Directorate for Interfaith Affairs in relation to the Register of Religions¹⁴. Thus, its activities were limited in particular to matters related to the registration of religious entities. The new implementing act of the Religious Act no longer provided for its operation.

Peru already had consultative commissions on religious matters, which had been established in the working group established by Ministerial Resolution 070-2005-JUS, in which representatives of both the Ministry of Justice and religious denominations participated, intending to develop legislative and administrative proposals to promote state policy and action in the area of religious freedom, which was achieved when, at the end of its mandate, the working group presented, among other reports, a proposal for a Religious Freedom Act. The difference between the working group and the advisory commission was the permanent nature of the latter, the composition, and purpose of the commission, which was limited to registration matters.

Legal personality of non-Catholic religious associations

The first religious law in Peru was only passed in 2010¹⁵. Under constitutional norms, it recognizes the right to freedom of conscience and religion. With regard to religious entities, it states that they equally enjoy the same rights and have the same obligations¹⁶. These rights are granted to duly registered religious entities, i.e., civil personality and full autonomy and freedom in religious matters. They may establish their own organizational rules, internal structure, and regulations for their members without infringing the fundamental rights

¹⁴ Decreto Supremo núm. 010-2011-JUS art. 25: "La Comisión Asesora en Asuntos Religiosos, en adelante la Comisión, está conformada por personas de reconocida experiencia en materias relacionadas al ámbito de competencia del Registro. Es una Comisión de carácter consultivo. Corresponden a la Comisión las funciones de estudio, informe y opinión de las cuestiones relativas a la aplicación de los artículos 13º y 14º de la ley, así como a las cuestiones referidas a la suscripción de convenios de colaboración y acerca de las consultas que le formule la Dirección de Asuntos Interconfesionales, respecto al Registro de Entidades Religiosas. Las disposiciones referidas a la composición, organización y funcionamiento de la Comisión serán establecidas por el Ministerio de Justicia mediante la expedición de la respectiva Resolución Suprema, en un plazo máximo de 60 días posteriores a la entrada en vigencia del presente Reglamento"

¹⁵ Ley de Libertad Religiosa 29.635, and the following year its regulations were approved by Decreto Supremo núm. 010-2011-JUS.

¹⁶ Ley 29.635 art. 2: "El Estado reconoce la diversidad de las entidades religiosas. En igualdad de condiciones, gozan de los mismos derechos, obligaciones y beneficios".

recognized by the Constitution¹⁷. Furthermore, they may establish and operate their centers for training in religious ministry¹⁸.

In turn, the executive regulations establish a prohibition on interference by the state authorities in the internal affairs of religious entities, i.e. those they carry out according to their statutes to pursue strictly religious purposes. The state exercises authority over all religious manifestations, individual or collective, only with regard to the observance of the law and the preservation of public order, health, and morals¹⁹. As can be seen, the Religious Freedom Law creates a framework for the autonomy of religious denominations. However, it must be stressed that as long as religious denominations are not registered, political authorities can limit their autonomy.

REGISTER

In Peru, many religious denominations have constituted themselves as civil associations and have obtained legal personality through registration in public registers. By choosing to get legal personality, they provide legal security to third parties and the state entering a legal relationship with them. In addition,

¹⁷ Ley 29.635 art. 6: “Son derechos colectivos de las entidades religiosas debidamente inscritas, entre otros, los siguientes: Gozar de personería jurídica civil, así como de plena autonomía y libertad en asuntos religiosos, pudiendo establecer sus propias normas de organización, régimen interno y disposiciones para sus miembros, sin perjuicio de los derechos y libertades reconocidos en la Constitución Política del Perú. Crear fundaciones y asociaciones para fines religiosos, educacionales y de asistencia social conforme a la legislación nacional. Formar, designar o elegir libremente a sus ministros de culto, dirigentes religiosos y establecer su propia jerarquía, según sus normas internas. La condición de ministro de culto se acredita con documento auténtico expedido por la autoridad competente de la entidad religiosa. Ejercer libremente su ministerio, practicar su culto, celebrar reuniones relacionadas con su religión y establecer lugares de culto o de reunión con fines religiosos. Divulgar y propagar su propio credo. Solicitar, recibir y otorgar todo tipo de contribuciones voluntarias. Mantener relaciones con sus propias organizaciones o con otras entidades religiosas, sea en territorio nacional o extranjero”.

¹⁸ Ley 29.635 art. 7: “Las entidades religiosas, inscritas en el registro al que se refieren los artículos 13 y 14, pueden crear y dirigir autónomamente sus propios centros de formación para el ministerio religioso y para estudios teológicos. El reconocimiento oficial de los títulos académicos expedidos por estos centros puede ser objeto de convenio entre el Estado, a través del Ministerio de Educación, y la correspondiente entidad religiosa, siempre que esta cumpla con los requisitos académicos establecidos por la Ley núm. 29394, Ley de Institutos y Escuelas de Educación Superior. Asimismo, aquellas que cumplen con los requisitos de la Ley núm. 23733, Ley Universitaria, pueden acceder a entregar dichos títulos”.

¹⁹ Decreto Supremo núm. 010-2011-JUS art. 13: “Las autoridades del Estado, no tendrán injerencia en los asuntos internos de las entidades religiosas. Para los efectos de la Ley y del presente Reglamento, se entenderán como asuntos internos todos aquellos actos que las entidades religiosas realicen conforme a sus estatutos para el cumplimiento de sus fines estrictamente religiosos. El Estado ejercerá su autoridad sobre toda manifestación religiosa, individual o colectiva, sólo en lo relativo a la observancia de las leyes, conservación del orden, la salud y la moral públicos”.

many of them, after obtaining legal personality and fulfilling other requirements provided by law, are documented in a special register.

In 2003, the Register of Religious Denominations other than Catholicism (*Registro de confesiones religiosas distintas a la católica*) was created in Peru, which institutionally belongs to the Ministry of Justice and Human Rights²⁰. Its name was only changed by the Religion Act and is now the Register of Religious Entities (*Registro de Entidades Religiosas, RER*). The main purpose of the Register is to recognize the civil law status of religious entities and facilitate their relations with the state, as it was established as voluntary and non-constitutive. The Register is administrative, and it presupposes that the applying denomination is constituted as a non-profit civil association and registered in the relevant public register. Denominations have the right to apply for registration and not the obligation to do so, as registration is not compulsory (Revilla Izquierdo, 2017, pp. 68–70).

Irrespective of registration, churches, denominations and religious communities constituted as a civil association acquire legal personality under private law upon registration in the relevant public register. One of the requirements for entry in the current RER is that denominations wishing to be entered in it must be legal persons. The creation of the RER and the inclusion of a denomination is intended to facilitate the exercise of religious freedom by religious communities. In no way should this legal instrument be regarded as a means of controlling and restricting rights (Flores Santana, 2016, pp. 15–17). In this situation, we are dealing with religious groups exercising the right to freedom of association and the right to freedom of religion, both fundamental rights that cannot be subject to prior registration to exercise them, nor excessive restrictions that do not comply with international law human rights standards. Therefore, registration is voluntary and is intended to help manifest religious freedom. Thus, the current Register of Religions other than Catholicism was created for administrative purposes and is not constitutive of the registered religions (Revilla Izquierdo, 2017, pp. 106–107).

There are currently 158 religious denominations registered in the Register. Until 2021, they fell into two categories: religious denominations and missionary entities. In line with the changes introduced in 2021, the RER has expanded the type of entities that can be registered to include confessional federations or associations or confederations. They will be entered in the special section of the RER. Therefore, the RER currently has a main section in which churches and religious associations are registered and a special section in which religious communities, defined as missionary organizations with social purposes in their statutes, and/or federations and/or confessional associations and/or confederations are registered²¹. Among the religious denominations listed in the Register, evangelical communities predominate.

²⁰ Decreto Supremo núm. 003-2003-JUS.

²¹ Decreto Supremo núm. 014-2021-JUS Disposiciones Complementarias Finales, Tercera. Sección Especial del Registro.

The rights set out in the open statutory catalogue are only recognized for the religious denominations listed in the RER, which could be regarded as an infringement of the exercise of collective religious freedom by making it dependent on an administrative act such as an entry in the register²². However, this is not the case, as the administrative act of registration facilitates the exercise of religious freedom rather than preventing it if the religious denomination in question were not registered. However, when it comes to private legal personality, the law states that entities registered in the RER are entitled to enjoy civil legal personality, which does not take into account the fact that, in Peru, religious denominations acquire private legal personality once they are already constituted as civil associations and registered in public registers. In other words, a religious denomination that already has a civil legal personality does not need to be registered in the RER to acquire a legal personality (Santos Loyola, 2018a)²³.

The requirements and procedure for registration with the RER are detailed in the religion act and its implementing rules²⁴. Entities applying for registration must provide their name and address on the national territory. Furthermore, a description of the confession of faith, the doctrinal basis, and the sacred texts or books are required. In addition, the person who signed the application for registration must make a declaration²⁵ under oath that he does not engage in activities related to astrophysical, psychological, parapsychological phenomena, divination, astrology, spiritism, dissemination of purely philosophical, humanistic, spiritism ideas, or values; does not engage in the development of evil rites, satanic cults or similar²⁶. It is necessary to include a description of the organization and history that allows appreciation of the conduct of its religious activities and accurately identifies the origin, foundation, and active presence of the religious entity in Peru for not less than seven years, which guarantees its stability and permanence in the national territory (Mosquera, 2012, pp. 179–180). The provision regarding the number of faithful adult members in the national ter-

²² Article 6 of the Act speaks of the rights of religious entities. Among other things, it lists those concerning the right to freedom of association, freedom to choose ministers, to worship, to spread one's religion, to seek and receive voluntary assistance, to maintain relations with one's own organizations or other religious entities, both within the territory and abroad.

²³ In one of the draft reforms, 2211/2012-CR (of 10 May 2013), it was proposed to remove the condition of entry in the said register in the declaration of collective rights.

²⁴ Law 29635 art. 14, Decreto Supremo núm. 006-2016-JUS art. 13, Directive 01-2016-JUS/DGJLR art. 6.

²⁵ The affidavit and all declarative information are subject to civil, administrative, and criminal consequences in accordance with the Criminal code and the General Administrative Procedure Act.

²⁶ Ley 29.635 art. 5: "No se consideran religiosos los fines o actividades relacionados con fenómenos astrofísicos, psicológicos, parapsicológicos, adivinación, astrología, espiritismo, difusión de ideas o valores puramente filosóficos, humanísticos, espiritualistas u otro tipo de actividades análogas. Las entidades dedicadas al desarrollo de ritos maléficos, cultos satánicos o análogos se encuentran al margen de la presente Ley".

ritory was amended in 2021, and there is now no longer a requirement of at least 500²⁷. Previously, religious denominations were historically exempt from this limit. A list of ministers of worship and a list and current address of temples or places of worship and houses of worship, centers for theological and religious education, schools, and other premises or premises, if any, must also be shown. A copy of the constitution indicating the religious purposes, doctrinal or denominational basis, and church or denominational structure, organizational chart, and representative bodies together with their powers and the requirements for their appointment shall also be attached (Santos Loyola, 2015, pp. 3–13). A legalized or notarized copy of the articles of association and a certificate of current registration in the public registers, and a certificate of the validity of the representative's power of attorney must also be provided (Santos Loyola, 2017, pp. 90–94; Santos Loyola, 2018b).

A religious entity in the RER may exercise the collective rights of religious entities, independently establish and operate training centers for religious pastoral care and theological studies, and enter into cooperation agreements with the state at the national level (Revilla Izquierdo, 2017, pp. 122–125).

LEGAL STATUS – AGREEMENTS

Given the specific factual and legal situation of religious associations in Peru, the legal position of “minority religions or denominations” is increasingly emphasized in doctrine. This formulation considers that, despite the recognition of religious freedom and the secularity of the state, in practice, there are vulnerable religious groups that need more intensive protection for the right to religious freedom. In this sense, the concept of religious minorities is related to disadvantaged groups not only because of their numbers but also because of the historical situation of exclusion they have experienced. Until a few decades ago in Peru, they were either banned, or their presence was limited at the legal and constitutional level.

In Peru, minority religions, as well as Andean and Amazonian peoples, can be further guaranteed the right to express their religious beliefs through laws that promote material or real equality, correcting structural inequalities in the difficulties they have had and continue to have in the exercise of freedom of religion or religious belief²⁸. The Religious Freedom Law explicitly states that

²⁷ Decreto Supremo núm. 014-2021-JUS art 2. According to Constitutional Court decision 00175-2017-PA/TC, the requirement of a minimum number of believers for registration in the register of religious entities was eliminated, as the highest court found that the constitutionally justified number of believers for a religious entity may be determined based on other objective requirements, such as the list of ministers of worship, church or confessional structure, organizational chart and representative bodies, among others.

²⁸ This does not violate the principle of the secularity of the state and is in line with art. 27 of the ICCPR, which imposes an additional guarantee on states to protect the right to practice and

Peru respects and guarantees the religious expression of Andean, Amazonian and Afro-Peruvian peoples and their right to exercise it individually or collectively (Palomino Lozano, 2018, pp. 115–136)²⁹.

Minority religions in Peru, to better pursue their goals, also currently benefit from a special system of donations and tax benefits provided for in laws.

The starting point for considering Peru's non-confessionalism is distinguishing between legal measures aimed at correcting or avoiding inequality and the conclusion of agreements as one of the forms of cooperation with religions that the Constitution provides for³⁰. Therefore, the purpose of forms of cooperation or agreement is not to eliminate inequalities that would correspond to them by law but rather to facilitate the exercise of religious freedom by considering the specificities of a particular denomination, whether it is a majority or minority denomination (Estela Vargas, 2019).

Due to the existence of many minority faiths and for legal security reasons, the state cannot enter into agreements or other legal forms of cooperation with each of the minority faiths. Minority denominations that share a common basis join together in federations to facilitate relations and coordination with the state, which may allow them to exercise religious freedom in what they share.

The state can establish forms of cooperation with religions other than the Catholic Church. Cooperation with the Catholic religion takes the form of an agreement between the Holy See and Peru and agreements between the state and the various Catholic religious bodies established in the state. Cooperation through agreements or conventions with non-Catholic denominations is therefore particularly relevant to the principle of the right to equality of all

profess the religion of a religious minority by requiring the state to take special and necessary measures to avoid „indirect assimilation” that would occur through education that promotes the majority religion or economic benefits granted to the majority religion that facilitate its existence but are not provided to the minority. Therefore, when freedom of religion is recognized for all, additional guarantees must be provided to these minorities because they are at a real and historical, and even legal, disadvantage in exercising their right to religion. In this connection, it may also be necessary for the state to take positive measures to protect the identity of the minority and the rights of its members to the extent that they are aimed at ameliorating a situation that prevents or impedes the exercise of rights, provided that they are based on reasonable and objective criteria (General Comment No. 23, n. 6.2, Human Rights Committee).

²⁹ Ley 29.635 art. 3: “El Estado respeta y garantiza las expresiones religiosas de los pueblos andinos, amazónicos y afroperuanos, así como su derecho de ejercerlas de manera individual o colectiva”. This norm came in response to Law 02395 proposing equality between Andean and Amazonian religious beliefs. <https://www2.congreso.gob.pe/Sicr/TraDocEstProc/CLProLey2006.nsf/5cc43e368a4ac726052571b600695c3a/cdd3763c0ce53e21052574430056899f?OpenDocument>; <https://www2.congreso.gob.pe/Sicr/Prensa/heraldo.nsf/CNtitulares2/640DECC3C240C3100525729B0054752E/?OpenDocument>

³⁰ Constitution art. 50: „Dentro de un régimen de independencia y autonomía, el Estado reconoce a la Iglesia Católica como elemento importante en la formación histórica, cultural y moral del Perú, y le presta su colaboración. El Estado respeta otras confesiones y puede establecer formas de colaboración con ellas”.

religious denominations when it concerns matters relating to the facilitation of activities that are similar because they pursue the same objectives, such as religious instruction, spiritual assistance to their members, social welfare services, etc. The usual cooperation between non-Catholic religious denominations is established through an agreement, which follows a procedure provided only in Peruvian legislation since religious denominations do not have international legal personality. Cooperation cannot be imposed on either party to the agreement. The reason for its conclusion is to facilitate coordination between the state and a particular religious denomination or even between the state and a federation of religious denominations so that the latter can pursue its objectives (Mosquera, 2018, pp. 71–72). Failure to enter into a form of cooperation or agreement does not violate or should not limit the rights recognized by the Constitution for all religious denominations, as they are manifestations of both the right to religious freedom and the right to freedom of association. Nor should it give rise to discrimination between religious denominations that have agreed and those that have not, since the conclusion of an agreement or contract depends on the consent of each party and is not an obligation of the state or the religious denomination. However, such action must not be hindered or prevented by laying down unattainable requirements in the law or its regulations for religious denominations should they wish to enter into an agreement or other form of cooperation. The Religious Freedom Act refers to agreements between religious denominations and the state. The agreement takes place between religious entities registered in the register of religious entities and the state through specific ministries³¹. In addition to being listed in the register of religious entities, religious entities must also be nationally established and provide a guarantee of stability and sustainability in terms of membership and activities (Dirección General 2019).

Conclusions

The activity of the religious administration in Peru and the activity of the legislator in creating and amending laws on the activities of religious associations and religious freedom gives hope for the recognition and possibility of full enjoyment of rights for all religious denominations present on Peruvian territory and not only for the entity that until recently was presented as the main religion. It would solve some of the problems in the Peruvian legal system regarding the possibility for members of religious communities to exercise their religious rights.

³¹ Article 7 concerns an agreement on the official recognition of degrees issued by training centers for religious pastoral care and theological studies of the religious denominations that have established them. It is concluded between the state through the Ministry of Education and the relevant registered religious entity that has fulfilled the requirements set out in the same article. Article 15 refers to agreements of national scope on matters of common interest and legal nature.

However, there is still a lack of clarity and consistency throughout the regulatory system, including in the registration and control of these entities, which would allow for equal treatment for all. Problems will continue to arise in practice, as Catholicism is and will continue to be the majority religion in Peru. Still, with the recognition of other faiths by the Peruvian legal system, some current problems will find their solution on legal grounds (Mosquera, 2004, pp. 346–348).

