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Dominance, Language and Land in the Peruvian Amazon:  
a critical study of the discourse surrounding  
indigenous land rights in Peru

A Thesis in International Relations

by

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**Abstract:**

The Bagua Massacre of 2009 occurred in light of overtly oppressive national discourse as well as the detrimental economic policies present in Alan García's *la ley de la selva*, which focused on the exploitation of the Peruvian Amazon. These apparatuses of oppression were born largely out of the increase in prevalence of neoliberal economic policies and understandings of natural resources as commodities. This study delves into the shifts in dominant discourses both internationally and domestically in Peru in order to better understand how indigenous resistance can challenge these perceptions of economic prosperity. This resistance allowed the Amazonian people in Peru to take control of their identity and the perceptions of their reality. Through the increase of visibility and access to communication, the inferior pro-indigenous discourse now has a home within the national Peruvian discourse. Although this response has not resulted in all pro-indigenous legislation and the fight to protect the Amazon continues, this study demonstrates why this mobilization and organization of indigenous peoples in Peru should be considered a success. The issue of indigenous land rights is a question filled with contention from nearly every angle. It raises questions of both international and domestic responsibility, anthropological definitions of identity, and the role of outside organizations in the promotion of these ideals. It confronts normalized perceptions of land as a commodity and source of capital while tying the environmental agenda with protection of human rights to the preservation and protection of indigenous land. Most importantly, it challenges the path of development that has become accepted as the correct way to go about economic growth. As we continue to grow as an international community, the lessons learned from movements that go against the accepted structure are significant and should be considered.

## Table of Contents

<b>I.</b>	<b>Introduction</b> .....	1
<b>II.</b>	<b>Historical Context</b> .....	5
	a. Indigenous Rights: The individual to the collective.....	6
	b. Peru.....	16
	i. <i>Fujimori</i> .....	25
	ii. <i>Alan García</i> .....	30
<b>III.</b>	<b>Language of Dominance</b> .....	33
<b>IV.</b>	<b>Case Study</b> .....	40
	a. Method.....	40
	b. Analysis.....	44
<b>V.</b>	<b>Conclusion</b> .....	67
<b>VI.</b>	<b>References</b> .....	72

## Introduction

On June 5<sup>th</sup> 2009, Peruvian armed forces open fired on a group of several thousand Amazonian indigenous protesters in what became known as the Bagua Massacre. These protestors, mostly of the Awjuna and Wamshi nations, were occupying a stretch of highway called devil's curve in protest to new neoliberal policies. Peruvian president, Alan García's set of legal decrees, *la ley de la selva*, opened up many sections of the Peruvian Amazon, even those lands tied customarily to native peoples, to international investors. García's action was just one political move in a long history of political maneuvers that have, meaningfully or not, oppressed the indigenous peoples of Peru. Before this massacre, the indigenous voice and presence in the Peruvian political and social system were limited as their voice often omitted, overpowered, or silenced. The hierarchical system present both internationally and domestically created a sense of the "Us" and the "Other" in which indigenous peoples are dealt with as a problem or inconvenience to western development plans. However, events such as the Bagua massacre, though tragic, allow civil society and others to maintain a realistic grasp on the hardships and injustices faced by indigenous peoples. The Bagua massacre resulted in a shift in understanding and discourse surrounding indigenous land rights in Peru as it gave the movement a platform in which to elevate their reality, their grievances, and their genuine relationship to the land. By doing so the indigenous peoples of Peru have been able to create a space for themselves in the Peruvian political system, thus giving their voice more value and validity.

One of the tools that is used in generating oppressive systems is discourse. Many

different aspects of discourse influence the way in which the public perceives and internalizes it. The primary feature is the actual rhetoric used, which creates a linguistic mask for certain issues. When looking at the rhetoric that many capitalist nations use, the path of development, means of encouraging foreign investments, and privatization of resources takes precedence over other social concerns. To be specific the way in which indigenous groups have been addressed historically has generated a concrete sense of “otherness,” which affects the way in which states continue to deal with the rights of these groups. Thus when dealing with something like economic development, the “other” is hardly taken into consideration as their lifestyles may prove to be an impediment on the accepted path of development. Moreover, access, or the lack thereof, to modes of communication impacts the spectrum of visibility that certain issues or groups receive.

The importance that discourse plays in indigenous land rights and the Peruvian case study rests most predominantly in the fact that western neoliberal discourse overpowers and often runs counter to pro-indigenous discourse. Within the international arena, this can be seen in the challenges indigenous peoples have encountered in advocating for collective rights, permitting them access to their traditional lands as well as lands sufficient to maintain their lifestyles. Many nations, namely those that have had visible and well-known conflicts with their indigenous populations (that is, Canada, the United States, New Zealand), rejected the idea of collective rights as it would limit state control and ultimately pose a risk to individual rights. The struggle internationally can additionally be seen in the lack of indigenous representation in the decision making process, which did not really come along until the drafting process of the United Nations

Declaration on the Rights of Indigenous Peoples. While the Peruvian state was often active in and supportive of the international efforts to institutionalize indigenous rights its domestic policy often failed to reflect these ideals. Especially when looking at land management practices in Peru, policies have more often than not reflected neoliberal or western economic discourses. These discourses identify land as a commodity that should be exploited and controlled.

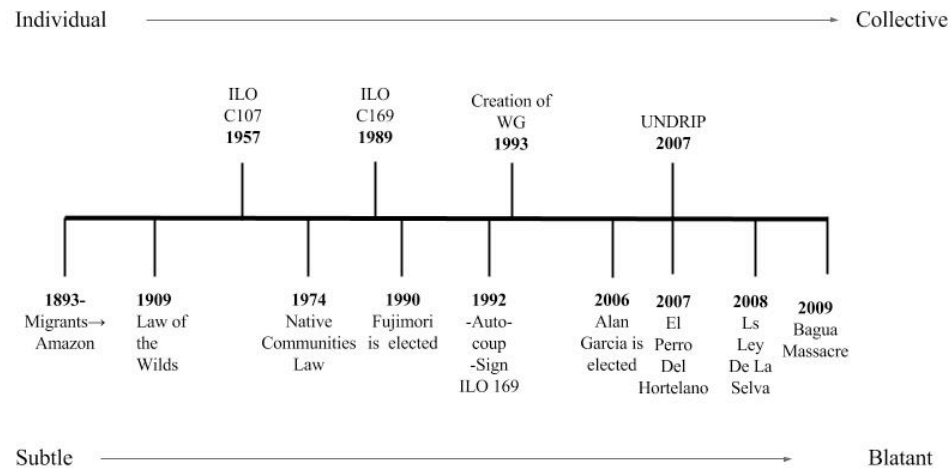
The state of indigenous land rights in Peru provides an opportunity to examine how language has informed and validated the treatment of these issues. By conducting a discourse analysis comparing the language and communicative tools used prior to and after the Bagua Massacre, this study will offer insight on how this event elevated a pro-indigenous discourse in Peru. While this change may or may not be directly changing policy, indigenous peoples are now important actors within the political sphere. The first section offers a brief overview of indigenous rights on an international level and then on the more micro Peruvian level. The following section introduces basic theoretical underpinnings of oppressive language, specifically in regards to oppressing indigenous peoples. The next section explains methodology of the critical discourse analysis conducted, followed by my analysis. The aim of this study is to unpack the oppressive discourse created by Alan García and how indigenous leaders combated his harsh criticism of their communities. It will also address the role that access and visibility had on each conflicting discourse. Ultimately, the study will explain how the Bagua Massacre and discriminatory discourse leading up to the protest as well as the international legal

framework used in the indigenous resistance allowed the pro-indigenous dialogue to gain visibility and importance in the Peruvian political sphere.

## **Historical Context**

This section will delve into the historical context of indigenous rights, both internationally and within Peru. On an international level, we see a shift in understanding and articulation of indigenous rights from the idea of individual rights to collective rights. These changes have helped to shape a more informed and holistic international standard on the rights of indigenous peoples. In Peru one can note a different kind of shift. Colonial perceptions and treatments regarding indigenous rights persisted throughout the 20th century. At the beginning of the 1900s the anti-indigenous practices were present as economic policies often encroached upon indigenous lands and promoted exploitation and exploration, but they were subtler and obscured. It was not until later, specifically with the introduction of institutionalized neo-liberal policies of the authoritarian Alberto Fujimori regime in the 90s and the Alan García's (2006-2010) discourse surrounding indigenous peoples in Peru, that the tensions become blatant. Figure 1 presents a timeline illustrating these two storylines that will inevitably feed into each other as the indigenous movement in Peru escalated:





**Figure 1:** Timeline of the historical context covered in this section. Created by author.

### **Indigenous Rights: The individual to the collective**

During the past century, there have been international efforts to create a standard regarding the rights of indigenous peoples. Indigenous peoples often times exist outside of boundaries of accepted understandings of civilization. Thus the process of generating a set of rights pertaining to the indigenous identity has laid a critical eye on the normalized perceptions of individual rights. As indigenous communities have organized and gained visibility the argument for institutionalizing rights of indigenous peoples gained political attention. Throughout the different conventions, declarations, and meetings focused on indigenous rights, the discourse generated by different parties has been a tool used to frame perceptions and understandings of the issues at hand. Indigenous peoples' needs, in

terms of rights, go past the individual rights presented in the Universal Declaration of Human Rights. Thus, the promotion of collective rights and the corresponding privileges that come with these rights become a central element of the indigenous movement. This section introduces the historical trends in language, indigenous access to communication, and dominant discourse pertaining to international dealings on indigenous rights. Of most importance to this paper is the rhetoric surrounding indigenous land rights; as such, this section specifically emphasizes the treatment of these rights. Indigenous identity, as varied as it is across the globe, often times is grounded in indigenous peoples' relationship with the land as a source of life and livelihood. This will more often than not run counter to the dominant capitalist treatment of land as a commodity meant to be controlled.

The Universal Declaration of Human Rights, passed in 1942, embodies the concepts and treatments of individual rights brought forth in the Enlightenment. These ideals include equality amongst citizens and freedom from social and political control. This document was created by the victorious Allied powers after World War II. The anthropogenic destruction and human rights violations that occurred during WWII raised the question of how to deal with these issues. It was during this war that the danger of international complacency with respect to human rights became clear (Nickel 1987, 1). These rights are called "universal", meaning that "characteristics such as race, sex, religion, social position, and nationality are irrelevant" in determining your rights as a human being (Nickel 1987, 2). This understanding of rights quickly was adopted as the dominant discourse pertaining to rights; that is to say this document shaped the way in

which we understand and discuss human rights. However, these rights have no real international legal framework until they are accompanied by a hard law document such as a convention, which binds the signatories to certain obligations. Complete universality of rights is nearly impossible, however, especially because these rights are a representation of the western Allied power's understanding of rights. This criticism was raised even as the declaration was being created. The American Anthropological Association submitted a memorandum regarding the hierarchy of the Western cultural values within these rights. The intention of their efforts was to encourage the commission to consider the stipulation that human rights vary across peoples, laying a critical eye on the use of "universal" (Morsink 1999, introduction). Groups of people who exist under specific circumstances separate from Western society and even the nation-state warrant the consideration of a different perceptions of rights and, ultimately, collective rights.

Collective rights pertain to the rights of a group as opposed to the rights of an individual. On a smaller scale the application of collective rights can be seen in organizations such as labor unions (Fried 1984). By advocating on behalf of an entire groups they can negotiate wages, treatment, and benefits received by the group. This kind of understanding transfers when it comes to groups such as indigenous peoples. Indigenous peoples often elect a traditional way of life outside the political, social, and economic norms of their nation of residency and the western conceptions of human rights that frames international perceptions. Thus, these groups have tended to seek collective rights as they inherently allow them the right to govern themselves outside the parameters of the state and, consequently, the ability to preserve their identity.