In terms of *de lege ferenda* postulates, the provisions of the Religious Freedom Law and its implementing acts should be subjected to a more realistic analysis, since in practice, a situation of limited access to the RER and, consequently, to the system of prerogatives that arise from the state's recognition of churches, denominations, and communities as religious entities is being created. Otherwise, instead of facilitating relations between the state and religious denominations, they would be hindered by the regulation itself, which would make the perception that the much sought-after legal framework for the protection of religious freedom creates new legal difficulties (Dirección General, 2016).

It should be remembered that the legal system for recognizing the legal personality of religious associations in Peru is intended to facilitate the state's relations with religious denominations. Therefore, it is worth examining the creation of new legislation that would provide a real opportunity for the collective exercise of religious freedom and the state's relations with collective subjects of religious freedom, overcoming the possible arbitrariness and distrust of the state towards collective forms of religious expression and subjects that seek recognition of their rights (Revilla Izquierdo, 2013, pp. 467–468).

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Shipibo-Konibo Community in Lima and the Right to the City¹

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La comunidad Shipibo-Konibo en Lima y el derecho a la ciudad

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ABSTRACT

The paper starts with a description of the Amazon migration to Lima and the concept of the right to the city, then the following section presents the history of the Cantagallo neighborhood and how Shipibo residents position themselves, organize the political struggle, and collaborate with municipal and national institutions. The study is based on visits and interviews carried out during fieldwork in Lima in 2013 and 2014 and subsequent desk research and remote follow-up interviews in 2020 and 2021 that allowed to present and analyze the specific case of the Cantagallo community and Shipibos' attempts to exercise basic citizen rights. In this paper, I would like to suggest that the notion of the right to the city may be an effective concept for indigenous urban communities in the formulation and execution of their rights and citizenship.

KEYWORDS: *right to the city, urban indigenous, Shipibo-Konibo, Lima.*

RESUMEN

Este artículo parte de una breve descripción de la migración amazónica a Lima y el concepto del derecho a la ciudad, luego la siguiente sección presenta la historia del barrio Cantagallo y cómo los habitantes de origen shipibo se posicionan, organizan la lucha política y colaboran con las instituciones municipales y nacionales. El estudio se basa en visitas y entrevistas realizadas durante el trabajo de campo en Lima en 2013 y 2014 y posterior investigación documental y entrevistas de seguimiento a distancia en 2020 y 2021 que permitieron presentar y analizar el caso específico de la comunidad de Cantagallo y los intentos de los shipibos en ejercer derechos ciudadanos básicos. En el presente artículo me gustaría sugerir que la noción del derecho a la ciudad puede ser un concepto efectivo para las comunidades indígenas urbanas en la formulación y ejecución de sus derechos y ciudadanía.

PALABRAS CLAVE: *derecho a la ciudad, indígenas urbanos, Shipibo-Konibo, Lima.*

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Introduction

Indigenous communities in Latin America were mostly associated with the area of the province and indigeneity was built for a long time with reference to rural areas. Indigenous people are not usually seen as migrants, assuming that their ethnic communities are geographically static due to their link with the land of origin. Meanwhile, current migratory patterns in Latin America indicate that indigenous peoples form a growing population of migrants (Alexiades and Peluso, 2015, p. 1), with many moving to cities where they become a distinct population of *indígenas urbanos*. Unfortunately, in most cases, the cities in the region do not provide these new citizens with appropriate policies and do not create inclusive urban spaces. However, the right to the city and civil struggle sometimes emerge within the indigenous urban community, who then leads the process of recognition.

Before proceeding to substantial aspects of this paper, it is worth noting that in Peru there is a clear distinction between Andean and Amazon indigenous. There are two terms, *indígenas* and *campesinos*, which also refer to the culturally diverse groups of Peruvian citizens. Since the agrarian reform and the rule of Juan Velasco Alvarado, Andean communities have been referred to as *campesinos* (peasants), which was to emphasize their relationship with the land and reflect the agricultural nature of the social organization. This distinction was also intended to emphasize the cultural distinctiveness of Andean communities, mainly belonging to the complex ethnic groups of Quechua and Aymara, from those of the Amazon. The area of the Peruvian Amazon is inhabited by small and more ethnically diverse communities, treated by the state as 'more Indian' than the inhabitants of the Andes and thus referred to as *indígenas* (indigenous, natives).

It is also worth mentioning the groundbreaking change introduced during the 2017 census. For the first time, the Peruvian census included the question on ethnic auto-identification, making it seem possible to obtain accurate data on the spatial distribution of different ethnic groups and the presence of indigenous people in cities. The earlier census of 2007 included the question about the language learned during childhood. The addition of another question on ethnic identity was intended to provide more factual data on the composition of Peruvian ethnicity. According to the results, only a quarter of the country's population identifies themselves as Quechua, Aymara, or other indigenous groups from the Amazon. The vast majority – which is more than 60% of Peruvians – identify themselves as mestizos, then 22.3% of the society define themselves as Quechua (which is the second largest group and significantly ahead of the white population), 5.9% as white, 3.6% as Afro-Peruvians, 2.4% as Aymara, and more than 1% identify themselves with various communities of the Amazon, mainly Asháninka, Awajún, and Shipibo (INEI, 2017)².

² Racial and ethnic terms used here to delimitate group identities are the same categories that were used in 2017 Census carried out by Instituto Nacional de Estadística e Informática (INEI, 2017).

The paper starts with a description of the Amazon migration to Lima and the concept of the right to the city, then the following section presents the history of the Cantagallo neighborhood and how Shipibo residents position themselves, organize the political struggle, and collaborate with municipal and national institutions. The study is based on visits and interviews carried out during fieldwork in Lima in 2013 and 2014 and subsequent desk research and remote follow-up interviews in 2020 and 2021³ that allowed to present and analyze the specific case of the Cantagallo community and the Shipibos attempts to exercise basic citizen rights. In this paper, I would like to suggest that the notion of the right to the city may be an effective concept for indigenous urban communities in the formulation and execution of their rights and citizenship.

Migration from the Amazon to Lima and Shipibos-Konibos

Scientific research on migrants and new residents of Lima has not yet fully addressed the question of the urban presence of the Amazon community. Peruvian social and cultural academic literature was primarily concerned with Andean migrants. Some publications on indigenous urban communities of the Peruvian Amazon have only recently appeared. CAAAP and its researchers published two key works on Lima residents who identify themselves with the indigenous communities of the Amazon (Terra Nuova Perú, 2013; Vega Daz, 2014). An extensive analysis of the social organization, culture, and identity of migrants from the Amazon in cities is presented in the papers of Oscar Espinosa de Rivero (Espinosa, 2009, 2012, 2019). The Amazon community in Lima is also documented in the issue elaborated at the University of San Marcos *Los Estudiantes indígenas amazónicos de la UNMSM* (Tejada, 2005).

There are about 60 different Amazonian groups in Peru, divided into more than a dozen linguistic groups. Traditionally, some of the indigenous communities of the Amazon have migrated and settled permanently in Lima, although this is changing now. Migration from the Amazon to the capital only became visible in the middle of the 1980s, when the headquarters of the most important indigenous organizations (including AIDSESEP and CONAP) were founded in Lima. These institutions allowed the Amazon community to gain

³ Part of the research for this paper was carried out during my Ph.D. project devoted to changes in the cultural identity of migrants in Lima. The field work took place in 2013 and 2014. It consisted of visits to the site, during which participant and non-participant observation and in-depth interviews took place. In total, 30 in-depth interviews were conducted with people from Cantagallo, some of which are cited in this paper. These were mostly individual interviews; however, in a few cases, there were two or more persons present. Follow-up interviews numbering about 10 were conducted remotely in 2020 and 2021. A list of all cited interviews with signatures and descriptions of interviewees is included at the end of this paper.

representation in the city, but there was no permanent community living in Lima yet. The Amazonian migration to Lima can be divided into three periods. The first one was from 1985 to 1995, when the Asháninka people were dominant and the main push reason was an armed internal conflict. The second was from 1996 to 2000, when Shipibo migrants prevailed and, apart from terrorism, access to the labor market was among the main pull reasons. The last, from 2001 to 2011, characterized by migration of various Amazon indigenous communities and the main pull reason was access to higher education (Espinosa, 2009, p. 56; Terra Nuova Perú, 2013; Vega Díaz, 2014). Amazon migrants began to arrive in the Peruvian capital on a larger scale in the late 1990s and early 2000s.

So far, there has been no official census allowing to determine the population of Amazon communities in Lima (Espinosa, 2009, p. 49; Vega Díaz, 2014, p. 23), and the inference drawn on the data revealed in the INEI migration statistics is based on too many unknowns to be sure of the values obtained (INEI, 2014). However, in 2017, the question of ethnic self-identification was included in the census. According to the results reported by INEI, 14,216 identified themselves as representatives of the Amazon indigenous communities in the Province of Lima (out of the total population of 6,801,252 people aged 12 and over). For comparison, there are 1,121,193 residents who recognize themselves as Quechua and 47,085 as Aymara (INEI, 2017a, 2017b). In the province of Callao, which forms the Metropolitan Area with Lima, within the total population of 799,608 people aged 12 years or older, 1,447 people identified themselves with different indigenous Amazonian peoples – 81,554 as Quechua, and 4,987 as Aymara (INEI, 2017a, 2017b). Contrary to Andean migration, Amazon migration has never been a mass phenomenon, but the urban presence of communities originating from the Selva area has been noticeable in the city over the last two decades (Espinosa, 2009, p. 47; Vega Díaz, 2014, p. 36). There are Amazonian groups living in the districts of Ancón, Ate, Rímac (Cantagallo), San Juan de Lurigancho, San Miguel (Pando), San Martín de Porres (San Germán), Ventanilla in Lima Metropolitana (Terra Nuova Perú, 2013, pp. 19–129).

Shipibos-Konibos form one of the largest indigenous groups in the Peruvian Amazon. According to the data from the National Institute of Statistics and Informatics, there are currently more than 25,000 people who identify themselves with this indigenous group and more than 34,000 who stated that their mother tongue is the Shipibo-Konibo language (INEI, 2017). Like other ethnic communities of Pano linguistic family, they traditionally lived along the Ucayali River. Today mainly settled near the Ucayali, Pisqui, and Madre de Dios rivers in the departments of Ucayali, Madre de Dios, Loreto, and Huánuco.

Shipibos-Konibos were formed after the cultural fusion of three separate communities: Shipibos, Konibos, and Shetebos (BDPI). The group was in contact with other Amazonian peoples and Andean communities already in the

Pre-Inca period (Tournon, 2002). In colonial years, especially the 17th and 18th centuries, Jesuit and Franciscan missionaries arrived in the region and began evangelization attempts. Historically the group is also known to be hit by the rubber boom which decimated the native population of the region at the turn of the 20th century. Today, Shipibos-Konibos have to struggle mainly with logging companies owned by colonists being descendants of Europeans who arrived during the rubber boom, and mestizos living in the area (García Hierro et al. 1998; Roe, 1982, p. 35). The group is organized and gained relative political representation as that grown by Coshikox – the council of the Shipibo-Konibo-Xetebo Nation – an organization focused on self-governance of the native territory according to indigenous knowledge and culture. Moreover, in 2007 the official alphabet of the Shipibo-Konibo language has been approved by the Ministry of Education⁴, and today there are more than 280 bilingual schools that provide education both in Shipibo and Spanish in Peru (BDPI).

Shipibos-Konibos have long been the subject of acculturation processes driven by other groups they interacted with. Currently, the group is perceived as an outcome of the cultural change either defined as mestizaje or transculturation in which the migration process also played a significant role. Shipibos-Konibos are known for their mobility as community members often migrated to urban areas, especially in the Amazon, but also to Lima. Shipibos, like other indigenous groups of the Peruvian Amazon, are exposed to various problems today, as they occupy an area threatened by industrial development and exploration of raw materials, transnational organized crime, but also urbanization, and migration processes. The first Shipibo migrations to Lima began in the 1990s. Currently, according to INEI data, there are 2,435 people who auto-identify as Shipibos-Konibos in the province of Lima and 205 in the province of Callao (INEI, 2017).

The history of Cantagallo

In Lima, the growing community from the Amazon is recently acknowledged. The symbolic beginning of this migration was the year 2000 when the Shipibo settlement in Cantagallo in the Rímac district started. Currently, Cantagallo, located just two kilometers from the Government Palace, is the most renowned neighborhood of Amazon migrants in Lima. It has also become an icon of Shipibos' struggle with Lima's magistrate and the Peruvian state for the recognition of the urban rights of indigenous communities. The Cantagallo area was occupied by migrants from Peruvian provinces since the 1970s. They were mainly migrants from the Andes, who lived in abandoned and impoverished buildings.

⁴ Resolución Directoral N° 0337-2007-ED del Ministerio de Educación: http://www.ugel-casma.gob.pe/files/Data_EIB/Normas_EIB/Lenguas%20originarias/Alfabetos%20de%20lenguas%20originarias/RD%20337-2007-ED%20SHIPIBO.pdf

The Amazon community, mainly from the Shipibo group, soon after arriving began to organically stand out among other ethnic groups in the neighborhood, but also among other popular districts in the metropolitan area.

There are at least two accounts of the origin of the settlement of Shipibos. The first one, according to which the Shipibo settlers from Cantagallo were participating in *Marcha de los Cuatro Suyos* (March of the Four Parts), which took place in Lima in July 2000 (Espinosa, 2019, p. 162). It was an event organized by then-presidential candidate Alejandro Toledo in the face of the rigging of the presidential election results, paving the way for Alberto Fujimori's third presidency. Among the participants in *Marcha de los Cuatro Suyos* was a group of 30 Shipibos who, having no money to return, decided to stay in the Peruvian capital (Espinosa, 2019, p. 162). According to the second version, the first Shipibo settlers arrived after the *Feria Artesanal de Todas las Sangres* (All Bloods Crafts Fair) at the end of 2000 (2/2013; 4/2014)⁵. It was an art fair where communities from various regions of Peru presented their handicrafts. The Amazon Shipibos community was represented by a group of approximately 10 handicraft artists. Several participants in this event decided to stay permanently in the Peruvian capital and occupied the market buildings in the Rímac District. As Ontaneda observes, competing stories on the foundation of Shipibo Cantagallo prove certain political rivalry among leaders of the community (Ontaneda, 2017, p. 31).

Regardless of which story is closer to the truth, the turn of the 20th and 21st centuries marks the beginning of Shipibos presence in Lima. Since 2000, new migrants have begun to settle in the historic and central district of Lima, and the informal neighborhood has grown over the landfill around the market. Shipibos arriving in Cantagallo did not only migrate from the Peruvian Amazon, they often moved from other parts of the metropolitan area (4/2014). Shortly, new residents created the first organization – Asociación de Artesanos Shipibos Residentes en Lima (ASHIREL), the main objective of which was to represent the community and act for its benefit. The primary issue was to legalize the occupied land that belonged to the City Hall. The right to property was the first citizen demand of Shipibos. And it was ASHIREL that in 2007 finally obtained the document to prove ownership of the almost 1860 m² land plot from the Municipality of Rímac (2/2013; 4/2014; Ontaneda, 2017, p. 32). It was a milestone for Shipibos community in gaining control over their settlement and success in the struggle for obtaining legal property title.

Today, about 1,000 Shipibos live in Cantagallo, that is, more than 260 families. Although those of the Amazon are not the only ethnic population here, some say that Shipibos constitute only 10–15% of the total population. Andean people who settled in the area at least three decades before Shipibo migrants also made their home in Cantagallo. Currently, the community has

⁵ The list of cited interviews with signatures and interviewees information is included as an appendix at the end of the paper.

its own board of directors and authorities and three organizations leading the political fight for Shipibos: ASHIRELV (Asociación de Artesanos Shipibos Residentes en Lima-Pro Vivienda) that emerged from the former ASHIREL, AVSHIL (Asociación de Viviendas Shipibas de Lima), and ACUSHIKOLM (Asociación de la Comunidad Urbana Shipibo-Konibo de Lima Metropolitana) (2/2013; 3/2014; 4/2014; 10/2014; Espinosa, 2019; Ontaneda 2017). The last one operates with the help and support of the municipal authorities and, as Ontaneda points out, “the lack of reference in the association’s name to housing suggests the Municipality’s intention to delegitimize Shipibos’ claim to Cantagallo land.” (Ontaneda, 2017, p. 33). One of the most essential institutions for Shipibos integration into the urban environment is the bilingual elementary school – Institución Educativa Comunidad Shipiba. It was built by the community back in 2008 and in 2012 it was recognized by the state and the ministry; according to the residents, it is ‘the only bilingual public school in Lima’ (1/2013). Today there are more than 200 students – though not all of them are Shipibos –who are thought in the native language of the Amazon and Spanish (10/2014; 14/2021). Cantagallo became the center of Shipibos culture in Lima and a place where all Shipibos moving to the Peruvian capital can find support.

Everyday life in Cantagallo

Cantagallo is located in the district of Rímac, close to the river of the same name and at a short distance from the official and municipal institutions. Such a location seems to be symbolic in two ways. Firstly, the proximity to the Rímac River is sometimes mentioned by residents as an effective reason for the location of the settlement. Shipibos in their original territories live by the Ucayali River and thus Rímac reminds them of their homeland and typical landscape (1/2013; 5/2014; 10/2014). However, the Rímac River also manifests the urban pollution problem, as it is a muddy and dirty water stream. Second, Cantagallo’s proximity to official national institutions may also be essential to understanding its position in negotiating citizen rights. As Cantagallo is located in the Rímac District, it is not far from the most important institutions of state and local authorities, such as the Government Palace, Legislative Palace, and Municipal Palace (11/2014). As Ontaneda observes, such a “location has allowed them [Shipibos] increased political activity and visibility, perhaps making them ‘the only native community’ Lima cannot overtly ignore.” (Ontaneda, 2017, p. 29).

Today there are more than 1500 people of various ethnic backgrounds living in the area, and before the construction of Línea Amarilla, the settlement was usually divided into three sectors. The first was a commercial sector, where Centro Comercial Las Malvinas is located. The second one is inhabited by mainly mestizo residents, though some Shipibos also live there. In this part of the neigh-

borhood, there are various points of interest, such as Evangelical congregations, shops, liquor stores, street food vendors, a sports field, and Institución Educativa Comunidad Shipiba. The third area is where most of the Shipibo families reside, especially *artesanías* who are selling their art and products and at the same time generating income and empowerment for the community (1/2013; 3/2014; 6/2014; 10/2014; Vega, 2014, pp. 84–85; Espinosa, 2019).

The architecture is typical for the shanty town in the city of Lima, but in one case the Shipibos neighborhood is specific and stands out from the rest. It is because of the street art on the walls of Cantagallo's houses and buildings. The number of murals, graffiti, stencils, and paintings that refer to the nature and culture of the Amazon changes the experience of these streets for each resident and visitor. All street art in the neighborhood fills a certain gap. As migrants from the Amazon lack nature, they bring nature back in the form of beautifully painted plants and wild animals. Many buildings are decorated with the works of local artists who referred to the iconography and cosmology typical of their or their parents' place of origin (3/2014; 5/2014; 10/2014). Cantagallo became a popular street art location for urban artists from Lima, yet one can also find the pieces delivered by foreign artists. Such street art has the power to transform the most unprivileged urban landscape into a more humane and socially friendly neighborhood.

The specificity of Cantagallo is also seen during observations of the activities of residents in the public space of the neighborhood and the measurement of their contacts. Observations in the settlement indicated that the community is united and cooperative. In general, activities in public space can be divided into optional and necessary. In Cantagallo both types are occurring, proving that a community is well integrated and the space encourages social contacts with others. And, as Gehl and Svarre observe, "studies in public space and life in it provide knowledge of both the physical framework of space and the way people use it." (2021, p. 137). Everyday life in Cantagallo has certain characteristics that make this neighborhood unique in comparison to other settlements in Lima. When visiting Cantagallo observations were made that residents use public spaces of streets for such activities like cooking or washing clothes, which appears to be a characteristic of a closely tied community. Life in the neighborhood seems peaceful and safe, which is evident as some residents even leave the doors open. According to a few accounts, the community knows how to ensure safety and exercise justice on those who commit crimes, although the cases of violence are rather rare in Cantagallo (1/2013; 6/2014; 11/2020).

Shipibas in Cantagallo, especially *artesanías*, wear traditional clothes as a manifestation of their cultural identity. Women artists dress in kené-patterned skirts, shirts in various colors with typical adornment, and headbands. There are also young male artists who dress in typical attire, but – as in Shipibo communities in the Amazon – art and handcraft are usually performed by women (1/2013; 4/2014; 8/2014; 10/2014). The textiles used by Shipibos are

traditionally hand-woven and decorated with distinctive esthetics – *kené*⁶ (in Shipibo-Konibo means design). *Kené* is an abstract composition, a combination of geometric patterns and line structure representing cosmivision of Shipibos as experienced during the ayahuasca ceremony. “Characterized by a *horror vacui*, the use of contrasting colors, heavy and fine brushstrokes, straight and curved lines, and filigree fillings, *kené* designs constitute webs of complex compositions.” (Belaunde, 2016, p. 81). Some say that it is the symmetry that characterizes *kené*, but in the symmetric visual whole, there are also some asymmetrical elements (Belaunde, 2016, p. 82). It is an ancestral design that identifies Shipibos as an ethnic group and expresses their vision of the world and nature. Apart from embroidery, *kené* can be found in painting, ceramics, jewelry, architecture, decorating of a body, and almost every surface. Music – another art manifestation experienced in the neighborhood – varies from traditional to specific as *cumbia mashá* or *chicha* genre mixed with Amazonian influences, such as one performed by Los Konish del Perú (8/2014; 14/2021).

Art and culture are visible markers of the Shipibo community and are spread throughout Cantagallo. There is a popular festival ‘Shipibo Soy’ (I am Shipibo) that is one of the largest cultural events to celebrate Amazonian culture in Lima and brings together many Shipibo representatives from various artistic disciplines (8/2014). As in traditional Shipibo communities, women are usually occupied with art and crafts. There is a group of over 45 women artists in Cantagallo who make handicrafts typical for Shipibo culture and market them assuring an income for the community. Women in Cantagallo have a significant role as artists; they sing, paint, embroider, weave, and do handicrafts – often referred to as *emprendedoras*, meaning entrepreneurs, and *artistas* at the same time. Women artists from the neighborhood even represented Peru at the Madrid Bienal Iberoamericano, where they showed the Cantakené project, a collection of embroidered masks inspired by Amazon culture.

One last but not least important element that distinguishes Shipibo residents is their sentimental attitude toward the place from which they emigrated. The biographies of migrants often reveal that they left their homeland as young people. This may be one of the reasons for the clear sentiment intensified by the longing for childhood land, so different from the landscape of the popular neighborhood in the city of Lima. Amazon migrants recall their region of origin with nostalgia. However, the concept of nostalgia that characterizes Amazonian migrants should be understood as conventional, as it cannot be reduced to the meaning of nostalgia in the Western context. Each cultural group or social community develops its own sense of time, past, and change (see Berliner and Angé 2014; 2020), and delivering its deep analysis goes beyond the aim of this paper.

⁶ It was declared Cultural Patrimony of the Nation on April 16, 2008 (Resolución Directoral (RD N 540/INC-2008).

The concept of the right to the city

Today, the concept of the right to the city is promoted by activists, scientists, and urban planners (Cities for all, 2010). Though it was formulated decades ago, it only recently gained attention and became a hot topic in discussions over urban exclusion and social justice. For the purpose of this paper, the right to the city is considered a metaphor and not a legal record. The right to the city belongs to the third generation of human rights. It is also considered a collective right. Thus, it is the right of all residents to undertake the collective decisions on how to use the city's resources and perform privileges. The right belongs to all residents of the urban community, not only the rich and powerful. Therefore, it is the right of all residents to co-decide on the most important matters in the city and especially matters related to them. The right to the city refers primarily to the right to decent housing and participation in urban space.

The concept of the right to the city was first proposed in 1967 by the French sociologist and philosopher Henri Lefebvre⁷ in his essay 'Right to the city' (*Le droit à la ville*). The author wrote that it is "a demand for a modified and renewed access to life in the city." He then explained the concept of the right to the city in his 1968 book 'Le Droit à la ville', although the first time the right to the city appears in an article published in 1967 in the 6th issue of the magazine *L'Homme et la Société*. However, this concept was more fully developed in later publications, including *Espace et politique* (1973), and "Du contrat de citoyenneté" (1990), which perhaps contained the most coherent elaboration of this concept (Fernandes, 2007, p. 205).

Lefebvre noted that although more than 200 years (1789) have passed since the adoption of the Declaration of Human and Citizen Rights – the key document of the French Revolution – and today we can see extensive protection of human rights, but the same progress has not been guaranteed in the protection of citizens' rights. Today's Declaration of the Rights of the Citizen, according to Lefebvre, should refer to all the political rights that have emerged in the last two centuries but have not been legally considered. One of these rights is the right to the city. Lefebvre's main argument was that cities were transformed into consumer goods and became commodities. Commodification converted them from place to space. The way residents interact with the urban environment resembles rather a consumption of space, not consumption in space. Lefebvre stated that the right to the city cannot be conceived as a simple right to return to traditional cities. It can only be formulated as the right to renewed urban life⁸ (Lefebvre, 2009). The right to the city is the right

⁷ Lefebvre, associated with Marxist thought, is known in urban studies as a theorist of the concept of the right to the city and the production of social space.

⁸ "Le droit à la ville ne peut se concevoir comme un simple droit de visite ou de retour vers les villes traditionnelles. Il ne peut se formuler que comme droit à la vie urbaine, transformée, renouvelée".

of all residents to a place of residence (right to habitation) – as well as the right to direct involvement in the administration of recourses and in access to the city itself (right to participate) (Fernandes, 2007, p. 208). The concept of the right to the city was especially inspiring for certain sociopolitical projects, initially mainly in Latin America, but then also in other parts of the world. In Latin America, since the mid-1980s, there have been attempts to implement the right to the city on the political and legal levels⁹.

The US geographer and anthropologist David Harvey proposed his own interpretation of the right to the city. Harvey is actually the one responsible for popularizing Henri Lefebvre's works and the concept of the right to the city. Harvey described the concept in detail in the book *Rebel Cities* (2012). The author defines the right to the city as “the right to change and reinvent the city more after our heart's desire”. (2012, p. 4). Lefebvre understood the right to the city as the right to city life and the right to use all the resources offered by the city, although he also wrote about the right to participate in co-creation, but understood them differently. Harvey argues that the right to the city is first and foremost the right to power, the right to change, and the right to recreate the city as the citizens want it. As he points out “To claim the right to the city in the sense I mean it here is to claim some kind of shaping power over the processes of urbanization, over the ways in which our cities are made and remade, and to do so in a fundamental and radical way.” (2012, p. 5).

The concept of the right to the city was especially inspiring in Latin America. Perhaps more than anywhere else in the world¹⁰, Lefebvre's “right to the city” was influential since the mid-1980s in the work of activists, scientists, but also state and municipal agents (compare also with the concept of the radical city; McGuirk, 2015). Brazil was the first country in the world to introduce provisions guaranteeing the right to a city in the constitution. One of the examples may be the “participatory budget” model developed first in Porto Alegre. The case of Brazil is interesting because it shows the problematic understanding of the right to a city as a real right enshrined in legislative acts, it also shows how the concept of Lefebvre can be developed by making it cease to be only a metaphor (Fernandes, 2007). The Brazilian formula was generally understood from a combined philosophical and political perspective, providing the substance to articulate both a general discourse of rights and social justice and a more detailed and concrete rights-based approach to urban development.

⁹ Brazil was the first country in the world to introduce provisions guaranteeing the right to a city in the constitution.

¹⁰ Which may be confirmed by the data gathered on UN-Habitat Urban Lex Platform, where we can learn about the development of municipal law in different regions of the world and Latin America boasts one of the higher numbers in urban legislations, <https://urbanlex.unhabitat.org/search-by-region>

Cantagallo and the right to the city

Oscar Espinosa notes that the difficult relationships of urban indigenous with the city and national authorities result from the non-recognition of urban indigenous communities by state institutions (Espinosa, 2019, p. 175). Most sources point to the decade of the 1970s and laws following agrarian reform to develop such an understanding and definition of indigeneity that excludes indigenous residents of the city. Some authors indicate the colonial period and the existence of two republics as an original reason for considering the indigenous peoples as attached to the rural territory (e.g. Horn 2018, p. 3). The Peruvian state recognizes only communities in certain areas of the Amazon as indigenous groups (*comunidad nativa*¹¹ is the legal term used in Peru) so that only inhabitants of rural communities receive state support in access to education in their own language and other rights of indigenous communities. This makes migration to the city a huge challenge for people from indigenous communities related to their place of origin and traditional culture. In the new urban space, they face the inability to implement all existing cultural practices and to fully manifest their own cultural, ethnic, and religious identity. Shipibos from Cantagallo in Lima are not the only urban migrant community; important settlements of this ethnic group are also in the cities of Tingo María, Pucallpa, and San Ramón. All these urban communities work to be recognized by the state as indigenous communities, but the case of Cantagallo of Lima is specific, as it is the only city outside the Peruvian Amazon (2/2013; 3/2014; Espinosa, 2019, p. 164).

The history of Shipibos in Lima proves the emergence of new forms of citizenship and social inclusion among indigenous communities in urban areas. The increasing number of urban indigenous generates new ways of community organization, as well as new mechanisms of experiencing, manifesting, and expressing indigenous identity, both collective and individual in the city space. Shipibos developed the migration strategy long ago and are historically known for their ability to adapt to new conditions, and also to form indigenous organizations in urban areas. It is worth noting that Shipibo Cantagallo stands out from other settlements and districts established by migrants from the provinces and new residents of Lima. Oscar Espinosa, an expert and one of the few researchers of urban migrants from the Amazon in Peru, states that the Shipibo community of Cantagallo has the best and most stable relationship with a modern city of any indigenous migrant community. The very establishment of the

¹¹ See the provision of Decreto Ley N° 20653 – Ley de Comunidades Nativas y de Promoción Agropecuaria de Regiones de Selva y Ceja de Selva (1974) and Decreto Ley N° 22175 – Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y de Ceja de Selva (1978) at <https://www.ecolex.org/es/details/legislation/decreto-ley-no-20653-ley-de-comunidades-nativas-y-de-promocion-agropecuaria-de-regiones-de-selva-y-ceja-de-selva-lex-faoc124296/> and <https://www.ecolex.org/es/details/legislation/decreto-ley-no-22175-ley-de-comunidades-nativas-y-de-desarrollo-agrario-de-la-selva-y-ceja-de-selva-lex-faoc124297/>

first Shipibo organization in Cantagallo, ASHIREL, reflected the new concept of urban identity and the approach to leading the community. The reference point was to be the entire Shipibo community (*comunidad*) and not individuals or individual families living in the neighborhood (3/2014). The collective way to achieve the goals was to guarantee greater power and effectiveness, but also indicated a new construction of urban indigenous subjectivity. Although it has to be underlined that the group's struggle for rights was a strategy for coping with oppression already practiced in the Amazon. Communal activities were previously developed in the Amazon, when communities began to form the first indigenous unions and organize themselves into communities of interest. In the city, this way of operating was even more clearly structured and became the basis for negotiating their own place and rights in the city.

Shipibos may be the only urban indigenous group to be successful in demanding their rights as citizens in Peru. Cantagallo stands out from other popular neighborhoods or *asentamientos humanos* (this term is today preferred in reference to informal districts in Peru), most of which are inhabited by new residents of Lima who generally come from the provinces or are descendants of migrants from the country's rural areas. Even other residents of Cantagallo, those of Andean origin whose migration exceeds substantially that from the Amazon in terms of time and demographics, were incapable to negotiate the same treatment by the municipality. Shipibos have learned to be fluent in negotiating between the indigenous and urban dimensions of their cultural identity. It seems that the contemporary city, though often hostile and reproducing colonial narratives, is also the place where the indigenous become integrated and can perform their citizen rights at the communal level. Oscar Espinosa proves the same, claiming that Shipibos "have chosen to establish what they themselves call 'intercultural communities' where they not only live in contiguous houses but also where they reproduce or adapt forms of social and political organization and seek to be recognized as indigenous communities in the middle of the city." (Espinosa, 2019, p. 157). Shipibos from Cantagallo often mention that they are "citizens of Lima" (2/2013; 5/2014; 10/2014; 15/2021), which is uncommon for other residents of informal neighborhoods in the metropolitan area¹².

The community, along with cultural identity, seems to be the basic principle of the Shipibos organization in Lima. Horn, describing urban indigenous in Bolivia and Ecuador, where urban indigeneity was constitutionally recognized in the first decade of the 21st century, states that even there we observe barriers in developing appropriate social policies. "This policy delivery problem is a result of a variety of factors, including (1) prior constructions of indigeneity as an essentially rural category, (2) political and economic development priorities that conflict with indigenous interests and needs, and (3) difficulties

¹² Reference to own fieldwork on cultural identity done in 2013–2014 in the settlement of Nuevo Pachacútec (Ventanilla, Lima Metropolitana).

in promoting access to universal rights and services while simultaneously guaranteeing IPs access to collective rights.” (Horn, 2018, pp. 1–2). As it is easier for the state to guarantee collective – instead of individual rights – perhaps the right to the city concept is better to apply. Even if the Peruvian state does not recognize indigenous communities in the city, applying the right to the city for all its citizens can be more effective in guaranteeing access to power and the execution of rights.

Rio Verde Project

In 2009, the then mayor of Lima, Luis Castañeda, announced the ‘Línea Amarilla’ (Yellow Line) project, which involved the construction of a road through the Cantagallo area. The road investment was to run through 11 districts of the metropolitan area and connect San Juan de Lurigancho to Callao. The decision to build the road interrupts former efforts, led mainly by ASHIREL, to recognize the ownership of the land and the right of Shipibos to live in the area and designate specific places to sell art, handicrafts, and traditional cuisine (2/2013; 3/2014; 7/2014). The announcement of the project signified the shift from the previous position, as since this decision it was obvious that residents had to be moved to another place in the metropolitan area. At that time, Shipibos began to demand consistent treatment by the city as a community and, in the event of a transfer, a guarantee of a place where all Shipibo residents will live together. Unlike Cantagallo residents of other ethnic groups, Shipibos want to continue to live together as a community rather than be relocated as individual families to different parts of Lima (Espinosa, 2019, p. 166).

In 2011, Susana Villarán was appointed mayor of Lima, and her administration was a time of dialogue and the most advanced consultation between the Lima City Hall and representatives of the Cantagallo Shipibo community (3/2014). The project “Línea Amarilla” was included in the project “Río Verde”. The concept of the “Río Verde” (Green River) was created back in the 1980s and concerned the development of public space around the Rímac River in the central district of the same name. Although the project was constantly reappearing on the agendas of subsequent Lima mayors, until the end of the 1990s it remained only a plan on paper. It came back to life during the tenure of Villarán (2011–2014). At that time, the most progressive urban projects, financial calculations, and implementation plans were created. The assumptions of this project included the creation of a 25-hectare public park and the revitalization of the quays of the Rímac River, which are also stipulated in the spatial modifications of Cantagallo (1/2013; 3/2014; 11/2020).

The most organized ethnic group in Cantagallo is Shipibos, and they became one of the parties in the dialogue with the City Hall on the implementation of the “Río Verde”. As the project involved interference with neighborhood space, Shipibos, who live in the Rímac District, began negotiations with the

city to relocate the entire community to a completely new location that would guarantee access to proper urban infrastructure and services. In August 2012, a “Taller de Pre-Consulta” (Pre-Consultation Workshop) was organized by indigenous rights expert Raquel Yrigoyen. As an outcome of these consultations, Shipibos recognized key elements to be achieved for the entire community, i.e. consent to be treated as a community, legal ownership title to the occupied area, the continued functioning of a bilingual school, as well as public infrastructure, including sports ground, communal premises, and a workshop and market for artists from the community (3/2014; 11/2020; Resolución de Gerencia 112-2013-MML-GPIP¹³; Espinosa, 2019). Fulfilling these aims was critical to the success of the Shipibo neighborhood.