Although collective rights for indigenous people offer a certain level of protection not offered by individual rights, some nations, such as Canada, Australia, and the United States, argue that collective rights can infringe on individual rights. Some nations tend to be against collective rights because of the promise of self-determination offered by collectivity. Self-determination is most widely referred to by the definition offered in the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. They state:

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The rhetoric used in this quote has shaped arguments around indigenous rights--that is, primarily, the use of "peoples." This definition clearly states that all peoples (that is, distinct groups, societies, or cultures) have the right to self-determination. Although these documents do not deal solely with the rights of indigenous people, they deal with the international civil, political, economic, social, and cultural rights of people in the nations that signed the covenant. It is because of this understanding of self-determination that some nations reject the use of "peoples" in reference to indigenous rights. It is notable that the rights given by self-determination would give indigenous groups the ability to opt out of the political, economic, social, and cultural norms of the dominant governing system. This is because they have the right to freely determine and freely pursue the manner in which they govern themselves. These freedoms, as some nations argued, would give indigenous groups the ability to surpass the individual freedoms, laws, and systems presented by international and domestic legal bodies. For indigenous peoples,

however, the use of “peoples” in legal documents is significant as it gives them the freedom to protect and preserve their identity and culture without outsider interference. The ability to *identify* as a distinct people is one thing, but the legal parameters for controlling their own “destiny” lie in the promise of self-determination, which is inherent in the recognition of collective rights and the language used.

The first major international organization to identify a separate collection of indigenous rights was the International Labor Organization (ILO), a specialized agency of the League of Nations. The ILO’s membership consisted of government, labor, and management from every member state, which enabled them to generate standards that were informed by the realities of the workers and governments in these states (Weiss 2014). They began conducting studies on the conditions of indigenous workers in 1921, and 5 years later they created the Committee of Experts on Native Labour, which held the responsibility of generating standards distinct to indigenous workers. By intentionally conducting research on indigenous workers, the ILO was able to start to form standards that were specific to indigenous realities. After the abolition of the League of Nation and the creation of the United Nations in 1946, the ILO was absorbed by the UN and continued its work (Weiss 2014).

In 1957 the Convention Concerning the Protection and Integration of Indigenous and Tribal Populations (C107) was passed. Those countries that ratified the convention agreed to provide reports concerning the treatment of indigenous populations in their state (Xanthanki 2007). C107 specifies the right to land, the right to remain on their traditional land if the government should try to claim their land without free and informed

consent, the right to just compensation if they are removed from their land, the right to respect of their traditional customs of land transfers, and the right to enough land to provide “the essentials of a normal existence...and promote the development of the lands which these populations already possess” (ILO 1957). Of those countries that did not ratify the treaty, the main justification was that the convention needed to be more general and non-binding in order for it to be more conducive to international application.

In 1989 the ILO passed the second convention on indigenous rights, the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (C169). This convention was ratified by 17 nations (Peru included) and was essentially an overhaul and extension of C107. The C169 included revisions of existing matters in addition to issues that reflect new perspectives on indigenous rights. For example, it advocated for state policy that reflected indigenous rights in terms of indigenous participation and for consultation (Gray 1997). By emphasizing the question of participation of indigenous people, it set an international standard that the indigenous voice should be present at meeting pertaining to their rights. Placing priority on indigenous involvement is in contrast to the historic trend of outsider organizations or people advocating for these communities. This change shifted the conversation as it put a value on the indigenous voice. The increase in participation allowed them an avenue to heighten visibility on the international and the domestic level. In addition, the emphasis on consultation became an important point for indigenous peoples in Peru attempting to protect their lands. Consultation means that the government must consult with the indigenous peoples residing on the land before leasing or reclassifying it. Frequently, the

government would lease or approve exploration on their lands without consulting those who reside on the land, which is an infringement on the rights specified in this convention.

This convention also attempted to change the language to specify the collective nature of indigenous rights by amending the distinction from people to peoples. Through the use of “peoples” in reference to indigenous communities, it recognizes their identity as a distinct culture or entity outside a governing system. That distinction effectively gives those peoples control over matters that concern them, including governance and services (Xanthanki 2007). That shift in language would have made it the first international agreement to intrinsically give indigenous peoples the right to self-determination; however, many nations found this controversial shift to be a deal breaker, claiming that this distinction would give indigenous groups too much power and pose a threat to individual rights and state sovereignty. To that end, the language became more specific and emphasized that self-determination was not guaranteed (Gray 1997). By reverting the language back to indigenous people or indigenous populations, the rights spelled out in the convention pertain to the individual and not the collective.

The rejection of this distinction was poorly received by the indigenous community. The international language shifted back to “indigenous people,” a term that indicates a population. Often government officials will use the term “indigenous populations” instead of “peoples,” a term that does not recognize indigenous peoples as a distinct culture or collective group. As noted in Andrew Gray’s (1997) case study of the Arakmbut in the Peruvian Amazon, the distinction between population and a people is

very clear. The term “population” specifies a quantifiable group, meaning one defines a group by the size, whereas the term “peoples” consists of a distinctive social order, culture, and social formation (Gray 1997). Indigenous leaders and activists did not allow this shift to slip into irrelevance. Regarding this revision, one indigenous leader in 1989 at the Aboriginal Caucus at the ILO meeting said “We are not and never will be mere populations” (Gray 1997, 128). This statement emphasizes the importance this distinction in the rhetoric means for the movement by indicating the rejection of the concept of indigenous populations, not just at this point but always. This sentiment was reiterated at the International Conference on Human Rights in Vienna in 1993; indigenous groups protested, walking with signs displaying the letter “S” (Gray 1997). This protest was their way of identifying the sole importance of the “S” when referring to their communities. The promotion of the term “indigenous peoples” in political discussion and policy has served as a common ground among indigenous activists around the world.

The United Nations Declaration on the Rights of Indigenous People (UNDRIP) represented a huge step for indigenous people in the international arena. The declaration was created through the work of the United Nations Working Group on Indigenous Populations (UNWGIP). This working group, established in 1982, was mandated with reviewing national developments of the promotion and protection of the rights of indigenous peoples and also with developing a set of international standards pertaining to the rights of indigenous peoples. Representation and participation from indigenous leaders was highly valued during this process. Every summer the UNWGIP held a summit comprised of experts, state leaders, and indigenous leaders. When these sessions



first began, the participation was unbalanced and the voices of state representatives and experts were heard above the indigenous leaders. As Alexandra Xanthaki (2007) explains, however, “largely because of their perseverance and often after laborious negotiations, indigenous representatives were eventually given the floor as much as states (and)... access to informal consultations with governments (103).” This shift in visibility allowed them to be a part of the dominant discourse of the UNWGIP’s proceedings and particular value was placed on their voice.

In 1993, during the 11<sup>th</sup> summit, the working group used the suggestions from all concerned parties, with particular regard to indigenous suggestions, to agree on the first draft text of the declaration, which the group submitted to the Commission on Human Rights in 1994. In 1995, the draft was put through another working group consisting exclusively of governments, with the task of helping the draft reach a consensus within the General Assembly (Wiessner 2009, 3). A joint draft resolution between Peru and the working group was submitted to the newly constructed Human Rights Council and it reached the floor of the general assembly by the end of the sixty-first session. In the words of anthropologist Andrew Gray (1997), “although not an indigenous document,<sup>1</sup> the (*at this point*) draft declaration is the clearest reflection to date of the demands of indigenous people for the recognition of their rights” (15). In 2007 UNDRIP was passed through the General Assembly with 144 states in favor, 4 against (Australia, Canada,

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<sup>1</sup> Meaning that it was not completely constructed with the indigenous voice, but rather the indigenous voice was used to shape the document and the dominant voices edited and finalized the document.

New Zealand, and the United States), and 11 abstentions.

The text of this document addressed many key grievances of indigenous peoples, including self-determination, cultural protection, and the safeguarding of their land rights. This was upheld mostly by the definitive recognition of indigenous populations as a people but also in the specificity of the text. Article 3 recognizes the right to freely determine their political status and to freely pursue development and article 4 emphasizes the right to self-governance when relating to matters of internal affairs (Wiessner 2009). Both of these are reminiscent of the language used in the international conventions used to protect rights offered in the UNDHR. The work done in the second round of negotiations focused on protecting the state's interest by specifying that this by no means grants them full independence by lessening state authority, but rather that it allows them to protect their cultural identity and heritage. In addition, the provision set out in Article 46 outlines that in no way do these rights give indigenous groups the ability to violate other international agreements or go against the UN charter or the state in which they reside. These articles protect the state's authority, while maintaining that the state has responsibilities to the indigenous peoples.

One way that the UNDRIP emphasizes the protection of culture and heritage is through the explicit protection of indigenous land rights. The document explains how the relationship and connection to the land that many indigenous groups hold, fuels their spiritual, social, and political relationships. This document validates that relationship and calls upon states to take measures to protect it. The state is to protect indigenous peoples' right to own, use, develop, and control lands that belong to them by means of traditional

ownership or that otherwise are acquired. It also specifies that the use of traditional tenure systems should be permitted and respected (Wiessner 2009). This kind of recognition stands in stark contrast to the dominant discourse of capitalism, which identifies land and nature as a commodity that can be dominated. The evidence of the value of the indigenous voice can be seen throughout UNDRIP. While an international declaration as a stand alone document does not have legal consequences, it does set a precedence on the treatment and understanding of indigenous rights on an international level.

Peru is a signatory of the ILO C169 and participated heavily in the creation of the UNDRIP. The indigenous movement in Peru has also relied heavily in the international legal framework presented in C169 to elevate their grievances. The struggles that indigenous people in Peru have been dealing with specifically during the past 25 years have been the result of western perceptions of development remaining dominant. The rights of indigenous people have been painted as a detriment to progress and economic liberation of the state. The dominant discourse in the state reflected colonial discourse pertaining to indigenous peoples and it took a human rights disaster to challenge this perception. The Bagua massacre enabled the indigenous peoples in Peru to elevate the international legal framework and demand better treatment.

## **Peru**

Peru offers an excellent opportunity to study the discourse surrounding indigenous land rights. This section introduces how the legal Peruvian state has treated indigenous groups historically and examines how the rhetoric surrounding indigenous land rights has

evolved. Indigenous groups in Peru have been systematically marginalized and oppressed since the Spanish colonizers arrived in the late 15<sup>th</sup> century. They are “located at the bottom of the class structure...they have faced pervasive discrimination and social prejudice since the time of Spanish colonisation, and most of them have lived in conditions of extreme poverty, which has severely limited the full enjoyment of their human rights” (Munarriz 2008, 433). During most of the 1900s and into the early 2000s, the dominant discourse surrounding indigenous land rights in Peru was centered around the promotion of neoliberal economic policies and ultimately the continuation of oppressive colonial ideas. Following the Bagua massacre of 2009, however, indigenous peoples gained sufficient visibility to significantly challenge this discourse. By using concentrated communication and the language put forth by international human rights laws, indigenous groups, such as AIDSEP, have been able to create a pro-indigenous discussion in relation to indigenous land rights in Peru, which has informed the way that the Peruvian state responds to indigenous grievances.

The Spanish invasion in the Americas was one of religious and political domination. They were able to justify their invasion through a legal decree known as the *requerimiento* or the Spanish Requirement of 1513, which was ultimately a call to conversion. It stated that if the people living in the regions being colonized by the Spanish did not agree to recognize the pope or Spanish Crown as their rulers, then they had the “right” to impart Spanish rule through physical force. The mandate stated that if they refuse to recognize these stipulations, the Spanish have the right to forcibly enter the country, take the wives and children as slaves, claim dominance over their resources and

goods, and to exact all the harm and damage as they could (Gray 1997, 39). This declaration was read to the indigenous groups in Spanish and if they did not respond with conversion they were deemed to be evil and the Spanish colonizers could do what they pleased. The groups of indigenous people in the Americas at the time did not speak Spanish and so denying the colonizers could have ranged anywhere from actual refusal or genuine confusion and lack of understanding. Thus the Spanish had the right to respond with force, endangering the livelihoods and lives of indigenous people all over the continent. As is known today, this colonization was successful and the onslaught of violence on the indigenous communities in the Americas was vicious and ultimately resulted in the devastation and extinctions of most indigenous groups. This kind of devastation can be seen within the indigenous groups of the Amazon. In the 15<sup>th</sup> century, the indigenous population peaked at around five million. In the late 20<sup>th</sup> century, that population had dwindled to 700,000 (Aviles 2012, 6).