In 2013, a contract was signed and funds were secured for the implementation of the entire “Río Verde” project. Residents of Cantagallo were to be directly involved in the process of the relocation planned in the project. In May 2013, by the decision of the mayor, the so-called “Mesa de Trabajo” (Working Group) was established. It was composed of representatives of the metropolitan administration and of three Shipibo organizations: ASHIREL-V, AVSHIL, and ACUSHIKOLM. Negotiations lasted through 2013 and 2014, and finally, in September 2014, all three organizations agreed to relocate to the district in the eastern part of Lima, San Juan de Lurigancho (2/2013; 3/2014; 11/2020; 13/2020; 15/2021; Espinosa, 2019, pp. 168–70). The Shipibos of Cantagallo seemed to have finally solved the problem of their right to live in the city under decent and humane conditions. For Villaran’s administration, the project was an attempt to revitalize the public space in central Lima and transform it into a more integrative, green, and human-oriented environment.

Unfortunately, the “Río Verde” project was never finalized, because Villarán’s successor, Luis Castañeda, who took the office in January 2015, suspended its implementation, and used the funds allocated to build a viaduct on Avenida 28 de Julio. Changing the existing policy of dialogue with the community, the city authorities decided to abandon the planned relocation of the settlement and did not propose any alternative, despite the continuation of road works in part of Cantagallo (11/2020; 13/2020; 15/2021; Río Verde 2015; Espinosa, 2019, pp. 170–72). Now the project of Vía Parque Rímac was the main interest of the subsequent municipal administration. Such a change in the attitude of the magistrate towards Shipibos caused social resistance and protests. The largest was the one in April 2015 in front of the City Hall located on the main square of Lima (11/2020). While such a change in the official policy of the municipality can be understood, as Vía Parque Rímac – a project to build a new artery to connect Lima’s districts with neighboring Callao – would help with traffic jams, it was also a sign that the urban indigenous are not at the forefront of the current political agenda of the City Hall.

¹³ Resolución de Gerencia 112-2013-MML-GPIP, <http://www.transparencia.munlima.gob.pe/images/descargas/obras/normas-legales/gpip/Resolucion-N-112-2013-MML-GPIP.PDF>

The change in the municipal approach demanded other actions from the Shipibos. To carry on Río Verde project the government assumed well known PPP model which unexpectedly may provide an opportunity for the vulnerable and subaltern communities to achieve certain goals on their political agenda (Ontaneda, 2017, p. 27). It was accomplished mainly using the cultural identity that together with the community is the main axis of the organization of the urban experience of Shipibo. The use of cultural identity as a political argument constitutes also the qualitative difference between Amazonian and Andean migrants to Lima. Andean migrants who began to arrive in the Peruvian capital in the middle of the 20th century did not manifest their culture freely and openly. Traditional Limeños were often discriminating against new residents of Lima, as they connected indigenous culture with backwardness and primitivity, thus migrants from Andean provinces were rather hiding their cultural markers (Altamirano, 1995, p. 229). Moreover, during the Violence period, Andean identity was often associated with the activity of terrorist groups and that hindered the process of Andean culture recognition. Shipibos, in their experience of urban migration, learned just the opposite strategy. That it is beneficial to manifest their culture in terms of clothing, language, handicraft, and arts.

Although today it is the Andean cultural influence that is mostly acknowledged as the main resource for various manifestations of chicha culture. But while the Andean world serves as the main inspiration for the popular culture of the new Limeños, we observe growing interest and demand for the Amazonian cultural production in Lima. Amazonian artists, festivals, and events that celebrate the culture and knowledge of the indigenous peoples of Selva are common in Peru's capital. Shipibos are one of the most visible ethnic communities in the city, mainly because many of them are artists who sell their products on the streets in the city center. Ismael Vega Díaz observes that Shipibos' "strategies of territorial occupation and visibility in public spaces in Lima are strengthened through the implementation of advocacy strategies and dialogue with the authorities and public instances of Lima, with the aim of achieving social benefits and defending their rights in the city" (2014, p. 84). For Shipibos, cultural identity became the instrument of achieving representation in public spaces and gaining recognition as citizens of Lima.

Preserving Shipibos' cultural identity may also help in the future struggle with municipal and national institutions. The ILO 169 Convention on Indigenous and Tribal Peoples, which introduces the prior consultation mechanism with communities affected by various infrastructure projects, was ratified in 1994. Even if it came into force in 1995, the regulations were not respected by Peruvian authorities, claiming the need to formulate an adequate national law. Finally, the *Ley del derecho a la consulta previa de los pueblos indígenas u originarios* (Ley No. 29.785) was passed in 2011¹⁴ and opened the possibility of

¹⁴ Peru was the first country in Latin America to incorporate this right into national legislation.

defending the rights of different indigenous groups who preserve their culture and identity, as is the case of Shipibos (3/2014; 13/2020; 15/2021). However, the mechanism has some limitations, as we can observe that it is not fully respected when other arguments are more urgent, especially those based upon politics and economics.

**Shipibo-Konibo Community
in Lima and the Right
to the City**

Katarzyna Górska

Cantagallo resilience

Cantagallo residents have the ability to overcome the hardships and disasters that challenge this urban community. In November 2016, there was a huge fire in the settlement, as a result of which 436 houses were destroyed, and only 10% of the houses were saved. As most of the buildings were made of flammable materials, a fire that broke out in the local store quickly spread in the neighborhood. Since the fire, a concrete solution to the housing problem is needed even more than before, a solution that had been announced for several years by the Municipality (12/2020; 14/2021). Despite the enormous damage and difficult situation in Cantagallo, mayor Castañeda did not return to the resettlement project. The solutions he proposed were not respecting the community's demand for resettlement as a group and ignoring the difficult economic situation of the residents (Espinosa, 2019, p. 172).

In the absence of the intervention of the mayor Castañeda, the help was guaranteed by the then president of Peru, Pedro Pablo Kuczynski, who visited Cantagallo in December 2016. The president promised to rebuild the settlement and construct Nuevo Cantagallo, grant property rights, and provide access to water, sewage, and electricity. According to Kuczynski's words, this was to be provided to the residents within a period of a year, and the institution responsible for implementing the plan was the Ministry of Housing, Construction, and Sanitary Infrastructure (Ministerio de Vivienda, Construcción y Saneamiento) (Mandatario anuncia construcción ..., 2016).

Eventually, after a series of administrative struggles with ministry officials, a new project was agreed to build a housing complex in the Cantagallo area, and Shipibos to be temporarily relocated to other parts of Lima. As a result of the negotiations, Shipibo families were to be resettled for a period of almost 2 years, and the area was to be cleaned and rebuilt. In total, more than 200 plots of land were to be delivered; the number was determined on the basis of the list of victims of the fire. Each family was to receive a plot of land with an area of 50 m² free. The project also included the creation of green areas and the construction of a bilingual school to replace the existing one of nonpermanent construction (11/2020; 12/2020; 15/2021).

In mid-2017, Shipibo families were transferred the amount of 500 soles, which was to be allocated to the rental of temporary accommodation. Part of the community began to leave Cantagallo and move to other districts of the metropolitan area. President Kuczynski reappeared in the neighborhood

in October 2017, confirming support for the community and a new name for Cantagallo, which after the reconstruction was to be called “Buen vivir – Jakonax Jati Jema” (Espinosa, 2019, p. 174). In 2018, the start of construction work was significantly delayed, increasing the distrust of the community toward officials that ensured the possibility of returning to the area. On 26 September 2019, in the early morning hours, the Shipibo community occupied the zone for fear that the authorities would not meet the contract conditions. More than 200 families have moved back to the former Cantagallo settlement and requested a dialogue with President Martín Vizcarra (11/2020; 12/2020; 15/2021).

Another dramatic event occurred at the beginning of 2020 when the COVID-19 pandemic started. As sanitary conditions are low in Cantagallo, the virus quickly affected the neighborhood and, eventually, more than 70% of the community contracted COVID-19 in 2020 (PAHO, 2021). When the first death case was reported, Cantagallo was surrounded by the army and the police with a cordon. Residents were not allowed to leave the neighborhood since March 15 and were locked up for several months under the supervision of soldiers and police officers. There were food and medicine shortages, but also interruptions in the supply of basic urban services such as water and electricity. The isolation of Cantagallo during the pandemic strengthened the spirit of community and mutual help between neighbors. It was an extremely difficult time for Shipibos, as some lost all possibilities to earn a living due to lockdown measures. There were projects and initiatives¹⁵ to support Cantagallo residents, but their effects were limited and not enough (14/2021).

The history of Cantagallo shows how it became a symbol of indigenous pride in the city and an empowered community that overcomes difficulties and a hostile environment. Social organization, grassroots democracy, resilience, sense of citizenship, and community are often indicated as values prized by residents of informal districts in Latin American cities, but in all these aspects the Shipibo neighborhood and its community stand out from other migrant districts and ethnic groups in Lima.

Conclusions

Shipibo migrants and their children live throughout the metropolitan area, but nowhere else than in Cantagallo have they built an efficient and effective community capable of enforcing their rights in an urban environment. Migration itself is an example of agency, so it is not surprising that migrants are

¹⁵ Proyecto Cantakené can be an example; with the support from Municipality of Lima for artisan sector during pandemic, women artist from Cantagallo in a collaboration with designer started to produce masks inspired with esthetics and patterns typical for Shipibo-Konibo culture.

active city residents and feel the need to exercise their citizenship in practice. While for the Cantagallo community negotiating its right to the city has various effects, it is worth paying attention to the way in which the Shipibo residents of the Rímac District represent and conduct their political struggle. The city becomes a place for Shipibos to be active and achieve community goals. Residents of Cantagallo clearly, though not directly referring to it, implement the concept of the right to the city, demanding full rights of the urban citizen who cocreates and decides about the new city.

Shipibos use their strength as a community to negotiate their position as citizens and, at the same time, they do not have to use complicated political systems to gain representation. The community appears to be the most important benchmark for new indigenous residents. “Overall, it can be said that the concept of ethnic community (*la comunidad étnica*) has been reexpressed in the city based on the difficulties and challenges that the Shipibos community faces in its new urban context.” (Zavala & Bariola, 2010, p. 619) This new concept of community is visible, *inter alia*, in efforts to obtain communal land title to the site of Cantagallo. As Oscar Espinosa described, the claim for collective property titles was developed during discussions between community members and organizations, and the most important arguments comprised “clearly the desire to maintain the community, avoid its division or disappearance; as well as arguments related to the maintenance or reproduction of the Shipibo culture” (Espinosa, 2019, p. 167). This community dimension of Shipibos’ agency is also characteristic of the right to the city, which is always based on collective actions. As Harvey wrote, “changing the city inevitably depends upon the exercise of a collective power over the processes of urbanization” (2012, p. 4).

The Cantagallo community actively opposes the exclusion, inequalities, and injustices that are still a reality for some of the citizens, especially those of migrant backgrounds. Such activity in the above-mentioned areas requires efficient and effective organization, but, on the other hand, it is also a source of agency and new subjectivity in the city. Research on this issue shows, first of all, a change in the role of migrant women. Perversely, threats caused by migration to the city become certain challenges that force indigenous migrants to act. And being active citizens is the basis for their urban functioning and identity. In contemporary cities, migration is a central process of constituting citizenship and the Shipibo case in Lima forms the best example here.

The concept of the right to the city is about how we understand and shape contemporary cities. It refers to inclusion and sustainability, which are the same values as those mentioned by Shipibos in their interactions with official institutions in the city. As Bhagat observes, “Right to the City is a theoretical framework that enables us to examine development through the lens of space and place, which is epitomized in the form of urbanization. It requires collective action, mobilization of people, and a functional urban democracy as a prelude to inclusive, equitable, and sustainable development.” (Bhagat, 2020, p. 8). Analyzing the case of Cantagallo proves that there are certain catego-

ries essential for the proper execution of the right to the city, these are citizen rights (at the level of the community), democracy, and territory. Although Cantagallo Shipibos still fail to gain full access to these categories, they are the focal points of their political agenda.

It seems that the policy pursued by the Shipibos of Lima is effective and allows the community to efficiently negotiate its place in the city and establish relations with both municipal and state institutions. The undoubted success of the Cantagallo community was the recognition by the state of the Colegio Intercultural Bilingüe in May 2012. As well as negotiations with the administration of Mayor Susana Villaran and Ministry officials in a project promoted by President Pedro Pablo Kuczynski. Despite these achievements, it is still not possible to declare the implementation of all citizen rights. Cantagallo people must fight to be recognized as indigenous living in cities (*indígenas urbanos*). As was already mentioned, in Peru there is no such category in national law. Peru's neighbors, Bolivia and Ecuador, have implemented it in the constitution, although they still struggle to develop appropriate social policies for indigenous urban citizens. Therefore, it seems that the direct inclusion of the concept of the right to the city by Amazon urban communities and its creative connection with *Sumak Kawsay* (good living) idea recognized and promoted by indigenous organizations may be an effective strategy for implementing and enforcing urban citizenship. On the other hand, city hall and state institutions may also adapt the concept to the current legal regime to ensure the protection of indigenous and other urban citizens.

Appendix

Shipibo-Konibo Community
in Lima and the Right
to the City

Katarzyna Górska

List of cited interviews with signatures of interviewees

Signature	Gender	Age group	Information
1/2013	F	Adult	Resident and <i>artesana</i>
2/2013	M	Adult	Founder and <i>dirigente</i>
3/2014	M	Adult	Founder of a local organization
4/2014	F	Adult	Resident and <i>artesana</i>
5/2014	F	Youth	Resident
6/2014	F	Adult	Resident and employee of a <i>comedor popular</i>
7/2014	M	Adult	Resident and <i>comerciante</i>
8/2014	F	Youth	Resident and <i>artesana</i>
9/2014	M	Adult	Resident and owner of an Internet point
10/2014	M	Youth	Resident and <i>artesano</i>
11/2020	M	Adult	Founder and leader
12/2020	F	Adult	Resident
13/2020	F	Adult	Resident and <i>artesana</i>
14/2021	M	Youth	Resident and <i>artesano</i>
15/2021	M	Adult	Founder and <i>dirigente</i>

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The Intercultural Health in Peruvian Amazon. Problems and Perspectives in Times of Pandemic

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La salud intercultural en la Amazonia peruana. Problemas y perspectivas en tiempos de pandemia

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ABSTRACT

The notion of intercultural health refers to the culturally derived practices and their place in the contemporary health system, as well as to the political strategy concerning basic healthcare in multiethnic regions. This paper addresses the differences between the related perspectives of the indigenous and non-indigenous health professionals in the Peruvian Amazon. It places the problem within the context of the COVID-19 pandemic, focusing on the initiative Comando Mático of the group Shipibo-Conibo. The study is based on online research. It involves the critical analysis of the indigenous discourse shared on social media. The results serve to uncover the underlying thinking patterns, which impede the effective implementation of intercultural health policy in Peru.

KEYWORDS: *Peruvian Amazon, pandemic, intercultural health, indigenous, Comando Mático.*

RESUMEN

El concepto de una salud intercultural abarca el tema de las prácticas sanadoras derivadas de varias culturas y su lugar en el sistema de salud contemporáneo. Por consiguiente, sirve también como la estrategia política de la atención primaria en las regiones multiétnicas. Este artículo presenta la idea y su aplicación en la Amazonia Peruana, en el contexto de la pandemia COVID-19. Se focaliza en la respuesta indígena a la pandemia – la iniciativa Comando Mático de pueblo Shipibo-Conibo. El estudio utiliza las herramientas del análisis crítico de discurso para exponer las diferencias entre las perspectivas de los profesionales de salud – indígenas y no-indígenas. Los resultados tratan de indicar los patrones de pensamiento, que impiden la implementación efectiva de la salud intercultural en Perú.

PALABRAS CLAVE: *Amazonia peruana, pandemia, salud intercultural, indígenas, Comando Mático.*

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Introduction

The COVID-19 pandemic has had a grave impact on the Peruvian Amazon, where the precarious conditions of living often coincide with diverse and culturally established perspectives on health and treatment. Among the most vulnerable groups are the indigenous communities, which had demanded the introduction of culturally adequate healthcare long before the pandemic. The last decades brought numerous publications and legal acts concerning intercultural health in Peru. However, the COVID-19 outbreak in 2020 exposed the vast breaches in the system and the ineffectiveness of the intercultural health policy (Rojas, 2020).

It was not the first occasion to notice that the reality differs from the legitimated version on paper, but the sudden and unknown threat made the negligence particularly conspicuous. The reaction of the government came late, failing to prevent the spreading of coronavirus among the natives. Some of the measures implemented by the authorities turned out to be vectors of contagion (Palacios & Damaso, 2021). In these circumstances the communities undertook their own initiatives, blocking access and seeking the remedy in the medicinal plants used by their ancestors.

Despite the overall distrust towards the authorities, the indigenous leaders did not stop appealing for better cooperation with the official health system. The ancestral health practices have been often successfully combined with some pharmaceutical drugs and oxygen therapy. Within a few months appeared the headlines announcing that indigenous activism revives the inert interculturality of the state (Belaúnde, 2020).

It is necessary to address the reasons and underlying factors of that inertia. In my opinion, such a state of things is deeply associated with the differences between the standpoints of the core agents – the Peruvian authorities, experts, and health professionals on one side and the indigenous leaders and health professionals on the other side. This text attempts to relate those differences to certain thinking patterns that sustain the existing power relations in Peruvian society.

Sources and methodology

The paper approximates the problem of intercultural health, starting from a brief analysis of the concept in the Latin American context. This part is based on academic literature available on the subject. The following parts are devoted to the problem in the context of pandemics and to the indigenous and non-indigenous perspectives of health professionals. The information presented here comes from differentiated sources like the most recent publications and the web pages of the indigenous organizations.

The study focuses on the initiative Comando Mático of the Shipibo-Conibo community. Due to the limited possibility of the fieldwork, the main source

of data remains Comando Mático's Facebook profile, which constitutes an impressive report of the indigenous fight with coronavirus. To examine the content within the broad social and cultural perspective I applied the angle of the critical discourse analysis, which presumes the interdisciplinary approach. I believe It allows us to juxtapose the attitudes of the indigenous and non-indigenous health professionals, and observe the interplay between the discourse of power and the discourse of resistance.

In addition, I have also referred, though not directly, to my previous investigation conducted in the Peruvian Amazon from September to December of 2018. That project, which was realized for my master thesis and concerned some aspects of medical pluralism, serves rather as my point of reference, especially in times of online research.

The paper presents the preliminary outcomes of my doctoral research project and will be followed by further studies.

Intercultural health – the meanings in context

It is reasonable to start by addressing the problem with a clear explanation of the term: intercultural health. The abundance of definitions figuring in both academic literature and the legislation often results confusing. My intention here is not to compare the numerous formulations, but rather to distinguish between the idea, the policy, and the mechanism of its implementation. I tend to define the idea of intercultural health as the process of interaction of health-related knowledge between different cultural groups. The meaning of intercultural health policy seems to be well-reflected in the words of Torri or Rojas as the strategy that aims at reducing the breaches between the indigenous and western health systems (Torri, 2012; Rojas, 2020). The mechanism, respectively, relies on establishing the space for open dialogue and designing its structure and common goals (Yon, Vega, Gushiken, Planas & Villapolo, 2021).

Another term that requires consideration is health itself, as it can be understood differently in various cultures and contexts. For the purpose of this paper, I would like to emphasize the interpretation of the Peruvian medical anthropologists, Carmen Yon and Mariela Planas, according to whom health should be perceived as „a product of social order, directly shaped by the structural inequalities”. It is necessary to remember that the inequalities concerned in this study are largely determined by the consequences of historical processes and their consequences – exploitation and marginalization of the indigenous people (Yon, Vega, Gushiken, Planas & Villapolo, 2021).

This approach corresponds with the native perspective, according to which the social relations within the community are one of the most important components of health, along with such factors as the clean environment, nutritive alimentation, personal liberty, and absence of witchcraft (Yon, Vega, Gushiken, Planas & Villapolo, 2021). Moreover, the indigenous understand-

ing of “social relations” can be much more inclusive than that of its western counterpart, since it may encompass plants, animals, objects, and spirits. The matter of related ontologies has been discussed by many authors, who have contributed to the so-called “ontological turn”. Overall it covers the diverse attempts to redefine the western binary opposition – nature vs. culture. Some of the plurality of knowledge (Soto Arias, 2010). The most recognizable approach, known as perspectivism and conceived by the Brazilian anthropologist Eduardo Viveiros de Castro, reverses that opposition and introduces the term multinaturalism – which aims to reflect the Amerindian perspective on the body, humanity, and consequently, reality (Viveiros de Castro, 2004).

To think about the meaning of intercultural health, one has to consider also the term interculturality, as it is not inherent to any health system. The notion emerged from the decolonization after WWII and in Latin American countries it has been linked mostly with the critical approach to bilingual education provided for the native communities. This model, based on the assumption of supposed equality of cultures treated separately, did not contribute to the conservation of the indigenous languages and practices but rather induced the young natives to abandon their ancestral patterns (Salaverry, 2010). Conversely, intercultural education assumes that mutual interaction is what defines the culture of any group, and therefore, allows for its development (Salaverry, 2010). In the Peruvian Amazon, this approach coincided in time with the emergence of the indigenous movements, which adopted the term, reshaping it to their revindications (Salaverry, 2010).

The relations between the state and the indigenous communities are still far from the authentic intercultural dialogue (Yon, Vega, Gushiken, Planas & Villapolo, 2021), despite the many valuable initiatives from the last several decades, such as the project AMETRA (Aplicación de Medicina Tradicional) conducted from 1983 in the department of Ucayali or the program PFET-SIA (Programa de Formación de Enfermeros Técnicos en Salud Intercultural Amazónica) conducted from 2005 to 2015 by the indigenous organization AIDSESEP (Asociación Interétnica de Desarrollo de la Selva Peruana). The latter was a part of a long-term, multi-sited and interethnic indigenous health strategy and it led to the actual establishment of a new profession within the Peruvian health system – the nurse technician of the Amazonian intercultural health (Hvalkof, 2003). Moreover, it created a new, entirely indigenous approach denominated as critique interculturality (Tubino, 2005; Walsch, 2009).

The native agenda has certainly gained more significance during the last decades, but the ubiquitous discourse of progress, which prioritizes economic growth over human development, still contributes to the reproduction of existing power relations (Yon, Vega, Gushiken, Planas & Villapolo, 2021). The indigenous rights to culturally adequate medical attention are still hard to enforce, though they are guaranteed by such legal acts as, for example, The Convention 169 of the International Labour Organization, The American Declaration of the Indigenous Rights, or the strategy approved in 2016 by the Peruvian

Ministry of Health, known as *Política Sectorial de Salud Intercultural* (PSSI).

It could seem that the official health system embraced the basic right to difference. However, the area of public health in the Amazon region still proves to be the tragically accurate touchstone for ethnic and structural discrimination. Revising the numbers one can notice that the primary obstacle to implementing the policy mentioned above is the nearly non-existent basic infrastructure. The majority of the indigenous communities are located far from the urban centers, and therefore from the clinics and hospitals. Only 32% of the villages have medical posts, and most of those facilities do not have regular personnel (Palacios, Damaso, 2021).

Indigenous responses to the threat of COVID-19

According to the numerous testimonies present on social media, the outbreak of the COVID-19 pandemic in the Peruvian Amazon was accompanied by massive anxiety. The lack of culturally adequate information campaigns and medical personnel increased the collective fear, which induced people to look for any kind of self-protection, including magic and religious practices (Fabiano, Arahuaata; 2021). The indigenous requests directed to the government remained unanswered until the 21th of May 2020, when so-called “Plan Amazónico” (*Plan de intervención del Ministerio de Salud para comunidades indígenas y centros poblados rurales de la Amazonía, frente a la emergencia del COVID-19*) was finally announced. It was, however, too late to prevent the spread of coronavirus.

By that moment, the indigenous communities started to assess and readapt their resources to the newly emerged circumstances and the specific needs occurring in various parts of the region. For example, the groups from northern Peruvian Amazon – Awajún and Wampís – created the network of solidarity, which, along with the Indigenous Mobile Emergency Care System (SAMU), have supported the affected families living along the Equatorial border (Palacios, Damaso, 2021; Sierra Praeli, 2020). At the same time, the Arakmbut from the southern Peruvian Amazon dealt rather with the consequences of long-term gold mining which had altered their strategies of subsistence and led to the lack of food supplies during the period of national lockdown. By redefining the pandemic as an opportunity to restore, at least in some part, the traditional agriculture, the Arakmbut reactivated their *chacras* and expelled the miners, who did not have truly personal attachments within the community (Damaso, 2021).

The majority of the indigenous groups have reached for natural health practices, often related to the ancestral cosmovision. However, the long cultural assimilation has led to the partial detriment of traditional knowledge, guarded by the elders (Salaverry, 2010). Considering the fact, that the elders have been the most vulnerable group to the threat of COVID-19, the revival

of ancestral medicines became one of the most urgent issues. Therefore, the communities which have still guarded the “know-how”, have shared their ways with the others. The best-known case of such practice is the initiative Comando Mático, established officially on May 15, 2020, by the volunteers from the Shipibo-Conibo group living in the Ucayali department.

This Panoan-speaking ethnic group, which now counts from 25 to over 30 thousand people (the numbers in the census vary depending on auto-identification or on the knowledge of the language of Pano), is relatively well-integrated with the mainstream society. The majority inhabits the banks of the Ucayali River, but the large numbers have established also settlements in the cities of Pucallpa and Lima. Nevertheless, it maintains a strong cultural affiliation, expressed in unique art and shamanic practices. For that reason, within the last decades, the Shipibo-Conibo has become a focus for tourists, who seek spiritual adventure or development. According to anthropologists, the group effectively uses their practices as a strategy of adaptation to the oncoming changes (Caruso, 2005). The course of the pandemic in the community seems to confirm that assumption, revealing the great resourcefulness both of the people and the medicinal plants. It is necessary to underline the significance of the plants in the Shipibo-Conibo’s perspective, which grants them the status of persons and poses them as allies in the fight against coronavirus.

The initiative Comando Mático was born firstly as a gesture of solidarity with the Shipibo-Conibo migrants in Lima, but soon it transformed into a full-blown organization with the headquarter and hospital for the indigenous COVID patients located in Pucallpa – Yarinacocha. The members, whose number varied along the time, describe themselves as the “*multidisciplinary group of humans, the young indigenous, who fight the pandemic known as COVID-19, showing bravery and commitment before the authorities who do not attend the vulnerable groups.*” The treatment procedures have been elaborated within the first 6 months of the pandemic when the Shipibo-Conibo had become one of the indigenous groups most affected by a coronavirus. Based on the ancestral knowledge, the activists from Comando Mático worked out the protocol of treatment, which consists of mostly natural methods – herbal infusions, vaporizations, and massages – combined with oxygen therapy (when available) and some pharmaceutical drugs like paracetamol.

The “young indigenous” have taken care of the strong presence on social media, describing their efforts, recipes, and demands on their Facebook profile. The lecture of this content allows us to observe how the ancestral knowledge has been readapted to the newly emerging problems, proving to be an effective resource both in the medical and political dimensions. Recently the organization has redirected its efforts to the new project, called “Plantas que sanan” (Plants which cure), divided into two parts – one devoted to the preparation of curative products and the other dedicated to artistic expression. As the situation changes the Comando Mático transforms, following the goals delimited in the last year.

The indigenous discourse of intercultural health

The Intercultural Health
in Peruvian Amazon.
Problems and Perspectives
in Times of Pandemic

Zuzanna Ogorzewska

The Comando Mático's Facebook profile reveals, month by month, the slow but explicit shift from an emergent reaction to a complex strategy, which encompasses the bold vision of an ideal Peruvian health system. Resuming the first year of their activity, the members consciously articulated the interdependence of historical and actual factors, which have determined the pandemic-related crisis. In the post published on May 15, 2021, they listed, as the basic motivation, the breaches in access to medical attention, the lack of interculturally capacitated medical personnel, and the common distrust towards the hospitals, perceived as the „*synonyms of death*” due to the „*structural deficiencies and historical abandonment*”. As it has been also underlined, their activity, designed initially for merely practical purposes, has changed into a space of solidarity. The services of the indigenous health professionals are free of charge, offered primarily (but not only), to those who live in precarious economic conditions. The main target has been stated as „the salvation of lives of those patients, who (...) are infected with COVID-19, through the combination of traditional and conventional medicine”. Furthermore, the members of Comando Mático also expressed the desire to expand their initiative beyond the frames imposed by the pandemic, and to provide healthcare for various diseases. The ultimate goal for the future was characterized as the creation of „the intercultural clinic of the Peruvian Amazon”.

The political standpoint has been emphasized more directly in the post published on August 10, 2021, with the significant title: *Our discourse*, and the hashtag: „The Day of the Indigenous Communities”. On this occasion, the indigenous activists stressed that the construction of „authentically Peruvian” – understood as a „plurinational and multiethnic” health system – should be the „heroic creation of the communities”, undertaken „without copying the foreign models”. This expression clearly refers to the thoughts of Jose Carlos Mariátegui. The fact that the “young indigenous” quote the famous Peruvian intellectual and socialist, who lived in the first half of the 20th century, testifies not only to their political viewpoint but also to the connection with the national heritage. The goal seems rather to reinforce the indigenous rights to be treated as entirely legitimated Peruvian citizens and therefore to demand active participation in shaping the legal and political landscape of the country. What underpins this argument is also the immense support given by Comando Mático to the leftist president Pedro Castillo during the election in June 2021.

In the same post the group demands the creation of „the authentic dialogue of knowledge between our natural medicine and the western medicine, as the public intercultural health policy”, and explicitly desires to be seen as „an example of how it should be organized” at the level of the community. In addition, the activists wish to treat the state as „a fundamental ally” who does not „turn its back to their needs”, as has happened in the past. The message

ends with the reaffirmation of continuous and common struggle „very close one to another”, which can be interpreted both as an expression of communitarian solidarity and as a critique of the widely recommended practice of social distancing.

It is also necessary to address the visual communication which inscribes the idea of intercultural health in the outdoor banners, the graphics shared on social media, and the protective clothing worn by the Comando Mático’s members. It is an eye-catching design maintained in the characteristic style of Shipibo-Conibo’s art, rich in detailed sophisticated patterns. The logotype, which serves also as the main profile picture, depicts the half-shaman, half doctor, with the face covered by a half-mask, half-*mático* leaf. Therefore, it refers not only to the intercultural dialogue but also to the alliance with plants, which constitute the hard core of the Shipibo-Conibo’s cosmovision (Caruso, 2005). It also brings up the question about the participants of such dialogue, since the crucial role of the plants as the actual doctors in Shipibo-Conibo’s view has been often emphasized both in the ethnographic literature and the recently published content. Hence, it is reasonable to conclude that the established connection is not only intercultural but also interspecies. It corresponds with the earlier mentioned perspectivism, according to which all beings perceive themselves as humans and therefore share the same “culture”, having many “natures” at the same time. (Viveiros de Castro, 2004).

Interspecies communication is possible thanks to shamanic practices which, along with the dreams, play an important part in Shipibo-Conibo’s epistemology. Curiously, however, the members of Comando Mático do not mention this aspect, which raises another important question: who is supposed to be the primary recipient of the content published on their Facebook profile? Based on the observed selection of information and the vocabulary, one may conclude, that the discourse is directed towards the Other, who does not comprehend and/or respect the indigenous perspective. The Other in this case represents the Western or the mainstream social agent, whose vision of legitimated knowledge would not accept the one acquired from the plants.

One can also notice that the members of Comando Mático often use the same words to describe intercultural health as the politicians or the researchers. The indigenous discourse is not entirely free from this vague compound of definitions that mixes an idea, a policy, and the potential mechanism of its implementation (Seguil, 2021). However, after careful analysis of the published content, it was possible to distinguish the meaning in practical terms, articulated during the online focus interview conducted by the researchers from Colegio Médico Peruano on December 21, 2020. The purpose of the intercultural health policy from the indigenous perspective has been clarified as the recognition of the ancestral medical attention in the official health system, in the way, which would eventually allow to include the indigenous health practices as a treatment offered in hospitals, at the request of the patients.

What is also important is that emphasizing this target was induced by the repeating notices of mistreatment of the indigenous patients in the hospitals, both before and during the pandemic. According to the messages received by the Comando Mático, the indigenous patients have often been ridiculed and disregarded by the medical personnel or left alone with no help or support. Hence, they concluded that the intercultural health policy should lead to the changes primarily in that matter and that to realize those changes, it is necessary to organize the regular and mutual capacitation for the medical personnel and the indigenous health professionals. It seems that the program PFETSIA of AIDSESEP was a very important step on this path – not only because of the analogical aid, but also because it parted from the indigenous perspective, and not from the NGO or the Academy (Cardenas, Pesantes, Rodriguez, 2017).

The perspective of the non-indigenous experts

The exclusive character of the medical education provided in Peru has already been criticized in the studies of intercultural health (Salaverry, 2010; Yon, Vega, Gushiken, Planas & Villapolo, 2021). Considering the cultural diversity and profound medical pluralism permeating the whole country, it is astonishing that the vast repertoire of natural and spiritual healing practices has not been properly addressed by the academy.

The disrespect towards the culturally conditioned practices has often been explained as the result of the standardized education program, which favours an entirely western and rationalist perspective on knowledge, truth, science, and health (Aguilar-Peña, Tobar Blandón, García-Perdomo, 2020). Within that viewpoint, the truth about any real condition has to be empirically provable. The disease manifests itself as some alteration in a body and the symptoms sign the underlying abnormalities of biological structures (Salaverry, 2010). In the case of mental illnesses those structures are replaced by certain behavioural patterns, also ordered in clear-cut categories. The symptoms, which do not fit any of those items have been thrown into another one: the culture-bound syndrome (Salaverry, 2010). In such circumstances a lot of people in Peru – both indigenous and non-indigenous – seek the advice of the traditional healers, claiming that hospital treatment can only make things worse. The distrust is mutual and impedes the possible intercultural dialogue.

Salaverry explains the difference between the western and native approaches to the treatment very simply: the former assumes looking for the underlying regularity hidden behind the symptoms. The regularity indicates that in all the cases these symptoms point to the same disease and require the same treatment. The latter treats every disease as a unique and individual condition, which requires specific measures. Hence, the treatment may look different for each similar case (Salaverry, 2010). Obviously, this explanation is a sort of generalization – it is hard to say that this exact opposition functions

in relation to every traditional medicine or healer. But it well-exemplifies the various medical approaches.

The different ways of thinking about health, diseases, and medicine are investigated within such disciplines as cultural and medical anthropology. From the perspective of the Peruvian researchers (Yon, Vega, Gushiken, Planas & Villapolo, 2021) health should be understood primarily as a product of social order, shaped by the existing inequalities. Regarding the numerous reports of mistreatment of the indigenous patients, as well as the much more „social” character of the indigenous approach to health problems, it is not surprising that a lot of people prefer to seek natural and/or traditional remedies. Therefore, it could be reasonable to incorporate the anthropological angle into the program of medical education. It would probably help the young health professionals to better prepare for reality, especially for the obligatory year of practice, called *año de provincia* (Yon, Vega, Gushiken, Planas & Villapolo, 2021). However, the lack of time, the uncritical faith in the paradigm of western rationality, as well as the related sense of superiority induced by the exclusive character of medical knowledge, do not leave much space for interculturality.

According to the anthropologists engaged in intercultural health projects, creating the space for truly open dialogue requires carefully organized sensibilization workshops in the first place (Yon, Vega, Gushiken, Planas & Villapolo, 2021). During those activities, the persons who represent the different perspectives, have an opportunity to acknowledge various notions of health-related problems and express their opinions, feelings, or impressions. As was described by Vega in the Introduction to *Aportes para la construcción de una salud intercultural en el ámbito amazónico*, the health professionals participating in the workshops frequently complained about the patients from the native communities. They said, for instance, that the indigenous patients did not follow the prescriptions and that they are used to obtaining everything free of charge. Usually, these attitudes were associated with the supposed lack of education, passivity, and laziness. In addition, some of the medical personnel claimed that the „pure indigenous” do not exist anymore, as they have been assimilated into the mainstream and do not look like the stereotypical figures from the rainforest (Yon, Vega, Gushiken, Planas & Villapolo, 2021).

My interviews conducted before the pandemic, as well as the more recent conversations, indicate that some health professionals have their own opinions about the indigenous demands, regardless of what the indigenous claim to need. For instance, it is possible to encounter the generalizing statement, that the indigenous despise conventional medicine as a whole and prefer to rely solely on their ancestral wisdom. An example might be also the view, that the indigenous do not need the recognition of the ancestral medicine, as it belongs *per se* to their basic and natural resources. The same voices claim that what the indigenous need is more medical posts and actual specialists in various health disciplines pertinent to western biomedicine.