The rhetoric developed by colonizers about the indigenous peoples has generated a perception and understanding that has persisted over time. The preservation of colonial ideas regarding indigenous peoples is a result of many colonial powers remaining primary contributors to the dominant discourse. One such idea is that indigenous peoples are inferior to their non-indigenous counterparts. During the colonial period, declarations such as *el requerimiento* were justified not only through religious pretext, but also through ideas such as natural slavery. Natural slavery is the belief that some humans are innately inferior so that they may serve the superior humans. This understanding led to

the assertion that indigenous peoples are barbarians and act only based on their emotions and instincts, rendering them animalistic by nature, less than human, and thus undeserving of equal treatment. Though scholars opposed these views, the writings of theologians, historians, and philosophers who prescribed and agreed with this perspective were read more often (Gray 1997, 40). Today, although the perceptions are not exactly as strong, one still sees the persisting image of the “Noble Savage.” This framing of indigenous peoples still holds the connotation of less than civilized, but perhaps less dangerous than perceived before. Indeed, indigenous people are often viewed as second-rate citizens who are irresponsible with their resources and are ultimately incapable of existing within civilized society lest they adopt modern or dominant lifestyles.

After its liberation, Peru was founded on ideals put forward in the Enlightenment. During this era, philosophers began to toy with the idea of natural individual human rights with which all people are born and which they carry with them through life. Simon Bolivar, liberator of South America, was influenced by enlightenment writings and teachings, especially those of John Locke. Locke believed that membership of civil society was not universal and also described indigenous people as “wasteful Indians.” In Locke’s justification for colonialism, he claimed that they did not know how to take advantage of their resources and they needed help (Gray 1997, 44). Bolivar reflected these ideas in the Peruvian constitution by limiting the recognition of citizenry to “literate men of Peruvian nationality, of twenty-five years or more, who practiced a profession” (Gray 1997, 44). Most indigenous people did not exist within the same societal structures, often getting education based on their traditional lifestyles and working within their own

communities. Thus the specifications regarding literacy and working in a profession effectively excluded indigenous peoples from the legal citizenry of the newly liberated Peru. The exclusion constructed issues of access within the new Peruvian political and social discourse and native Peruvians were viewed as second-rate citizens who, reflecting Locke's ideals, were unable to properly manage their land and resources.

This kind of narrative was present throughout Latin America post-liberation and can be seen persisting in today's perceptions of native peoples. In an interview conducted at a summit hosted by United Nations University in 2012 with the purpose of discussing land use, climate change adaptation, and indigenous people regarding land management skills of the native Venezuelans, a scholar in the region noted that, before she began conducting research in the area, her preconceived notions of native communities were informed by these beliefs. She posited that they would be unfit to manage their land and that their resource use was wasteful. After she began conducting more thorough research, however, she learned that their land management practices are effective. This change in perspective was most severe in relationship with savannah burning, in which the indigenous people will burn sections of the savannah to hunt (McLean 2012). This practice historically has been seen as unsustainable and as an example of poor land management when, in actuality, it enables them to control the areas of the savannah that burn and also manage forest fires by decreasing biomass at the forest edge. This kind of technique is based off of generations of living on the same land, giving indigenous people valuable ecosystem specific knowledge and thus more than qualified to manage their own lands. Researchers at the International Work Group for Indigenous Affairs found similar

results in a case study in the Peruvian Amazon; they found that during a 50-year period the agricultural practices of the indigenous community resulted in increased forest cover and a more competitive market, whereas the settler community saw high rates of deforestation and an unsustainable market (IWGIA 2014). These findings support the idea that indigenous practices are inherently better for the environment while simultaneously highlighting the unsustainable practices that come with neoliberal treatment of land.

Starting at the end of the 1800s, modern day colonization began to emerge in Peru. A law passed in 1893 allowed for and encouraged migrants to move to the Amazon and use the resources for their economic gain. The high number of *colonos* that entered the region during this time changed the physical and social landscape of the region (Aviles 2012, 5). These *colonos* were searching for resources to increase their standard of living, while paying little to no mind to the indigenous people who resided on the land. This movement also represented the beginning of economic expansion and international interest in the Peruvian Amazon. The excitement around the rubber export resulted in the creation of companies such as The Amazon Rubber Company, which had its headquarters in London. The economic growth created because of this economic boom benefited the elites in London, while the local inhabitants were used as cheap labor and did not reap the economic benefits generated on their land (Aviles 2012). As involvement in international markets and international recognition became more valued the discourse on national success and prosperity shifted and the discourse that emerged was one of international inclusion, which was often generated using economic means. The Peruvian government,



at this point, was far more interested in securing their international boundaries than they were in the wellbeing of the inhabitants of the Amazon, “who were devastated by killings, disease, and slavery” (Aviles 2012, 49). By 1907, most of the workers on these plantations, reminiscent of sugar plantations, were *shiringueros* or local inhabitants. Even so, because the materials were being exported by way of an international company, the 22 percent of the national exports generated by rubber reaped little to no local prosperity (Aviles 2012).

The types of land management policies enacted speak loudly regarding how the government viewed indigenous groups. In 1909, the Law of the Wilds “attempted to distribute the Amazonian territory through a leasing system for the exploitation of natural resources and ignored the existence and the rights of the indigenous population” (Sevilla 2013, 26). The idea of legalizing exploitation was the general trend throughout most of the 1900s. This treatment of indigenous peoples and natural resources was the norm, with the exception of the Native Communities Law of 1974, which was introduced under the military government of Juan Velasco Alvarado (1968-1975). This law was the first in Peru to recognize indigenous peoples’ right to territory and, under this law, their rights became *inalienable, indefeasible, and imprescriptible*. It also gave them “authority and autonomy to solve small claims within the community, and exonerated their territory from taxation. While this law was in place more than 60 indigenous groups from the Amazon started the process of filing for territorial recognition” (Sevilla 2013, 26-27).

Article 10 pertains to land rights:

*Artículo 10°.- El Estado garantiza la integridad de la propiedad territorial de las*

Crank 22

*Comunidades Nativas, levantará el catastro correspondiente y les otorgará títulos de propiedad. Para la demarcación del territorio de las Comunidades Nativas, se tendrá en cuenta lo siguiente:*

*a) Cuando hayan adquirido carácter sedentario, la superficie que actualmente ocupan para desarrollar sus actividades agropecuarias, de recolección, caza y pesca;*

*y b) Cuando realicen migraciones estacionales, la totalidad de la superficie donde se establecen al efectuarlas.*

*Cuando posean tierras en cantidad insuficiente se les adjudicará el área que requieran para la satisfacción de las necesidades de su población*

Article 10: The state guarantees the integrity of the communal property of the Native Communities, it will lift the corresponding cadastre and will grant them property titles. For the demarcation of the territory of native communities, the government will take note of the following:

a) At what point they began occupation of the land in order to develop their agricultural activities, harvesting, hunting, and fishing;

and b) When there are seasonal migrations, the totality of their territory will be remain for them

If they possess land in insufficient quantities, the government will adjust their areas so that the needs of the population are satisfied (DECRETO-LEY N° 22175)

This article is significant because it not only declares the lands of these communities “communal,” thus recognizing the communal nature of these rights, but also points out their relationship to the land for sustenance (that is, farming, hunting, fishing, etc.). This discourse surrounding indigenous rights was completely different from what the indigenous people of Peru were accustomed to. Through the momentum and energy that was felt during this time we also saw the birth of the important and influential group, Interethnic Association for the Development of the Peruvian Rainforest (AIDESEP). This organization is dedicated to raising the voice of Amazonian peoples to address the inequalities they have dealt and also to promoting the preservation of the Amazon. On their website they directly cite the Native Communities Law of 1974 as a driving factor

in the formation of the organization. It was also during Velasco's presidency that Peru saw the nationalization of the oil industry in Peru, which expropriated the holdings of the International Petroleum Company, a sub-company of New Jersey's Standard Oil in Peru (Varese 1998, 29).

Before this law, the Peruvian government and non-indigenous society defined the identity of indigenous people. These definitions were unsurprisingly characterized by ignorance of the indigenous reality in Peru. This lack of understanding resulted in societal discourse that ultimately proved a disservice to the Amazonian community in three main ways. First of all, the Amazonian and Andean identity were not considered to be distinct. Daniella Odette Aviles (2012) points out in her dissertation, "Indigenous rights in the Peruvian Amazon: a new social movement" that it was not until the 20<sup>th</sup> century that Amazonian indigenous peoples' existence was recognized within Peru. When the state attempted to understand the indigenous identity, it relied heavily on its understanding of the Andean indigenous social and ideological structure, which is quite distinct from the Amazonian groups. Second, indigenous peoples were generally associated with being uneducated or uncivilized, which really rests in the fact that their education and social systems are inherently different from that of outsiders. Third, Ximena Sevilla (2013) sheds light on the fact that Amazonian people were considered to be savages in a tribe (27) more so than their Andean counterparts. However, these conceptions and social discourses pertaining to indigenous Peruvians, especially those in the Amazon, were challenged greatly by the Law of Native Communities. The social identifiers began to

shift as a result of the rhetoric used in the law as “native community” became more commonplace and their identity as indigenous people was more accepted. In addition, many of them were on their way to becoming land-owning parties, which entails certain elements of citizenship that had not been enjoyed by native communities before the Law of Native Communities.

The excitement surrounding these reforms was quickly squandered, as the law was quickly overturned when the next regime took power. Morales Bermudez (1975-1980) put into effect various amendments that specified that the lands occupied by indigenous peoples was simply being *used* and not legally *owned*, “thus enabling private companies and settlers to access large spaces of the Amazon for extractive and agricultural activities” (Sevilla 2013, 28), with an obvious agenda of keeping the Amazon open for economic exploitation. The removal of land ownership rights was a huge step back for the indigenous movement in Peru, reaffirming their inferior position in this economic battleground. The focus remained on promoting investment, exploration and development. This dominant and definitional neoliberal discourse often runs counter to a pro-indigenous discourse. As more neoliberal policymaking began to shape the political and economic environment in Peru, these economic ideas and prejudices remained entrenched in the political action of the Peruvian government.

Fujimori: The neoliberal rhetoric became an institutionalized element of the political and economic sphere in the 1990s. Throughout much of Latin America, the 1980s and 1990s were times of harsh economic crises leading to the rise of authoritarian regimes

promoting neoliberal policies. Peru was no exception. Peru's economic crisis began in the mid-1970s when Bermúdez adopted a number of policies from the International Monetary Fund (IMF). These policies contributed to the contraction of the economy after the early 1980s debt crisis. By the end of the 1980s, foreign reserves were essentially depleted and hyperinflation was on the rise. The initial shock treatments sent GDP to the lowest level since 1960s and 33 percent of the industrial production was wiped out (Roberts 1996). This created an atmosphere of social unrest, which prompted the organization of various social activist groups, including indigenous activists. These socio-economic conditions contributed to the 1990 election of an unlikely candidate: Alberto Fujimori, an engineer. Fujimori (1990-2000) ran on a platform of ending the terrorism in Peru and the reinvigoration of the economy. Within the first two years that Fujimori was in office, he decided to follow through with an *auto-golpe* or self-coup. On April 5, 1992, he dissolved the congress, ordered for the complete reorganization of the judicial branch, and temporarily suspended the Peruvian constitution. He justified these actions in the name of protecting democracy and, more importantly, protecting Peru and was ultimately supported by the armed forces and the elites (Burt 2009). While he carries the reputation as the president who stopped the rampant terrorist group El Sendero Luminoso (The Shining Path), he was also leading a regime tainted with human rights violations that were oppressive in intention. Those who stood opposed him were subject to torture, incarceration, and disappearing (Burt 2009). That aside, he often received support from the international community, owing to his neoliberal agenda and connection with organizations such as the World Bank and the IMF.

Fujimori created something of a neoliberal engine in Peru, favoring the privatization of land, resources, and state industry in order to encourage international investment and the flow of foreign capital in the nation (Aviles 2012, Sevilla 2013). His economic policies were directly in line with the Washington Consensus, adopting economic reforms that favored economic liberalization (Munarriz 2008). In the hopes of stabilizing the economy he quickly implemented economic policies, which later became known as “fujishock.”<sup>2</sup> These policies focused on privatization of resources specifically in the Amazon and deregulation of prices and increased protection of the corporations and the private sector (Aviles 2012, 43).