Although there is a certain truth in the last words, the previous examples reveal rather postcolonial thinking patterns. The perception which relates the indigenous people to the past and nature or poses the indigenous right to cultural recognition as irrelevant seems to be outdated at the first glance. However, it still sustains many assumptions made on behalf of the Others.

Troublesome thinking patterns

To grasp what Others really think or want has been posed as an extremely difficult or even unreachable goal, due to the impossibility of a fully objective standpoint. It is truly a hard nut to crack for the researchers who investigate the underlying unconscious wheels turning in cultures and societies. Sometimes, however, it seems perfectly reasonable to ask and accept the given answer. Questioning the indigenous person's viewpoint and digging for the truth supposedly missed by that person, presumes that she or he is incapable of social and political awareness. The results of such thinking lead to designing programs or policies concerning the indigenous without their participation (Belaúnde, 2013).

It is an important problem, though, why the indigenous are so often denied credibility. In my opinion, it is largely a matter of certain thinking patterns which have roots in the colonial past and sustain the existing power relations. It can be described, for instance, in the terms proposed by Howard S. Becker, as inherent to the hierarchy of credibility, which always affects the choices with regard to whom we believe and whom we tend to treat seriously (Becker, 1967). The attitudes often shared by the graduates of the medical schools bear the hallmarks of the ethnic discrimination that permeates Peruvian society at many levels. For example, Arrunatequi explains how the images of the indigenous are being constructed through the discursive practices by the Peruvian press, which implicitly favours the interests of the authorities and reinforces the postcolonial representations (Arrunatequi, 2010). Having that in mind, it is not so astonishing that the young health professionals picture the indigenous as too primitive and lazy to follow the prescriptions. Within the common casual language, the indigenous knowledge is still being denominated as "beliefs", which automatically puts it in an inferior position to Western rationalist thought. Moreover, traditional medicine is often perceived as a static, outdated piece of exotic folklore, which cannot seriously respond to the current needs of the population. Nature and the past are the two imaginary realms reserved for the indigenous, where they cannot be treated as equal partners in the dialogue.

Some authors, however, started to contest that state of things, by conforming to the approaches that legitimize the diversity and equality of knowledge. Since presenting the discussion concerning the ontological turn (Soto Arias, 2020) would require another paper, I will briefly mention its most impor-

tant representatives, like Philippe Descola, Kaj Arnhem, Eduardo Viveiros de Castro, and Eduardo Kohn. Their works, based on the ethnographic research conducted with the communities in the Amazon region, constitute significant proposals for more inclusive and non-universalistic ways of understanding the world. Also, the authors like Marisol de la Cadena and Donna Haraway who analyze the existing relations between humans and non-humans, or between the species, have contributed to this ontological opening, which attempts to redefine the traditional Western opposition: nature and culture. The most radical stand belongs to Eduardo Viveiros de Castro, who proposes the real multiplicity of the ontologies, and therefore the legitimated knowledge. Together with the decolonization studies, which put more emphasis on the power play between the epistemologies (Santos, 2014), the intellectuals mentioned above have certainly transformed the landscape of social sciences. But do they have a chance to transform the social landscape?

The critics of perspectivism point out, that, despite the ontological opening, it still constitutes certain assumptions about the Others and their perspective made by the Western mind (Del Campo, 2017). Although formed on the bases of ethnographical research, the concept provides the alarmingly unified vision of the Amerindian perspective, which is in fact much more diversified. The ontological turn was supposed to enforce the auto-determination of the indigenous, but instead, it usually speaks the voices of the foreign anthropologists (Del Campo, 2017). This criticism does not imply that what they have to say is not important. On the contrary, with the focus on the particular subjects, their reflections and approximations of the different viewpoints would have formed an extremely valuable input into the practical field like, for instance, the public health area. It will require, however, the interdisciplinary turn in the first place.

Salaverry notes, that implementing interculturality into the health department, would mean, in fact, the reintegration of modern medicine with its history (Salaverry, 2010). To prove that interculturality is not something new, one has to recall the works of Hippocrates or Paracelsus, who traveled across the already known world to gather knowledge and methods from all sorts of healers (Salaverry, 2010). Today the common image of modern medicine resembles rather the suddenly emerged kingdom of technological genius, largely disconnected from the world outside. Perhaps, in order to reinstate the intercultural approach, it is necessary to defamiliarize biomedicine by re-exposing its origin – the nature itself – and investigating it as culture. The first steps on this path belong already to medical anthropologists like Byron Good (1994). The work of Bruno Latour and his studies of Western science (Latour, 1993) have also had a great impact.

While the academic world struggles to overcome both the external and the self-imposed boundaries, the indigenous agendas find new channels and new audiences (Gigler, 2001). Social media, regardless of their sins, have given a voice to the groups which do not usually have an access to the mainstream

platforms. The communication tools which favour the audiovisual content rather than the elaborated texts have been well-adapted by the heirs of the oral cultures. The important questions are – how do they construct the self-representations on the Internet and what does it say about the existing power relations?

In this place, I would like to refer to the so-called discourse of noble savage, which affects many institutions and initiatives, especially those performed by NGOs (Ramos, 1992). A noble savage, or a hyperreal Indian, constitutes the stereotypical and idealized indigenous people, who “deserve” help and support. The noble savages are the role models who always take care of the environment, who never work for the logging or mining companies, who are not selfishly driven by the potential income, who always put the needs of the community in the first place, who respect the ancestral wisdom and who never go to hospitals, curing themselves only with natural or spiritual remedies. This is an image so diffused, that the real indigenous coming to the institutions with real problems have been often ignored or disapproved of (Ramos, 1992). It is also worth noticing that the noble savage figure is actually the ideal western-self (Follér, 2002), a personification of the western image of the utmost moral standard, which has been imposed on the Latin-American natives from colonial times. The fact that this ideal standard is impossible to follow within today’s capitalist, neoliberal system, again ascribes the indigenous to the imaginary domains of romanticized past and nature.

It should not surprise anyone that the long observation of what triggers the goodwill of the powerful social agents has been noted and readopted for actual purposes. The discourse of noble savage has got internalized, to some degree, by the indigenous organizations (Ramos, 1992), including the Comando Mático. Reading the initiative’s profile one could think that all the natives from the Peruvian Amazon, or at least from the Shipibo-Conibo group, are speaking in one voice and sharing the „one and right” opinion about the public health strategies. Considering the fact that the group counts over 25 thousand people (according to the data from Censo Nacional 2017), it is hard to imagine that there are no internal differences. It is safer, however, to sustain the unified narration – the continuous act which proves the significant political awareness of the indigenous.

Conclusions

Having in mind all the factors described above, it is time to address the accusation posed by some researchers (Rivera, Aguero, Campos, 2017). Does the intercultural health policy indeed make invisible the real needs of the indigenous? Should it be abandoned and replaced by some new approach, that better reflects the social reality, in which various health practices have already been shaken and mixed for a long time?

One has to admit that any concept that parts from at least two different perspectives is inevitably marked by the power relations existing between them. In the case of the Peruvian health system, such relations have been shaped by the strong disparities in access to medical education, institutions, funds, supplies, and healthcare. The communication between the doctors and the patients is situated merely at the end of that chain but still reflects well the silent discrimination. On one hand, it is the first sound reason to affirm the necessity of implementing the intercultural health policy. On the other hand, it is also a reason to doubt its supposed effectiveness.

In addition, a careful reading of the intercultural health formulations reveals the problematic aspect – the phrase „on the basis of mutual respect” has been repeated like a mantra by institutions, researchers, and indigenous organizations. However, mutual respect is not something that can be ordered or conjured out of thin air, especially in regard to the historically established marginalization of the indigenous people. Moreover, the reason for which the policy is necessary is precisely the lack of mutual respect observed in the multiethnic society.

Some researchers suggest that the intercultural health discourse actually increases the distance between the medicines, instead of engaging them in successful cooperation. For instance, the studies of auto-medication practices conducted in the Brazilian Amazon by Jean Langdon, show that the western and indigenous knowledge have been combined in the daily practices by both indigenous and non-indigenous people and that differentiated care – which is the Brazilian counterpart of the Peruvian intercultural health – does not improve the existing precarious conditions. Rather, it forces the artificial division between traditional and western medicine – the division which more and more often seems obsolete (Langdon, Garnelo, 2017).

However, although the similar hesitations seem to be justified, they also miss the significant aspects. Firstly, speaking that the intercultural health discourse makes invisible the real needs of the indigenous implies that the speaker knows for sure the real needs of the natives. Secondly, the intercultural health policy, as it is demanded by indigenous organizations like Comando Mático, does not concern the phenomenon of auto-medication. It aims to improve the availability of health institutions, facilities, and professionals to patients of various cultural pertinence.

Although the pandemic exposed the ineffectiveness of the intercultural health policy in its actual shape, I believe it is not sufficient reason to resign from the entire idea, which in the past three decades fostered valuable initiatives and programs, managed both by the indigenous and non-indigenous organizations. The legacy of those projects might serve now as an important resource that allows addressing the newly emerging problems. During the health crisis in the Peruvian Amazon in the year 2020, one could observe the impressive mobilization of the natives, who actively demanded not only the real implementation of the policy but also participation in shaping the future public health strategies

in the region. In view of this fact, I believe that the best possible solution is to finally grant the indigenous leaders credibility in these matters.

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**“En nombre del gobierno”, o algo diferente
sobre la guerra en los Andes.
Ponciano del Pino y la perspectiva polaca
acerca de sus estudios sobre
la violencia política¹**

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**“En Nombre del Gobierno” – the War in the Andes
from a Slightly Different Angle.
Ponciano del Pino and the Polish Outlook
on His Research on Political Violence**

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RESUMEN

El tema del artículo es la investigación de Ponciano del Pino sobre las actitudes de la población andina en el conflicto armado peruano de 1980–2000, con particular énfasis en la perspectiva utilizada por el investigador en el estudio de caso titulado “En nombre del gobierno”. El objetivo del texto es mostrar el influjo que pueda ejercer el interés de P. del Pino por los microcontextos de guerra, en forma de rivalidades inter e intraaldeanas, sobre los logros alcanzados en la investigación acerca del terror en los Andes y, por ende, el tratamiento de los actos de la violencia política como resultado de procesos históricos. En el artículo asumo que el método de reconstrucción de los hechos bélicos utilizado por el investigador permite conocer uno de los mecanismos más tabuizados del conflicto peruano, es decir, el terror de los civiles contra los civiles.

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¹ Este artículo fue traducido del polaco por Pilar Gil Cánovas.

El artículo fue elaborado a partir del análisis de las consecuencias de P. del Pino en cuanto a publicaciones seleccionadas en el campo de los estudios sobre la violencia bélica en los Andes, confrontándolo con los resultados de mi trabajo de campo en las provincias de Huanta y La Mar en 2005–2010 y 2015–2019.

PALABRAS CLAVE: *Ponciano del Pino, estudios de la memoria, Uchuraccay, población andina, política campesina, conflicto interno peruano, violencia política.*

ABSTRACT

The subject of this article is the research of Ponciano del Pino on the attitudes of the Andean population in the Peruvian armed conflict of 1980–2000, with particular emphasis on the perspective applied by the researcher in his case study “En nombre del gobierno”. The aim of the text is to demonstrate how relevant to the existing research on terror in the Andes is del Pino’s interest in the micro contexts of war in the form of inter- and intra-village rivalries and, consequently, treating acts of political violence as an outcome of historical processes. I assume that the researcher’s method of reconstructing the war events allows us to discover the most tabooed mechanisms of the conflict in the Andes, namely the terror of civilians against civilians. The article is based on the analysis of del Pino’s work against the background of selected publications on war violence in the Andes, compared with the results of my fieldwork in the provinces of Huanta and La Mar in 2005–2010 and 2015–2019.

KEYWORDS: *Ponciano del Pino, memory studies, Uchuraccay, Andean population, peasant politics, Peruvian internal conflict, political violence.*

Introducción

A fines de la primavera del año 2019, emprendí en Ayacucho una nueva etapa de mi investigación de campo, enfocada en el tema del acceso de los peruanos a las misiones de exhumación, así como de la información procedente de las mismas referida a los mecanismos de la violencia durante el conflicto interno entre los años 1980–2000. Los resultados obtenidos fueron tan satisfactorios como abrumadores desde el punto de vista emocional. Una de las conclusiones irrefutables fue la de que el caso de la masacre, ya estudiado por mí durante años, constituía un ejemplo de “terror civil” brutal, como yo di en llamar entonces a la violencia colectiva entre comuneros. La confrontación entre los testimonios y el mensaje extraído de otras fuentes ha venido a demostrar que las rivalidades intercomunales existentes a lo largo de décadas determinaron las correlaciones de fuerzas surgidas de la cooperación de las comunidades locales con los diferentes protagonistas armados. La lucha de estos últimos por el dominio de la región terminó con una matanza por parte del ejército, que se saldaría con la muerte de más de un centenar de habitantes de varios pueblos cercanos. A la luz de los relatos de mis interlocutores, fue ejecutada con la

participación de los “ronderos”² de una de las comunidades, quienes no solo habrían informado, con todo lujo de detalles, a las fuerzas gubernamentales sobre la situación política de la región y facilitado la represión, sino que también habrían participado en la distribución y reventa de un enorme botín de cientos de cabezas de ganado, obtenido a expensas de la población asesinada. En este caso, el particular carácter fratricida de la participación de los serranos en la guerra en los Andes no dejaba lugar a dudas³.

Al finalizar la investigación, visité la sede de una de las organizaciones no-gubernamentales para los derechos humanos en Lima. Mi objetivo era establecer cuál era, desde el punto de vista de las ONG, el estado por ese entonces de las misiones de exhumación en el Perú y en qué medida permitían desclasificar los mecanismos del terror civil. Como el curso de la conversación fue constructivo y su contenido extremadamente valioso, compartí las conclusiones de mi investigación, sugiriendo además que muchos episodios del *manchaytimpu* deberían reescribirse desde cero. Para mi sorpresa, recibí la respuesta (que siempre agradezco a mis interlocutores) de que “puedo probar, pero no se sabe cómo ese trabajo será recibido”, porque “en el Perú no se escribe así sobre la guerra contra el terrorismo”. Más tarde, durante una reunión con compañeros forenses, acordamos que el silencio del terror civil es, paradójicamente, un legado de la Comisión de la Verdad y Reconciliación (CVR) y de su narrativa impuesta, orientada hacia las víctimas. Si bien la intención de los comisionados fue sin duda la de dar voz a los habitantes de la provincia, en la práctica significó también consentir su silencio en cuestiones que requerían, conforme a los diversos intereses de los serranos, su tabuización. En consecuencia, los casos de terror civil aún no encajan en la versión popularizada de la guerra, aunque ya fueron señalados tanto al inicio como al término de las hostilidades⁴. En 2017 Ponciano del Pino se encargaría de presentarlos explícitamente en su libro *En nombre del gobierno. El Perú y Uchuraccay: un siglo de política campesina*.

Tras mi regreso a Polonia, tomé el libro del investigador y lo leí de nuevo. Fue en este momento cuando nació en mí la idea de analizar esta publicación en relación a los logros de su autor hasta la fecha y presentar mis observaciones en este volumen, cuyas páginas considero el espacio propicio para una ardua pero inevitable discusión sobre cuál fue el desarrollo y cómo (no) se

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² Es decir, integrantes de las “rondas campesinas”. Es uno de los términos utilizados para describir las fuerzas semimilitares campesinas que, creadas espontáneamente o bajo la presión del ejército, pronto habrían de convertirse en un actor clave de los combates en la provincia. Dado que bajo el nombre oficial, es decir, Comités de Autodefensa (CAD’s), solo comenzaron a funcionar en la década de 1990, en el artículo he utilizado la nomenclatura informal de la primera década del conflicto, quiere decir, principalmente “rondas campesinas”, “defensa civil”, o me he servido de mis propios términos con un carácter neutral: „fuerzas campesinas”, „fuerzas civiles”, “fuerzas de autodefensa campesina”.

³ Como continuo estudiando el caso no voy a revelar de momento sus datos exactos.

⁴ Las fuentes referidas a este asunto menciono en la segunda parte del artículo.

recuerda la guerra civil en los Andes. En el artículo asumo que a pesar del *boom de la memoria* que se vislumbra en el Perú desde hace varios años, aún se ocultan algunos mecanismos de violencia política del periodo de conflicto, y conocerlos exige, algo característico de P. del Pino, un acercamiento a los hechos bélicos como resultado de complejos procesos históricos y su reconstrucción en términos sincrónicos y diacrónicos.

Acerca del libro

En términos generales, *En nombre del gobierno...* trata de las actitudes de los comuneros peruanos durante los primeros años del conflicto armado en el marco histórico de la política campesina en el siglo XX. La publicación fue editada en 2017 por la Universidad Nacional de Juliaca en colaboración con Estación La cultura. Un año más tarde, recibiría el Premio Iberoamericano del Libro Book Award LASA 2018.

El libro es en gran medida una narrativa etnográfica, pero sólidamente elaborada a base del análisis de las fuentes e igualmente estudios campesinos y estudios de la memoria hábilmente enlazados entre sí. Estaríamos, pues, ante el fruto de una investigación transdisciplinar, en la cual prevalecen los trabajos etnográficos (observaciones y entrevistas a serranos de las provincias de Huanta y de La Mar realizadas a fines del siglo XX y principios del XXI), contrastados con una rica bibliografía basada en archivos judiciales e informes de comisiones, así como con todo el caudal investigativo de las subdisciplinas antes mencionadas. Con todo, el principal valor de la publicación no es sólo la calidad de las fuentes y la innovación en la investigación sobre los campesinos, que distinguen los textos de Ponciano del Pino desde hace años. En *En nombre...* merece especial atención la forma de conceptualizar el tema. Consiste en tratar el “caso Uchuraccay”, es decir, un acto de violencia colectiva cometido por serranos en las alturas de Huanta en enero de 1983, como punto de partida para formular las tesis más importantes sobre las actitudes de la población rural durante el conflicto armado en los Andes, para luego cotejarlas con los resultados de una retrospectiva sobre determinados sucesos del siglo XX con la participación de los campesinos huantinos. Por lo tanto, el libro es un ejemplo especial de estudio de caso, cuya complejidad constituye solo un pretexto para buscar las fuentes de la violencia en la dialéctica de sus macro y micro contextos históricos.