During this time one can also note a clear expansion and focus on the international investment trend in Peru, which would result in the decrease in indigenous land rights and access. To be more specific, he enacted a set of policies to “privatize land use for the promotion of large-scale extraction of natural resources like minerals, oil, and natural gas” (Sevilla 2013, 31) as well as for the agrarian industry. There was somewhat of a silver lining found within his policies for indigenous groups, as the privatization of the land also allowed indigenous peoples to have their territorial rights recognized by the state. This campaign, however, was a misleading attempt to subdue indigenous grievances. The territorial rights were recognized as an individual right to private property, which essentially gave the government reason to void collective rights in the future (Sevilla 2013). Indigenous land rights were also challenged with the new

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<sup>2</sup> An homage to the shock treatment tactics coined by the architect of the Chilean neoliberal reform, Milton Freedman.

constitution of 1993, which is the same year that Peru signed the ILO C169. This was the fourth time that the Peruvian constitution had changes within the century (Gray 1997) and in this version there was a certain element of eminent domain when it came to international investors. With the hopes of promoting foreign investment, if the investment was deemed to be within national interest, the leasing of indigenous territory was permitted (Sevilla 2013). This effectively removed the inalienable protection clause put forth in the Law of Native Communities (Gray 1997).

It was also during Fujimori's presidency that we saw the beginning of the World Bank's reign in Peru. In the mid-1990s the state embraced the organization's "Structural Adjustment Program with the aim to make the country more attractive to foreign businesses through a number of deregulation and privatization reforms, such as lifting of restrictions on foreign land ownership" (Martin-Prével and Kim 2015). These efforts can be seen clearly in the policies discussed previously. The shift to neoliberal policies in Peru resulted in a huge funneling of funds from the World Bank directly. Between 1990 and 2015, Peru saw an increase in loans from the Bank, with around \$7 billion being put into the country during that time. The reforms made by Peru were directly in line with the Bank's vision, so much so that even when Alberto Fujimori converted the government to an authoritarian one in 1992, the World Bank continued to show their unfailing support (Martin-Prével and Kim 2015). These policies were also accompanied by simultaneous emphasis on oppression of the opposition. He used *Decreto Ley* (Decree Laws) to

severely restrict the right of unions to associate, negotiate and strike. Moreover, using the sweeping provisions granted under the new harsh anti-terrorist legislation introduced in 1992, the government security forces arrested and

charged more people with terrorism and security-related offenses than had been arrested during the entire previous ten years. Many of them were union leaders, students, and Indigenous peasants who opposed Fujimori's neoliberal economic policy (Munarriz 2008, 434).

His regime effectively criminalized those who were opposed to his neoliberal policies and hindered activists' ability to "gather, create knowledge, and protest" (Aviles 2012, 53). The indigenous peoples then lost not only land rights, but also their ability to speak out against it. Through criminalizing opposition, he took the indigenous access to communication and projection of their ideals away, further weakening the indigenous discourse in Peru. In fact, in a 1999 article addressing indigenous mobilization, Tracy Lynne Devine points out that "despite the fact that approximately thirty-eight percent of the population is 'officially' considered to be indigenous, there is a remarkable absence of institutionalized social or political organization around indigenous cultural identity" (Aviles 2012, 63). This lack of organization allowed the neoliberal discourse to overpower any kind of indigenous grievances present.

As with the end of many authoritarian regimes, the end of the Fujimori era brought with it a surge of active civil society. Fujimori's regime fell in 2000, followed by the transition government of Valentín Paniagua (2001) and then the elected presidency of Alejandro Toledo (2001-2005). As explained by the anthropologist Maria Elena Garcia (2005), once the overbearing fear of opposing the Fujimori regime was dialed back,

Peru began the twenty-first century with a dramatic explosion of activity in civil society. A striking increase in non-governmental organization (NGO) projects and new social movements, widespread anti-privatization protests and a proliferation of indigenous organizations characterized what some hopefully considered post-senders, post-Fujimori Peru (37).

In many ways, this activity allowed for indigenous groups to invigorate their movement



and reassess their methods of communication, especially since the regime change came with a change in critical approach towards indigenous rights. Although the Toledo regime offered hope of new social and economic policies, which ultimately it did not deliver, the next election bore a different result. The incumbent president, Alan García, elevated his neoliberal policies and discourse by using his power and access to communication to delegitimize and dehumanize the Peruvian indigenous movement and peoples respectively.

Alan García: The economic and social trends of the Fujimori regime gave Alan García the momentum he needed to further enact neoliberal policies that opened up the Amazon, while attempting to placate and dismantle any whisper of indigenous organization. In García's discourse, indigenous communities were the ones responsible for Peru in poverty, specifically that these communities were "self-serving organizations and enemies of modernization" (Sevilla 2012, 34). The main supposition of his rhetoric was that the sole way to empower the Peruvian economy and people was through encouraging international investors to come in to Peru. These investments would be the only way to generate sustainable development and economic growth for all. After reasserting Peruvian commitment to the Washington Consensus by signing a new Free Trade Agreement in 2006, he persisted with the parochial neoliberal economic policies that had become the norm. This trajectory resulted in the passing of a package of decrees that opened the Amazon to foreign investment by limiting the legal hurdles for the purchase of lands and also increasing power to reassert state power on "uncultivated lands" that

were in the hands of the indigenous populations (Sevilla 2012). These land decrees directly affected the indigenous people in the Amazon. By opening the Amazon for exploration, indigenous lands were in danger as "...communal land was expropriated and...local agriculture was ruined due to the contamination of land or the lack of enough land to preserve their ways of agriculture, forcing communities to change their ways of subsistence" (Aviles 2012, 45).

Among the industrial threats to the Amazon, logging and oil are the most harmful. The issues that are more prominent because of these industries are deforestation and contamination of the water sources in the Amazon. As outlined by a report put together by the Oakland institute, "the average rate of deforestation between 2001 and 2012 was 123,000 hectares per year and since 2012, the rates have doubled to 250,000 hectares per year," and of the timber exported from Peru, around 80 percent of it is illegally logged (Martin-Prével and Kim 2015). These figures are echoed by GRAIN's report of the deforestation rates in the Amazon; Peru has the second highest rate of deforestation in the Amazon, second only to Brazil. In 2012, this rate was increased by 67 percent from the previous year (GRAIN 2015). The policies of Alan García favored these kinds of practices to stimulate the international interest in the country's valuable raw materials. The package, however, created a system in which a large amount of resources is being concentrated in the hands of very few private corporations, while not prioritizing the local communities. Not only were the land rights of the indigenous peoples violated, but also negative images of the indigenous peoples were created through García's efforts.

As a result of the set of legal decrees and the anti-indigenous discourse promoted

by García, indigenous resistance increased during his presidency. Directly following the enactment of the Law of the Jungle, indigenous peoples began organizing, mostly through AIDESEP in order to create an opposing force. The indigenous activists used the ILO 169 and the UNDRIP to address the problems that they had with the legal decrees, namely that the decrees violated the indigenous right to consultation (Aviles 2012, 31). The movement then began to hold protests, which created spaces in which the hierarchy of power and the state's dominant discourse was called into question. These protests ultimately "became vehicles to expose demands and showcase the social movement's public support" (Aviles 2012, 36). Using the international legal framework pertaining to consultation the indigenous movement succeeded in getting the government to agree to meetings with indigenous leaders regarding the decrees, which the government did not follow through with. The Bagua massacre was as a direct result of the lack of recognition and resistance that built up in these spaces that were challenging the power dynamic. This massacre, which took place in 2008 resulted in the death of both indigenous peoples and Peruvian law enforcement after law enforcement opened fire from the helicopters above the protest. The protesters were immediately criminalized and called proprietors of conspiracy. The García administration claimed that the Amazonian peoples were hoping to gain independence of their territories (Sevilla 2013, 37), a gross misconception of their ultimate goal of self-determination. This event gave them the national and international recognition necessary to generate interest and gain support from outside groups. It was through his blatant disregard of indigenous rights that indigenous groups were able to find their platform and access to communication, allowing them to become an influential

social movement in Peruvian politics.

### **Language of Dominance**

The argument of this paper rests on the assumption that language matters and, to be more specific, that the language of those in power shapes perceptions of political, social, and economic issues and ultimately informs political action. It is important to note that this study does not argue that language's role in society is the only or even primary contributor to the construction of political action. That being said, to ignore language's role in political action or inaction is ultimately ignoring one of the most powerful influences on ideas and persuasion. The dominant discourse has been the one elevated by those in power, which have more often than not been colonial powers. Meanwhile, indigenous groups are subject to more oppressive political, social, and economic discourses. Their existence inside a state is often defined by national policy, which is meant to recognize their unique organization as valid and to an extent sovereign. Thus these stateless societies often fall victim to the dominant political and economic discourse as it informs the national policy. This creates a delicate and complex dynamic of balancing human rights and national policy, which more often than not will favor the institution that is the state before the indigenous communities. The general trend of apathy and disassociation with indigenous rights on a national level has resulted in the utilization of oppressive discourses to maintain the social validity of the dominant discourse. This section introduces the general theoretical groundwork of critical discourse analysis and identifies instances in which scholars have mentioned the importance of

language in relationship to indigenous rights and treatment.

Teun van Dijk, a critical discourse analyst from Amsterdam, has conducted research regarding the role of discourse in oppression and control of societies. The parts of his work that most directly pertain to this study are his work on both discourse of dominance and power and also his work on the discourse of racism. In his article, “Principles of Critical Discourse Analysis,” van Dijk (1993) outlines important connections between discourse and the exertion of power and dominance in a society. A few key features that he emphasizes in his explanation of this dynamic rest in the hegemonic structure of the social order. That is, the elites are the ones who have power to control social constructions. This control is enacted through normalizing certain notions of inequality through displays of ideas such as speeches, reports, or articles, or it is done through “subtle, routine, everyday forms of text and talk that appear ‘natural’ and quite ‘acceptable’” (Van Dijk 1993, 254). For example, the word “thug” has evolved into a word so racially charged that some argue it is the polite version of the N-word; however, it is an accepted term used to refer to people who have been in a riot or looted stores, etc. The public, however, would be picturing a group of black citizens partaking in the actions, regardless of whether that is the case. This racial connotation of the word ‘thug’ has normalized a micro-aggression that is so dissociated from our cognitive perception of its meaning most people do not realize the racial charge behind the word (Block and McWhorter 2015). Those involved in critical discourse analysis are interested most specifically in when the use of a particular rhetoric results in an abuse of power, namely breach of democratic processes, equality, and justice.

The level of control generated through dominant discourse is made possible through levels of access to communication, knowledge, and discourse. Those who have access to communication, primarily the elites, are the ones who control what is said, how often it is said, and which voices are heard the most often and which are the loudest. Often the groups that are dominated have little to no access to these modes of communication and are virtually silent as a result. Van Dijk argues that this level of control that elites have over the communication within a society allows them to exercise a certain level of brainwashing within a society and thus influence the actions and beliefs within a society (van Dijk 1993). This can be seen directly in relationship to indigenous peoples. When the Spanish first colonized Latin America, they were under decree from the King and Queen of Spain to first try and convert the people living there to Christianity and then if they were not to adhere to these standards the colonizers were given permission to kill, capture, and use the indigenous people and take their lands. They were deemed “savage” and “animalistic,” which, in turn, painted them less than human (Gray 1997). To that end, indigenous populations have been identified as the “other” for centuries and there are still societies that create this image of them, especially when the grievances of the communities go against a nation’s vision of growth.

Van Dijk also identifies how knowledge or lack thereof can be a way to dominate a discourse. Anna Roosvall and Matthew Tagelberg (2015) explain that areas in which indigenous peoples are situated are often “geopolitically remote in relation to centres of power in media and politics” and are thus underrepresented and under supported as they intend to get political attention. Often times, indigenous grievances are not given

sufficient visibility and the political framework and the supports needed to devise pro-indigenous policy is lacking. When we are looking at indigenous groups becoming involved in their governmental system or attempting to elevate their pro-indigenous discourse, there is a clear example of lack of knowledge contributing to their inferior discourse. In Andrew Gray's (1997) anthropological study of the Arakmbut, an indigenous population of the Peruvian Amazon, he noted that within their own political and judicial system, they did not have a word or understanding of rights but rather what is appropriate or good and what is inappropriate or bad. They understand the bad behavior or actions as an illness or imbalance within the obligations people have with one another. This made it difficult for them to communicate their grievances to the Peruvian government when they felt threatened or disproportionately affected because of who they are. Their understanding of rights comes from myths that have been passed down through oral history. One of these myths deals directly with the interference from outsiders or "the white man." The moral of this myth is that they live in a world of constant danger because their existence is essentially surrounded by people and ideas that threaten to destroy their way of life. Their myths and understanding of right and wrong have given them strong relationships to their territory because it informs their identity and sociopolitical discourse. Their permanence and understanding of right and wrong is in stark contrast to the Peruvian government's view on indigenous rights, which has continually shifted and been reconstructed throughout history (Gray 1997, 33). The national discourse on indigenous rights is the one with more visibility and viability in the Peruvian society, as it reaches more people and is based on an understanding of media

presences. Meanwhile, indigenous peoples do not have the access or knowledge of democratic social systems necessary to validate their concerns.

One discourse in particular that plays a huge role in the question of indigenous land rights is the one of development. The international hegemonic structure has allowed western ideologies and beliefs on development to take hold, resulting in a global push toward capitalism as the superior economic system that will promote economic development. Indeed, the elites of nations adopting these economic models are those who control the national discourses regarding the policies. The dominant dialogue will emphasize development, investment, and economic growth while paying no attention to the quiet, though legitimate, grievances of local communities. One paper written about indigenous rights in Chile (Muñoz, 2013) in relation to policies argues that

...historically the legislative policy rhetoric formed by national businesses and foreigners who invest in the exploitation of natural resources, does not coincide with the social, political, cultural, and religious realities, and the needs of the towns that coexist in the territory. Democracy and political inclusion of the masses is dictated from the elite class which imposes their interests and models of development in a hegemonic way<sup>3</sup> (Muñoz 2013, 569).

This kind of disconnect and variability between the national elites and the smaller communities allows for those grievances and realities to be oppressed and for those communities to be subject to dominance and control.

Further, as Sevilla (2012) discusses, when a capitalist state begins to push a

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<sup>3</sup> Original text: “históricamente se conforma una política legislativa retórica, obsecuente con las empresas nacionales y extranjeras que invierten en la explotación de los recursos naturales, que no se condice con la realidad social, política, cultural, religiosa, y las necesidades de los pueblos que coexisten en el territorio, con la democracia e inclusión política de las mayorías, dictada desde una clase privilegiada - la elite criolla – que impone sus intereses y modelos de desarrollo de manera hegemónica.”



multicultural inclusion discourse, it is often a guise used to “validate, but ultimately obfuscate its true neoliberal policies” (Sevilla 2012, 14). This has a lot to do with the consultation aspect of the indigenous discourse and the question of access to communication. If there is no actual consultation of indigenous peoples relating to the economic and political rights then any kind of mention to multiculturalism is simply an empty public display of inclusion and progress. That being said, should indigenous peoples engage with the state using methods outside of the limited opportunities presented by the state, they are considered criminalized and stigmatized as being against the state (Sevilla 2012, 14). This dynamic is seen clearly in the discourse surrounding land rights in Peru as the indigenous peoples tried to work within the governmental framework but ultimately had to take more drastic action in order to be heard and become involved in the national discourse. When the drastic action was taken they were criminalized by the government and were accused of people part of larger conspiracies aimed at stopping development in Peru.

Finally, it is important to consider the role that national identity and indigenous identification can play in oppressive discourse. Within the Peruvian state, there is a clear divide between the identity of the national citizen and the state identifying indigenous populations. In fact, politicians and intellectuals have consistently suggested that the identities of indigenous and Peruvian citizen are incompatible (Devine 2009, 66). This kind of thinking and perception of indigenous identity in Peru has allowed state identifications of indigenous peoples to be highly based on the understanding that they are the “other” and as such the dominant understanding of indigenous reality is painted

from the top down. These communities are often viewed as inferior groups to be dealt with and indigenous identity has fallen prey to state identification of indigenous realities in many capacities.

## **Case Study**

### **Method**

To better understand the importance of discourse in the treatment of indigenous rights in Peru, this section presents an analysis of the changes in language used as the indigenous movement gained validity. During the García regime, there was a clear rhetorical campaign against indigenous people while preaching development for all. Following the Bagua massacre, indigenous groups had the attention of both national and international human rights groups giving them not only a larger stage to voice their opinions, but an international rights rhetoric on which to base their discourse. The aim of this study, then, is to identify the differences in the language used by Alan García and indigenous leaders and also the role that access and visibility had on each conflicting discourse.

During his term as president, Alan García created a very clear discourse indicating the importance of economic growth in Peru, with direct emphasis on the growth that extraction of natural resources would bring. These ideas directly lessened the perceived rights of indigenous groups, especially in the Amazon. To demonstrate this point, this study focuses a critical discourse lens on excerpts from his inauguration speech, his article “El Síndrome del perro del hortelano,” and the speech he gave at the signing of the Free Trade Agreement. These three examples of the discourse he provide a platform for examining his construction of the Peruvian identity through the inauguration speech, his portrayal of the indigenous movement to the Peruvian people through his article, and the image he was portraying to the outside world and potential investors through his speech to the American lawmakers. To demonstrate the differences in

rhetoric used by successful indigenous groups in Peru, this section examines primarily the communication of AIDSEP, the most prominent indigenous-run activist group in Peru. These include an interview with the former president Alberto Pizango, a statement from Amazon Watch, and a statement from a protest organizer. By identifying themes and tools used in oppressive discourse in Peru, this analysis enhances the understanding of the connections among neo-liberal policies, land rights, and human rights violations.

This study uses a system of labeling similar to that of Jacqueline Messing's (2007) study of language shift in Tlaxcala, Mexico. The study conducted by Messing examines the manner in which indigenous and non-indigenous Mexicans spoke about native languages and the social implications present when these languages are spoken. In her study she classified the distinct societal and political discourses present using a system which identified different social movements in Mexico. To that end, the discourse analysis of this study will be based on the social and political lenses that had been generated in Peru up to this point. In the case of Peru they will be labeled as anti-indigenous, anti-neoliberal, pro-neoliberal policy, and pro-indigenous discourse. The portions of text thus are formatted as follows:

<i>Anti-indigenous</i> discourse	SMALL CAPS
<i>Anti-neoliberal</i> discourse	<i>italics</i>
<i>Pro-neoliberal policy</i> discourse	<u>underlining</u>
<i>Pro-indigenous</i> discourse	<b>boldface</b>

In defining certain discourses, it is easy to stray into the practice of identifying certain words or phrases that make up a certain rhetoric. This runs the risk of generating

superficial analysis that does not take into account linguistic nuances that can often define intention. While certain semantics will be taken into account in this study, it more so borrows from the ideas presented in the introduction to *Racism and Discourse in Latin America* (Van Dijk 2009). Phrases and words can often times be too limiting and, even so, these linguistic elements need to be taken in stride with the context and the audience. It is thus more integral to look more specifically at the ways that the “Us” talks about “Them.” Van Dijk lays out the principles of oppressive text and talk as follows:

- To emphasize the positive things about Us, the in-group
- To emphasize the negative things about Them, the out-group
- To de-emphasize the positive things about Them
- To de-emphasize the negative things about Us

Keeping those principles in mind, it is important to review some of the ways that oppressive discourse can work against indigenous peoples. One way to create a pro-indigenous discourse, as we have seen in the discussion regarding international conversations on indigenous rights, is to emphasize the communal nature of an indigenous peoples’ existence. This element is crucial to a pro-indigenous dialogue. This can come in a few forms. The most widely used and accepted is the use of the term “peoples” or the recognition of “a people,” It can also come in a more direct sense as we saw in the excerpt of la Ley de Comunidades Nativas. This article in particular stated explicitly that their lands and rights to the lands were belonging to the native communities instead of the individual. This is also seen in the validation, recognition, and acceptance of their cultural norms. Anti-indigenous language can be created by painting

indigenous people as the enemy of progress, modernity, or development or as a people that must be managed. This conception of indigenous peoples stems from colonial discourse of indigenous people as the inferior culture and an ethnicity that is unfit to manage their land. Pro-neoliberal discourse focuses on the well-being of the state, laying a heavy emphasis on strong national identity, the importance of international *investment* as the only way to generate growth within a society.

Another important element is the party or actor doing the talking. It is important to ask if a text or talk is truly pro-indigenous if there is another organization speaking for the “other.” In anthropologist Paige West’s book *Conservation Is Our Governance Now* (2006), the author analyzes the effects that land management has had on the indigenous people in Papua New Guinea. She puts the issue quite well when speaking about the relationship between NGOs and the communities actually affected:

NGOs often produce and circulate certain discourses about the relationship between nature and culture and then act upon their own discursive productions as if they were real. They produce ‘problems’ to be solved...veiling them in a progressive veil of human rights. But we often fail to discuss...that NGOs have become the discursive and material terrain through which ‘indigenous’, ‘native’, and ‘other’ peoples are known to outsiders (West 2006, 9).

It is important that the projected issues of indigenous peoples are actually grievances to the communities and that the solutions, discourse, and so on comes from them. As discussed previously, Andrew Gray (1997) notes that the UNDRIP, while making significant strides in defining indigenous rights, is not actually an indigenous declaration. When the text or talk comes directly from indigenous people one can observe a genuine representation of the communities, in place of an organization hoping to find another

community to be the face of their cause.

Finally, it is important to take note of a two key elements surrounding the text or talks analyzed. The historical and social context of the discourse explains the issues being addressed and the importance. Further, the intended audience of the communication demonstrates for whom the message is meant to influence and also the power of the voice being used. These two considerations, paired with the levels of access, knowledge, and frequency of discourse, enable us to conceptualize the social impact that the messages have. These messages have the power to frame societal attitude, political legitimacy, and the *necessary* oppression of certain groups. The following section analyzes texts and talks from the time leading up to the Bagua massacre and how the dominant discourse was challenged following the event. This change ends up shifting the political and societal framing of indigenous land rights in the Peruvian Amazon.

## Analysis

*“Everything we need for our survival is in the rainforest. That’s why we are defending it with our lives.”*  
-Solamón Aguanash

Alan García won the 2006 presidential election, obtaining 53 percent of the vote. This, his second presidency, was coming off the heels of Alejandro Toledo’s presidency (2001-2006), the first person of indigenous descent to be elected president in Latin America. Toledo used his heritage as an important talking point of his campaign but worked only sparingly on indigenous issues during his presidency. His inauguration ceremony was held on Machu Picchu, at which point he signed the declaration of Machu Picchu,

promising to protect indigenous rights. During Toledo's presidency, he continued some of the neo-liberal economic policies put in place by Fujimori. These neoliberal policies were actually enacted after García's first presidency in which he sent Peru into an economic spiral. His first presidency, which was marked by an annual rate of hyperinflation above 7,600 percent and extreme violence within the sendero luminoso terrorist group (Taft-Morales 2006), made him an unlikely candidate owing to his negative reputation. In the 2006 election, he ran against Ollanta Humala, who many were concerned was going to create a Chavez-like Peru. García He did well in areas with higher socioeconomic standing such as the densely populated coast, but he did not receive the votes of those in the impoverished regions of Peru and the rainforest regions (UBC 2006).

On July 28, 2006, Alan García delivered his inaugural speech before the Peruvian congress. In his address he put forth the issues that Peru faced and his goals for the nation. Through his speech he generated a sense of nationalism and pride in the Peruvian people, focusing specifically on the income inequality, economic production, governmental corruption, and the need to empower young people. This speech was televised on Peruvian National Television. The transcript used in researching this paper is based on the C-Span live translation of the speech (García 2007a). Although García talked about helping the poor people of Peru, he did not mention the indigenous community as part of the impoverished Peruvians.