No obstante, aunque la publicación consta de tres partes claramente estructuradas, no se presentan según la cronología histórica. El libro se abre con una extensa introducción teórica, en la que el autor comparte con el lector una audaz observación; a saber: los modernos discursos de derechos humanos nos han acostumbrado a centrarnos en la víctima (en el Perú la citada CVR es responsable de este fenómeno), pese a que dicha perspectiva conduce a menudo a “descontextualizar la experiencia humana de su complejidad e histori-

cidad” (p. 19)⁵. Parte del conocimiento sobre los mecanismos de la violencia está sepultada en la memoria de sus testigos por razones estratégicas, de ahí que el contenido de sus testimonios deba ser visto como un espacio de choque de varios objetivos políticos, muchas veces contradictorios entre sí. Por lo tanto, mediante una selección de concepciones acerca de la memoria (por ejemplo, White, 2000; Stern 2004, 2006, 2020; Jelin, 2012; Theidon, 2004), del Pino esboza y justifica la tesis principal de toda su argumentación: que tanto “la restitución de memorias”⁶ como su falta, o sea, el repetidamente analizado en el libro “silencio”, constituyen una manifestación de la política de la memoria de los participantes de los sucesos y ambas contribuyen activamente a sus narrativas sobre el pasado (pp. 19–25).

A continuación, de acuerdo con la idea del libro, el autor analiza cuestiones más próximas a nosotros; verbigracia, el curso de la visita de la comisión investigadora del CISU en Uchuraccay y las circunstancias seleccionadas del crimen que investigó en enero de 1983 (cap. 1), así como la situación en los años 70 y 80 en Huanta, que había precedido a tales sucesos, con énfasis en las relaciones intracomunales y las formas de su condicionamiento a través de los procesos de desintegración de la hacienda en el siglo XX y de la reforma agraria (cap. 2). El “caso Uchuraccay”, que abre el libro, es sin duda el acto de violencia colectiva más conocido, mejor investigado y más descrito de la guerra civil en el Perú (ver, entre otros, CISU, 1983; Salcedo, 2013 [I ed. 1984]; Noel, 1989; Mayer, 1991; Cristóbal, 2003; CVR, 2003b; del Pino, 2003; Theidon & Peralta, 2003; Hosoya, 2004; Falconí, 2010 y 1017; Tipe & Tipe, 2015). De entre otros crímenes de guerra, se destaca porque no estribó en un acto de terror masivo contra la población andina, sino en la muerte de un grupo de periodistas a manos de los serranos, cuyas circunstancias fueron rastreadas por dos órganos de investigación y numerosos periodistas y científicos. El texto de Ponciano del Pino, a diferencia de la mayoría de los estudios sobre el tema, nos acerca tanto a los hechos pormenorizados, con base en los cuales los habitantes de Uchuraccay elaboraron una narrativa común sobre el crimen, como a otros que manipularon u ocultaron a propósito. Esta clase de análisis en cuanto a la forma de recordar y transmitir las imágenes de la guerra por parte de los serranos no solo confirma que “la memoria y el silencio son partes de una misma unidad” (p. 45), sino que también da prueba de la hegemonización del testimonio de toda la comunidad a través del discurso de “un todos nosotros”, es decir, de una versión acordada de los hechos que genera una responsabilidad colectiva con respecto a actos individuales, a menudo privatizadores de la violencia y cometidos por comuneros

**“En nombre del gobierno”,
o algo diferente sobre
la guerra en los Andes.
Ponciano del Pino y la
perspectiva polaca acerca de
sus estudios sobre
la violencia política**

Joanna Pietraszczyk-Sękowska

⁵ Las referencias entre paréntesis que contienen solo el número de páginas siempre se refieren al libro analizado.

⁶ Al escribir sobre “la restitución de memorias”, el autor utiliza una expresión acuñada por su maestro, uno de los principales investigadores de Sendero Luminoso y del conflicto en los Andes, Carlos Iván Degregori.

a título personal (pp. 48–73)⁷. El capítulo 2 está dedicado a la reconstrucción de los hechos reconocidos por el autor por ser un trasfondo más o menos inmediato al del crimen perpetrado en las alturas de Huanta. El argumento en el contenido se inicia con la importante tesis, más tarde verificada en múltiples ocasiones, de que las “reformas de 1969 y sus efectos en el deterioro institucional y los conflictos intracomunales tienen una relación directa con violencia íntima en los primeros años del conflicto armado” (p. 96, cf. pp. 104, 139). De esta forma, el contenido del capítulo 2 se convierte en un elemento clave de la retrospectiva expuesta en el libro. En sus páginas, mediante el análisis de archivos judiciales y otros estudios de casos, del Pino traslada el foco temático de la violencia en los Andes desde el período del conflicto armado hasta el período de preguerra. Por medio de la reconstrucción de las mutuas relaciones entre las familias locales, pero también del posicionamiento heterogéneo de los comuneros ante los cambios socioeconómicos en el campo y de las diversas formas de su actividad política, del Pino demuestra que, en el caso de los andinos, “fragmentación, conflicto y hegemonía son procesos” (p. 138), por todo lo cual, en la provincia, tanto las macro como las micro contradicciones deben ser recabadas siempre según el contexto histórico. Al mismo tiempo, el respeto es considerado el valor central del mundo andino, que, sin embargo, a juicio del autor, no se encuentra alejado del pueblo, revestido de un culto simbólico a la santidad, sino que actúa como un determinante “vivo” de sus actitudes, entrelazado en una perpetua rivalidad entre la autoridad de la comunidad y del Estado (pp. 114–128, 139).

⁷ La masacre de Uchuraccay se perpetró el 26 de enero de 1983. Ese día, ocho periodistas de las oficinas de prensa de Lima y Ayacucho, quienes se habían trasladado a la sierra para investigar las circunstancias entonces poco claras de los hechos en la cercana Huaychao (el 21 de enero, los habitantes de este pueblo capturaron en una emboscada y asesinaron un grupo de senderistas, ante la sorpresa generalizada tanto de las autoridades civiles y militares como de la opinión pública) murieron a manos de los comuneros locales. Junto a los reporteros perdieron la vida dos habitantes de la zona: su guía y medio hermano de uno de ellos, Juan Argumedo de Chacabamba, y un vecino de Uchuraccay, Severino Morales Ccente. Sin embargo, aunque las tumbas de los periodistas fueron mostradas a los militares sin resistencia, el destino de los comuneros desaparecidos permaneció desconocido durante muchos meses. De ahí que, contrariamente a la mayoría de los estudios sobre el crimen de las alturas, P. del Pino no se centre en su libro en la trágica historia de los periodistas, sino que indague en la complejidad de los personajes de S. Morales y J. Argumedo. De esta forma, recrea la causa de su muerte, que en enero de 1983 resulta ser „táctica” para los ichichanos (habitantes de la sierra alta de Huanta y La Mar). En primer lugar, dado que ambos mantenían contactos con Sendero Luminoso, su repentina liquidación creaba una oportunidad para ocultar al mundo exterior el peligroso hecho de la colaboración entre el campo andino y el partido. Además, al asesinar a Severino Morales, se acababa con un testigo clave dentro de las rivalidades comunales, quien, a tenor de las conclusiones del investigador, se habría puesto en contacto con los senderistas en autodefensa, *nomen omen*, contra la violencia de otro habitante de la aldea (pp. 95–122). La importancia de estos descubrimientos por parte de P. del Pino para diversas áreas de investigación sobre la población andina y el conflicto en la provincia indico en las partes del texto que siguen a continuación.

En la parte II del libro, el autor examina las “memorias insurgentes” por medio del análisis de los comportamientos políticos de los campesinos que despiertan su interés, para lo cual utiliza los ejemplos de su resistencia en los años 20–40 (cap. 3) y, más tarde, durante la lucha por la tierra entre los años 50–60 (cap. 4). Desde una nueva perspectiva sobre hechos bien conocidos de la historia andina, no duda en exponer ciertas objeciones contra los logros obtenidos por los estudios campesinos. Durante décadas, el foco de tales análisis estuvo puesto en nociones masivas, como son los procesos migratorios o los movimientos campesinos, de modo que se exploró la problemática del campo peruano de una manera selectiva. En consecuencia, la historia de la provincia andina necesitaría ser reconstruida con una perspectiva desde abajo. Del Pino evidencia esta tesis, relativamente común en la actualidad, dándoles voz a los comuneros, para junto con ellos alcanzar el pasado lejano de la sierra. A tenor de los frutos de su investigación, en las memorias andinas, cuyo acceso se está haciendo cada vez más difícil, encontramos particularismos, inéditos hasta hoy, en cuanto a la política de las comunidades, al significado, no evidente para nosotros, de factores religiosos y ecológicos, así como a la especificidad de la reacción de los campesinos frente al paternalismo y los intentos de activar a una (en otras palabras, de la complejidad de las relaciones rurales con los actores políticos externos). Dicho enfoque nos permite comprender la esencia de la “idea del gobierno” andina, en la que, tanto en actos de cooperación como de resistencia, los serranos se consideran a sí mismos como patriotas que buscan la justicia y el orden social. Al mismo tiempo, debido a los abundantes precedentes de opresión, son gentes susceptibles en cuanto a salvaguardar su propia autonomía, por lo que en “cualquier TLC” ven la tendencia de los “ajenos” a ejercer la hegemonía y el imperativo de apropiarse de su mundo, en el que se incluyen “las tierras altas de Rasuwillca, específicamente por las hierbas silvestres y medicinales, oriundas del lugar” (p. 150).

La importancia del último factor se elucida en la parte III del libro, donde el autor amplía estudios de memoria e identidad con una reflexión sobre el papel de la naturaleza en la conducta política de los andinos. Una vez más, a través de un estudio de caso (esta vez se trata del presunto “secuestro” del avión por parte de Nevado Rasuwillca a mediados del siglo XX), el investigador muestra cómo el paisaje se erige en guardián, juez, testigo y actor político, para decidir así sobre la existencia de “una divergente estructura de poder y orden” (p. 242). Por lo tanto, aunque solemos observarlo a base de estudios de naturaleza, lengua y cultura, comprender su estatus entre los comuneros exige el uso de la perspectiva propia de la antropología política. En los Andes, la naturaleza constituye un *animated landscape* y es una importante fuente de identidad, así como un refuerzo de la necesidad de autonomía, de ahí que sus cambios ecológicos, motivo de honda preocupación para los serranos, sean vistos por estos como un factor evidente de transformaciones sociopolíticas y morales, incluso si tales vínculos se dan fuera del ámbito de los hechos medibles por los no-andinos (pp. 239–250, 253–255).

**“En nombre del gobierno”,
o algo diferente sobre
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Ponciano del Pino y la
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sus estudios sobre
la violencia política**

Joanna Pietraszczyk-Sękowska

Los desafíos de Ponciano del Pino

La argumentación de Ponciano del Pino presenta para mí, especialmente interesada en los mecanismos del conflicto con participación de civiles, dos ejes, cercanos solo en apariencia. Uno de ellos gira alrededor de la conclusión que “la violencia intracomunal no es el resultado de la guerra, pero se expresa en ella” (p. 95); el otro, que “la violencia intracomunal, íntima, es central en la historia de la guerra, pero es silenciada en las narrativas de la violencia que se transmiten en estas comunidades” (p. 41). Considero estas observaciones como los “ejes” del libro, y no solo sus tesis, ya que impregnan y conectan entre sí todos los campos de análisis diversos en el tiempo y el espacio.

La primera de las conclusiones anteriores vendría a significar que el autor vuelve a su interés por los antagonismos intra e interaldeanos como determinante clave en el curso de los acontecimientos bélicos locales. Esta clase de óptica en la investigación del *manchaytimpu* no es nueva. Acerca de las disputas y las llamadas microcontradicciones entre serranos y su diestra adaptación a los intereses de Sendero Luminoso y, más tarde, de las fuerzas gubernamentales, ya solían escribir los maestros de la sociología y la antropología de las décadas de 1970 y 1980 (es necesario consultar: Favre, 1984, pp. 33–34; Flores Galindo, 1986, pp. 21–30; Manrique, 1986, pp. 14–15; Berg, 1986; Degregori, 1992, pp. 419–421 y 2013 [I ed. 1985], pp. 153–155, y también CVR, 2003a). Sin embargo, en su aproximación, el engranaje para involucrar a los campesinos en la guerra entre el Estado y el senderismo presentó sobre todo una dirección de arriba hacia abajo y produjo un estado de fuerte instrumentalización del campesinado en el conflicto. De acuerdo con esta perspectiva, las disputas andinas fueron explotadas estratégicamente por actores externos, ya que les permitieron dirigir la guerra a través del principio del “divide y vencerás”. El interés por el papel desempeñado por los serranos en la dinámica de la lucha en la provincia se intensificó en la década de 1990, aunque su foco se desplazó, de un modo natural, hacia las autodefensas campesinas⁸. Aun cuando en *En nombre...* el autor fortalece su propia perspectiva de investigación sobre el campo andino del período bélico. Gran parte del libro se centra casi exclusivamente en las “políticas alternativas” de los comuneros previas a la guerra, examinando profusamente su morfología, tanto en lo referente a las de poco antes del estallido bélico armado, como a las del lejano período de politización rural en la década de 1920. De este modo, llega a establecer que la dinámica de la política local en los Andes es muy compleja, a menudo difícil de decodificar para un observador externo y que no está basada para nada en una elección de cero a uno entre el aislamiento o la confrontación. Más bien, en ella se superponen muchas y diferentes modalidades, no necesariamente coherentes en el plano interno, de negociar los intereses propios, siempre legitimadas, sin embargo, en el nivel de “la memoria y la identidad” (p. 222). Por

⁸ A lo cual también contribuiría Ponciano del Pino, como escribo más adelante.

lo tanto, en vez de las consecuencias bélicas de los antagonismos andinos, en las cuales los investigadores habían fijado su atención en la década de 1980, en este libro Ponciano del Pino nos da a conocer, en primer lugar, sus macro y micro rasgos históricos.

De ellos el autor extraerá un elemento clave, podría decirse que incluso un sello distintivo, de su investigación; a saber: las huellas del hábil protagonismo de los campesinos en las relaciones con sus rivales o socios externos; los cuales abarcarían desde autoridades regionales y nacionales, partidos políticos, sindicatos, gremios, y grupos de investigación hasta Sendero Luminoso y los cuerpos uniformados; así como en las relaciones intraandinas. Si bien el principal objetivo de Del Pino es sin duda referir las experiencias y elecciones de los serranos habidas en sus contactos con los actores del período bélico, su particular forma de observación del campo andino parece haber ejercido gran influjo en toda la producción estudiosa sobre el campesinado peruano hasta la fecha. Lo que resulta clave es precisamente su argumentación acerca de la necesidad de fragmentar las perspectivas y métodos, poniendo especial énfasis en la observación de la diversidad interna de los andinos, de la cual derivan tanto los particularismos como las formas de percibir la gobernabilidad.

La segunda de las afirmaciones del autor, o sea, que “la violencia intra-comunal es central en la historia de la guerra...”, tiene serias resonancias que afectarían, lo cual conviene subrayar, tanto a la ya existente masa de investigaciones sobre el conflicto peruano como al cada vez más abundante caudal de estudios sobre su memoria.

De todos modos, las palabras anteriores constituyen ante todo una valiosa y *explicite* conclusión de que el conflicto peruano cobró la forma de una guerra civil fratricida en la provincia. En los estudios sobre el *manchaytimpu*, elaborados a partir de principios de la década de 1980, esta cuestión fue soslayada o solo mencionada, más que analizada y explicada. Resulta curioso que, quizás, fuera expuesta por primera vez a raíz de los hechos en Huaychao y Uchuraccay, cuando un redactor limeño, José María Salcedo, vio en ellos un rastro de guerra intercomunal. Sin embargo, dado que su evaluación del estado de cosas en la provincia fue solo apoyada, a principios de 1983, por voces individuales de la prensa y la ciencia, el público la consideró algo abstracto y, de acuerdo con los intereses del gobierno, pasó a ignorarla⁹. Unos años más tarde, A. Flores Galindo y N. Manrique apoyaron la tesis de Salcedo. Estos percibieron de forma unánime los acontecimientos en los Andes como una guerra de “comunero contra comunero”, aunque, claramente sensibles a la escala de violencia desatada por las fuerzas armadas, de buen grado acabarían por definir

**“En nombre del gobierno”,
o algo diferente sobre
la guerra en los Andes.
Ponciano del Pino y la
perspectiva polaca acerca de
sus estudios sobre
la violencia política**

Joanna Pietraszczyk-Sękowska

⁹ En referencia al artículo de J.M. Salcedo titulado *Guerra civil entre comunidades* (Diario de Marka, 2/1983) en Galindo (1986, p. 26). Para más información sobre los descubrimientos del reportero en relación a los sucesos de las alturas de Huanta, consúltese necesariamente a Salcedo (2013 [I ed. 1984]). Otras opiniones, parecidas a su posicionamiento, pueden encontrarse en Gorriti (1983), Montoya (1983) o Caretas (1983).

el conflicto en la provincia como una “guerra sucia” (Galindo, 1986, pp. 21–30; Manrique, 1986, pp. 14–15). En la década de 1990, el problema de la rivalidad fratricida entre serranos fue señalado en muchos estudios sobre el conflicto peruano, aunque sin constituir su motivo conductor. En consecuencia, las consideraciones del fenómeno, realizadas en aquel momento, no alumbraron en ningún caso la tesis de que la llamada lucha contra el terrorismo se hubiera convertido en una guerra civil en la provincia, ni tampoco que la hostilidad compleja y múltiple entre los comuneros fuera un determinante clave en el derramamiento de sangre en los Andes¹⁰. Podría decirse que, a caballo entre ambos siglos, fueron los investigadores extranjeros quienes escribirían sobre dicho asunto de una manera más abruptamente abierta (ver Starn, 1996; Fumerton, 2001; Theidon, 2006). Su particular enfoque del caso fue propuesto por K. Theidon, quien, con base en sus trabajos de campo de mediados de la década de 1990, denominó “violencia íntima” al fratricidio intra e interaldeano, examinó lo que ello significaba para los propios serranos y en qué consistía el “mejoramiento” de sus mecanismos a través de la deshumanización mutua (Theidon, 2006, pp. 35–45). Este tema también sería desarrollado en el Informe Final de la CVR, cuyo contenido señalaba como principal fuente de violencia entre los campesinos los “conflictos de la nueva desigualdad” (CVR, 2003a, pp. 81–82) y mostraba sus cruentos resultados mediante ejemplos de reconstrucción de determinadas masacres (véase sobre todo CVR, 2003b). Como ya indiqué, la paradoja de la contribución de la CVR al estudio de los engranajes del conflicto armado radicó en que, además de las labores pedagógicas y de investigación, también desempeñó un relevante papel en la lucha por los derechos humanos, de aquí que pusiera con éxito el diálogo nacional sobre la guerra dentro de los límites de la narrativa dominante mundial orientada a las víctimas, es decir, sobre todo, a los pueblos andinos, desviando eficazmente la atención del público del protagonismo de los serranos en el terror

¹⁰ Como ya señalé, la investigación sobre el papel de los campesinos en el conflicto se centró, por entonces, en el fenómeno de las fuerzas de defensa civil. Sin embargo, no consideraría el carácter incompleto de esta visión sobre la violencia en los Andes como un signo de la debilidad de la investigación científica en el Perú. En primer lugar, las realidades del conflicto interno generaron evidentes dificultades para los estudios de campo, derivadas no solo de razones de seguridad en las zonas de combate, sino también de la política de desinformación y de la restricción intencional del acceso a los testigos por parte de las autoridades militares. Así pues, el auge observado del interés por las fuerzas campesinas fue, sin lugar a dudas, una expresión de la inquietud de los investigadores sobre el papel de la población andina en el conflicto, generando su „salida al campo” una serie de desafíos, incluso psicosociales, relacionados con el trabajo en condiciones de guerra. En consecuencia, los estudios de caso de J. Coronel y C. Loayza, C.I. Degregori, así como los del Pino, gozan de la condición de pioneros hasta el día de hoy en la investigación sobre la violencia política en la provincia (ver necesariamente Coronel y Loayza, 1992; Degregori, 1996a y 1996b; Coronel, 1996; ver también Tapia, 1995 y 1997), aunque la visión entonces dominante de las fuerzas de autodefensa campesina como un elemento de la estrategia militar debe haber aportado conclusiones algo diferentes a las del análisis en profundidad realizado por el autor de *En nombre...* en la posguerra.

bélico. Así pues, los estudiosos interesados en la guerra y en su memoria se quedaron solos con unas cuestiones acerca del terror pasadas por alto.