García looked to the economic changes that globalization brought and the lack of inclusion as the root of many of the social issues in Peru: "Globalization without



integration and without a state that represents its people leads to inequality, poverty and exclusion.” To this end he asserted that privatization and stability were not enough to generate a thriving country, but rather the state needed to be one fighting for justice and employment, allowing for participation without exclusion. The parts of his speech focusing on inclusion did not specify who was being excluded and what a more inclusive Peruvian society would look like as a more inclusive society. This lack of specificity enforced the idea that these terms were being used as flashy keywords to create an image of social justice and progress in Peru. The image of social justice is further generated when he said “...the time of the people has come, the last shall be first....” These words insinuate that the ones with the least and who have been the most oppressed or marginalized are going to be put first. In this speech the last are the poor of Peru, at this point the 13 million living in poverty and 5 million living in abject poverty. To materialize this idea, he outlined the following goal:

Our goal is to grow. But to grow more and with jobs. Supporting producers and bringing more investment. Opening Peru to competitive commerce with Europe, South America with the United States and with Asia. Our goal is justice. Making the state a state of the poor that promotes employment and compensates regional inequality and social inequality.

His regime based its policies off neoliberal perceptions of development by emphasizing growth, investment, and competitive commerce. By looking at these principles along side conceptions of social justice such as equality he thus offers these neoliberal practices as tools for seeking social justice. Connecting these two concepts is a huge part of his pro-neoliberal policy rhetoric. In stark contrast to his predecessor, García did not talk about indigenous peoples in his speech or, rather, not directly.

Later in the speech, when talking about the importance of strong trustworthy government, he says that without these institutions and order, we will "...REVERT back to the instincts of warring TRIBES." This phrase is the only mention of any kind of indigenous life in the speech and it is reminiscent of the discourse that existed before *La Ley de la Comunidades Nativas*. One can recall the term "tribe" was taken out of popular and political use following this law as the term "native communities" or *pueblos* became more prominent. This language is reminiscent of colonial discourse used to describe indigenous people, and although he makes no direct comparison between the "warring tribes" and the modern day indigenous populations, the emphasis of going backwards to these societies offers a certain negative connotation around indigenous peoples. This subtle blow begins his anti-indigenous discourse and helps normalize the idea that indigenous peoples are backwards. It brings into question the legitimacy and effectiveness of their political system, the civility of their people, but above all it separates them from national Peruvian identity. Thus when looking back on the rest of the speech, it leads one to question if indigenous groups are included in his ideas of integration, his idea of "the last" or his concepts of Peruvians in general. The language present generates a sense of national identity and national interest, but it is questionable if indigenous peoples are to be included in this Peruvian identity.

On October 28, 2007, *El Comercio*, a Peruvian newspaper, released the first of a series of opinion editorials written by President Alan García (2007b). The article, entitled "El síndrome del perro del hortelano" ("The Dog in the Manger Syndrome") talks about indigenous peoples in Peru in relationship to land ownership, development, and economic

prosperity in Peru. *El Comercio*, based in Lima, is the oldest and most influential newspaper in Peru. Known for its more conservative views, *El Comercio* appeals to the upper-middle class of Peru, along with the elites. During the time that this article was written, García had been in office for under a year and was working on institutionalizing his neoliberal agenda, but first he wanted to generate a common social perception of his development aims. The attacks García wages on the indigenous people in this article paints them as the enemy of economic progress in Peru. The content, the audience, and the political push that followed elevated his rhetoric as the dominant discourse in Peru at the time.

Starting with the title, “El síndrome del perro hortelano,” García begins his metaphor of indigenous people. This title is an allusion to a fable, “The Dog in the Manger.”” It tells the story of a dog lying on the hay, not because he wishes to eat from it, but because it does not want the other animals to do so. Right away, this was the discourse that was being formed by García’s article. He claimed that the indigenous peoples were simply sitting on the land they occupy, not because of their own well-being or livelihood, but rather that they were doing it selfishly, taking away the potential prosperity of others. This perception is a misconception of the reality in Peru, especially in the Amazon. At this time, the majority of the land in the Amazon is under concession and even protected areas, or those set forth as reserves are not completely protected (see the following map). To further claim that the indigenous peoples were simply sitting on their land in a selfish manner invalidated their way of life. The indigenous way of life is often defined by the way in which the indigenous peoples interact with their land and live off the earth,

because it acts as a source of life.

One of the greatest tools in generating a dominant and ultimately oppressing discourse is the distinction of the “Other.” Starting with the first paragraph there is a clear division between “Us” and the “Other”:

*El reclamo por la titulación de la vivienda es muy grande. Cada peruano sabe que con una propiedad legalizada, vendible, hipotecable o transmisible por herencia puede mejorar su situación. Pero el Perú como conjunto tiene el mismo problema y no lo sabe. Muchos de sus bienes no se pueden poner en valor, ni vender, ni se puede invertir en ellos, ni generar empleos con ellos.*

Claiming property through titles is widespread. Every Peruvian knows that with a property that is legalized, sellable, or transmittable through inheritance your situation can improve. But Peru as a whole has a problem with this and does not know it. Many of your assets cannot be valued, sold or invested in or generated by them.

By claiming “every Peruvian knows” (the “Us”), he isolates those who disagree with the following statement as un-Peruvian (the Other). He then paints a picture of what could be and how that would better the “Us.” He insinuates that if only the Peruvians had access to all of their resources, their situation would improve, which is an important element of a pro-neoliberal discourse. He emphasizes that the general well-being of the Peruvian people would improve if these policies were introduced. He then begins to create a harrowing representation of the current state of Peru’s natural resources. He points out that that the millions of acres that are sitting idle, sustaining under-productive communities, could offer jobs and ultimately social security and pensions later on. He concludes

*Así pues, hay muchos recursos sin uso que no son transables, que no reciben inversión y que no generan trabajo. Y todo ello por el TABÚ DE IDEOLOGÍAS*

*SUPERADAS, POR OCIOSIDAD, POR INDOLENCIA O POR LA LEY DEL PERRO DEL HORTELANO que reza: "Si no lo hago yo que no lo haga nadie."*

Thus there are many resources that are not tradable, do not receive investment, and do not generate work. And by way of TABOO OF IDEOLOGY SURPASSED, BY IDLENESS, OR BY THE LAW OF THE DOG IN THE MANGER that prays: "If I cannot do it, no one can."

García looks for justification regarding why these resources have not been utilized and, ultimately, asserts that ideology, laziness, or selfishness are the reasons why. This assertion not only deepens the fissure between indigenous Peruvians and non-indigenous Peruvians by blaming their ideology, but it also recalls the mindset of his forefathers. By noting that those on the land are too lazy or selfish to turn the resources into economic capital, he is using language and logic reminiscent of Locke and Bolivar. Further, he places emphasis on the neoliberal ideas of foreign investment and trade as the apex of success and economic prosperity. In fact, the last statement of the article states, "*Y esa es la apuesta del futuro, y lo único que nos hará progresar*"/This is a bet on the future, and the only one that will make us progress." Again the article shows this "Us" and García is putting the stake and the future of the "Us" on the hope of turning the natural resources into sources of investment, income, and, ultimately, the betterment of Peru. This Peru, however, is still the Peru of the "Us" and not of the "Other."

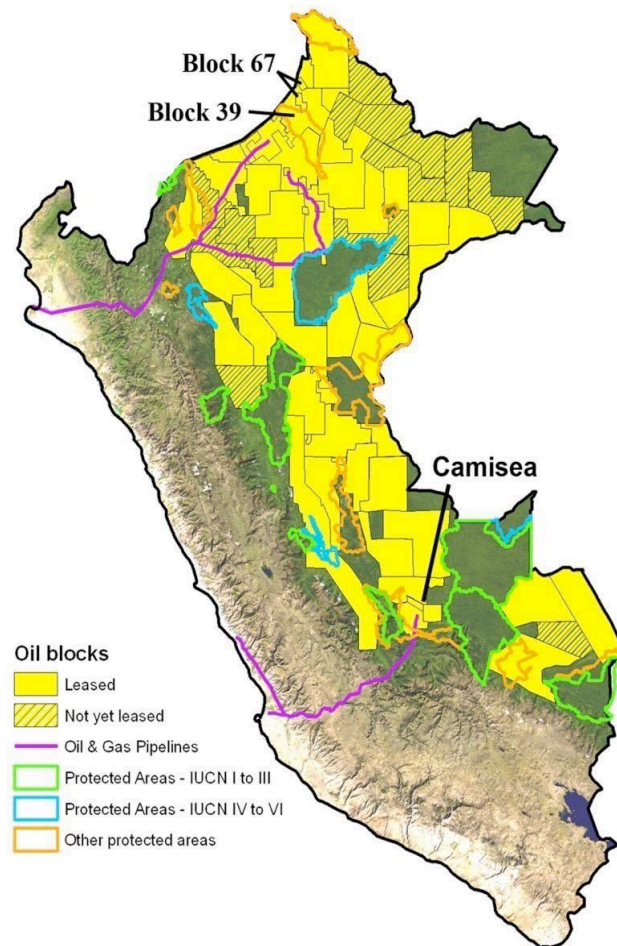
Another interesting part of this article is when, still talking of the Amazon, he says,

*Ahora solo existen las concesiones que dependen de la voluntad del Gobierno y del funcionario que puede modificarlas*

Right now there are only concessions that depend on the will of the government

and the officials that can change them.

In this statement, he is hoping to make the threat of concessions seem less dangerous by claiming that the only concessions that exist come from the government. This is another way of emphasizing the positive things about neoliberal policies. In the hopes of placating concerned parties, he forgets to mention that the grand majority of the Peruvian Amazon has been sold to concessions, specifically to oil concessions. Figure 1 (Finer et al. 2008) outlines the territories that are leased for oil and gas concessions alone, not leased, under protection, and belonging to indigenous groups.



**Figure 2:** “Oil and gas blocks in Peru” (Finer et al. 2008.)

As is evident through this map, through the government's will, large portions of the Amazon had already been leased to oil concessions. García frames the Peruvian government as the protector of the land, insinuating that they would ensure that the concessions are fair. The reality, however, is that the concessions that had already been granted violate indigenous land rights and had resulted in a number of human rights and environmental catastrophes.

He further claims that the main reason for their lack of production and cultivation of these lands is linked to their lack of quality education:

UN GRUPO DE MALOS PROFESORES Y MALOS FUNCIONARIOS EXIGEN NO SER EVALUADOS PARA ESCONDER SU MEDIOCRIDAD Y ASÍ EL SISTEMA SIGUE PRODUCIENDO RESULTADOS SIN VALOR. Y los de siempre dicen: "QUE ME DEN MÁS SIN QUE YO CAMBIE Y SIN QUE HAGA NINGÚN ESFUERZO." Así pues, son aliados del minero informal, del maderero clandestino, de la MISERIA *CAMPESINA*, del empleo informal y de la FALTA DE MÉRITO Y ESFUERZO.

A GROUP OF BAD TEACHERS AND BAD OFFICIALS DEMAND THAT THEY ARE NOT EVALUATED IN ORDER TO HIDE THEIR MEDIOCRITY AND THUS THE SYSTEM CONTINUES TO PRODUCE INSIGNIFICANT RESULTS. And they will usually say "GIVE ME MORE EVEN THOUGH I HAVE NOT CHANGED OR DONE ANYTHING VALUABLE." As such, they are the allies of the informal miner, the clandestine logger, the MISERABLE *CAMPESINA*, informal employee, and of the LACK OF MERIT AND EFFORT.

He says how he is hoping to replace the uneducated communities in these areas rich with natural resources with those educated and willing to support the neoliberal system. This attack on education has been linked to be a source of hidden racism in Peru. In Teun Van Dijk's *Racism and Discourse in Latin America* (2009) the author addresses the issue of racism in Peru. It is one that is hidden very well and often times does not surface as racism, but rather a jab at a person's educational level. Education in Peru is seen as a

symbol of status and Peruvian culture; those who do not participate in traditional schooling (as many indigenous peoples do not) or those who do not have access to highly funded education are seen as inferior. The education system, as such, is considered the great equalizer—so long as they assimilate to this standard of education and cultural understanding. García's comments regarding the education of the lower class and "miserable *campesinas*" is a prime example of just this. He believes that if the education of these groups were better, they would be more likely to abide by the conditions outlined by his neoliberal model regarding resources. Because they do not have this level of education he creates a deeper divide between the "Us" and the "Other."

García's article is an example of a social tool in which García is hoping to instill his neoliberal and ultimately anti-indigenous discourse. Through the clear division of between the "Us" and the "Other" we can begin to comprehend the fissures between the indigenous community and the neoliberal agenda of the García regime. His discourse is most directly pointed at the Amazonian region; this can be attributed to their large amount of natural resources, but it can also be seen as an attack on the "weakest link." The indigenous groups in the Peruvian Amazon had a lower geopolitical visibility than the groups in the Andes region. The indigenous peoples of the Andes had already engaged with the government when the mining conflict happened a few decades before. The Amazonian group AIDESEP did not have a strong voice at this point because their cause was not as unified as a genuine organization and the movement had only just begun. Before the direct economic attacks on the Amazon there had not been a cause crucial enough to unify the various indigenous peoples in the region. It was very difficult



to gain visibility, because the audience was not politically strong enough to challenge the dominant discourse. Their grievances had not met the ears of the non-indigenous Peruvian communities and so the pro-neoliberal discourse was not met with much resistance and gained dominance.

This discourse was also informing García's political actions. One of García's most notable pushes on the neoliberal agenda was the signing of the Fair Trade Agreement (FTA) with the United States. On December 14, 2007, a couple of months after García released the first in a series of OP-EDs, he signed the FTA Promotion Act alongside U.S. President George W. Bush. The FTA's aim is to open foreign markets to U.S. exporters. "The reduction of trade barriers and the creation of a more stable and transparent trading and investment environment make it easier and cheaper for the U.S. companies to export their products and services to trading partner markets" (ITA). For Peru, this means that Peru lowers their barriers for foreign investment and trade, thus opening up their natural resources and land to outsiders. The speeches both presidents gave to those present at the signing of the bill focused on the importance of free trade in relationship to economic growth, empowerment of the poor, and social justice. Alan García said that this agreement would help promote "democracy, social justice, and freedom." In addition, he claimed that it would generate "scientific and cultural development" benefiting the Peruvian peoples. These claims are in line with the rhetoric García had been forming back at home, echoing the sentiments that these agreements would lead to practices that led to the overall enhancement of the Peruvian state and creating links between these neoliberal policies and justice.

When addressing how this act would affect the lower class, he says the following:

an extension for the environment and on labor chapters, which will favor the poor, the population in the Andes, and their small enterprises....

...in Peru this treaty would not exclude the poorest of the Peruvian workers. On the contrary, using the words of the great Abraham Lincoln, it will be a free trade agreement of the people, by the people, and for the people.

He emphasizes that the poor Peruvian will not be excluded from the benefits of this trade agreement. These quotes both offer a certain level of general pro-indigenous discourse. It is important to consider the audience that this speech had. Although he was speaking directly to only a room of U.S. lawmakers, the event was televised and affairs involving the United States often gain international attention. Indeed, this speech needed to have the ability to withstand international scrutiny. Although he is using this pro-indigenous discourse at this level of visibility it is hard to find him engaging in this discourse on the domestic level. Thus, it seems as though this glimmer of pro-indignity is almost there to assure the international community that the indigenous populations have not been excluded from the benefits of his neoliberal policies.

In the first quote, he talks of the “populations in the Andes,” which we can infer is the indigenous peoples and other small communities in that region. He does not, however, contrary to his Op-Ed, make any reference to the Amazonian region and the populations and communities there. Recalling the points made by Aviles (2012), the Amazonian peoples were not even fully recognized until the 20<sup>th</sup> century and even then their identity was hardly distinct from that of their Andean counterparts. Through omission of the Amazonian people in his speech, this reaffirms the inferiority of

Amazonian peoples even within in the indigenous hierarchy. The absence of recognition of their communities on the international level speaks volumes. By laying his focus on the Andean communities, he makes no promise that the FTA will benefit the peoples of the Amazon. The exclusion of this region seems to be a way to divert their attention away from his intentions in the Amazon while promising social justice and economic benefits to those small Andean businesses. In the second quote, which is in the conclusion of the speech, he again emphasizes that the poorest Peruvians would be included in the benefits of this agreement. He emphasizes that it would be for “the people,” meaning the citizens of Peru. As is evident through his construction of Peruvian identity in the past, indigenous peoples do not seem to be a part of that identity. Even though he speaks about the Andean communities, the exclusion of the Amazon further removes the Amazonian peoples from this identity.

This pro-neoliberal discourse prevails when the García administration passed the legal package of 2008. These decrees focused on opening the Amazon up to resource exploration and privatization by way of logging, mining, bio-fuel development and the like. This set of decrees upheld commitments made in the Free Trade Agreement with the United States the prior year. The García regime argued that in order to push the FTA as far as it needed to go, the executive branch needed to be granted more legislative power. In order to comply, the Peruvian congress passed law No. 29157, which gave the executive branch the ability to put legislation through for nearly six months. During this time, the García administration enacted 99 different decrees that aimed to reclassify the lands considered “underproductive” to “productive.”

The main geographical focus of these decrees was the Amazon region of Peru. Because these laws were a set of economic policy laws, he institutionalized the western, neoliberal development model. This model, in many regards, is reminiscent of colonial mentalities toward the land. The land is something to be controlled and cultivated by the dominant power (the government and the colonizers), turned into an economic commodity and, ultimately, to benefit those in control of the land. This is a large element of the pro-neoliberal discourse as we have seen in the way he spoke about natural resources in the Op-Ed. By turning resources into representations of money and prosperity, the resources are stripped of any natural value. Many indigenous groups saw these connections as well and called this package *La Ley de La Selva*/The Law of the Jungle. It is quite possible that this name is an embodiment of the hypocrisy that the indigenous peoples saw with the government trying to control their lands. Here the government was attempting to control the jungle, a natural body that, in the minds of indigenous peoples should remain uncontrolled, wild, and productive in the way it is in its natural state. By attempting to put the control of the jungle into law, the government was taking away what made the jungle special in the first place.

By putting his neoliberal agenda into law he was also violating rights put forth in the ILO C169, of which Peru is a signatory. Using an international legal platform is the way that AIDESEP began their resistance against the decrees. The series of protests that followed focused on blocking certain roadways and hubs of commerce within the Amazon. By doing this, they hoped to catch the attention of the government, the towns that benefited from these transactions, and the international partners who had a stake in

Peruvian natural resource production. Their intentions were twofold: first, they wanted to elevate the indigenous cause, and, second, they wanted to ensure that the Peruvian government upheld the legal promises made on the international and domestic level. By highlighting the sections of the ILO C169 and the Peruvian constitution that protected indigenous lands and emphasized the need for indigenous participation in the development of their lands, their cause generated legal, political, and social influence.

Alberto Pizzaro best describes the main justification of these protests:

*The government has not defended us against the oil, mining and logging companies that continue to pollute our communities after they illegally entered our lands. **The government is not abiding by international treaties signed by Peru as well as our own Constitution.***

This quote represents an anti-neoliberal discourse by emphasizing the faults and harms that come from the neoliberal policies enacted by Peru through the years. By elevating the international legal framework that Peru is part of, the indigenous cause gained more legitimacy and tangible consequences. By questioning the legality of the government's anti-indigenous actions, they are able to apply the international legal framework to a pro-indigenous discourse. As a result of these protests and the international legal framing of the issue, the government met with indigenous leaders and some of the decrees were lifted and the government promised to consult with the indigenous peoples regarding the remainder of the decrees. This consultation and participation idea is something that was present in Alan García's inauguration speech when he stated that a nation that does not value the inclusion and participation of the citizens is one ripe with social injustice. At this point, the indigenous peoples of Peru were not privy to this level of inclusion and the

latter promise was not upheld, resulting in the continuation of the demonstrations.

In May 2009, as the protests continued, the Peruvian state declared a state of emergency. This state of emergency “suspends the constitutional rights of personal safety and freedom, the liberty of gatherings and public meetings, and freedom of transit, and authorizes law enforcement officers to search people’s homes or other private property without a warrant,” which takes away many of the rights promised by the Peruvian constitution, rendering them even more so less than Peruvian citizens. This move also politically criminalized the protesters and led to the exile and persecution of many AIDSEP leaders, including the president at the time, Alberto Pizzaro. In an interview with the *Peruvian Times*, the Peruvian Prime Minister Yehude Simon recognized that the state is at fault for not communicating effectively with Amazonia, however, he argues that the protests are wildly misinformed, specifically regarding the risks and scope of the legislation. He stated that:

The Amazonian groups are taking on ATTITUDES THAT DO NOT HELP IN THE LEAST, because THE STATE CAN STOP THAT VIOLENCE BEING CREATED AND THERE COULD BE A HIGH SOCIAL PRICE, and we are not interested in that (Peruvian Times 2009)

This statement is an attempt to delegitimize the protests of the indigenous groups, blaming the protesters for the violence that has been or could be generated by these protests even though it is the government threatening to use force. In addition, his statements also attempt to elevate the perception that the indigenous communities are uneducated and ultimately confused as to what is happening or will happen in the Amazon. This idea directly contradicts the state of the concessions, especially oil and gas

concessions, in the Amazon. Looking at the trends before the decrees were passed, it is clear why the indigenous communities in the Amazon were ready to fight. In 2004 around 13 percent of the Amazon region was up for exploration and not three years later that number had increased to 70 percent (Stetson 2012). This increase was before the legal decrees passed by García and represents the intentions of the administration.

In response to the state of emergency, we start to see very tangible international support for the indigenous peoples of Peru. An example of this can be seen in the statement given by the Executive Director of Amazon Watch, Atossa Soltani:

It is unfortunate that the government is resorting to call a state of emergency and sending in troops to break up the peaceful blockades. We urge the García administration to refrain from using force and instead enter into **meaningful talks with indigenous peoples to resolve this conflict**. Indigenous peoples have legitimate concerns and each day **more Peruvians and more people around the world are joining them in solidarity**.

This statement illustrates the alternative view of the protest in which these protests and grievances are legitimized. The peaceful methods of the indigenous protestors are compared to the aggressive and forceful ones proposed by the government, generating a different form of pro-indigenous discourse. This discourse represents an international understanding of the situation and by emphasizing what is bad about the government, they are hoping to harness support for the indigenous cause in Peru. This quote emphasizes that the hope of the indigenous groups, in fact, is to engage in peaceful and meaningful discussion, while the choice to exert force was a decision made first by the Peruvian government. It also acts as a warning in and of itself of the harm that could come to the government's cause should they continue with their general treatment of the

indigenous community and protest. In doing so he recognized the power that the international community has in this matter. As the indigenous peoples in the Peruvian Amazon continued to gain visibility, more and more people saw what was going on. The Amazon peoples, using the international legal framework, have the legitimacy and discourse necessary to harness the support of groups at the international level and at the domestic level. He notes that there is already energy generating in solidarity with the protests and alludes to the possibility that more will do so if force is used. The government ultimately did not heed these warnings.

In June 2009 the Bagua massacre took place and represents the culmination of the clash and dichotomy between the García regime and the indigenous people of the Amazon. The death tolls vary; however, the most common figure shows that around 25 police officers and 11 protesters were killed, many protesters were wounded and “disappeared”. Many witnesses identify police forces as the aggressors. The reactions of the government following the protests further attempted to criminalize the indigenous peoples and ended up detaining around 65 protesters. When responding to this event, Alan García said the following:

*ESAS PERSONAS NO SON CIUDADANOS DE PRIMERA CLASE. ¿Que puedan decir 400 mil nativos a 28 millones de peruanos: 'ustedes no tiene derecho de venir por aquí'? ¡De ninguna manera! Ese es un error gravísimo. Quién piense de esa manera quiere LLEVERNOS A LA IRRACIONALIDAD Y AL RETROCESO PRIMITIVO.*<sup>4</sup>

THESE PEOPLE ARE NOT FIRST CLASS CITIZENS. What can 400,000 natives tell twenty-eight million Peruvians? “You all do not have the right to come here”? Not at all! This is a terrible error. Whoever thinks like this wants to TAKE US TO THE IRRATIONALITY AND PRIMITIVE BACKWARDNESS OF THE PAST.