No obstante, las publicaciones dedicadas a los desafíos de la memoria en el periodo cercano a la actividad de la CVR resultaron ser una garantía de que el tema no caería, *nomen omen*, en el olvido (Degregori, 2003; Theidon, 2004; Coxhall, 2005). Paradójicamente, el interés por los testimonios de las diferentes partes en conflicto (así como, cada vez más, por su déficits) se despertó en ese momento, siendo sustentado principalmente por antropólogos peruanos, quienes habían sido involucrados en el trabajo de la CVR unos años antes. Ya en la primera década del siglo XXI, fueron apoyados por un creciente grupo de investigadores extranjeros, gracias a los cuales, a pocos años del fin de las operaciones militares, *el boom de la memoria* también llegó al Perú, de modo que los mecanismos de recordar-olvidar sobre la violencia en los Andes aparecerían en contextos de investigación tanto latinoamericanos como globales acerca de su pasado bélico complejo (ver: EPAF, 2012; Huber y del Pino, 2015; Degregori, Portugal, Salazar y Aroni, 2015; Saona, 2017; Rojas-Perez, 2017)¹¹.

Y así, en la segunda década del siglo XXI, Del Pino vuelve sobre los desafíos de la memoria observados a través del prisma de los dilemas de iquichanos de hace más de treinta años. Sin embargo, esta vez los estudia desde la posición polivalente de un nativo ayacuchano, un veterano investigador de las autodefensas campesinas en la década de 1990 y un activo comisario de la CVR. Cotejando los resultados de su propio trabajo de campo sobre las rondas campesinas (del Pino, 1992 y 1996), los estudios sobre la identidad y “memoria privada” de los andinos (del Pino, 2003; del Pino y Yezer, 2013), llega a afirmar sin tapujos en las páginas de *En nombre ...* que el terror civil no era una de las secuelas de la lucha del Estado contra el terrorismo, sino que aparecía en la raíz de la guerra en los Andes.

Todo ello tiene graves implicaciones para la investigación sobre los mecanismos del conflicto peruano efectuados hasta la fecha, pero también – más por menorizado – para los logros en los estudios sobre las fuerzas de autodefensa campesina. Estos últimos son relativamente sólidos, pero carecen de una retrospectiva semejante sobre los orígenes políticos y sociales del comportamiento violento de los serranos. Según he indicado, en los textos vistos hasta fecha de hoy, que prueban *explicite* la brutalidad de los andinos en el periodo del conflicto armado, esta característica ha sido “institucionalizada”, es decir, se ha atribuido ante todo a defensa civil y al hecho de haber colaborado con los militares. En cambio, en *En nombre...* Del Pino invierte este orden, demostrando que son las diversas experiencias de violencia, incluidas las intra e intercomunales, las

¹¹ Con el tiempo, este medio fue ampliado por los forenses, cuyas exhumaciones demostraron una vez más que „los huesos nunca olvidan”, arrojando conclusiones pioneras para la investigación de los mecanismos de violencia en la provincia. A pesar del papel fundamental de la exhumación en los procesos de solución de conflictos contemporáneos, el „giro forense” no ha despertado mayor interés público en el Perú; ver, entre otros, COMISEDH (2012); EPAF; Pietraszczyk-Sękowska (2020).

que conducen a la autoorganización de las aldeas, al surgimiento de las rondas campesinas y, con posterioridad, su colaboración pragmática con los militares. Para presentar este entramado, el autor elige el caso de Uchuraccay, que examina tanto diacrónicamente, reconstruyendo en profundidad su trasfondo histórico, como sincrónicamente, a través del análisis de las interacciones de la CISU y los iquichanos, con énfasis en el contenido de sus relatos y de las intenciones deducidas de estos últimos. En consecuencia, a través de la observación de los comportamientos de los serranos advierte el deseo de ocultar las divisiones internas, los vínculos con Sendero y los orígenes de la autodefensa, para considerar tal actitud como una suerte de estrategia concertada a fin de minimizar la responsabilidad de las comunidades por los hechos de la guerra. Así pues, varios años después del conflicto, el autor cuestiona una parte importante de la investigación llevada a cabo sobre la autodefensa aldeana, no viéndola ya como un instrumento del ejército, sino como consecuencia de una compleja decisión política de los campesinos que habría de servir tanto al autocontrol como a la gestión del estado de cosas en la provincia.

Sin embargo, en el caso de Ponciano del Pino, la forma en que ha llegado a tales deducciones supone un proceso fácil de detectar a través del contenido de sus sucesivas obras. Ya a principios de los años 90 del siglo pasado, había escrito que en la primera década del conflicto en los Andes, los campesinos ayacuchanos tenían muchas razones para emprender la lucha. Aunque todas ellas se inscribían en la amplia categoría de “crisis”, eran muy diversas, pues abarcaban tanto desafíos políticos y militares (amenazas de guerra) como sociales (divisiones intracomunales) y, un poco más tarde, desastres ecológicos (del Pino, 1992, pp. 494 –497). Por eso, al calibrar la importancia de estas experiencias para los andinos, ya hacía hincapié en el carácter político de sus decisiones posteriores y afirmaba categóricamente que “se equivocan entonces quienes piensan en el mutismo, sin capacidad de conducción y tomas de decisiones de los campesinos”, señalando que un fenómeno similar no podía darse en la historia de un país con tan profundas tradiciones autoritarias y una experiencia igualmente significativa de presencia activa campesina en los movimientos sociales. Criticó con ello la percepción de las fuerzas civiles surgidas durante el conflicto como una mera reacción defensiva, o de supervivencia de los serranos, ya que asumir una óptica parecida viene a significar una “apreciación bastante simplista que negaría a la población rural cualquier nivel crítico de la realidad política en la que vive” (del Pino, 1992, p. 502). Si bien J. Coronel y C. Loayza también presentaron análisis de algunos casos de autodefensa aldeana de base (ver Coronel y Loayza, 1992), una visión de esta índole constituía una excepción en ese momento. Cabe recordar que el conocimiento sobre la autonomía de los andinos en la lucha contra el senderismo fue custodiado por el ejército en la década de 1980, para ser desmentido diez años después por la retórica oficial del gobierno de A. Fujimori, en cuya política la defensa civil se convirtió en parte de la llamada estrategia antissubversiva del Estado. Por su parte, a mediados de la década de 1990, del Pino dedicaría otra etapa investigativa a la emancipación

de las fuerzas campesinas durante la guerra. Esta vez se decidió por un estudio de caso que realizó entre los ronderos de las zonas selváticas, en el valle de los ríos Apurímac y Ene (VRAE), gracias al cual pudo asomarse a uno de los rasgos distintivos de estas comunidades; a saber, el credo evangelista, que habría de considerarse como el arma principal de la lucha de los habitantes del valle contra los „demoniacos”, es decir, senderistas (del Pino, 1996, pp. 118, 156–167). Si bien es verdad que con el tiempo y con las progresivas noticias de la participación de las fuerzas campesinas del VRAE en el narcotráfico, se ha revelado que dicho enfoque habría sobrestimado el papel de la religión como catalizador de la resistencia civil contra el SL¹², también es obvio que las conclusiones del investigador no eran erróneas en cuanto al carácter autónomo, eficiente y, a todas luces, paramilitar de estas fuerzas.

Gracias a la ampliación de los estudios sobre la autonomía de los serranos, en el libro *En nombre...*, Ponciano del Pino desglosa de alguna manera la violencia militar de la actividad de las autodefensas y la sitúa en el ámbito propio de actuación de los habitantes de la provincia en tiempos de crisis, es decir, como “una determinación extrema dentro de un proceso anterior caracterizado por otras formas de negociación y respuestas políticas” (p. 66). Sin duda, esto se ha visto facilitado porque, desde su labor de contribución para la CVR, fue ampliando la perspectiva de la investigación sobre la población andina para incluir estudios sobre su memoria social. En consecuencia, en su último trabajo demuestra que la memoria oficial de los iquichanos tiene un carácter estratégico y, en buena medida, se basa también en... el silencio. En otras palabras, tanto el testimonio dado como los hilos ocultos del *manchaytimpu* derivan de sus intenciones políticas (pp. 43–118; ver también Del Pino, 2003, pp. 81–90). Con todo, la sospecha de una manipulación de abajo hacia arriba con respecto a la visión de la guerra en los Andes no es del todo nueva. En 1983, Juan Millones aludió a ella en el anexo al informe del CISU (Millones, 1983, p. 88); también se habló del asunto sin tapujos en una entrevista con Max Hernández (González, 1983, pp. 185–186); finalmente, pocos años más tarde, la tesis sería expuesta en un destacado estudio sobre los luctuosos sucesos de las alturas de Huanta bajo la autoría de Enrique Mayer (Mayer, 1991, pp. 467–484). En el libro de Ponciano del Pino, me falta un ápice alguna referencia a fuentes de la época en que

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o algo diferente sobre
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Ponciano del Pino y la
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Joanna Pietraszczyk-Sękowska

¹² El autor utiliza, en el libro analizado, el mismo enfoque en cuanto a los determinantes religiosos. Sin embargo, a mí me resulta difícil estar de acuerdo con su afición por este factor. En los años 2006–2010 cooperé con los líderes, comandos y miembros de las fuerzas campesinas del VRAE, y en 2019 me puse en contacto con jóvenes investigadores de estas estructuras, es decir, las DECAS. En la resistencia de los ronderos del valle frente a otros actores y la búsqueda de autonomía, todos advertimos de forma unánime, no tanto comportamientos culturales, como sobre todo la necesidad de controlar una tierra fértil, incluido en el sector del narcotráfico, lo cual además tuve ocasión de constatar en mi labor con ronderos presos en el penal de Yanamilla. Estos últimos también trataban de impresionar “con el poder del Evangelio” como la causa del triunfo de las DECAS sobre el SL, aunque ellos mismos se habían convertido al evangelismo recién terminada la guerra.

se perpetraron ambos crímenes (es decir, de 1983–1984), aunque solo hubiera sido para mostrar que la narrativa de los iquichanos se examinaba entonces de un modo más analítico, pero que estas iniciativas fueron acalladas desde arriba. Este mutismo formaría parte de la paradoja existente en la „andinización” del mensaje de la CISU, que señala, de todos modos, Del Pino. Como ya sabemos, el contenido del informe de la Comisión resultaba exotizante y cosificador para los iquichanos, pero también tácticamente beneficioso para ambos bandos; además, su fuerte historización perpetuaba tanto la presencia como la ausencia de determinados motivos en la imagen pública de las masacres acaecidas en las alturas de Huanta (pp. 48–67).

Conclusión

Las cuestiones aquí mencionadas, a pesar de su carácter múltiple y diverso, encuentran su lugar en el relato etnohistórico de Ponciano del Pino de manera natural. Su trasfondo general podría resumirse en las palabras que dije haber escuchado en Lima: „en el Perú no se escribe así sobre la guerra contra el terrorismo”. Así pues, el libro *En nombre...* supone sin duda un gran avance, determinado principalmente por la capacidad de su autor para ubicar temas conocidos en contextos completamente nuevos. Por ejemplo, que habría sido principalmente la expropiación de los hacendados y la reforma agraria de los años 60 y 70 los que debilitaron el orden social y las instituciones de poder en las provincias, y no la violencia política (cap. 2); que Sendero no radicalizó las reformas de izquierda de J. Velasco, sino que las frenó (p. 97); que las primeras rondas campesinas no se crearon por iniciativa del ejército, sino desde abajo en el origen mismo del conflicto, no constituyendo una herramienta para descomponer la comunidad, sino un intento de reconstruirla (pp. 117–122); que el „corazón de las tinieblas” de esta guerra no fue solamente la rivalidad entre los senderistas y el Estado por el poder, sino también el terror civil, silenciado por todos (cap. 1); que los motivos de los hechos “tabú” o, por el contrario, mitificados por los serranos no son una manifestación de su aislamiento del mundo exterior, sino elementos de una política de estatalización de la provincia y de búsqueda del orden social, o, en otras palabras, de una autogestión generada „en nombre del gobierno” (cap. 1–5).

Para concluir, cabría preguntarse en qué medida un estudio de caso similar puede ser tratado como base para generalizar el conocimiento sobre los mecanismos del terror civil durante el conflicto en los Andes. Por un lado, un procedimiento de tal índole parece arriesgado, porque, como ya sabemos, los contextos del desarrollo de la guerra en la provincia fueron diversos y siempre complejos. Por otro lado, el „caso Uchuraccay” es sin duda el ejemplo mejor investigado y más llamativo del p r o c e s o de la violencia, incluso conocido oficialmente como un „caso emblemático”. Al menos en el epicentro del conflicto, es decir en las provincias de Ayacucho y Huancavelica, el mecanismo de

rivalidad intracomunal analizado por Ponciano del Pino no supuso de modo alguno una situación aislada, lo cual el autor, por otra parte, también demuestra a través de la mención a otros actos de violencia colectiva. Además, y aunque algo contraria a la especificidad de los estudios de caso, su argumentación se centra en problemas relativamente generales, incluidos los nuevos desafíos para la investigación sobre los conflictos internos y su memoria. Al parecer, uno de los retos básicos estriba en la necesidad de retirar las perspectivas más explotadas y, a cambio, buscar métodos para sacar a la luz unas tramas, sin las cuales la imagen del terror bélico queda incompleta. Del Pino lo logra estudiando la *polifonía* de los serranos. A base de fuentes múltiples, les atribuye protagonismo a los campesinos andinos (no solo en esta, sino también en publicaciones anteriores), poniendo de relieve su apego a la institución, su necesidad de autonomía y su mérito en la lucha entablada en la provincia. De acuerdo con su enfoque universalizado del comportamiento humano, la participación activa de civiles en un conflicto armado trae consigo, sin embargo, particularismos de intereses, casos de privatización de la violencia y de su ocultamiento intencional, así como su consiguiente responsabilidad en la escalada del terror. Levantarles el tabú a estos fenómenos significa poner en tela de juicio una reconciliación ya lograda y volver a los estudios sobre el trauma. No obstante, sin este esfuerzo denodado, varias víctimas no podrán acceder a su debido estatus, ya que sus historias seguirán ocultando los entresijos de los procesos más complejos, es decir, los de la violencia de civiles contra civiles.

En nombre... planta una clara señal de que la guerra civil en el Perú es uno de esos conflictos en los cuales algunos testigos guardan silencio debido a la existencia de definiciones demasiado categóricas de “perpetrador” y “víctima”, a menudo formuladas con la ayuda del derecho internacional y el discurso propio de los derechos humanos. Si bien los contextos de silencio pueden variar, todos provienen de políticas de memoria y reconciliación tanto de arriba hacia abajo como de abajo hacia arriba. De este modo es cómo se ha silenciado la voz de, entre otros, los hutu en Ruanda, los serbios en los Balcanes, los ucranianos en Volhynia, pero también de muchos „(para)militares” y „terroristas” en América Latina. Son los perpetradores indiscutibles, por lo que ya no parece posible inscribirlos en la categoría de víctimas. Sin embargo, una categorización semejante, tan rígida, solo interpone obstáculos para el progreso de la investigación sobre la violencia, que de esta forma no tarda en resultar metodológicamente ineficaz. Su puesta en entredicho, lo que sin duda se hace en el libro reseñado, prueba a las claras que los logros de esta subdisciplina requieren de frecuentes reconstrucciones, porque la disposición de los testigos a relatar cambia y madura. Es probable que mi nacionalidad me haya facilitado la adopción de la óptica de Ponciano del Pino. La historia de esta parte del mundo abunda en complejidades parecidas, y el presente, a su vez, adolece de la incapacidad de enfrentarlas. Sin embargo, tal y como argumenta Del Pino refiriéndose al Perú, en tales casos “no se trata de ninguna historia conspirativa. Hablamos, más bien, de una historia que nos atraviesa y nos cuesta reconocerla” (p. 44).

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Joanna Pietraszczyk-Sękowska

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**“En nombre del gobierno”,
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Ponciano del Pino y la
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Joanna Pietraszczyk-Sękowska

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