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<sup>4</sup> <https://www.youtube.com/watch?v=rlj6XBa7pAE>



One can see through this quote that García's rhetoric against the indigenous people of the Amazon had only become more direct and more forceful in reaction to the protests. In response to a very harsh and important situation, García responded in a more uninhibited manner and confirmed many of the insinuations from the two speeches and the Op-Ed. He sees the indigenous communities, specifically of the Amazon, as less than citizens and does not consider them part of the Peruvian identity. In addition, his rhetoric blatantly disregards any validity to territorial claims or legal rights these groups have. Instead he makes them seem smaller by defining these people by their number, which defines a population not a people, and compares it to the entirety of the Peruvian population. Using numbers here, he creates a divisive device used to elevate his development goals as helping this large number of people, while the indigenous peoples' claim to land would help only a few. He further solidifies the "Us" v. the "Other" when he defines their way of thinking as "irrational," "primitive," and "backwards," which echoes claims he made in "El perro del hortelano" and also more traditional colonial thinking and rhetoric. In hopes of protecting the neoliberal agenda he had started to put into motion, he ironically goes backwards in his thinking to attempt to delegitimize the indigenous movement.

In an interview following the protest, Awajún leader Salomon Aguanash, the president of the regional protest committee conducted after the protest, we can see how the indigenous communities are reflecting on the recent events and how the actions of the government were viewed from their perspective. He recalls how on the day of the massacre the protesters were ordered to let the trucks through by 10am, but by 6pm

police officers and other armed military officials in the hills and from helicopters began firing at the indigenous protestors as if to “catch us off guard” and how it seemed as though “they had orders to kill us.” As soon as protestors dropped dead, the other protestors responded either by retreating or responding with force. Alan García said that the attacks on the police were “savage” and “a genocide.” In response Aguanash talks about the marginalization and loss of life experienced in the indigenous communities due to the stubbornness and opposition from the government. He also explains the main point of fighting for their land rights in a very concise way. “Everything we need for our survival is in the rainforest. That’s why we are defending it with our lives.” The Amazons and that land on which they reside represents more than the value of the recourses, but rather a direct source of life and ultimately identity.

In addition, he explains very clearly the conflict between the government’s anti-indigenous rhetoric and the indigenous reality:

We are not opposed to development, and we want progress. But **for a long time they have ignored and marginalized us as if we belonged to other countries; they have not taken us into account.** They have *brought us neither agriculture nor economic development with their projects and initiatives.* The country has committed a huge mistake by electing Alan García for the second time. *With his policies, he treats us as if we were terrorists. I repeat, we are not opposed to development, but it cannot be designed by the men in suits and ties in the cabinet of ministers,* but **must take into consideration the united nations declaration on the rights of indigenous peoples, the ILO (international labor organization) convention 169, and the constitution.** We do not accept the kind of “development” *that the president offers us, because it is not sustainable and it threatens the Amazon rainforest, which is humanity’s heritage* (Salazar 2009)

He speaks very directly of how the indigenous community has felt the identification of “the other” laid on them by the García administration, explaining how they have felt like

they are being treated as complete outsiders or terrorists Peru. He explains that, alternatively, they are not against Peru or development, but it seems that the president's administration and his form of development are against them. By emphasizing that these protests were never anti-development, it brings into question the need to explore accepted development methods. By explaining how the models have forgotten the indigenous and the poor, he is challenging the neo-liberal, western model of development, as the development model in Peru is based directly on the World Bank's parameters and the Free Trade Agreement. This framing of the issue includes references to the international legal bodies and domestic legal instruments that are meant to protect indigenous land rights and rights to self-determination and territory. By doing this, he emphasizes the wrongdoings of the government in violating these bodies and offers a solid ground on which the resistance is resting its position. This kind of response, in addition to the widespread media coverage the massacre received, allowed the indigenous peoples a platform to explain their position to people who were curious and asked "Well, what happened?" and this event proved an essential point in their movement.

This massacre is a defining moment in the indigenous movement in Peru. By strengthening their discourse, the indigenous people of the Amazon became less geopolitically remote and their grievances were heard by domestic and international bodies. Throughout the protests, the movement was attracting solidarity and support from all over, but the massacre brought to light very tangibly the anti-indigenous underscore that played to the development model proposed by the neo-liberal agenda of García. Following the event, there were more general anti-neoliberal protests led by other

grassroots movements in Peru and the García administration was forced to reverse all of the decrees. The change in the way that the citizenry, including the upper class, understood the indigenous movement is best expressed in *El Comercio*. One year after Bagua, *El Comercio*, the same newspaper that published “El perro del hortelano” in 2007, did an anniversary piece. The article was addressing the failures and success of the protests but ultimately reflected on the palpable change in perspective:

Dicho esto, es innegable que los sucesos de Bagua nos hicieron redescubrir un mundo aparte, el de las comunidades de la selva, que habían sido históricamente postergadas. Nos percatamos, así, de que somos una nación en proceso de construcción, con una identidad que dista mucho de ser englobante y unificadora, meta hacia la que debemos reencauzar nuestros esfuerzos (El Comercio 2010).

That said, it is undeniable that the success of Bagua is that it **has made us rediscover this different world, the world of the jungle communities, that have historically been put on the back burner**. We realize that we are a nation in the process of construction, with an **identity that is far from being encompassing and unifying, a goal towards which we must direct our efforts**.

It points to the massacre as the reason that the indigenous world resurfaced as one of importance and one that demands inclusion and participation. These are two demands of the indigenous movement and they are being socially recognized through this article. Further, it recognizes the fact that these peoples historically have been dismissed and ignored and calls for a more unifying Peruvian identity, which is miles away from the divisive García rhetoric. By calling for the Amazon communities to be part of the emerging Peruvian identity, it also calls for the policies made for “every Peruvian” to also reflect the needs, rights, and existence of these communities. This is reaching the same audience that García’s article reached the a few years prior, and it is representing a change in the understanding and framing of the indigenous movement. What was once

called an uninformed movement, which reflects a source of racism in Peru, is now being recognized as a valid movement that brought light to the reality of indigenous people in the Peruvian Amazon.

## **Conclusion**

The issue of indigenous land rights is a question filled with contention from nearly every angle. It raises questions of both international and domestic responsibility, anthropological definitions of identity, and the role of outside organizations in the promotion of these ideals. It confronts normalized perceptions of land as a commodity and source of capital and ties the environmental agenda with protection of human rights to the preservation and protection of indigenous land. Most importantly, it challenges the path of development that has become accepted as the correct way to go about economic growth. As we continue to grow as an international community, the lessons learned from movements that go against the accepted structure are significant and should be considered. Is neoliberalism a just system? How do we pair economic development with human development? Can westernized economic institutions truly benefit those who exist outside of western social and political contexts? Through events such as the Bagua Massacre, the importance of these questions is elevated.

The Bagua Massacre happened in light of overtly oppressive national discourse as well as detrimental economic policies, which focused on the exploitation of the Amazon. This was met with a resistance from the indigenous peoples of the Amazon that was defined occupation of economically significant areas and international legal framework. This resistance allowed the Amazonian people in Peru to take control of their identity and the perceptions of their reality. Through the increase of visibility and access to communication, the inferior pro-indigenous discourse now has a home within the national Peruvian discourse. Although this response may not result in all pro-indigenous

legislation and the fight to protect the Amazon continues, the indigenous peoples of the Amazon are no longer in the shadows. These groups are no longer geo-politically isolated and they are learning how to work within an outsider's political system to protect their source of life.

This study has looked at this shift through the lens of discourse and language used in the political environment of Peru. Historically, political and economic decisions have not favored the indigenous peoples living there. Their grievances and desires have consistently been drowned out by the dominant discourse of economic development and international investment. As demonstrated by this analysis, Alan García took that discourse and turned it into a more blatant tool against the indigenous peoples; claiming they are lazy, uneducated, selfish, and ultimately “second-rate citizens”. By utilizing paths of communication such as *El Comercio* and national television, García contributed to anti-indigenous rhetoric and discourse within the mainstream citizenry of Peru. During this campaign, the indigenous movement lacked the platform to be able to challenge this perception of their reality. When he then passed the set of laws, *la ley de la selva*, there was a distinct interest in exploring and exploiting the Amazon forest without indigenous consultation or consideration. At this point, with attention on the international legal framework, the indigenous community began to refute these policies and demand that the government officials enter talks with the indigenous leaders. When the call for action and recognition of international agreements failed, the indigenous movement began to occupy spaces of interest.

As protests began to materialize in important economic hubs, national and

international attention was brought to their cause. As the reality of their situation was being recognized and understood by more people, the Peruvian government continued to push against indigenous interests. They criminalized the protests, which were at this point the primary platform for communication of the indigenous peoples. This led to a violent encounter initiated by Peruvian police forces. The Bagua Massacre, though devastating, acted as a huge push in visibility for the indigenous peoples. While the government, specifically García continued to attempt to place blame on the indigenous protesters, the reality in the Amazon had been projected well beyond the constructed indigenous reality that García's rhetoric perpetrated. As the pro-indigenous discourse being generated in Peru reached more people, national and international pressure for political action increased and ultimately forced García to repeal *la ley de la selva*. In the years following, the domestic conversation around indigenous rights shifted to a more conscious understanding of the multicultural reality of Peru.

While the fight is far from over, the manner in which this movement materialized and challenged the national neoliberal discourse should be considered a success. Not only were they able to reverse the policies they were opposed to, they were able to affect the way in which the state interacts with the indigenous peoples of Peru. These sentiments are articulated best by former AIDSEP president, Alberto Pizzaro in an interview from 2014. In this interview he explains the importance that the Bagua Massacre had within the indigenous community:

There's a "Before Bagua" and an "After Bagua." A before in which the Peruvian State didn't want to and didn't know how to listen to the proposals of indigenous peoples. This exacerbated the situation until things came to what happened, which



unfortunately took so many lives unnecessarily. I'd say an "After Bagua" because thanks to the Amazonian mobilizations I can say that today the indigenous agenda is not only inserted in the national level and within the State, but on the international level. At the same time **the ILO convention 169 should be an instrument of action for the Peruvian State in compliance with the rights that indigenous peoples and Peruvian citizens are demanding.**

He identifies the massacres as the point that enabled the conversation around indigenous land rights to shift. Since the massacre, the indigenous agenda has been elevated to a point of political relevance. This has made it difficult for the Peruvian government to ignore their requests and has given them a platform to continue elevating their pro-indigenous discourse.

One of the most important strategies that the indigenous people of the Amazon (mostly through AIDSEP) were working on was defining a more concrete and genuine indigenous reality. The government, specifically Alan García's pro-neoliberal discourse, created an alternative reality of the indigenous people in the Amazon, a reality in which the indigenous peoples were under-utilizing the land and were being incredibly selfish by insisting it remain protected; that is, the pro-neoliberal discourse of García at times negated their identity as Peruvians and questioned their validity. After Bagua, it became more evident that Peru is a multi-cultural nation and that needs to be honored. That sentiment was present in the *Comercio* article and in the same Pizarro interview he touches on it further:

In reality it has changed. I'd say it has changed in the follow sense. Today Peruvian society has seen the reality of indigenous peoples and has learned or has been better informed about what the Amazon means. People who used to think that Peru was just Lima now know **that indigenous peoples live in the Amazon and understand that Peru is a multicultural country.**

As AIDESEP and other indigenous organizations and leaders fight for their territories it will be important to consider the social perceptions of these movements. Rhetoric and discourse inform political action and help hold governments accountable for their promises. In Peru specifically it will be important to monitor the implementation of new land titling policies that are meant to favor the indigenous peoples. In order to keep accountability of the government high, the indigenous peoples will need to continue to find ways to elevate their pro-indigenous discourse in such a way that renders support. By generating this greater sense of understanding and knowledge of the indigenous populations in Peru, their existence is validated and accepted. He also recognizes that the massacre elevated some of the uglier truths of the indigenous reality, including undue force, death, criminalization, and lack of access to proper services. In addition, it enabled the indigenous peoples to re-explain the importance of the Amazon, both globally and as the local source of life, and not simply a hub of untapped economic potential. The assertion of a more accurate account of the indigenous reality resounded and has given the government a pressing responsibility to respond to indigenous grievances.

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