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Refusing Indigeneity:
Race, colonialism, and capitalism in the Americas

By
Hector Callejas

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requirements for the degree of
Doctor of Philosophy
in
Ethnic Studies
in the
Graduate Division
of the
University of California, Berkeley

Committee in charge:
Professor Thomas Biolsi, Co-Chair
Professor Shari Huhndorf, Co-Chair
Professor Rosemary Joyce

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Abstract

Refusing Indigeneity: Race, colonialism, and capitalism in the Americas

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University of California, Berkeley

Professor Thomas Biolsi, Co-Chair
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In recent decades, local communities across North America and Latin America have mobilized at all levels of politics to demand state recognition of their collective rights to territory and self-determination as Indigenous peoples different from the modern nation. This has not happened in El Salvador. Following the end of the colonial period, national governments divided and governed the local population throughout the national territory as separate Indian and *Ladino* settlements. Since the late 19th century, historical processes of settler colonialism, agrarian capitalism, and *mestizaje* nation-building have re-organized the countryside into racially stratified municipal communities where the *Ladino* elite dominate and exploit the marginalized Indians as individual Salvadoran citizens. Beginning in the 1980s, the Salvadoran Indigenous movement has positioned the Indians as Indigenous peoples whose Indigenous identity and collective rights within the national community have been neglected by the state. In response, postwar governments have established a post-neoliberal multicultural regime with an Indigenous slot for the Indians to develop their Indigenous cultural heritage and receive social welfare and development aid. Most Indians in the neighboring municipalities of Izalco and Nahuizalco in the Occidente region have refused these emerging activist and state Indigenous political subjectivities. Indian resistance to becoming Indigenous within local and national politics reveals how the politics of Indigeneity paradoxically challenge and reinforce racial inequality between the Indian and *Ladino* members of Salvadoran communities. It also foregrounds the limits of Indigeneity for analyzing similar dynamics of colonial domination and capitalist exploitation within the White-Indian racial hierarchy at the center of other Latin American and Latinx communities throughout the Americas.

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Refusing Indigeneity: Race, colonialism, and capitalism in the Americas

The Indians in El Salvador present a peculiar case of Indigenous identity and politics in Latin America. In recent decades, Indian communities throughout the region have participated in grassroots Indigenous movements, such as the Zapatistas in Mexico and the Maya in Guatemala, to demand recognition, implementation, and respect for Indigenous rights through the legal-political systems of the modern nation-state and the international community. Over the past decade, transnational advocacy networks centered on international Indigenous rights have succeeded in establishing state recognition and governance of the Indians in El Salvador as rights-bearing Indigenous peoples within the newly multicultural nation. However, given the particular Salvadoran history of race relations, colonial domination, and capitalist exploitation, most Indians themselves have resisted to take on this emerging Indigenous subjectivity within state and international politics. Rather than mobilize around alternative Indigeneities, they have rejected Indigenous identity altogether. This ongoing Indian refusal of Indigeneity compels the U.S. disciplinary formation of Anthropology to rethink the relationship between Indigeneity, race, colonialism, and capitalism worldwide.

Since the inception of the discipline, Anthropologists have debated legal and political problems concerning how Western imperial and colonial powers should recognize and govern the local communities and populations who pre-dated European contact within subjugated and colonized territories, first in the Americas and then across the different regions of the globes. Engaging dominant modes of Western thought on racial difference and hierarchy during the 20th century, anthropologists had come to understand such communities and populations in Latin American territories as Indians. They conceptualized the Indian as a culturally distinctive race that had long been the victim of European conquest, colonization, and domination, most recently through the formation and territorial expansion of the modern nation-state and the implementation of state projects that pursued national development and progress within the global capitalist system. At the center of these projects was the transformation of Indian communities into individual *mestizaje* national citizens. Since anthropologists framed the Indian identity as ahistorical and based on the ongoing existence of static pre-Columbian cultures defined in opposition to the dominant culture of the *mestizaje*, or mixed race, national community, they observed and interpreted cultural change among Indian communities as empirical evidence of their assimilation and erasure. Concerned with what they perceived to be the demise of Indian identity and inevitable extinction of the Indian communities, anthropologists utilized salvage ethnography to document and archive disappearing Indian cultures for Western posterity.

In response to this ongoing history of Indian elimination in Latin America, sociocultural anthropologists embraced the emerging international discourse of Indigenous rights and became staunch advocates for Indian communities as Indigenous peoples throughout the region by the 1990s. By the 1980s, transnational Indigenous movements emerged throughout Latin America to challenge the 20th century history of state assimilation and erasure of Indian communities. Growing grassroots demands intersected with a dynamic body of international law and policy on human rights to advocate for the state recognition and governance of Indian communities not as a disappearing racial minority but as surviving and revitalizing Indigenous peoples who were entitled to collective political organization and voice and differentiated legal rights to land, peoplehood, and self-determination based on their socio-historical and cultural distinction from the modern nation. These mobilizations centered on an international discourse on Indigenous rights

that articulated an expansive but exclusionary and institutionalized criteria for Indigenous peoplehood centered on communal relations to land and socio-historical and cultural continuity of the community to the pre-colonial period (Martínez Cobo 1987). The discourse defined self-identification as a key criterion for determining the Indigenous identity of a local community. Political actors from the international community, the state, civil society, academia, and local communities formulated self-identification to contest and replace prevailing criteria of Indian identity that had diminished if not eliminated the enduring socio-historical presence of Indian communities within national populations and territories.

This shift in Latin American anthropology paralleled and intersected with a broader change in how the discipline as a whole studied other local communities who began to mobilize as Indigenous peoples across the globe. In recent decades, anthropologists began to engage interdisciplinary bodies of scholarship—particularly political science, legal studies, history, and cultural studies—to examine the origins of Indigenous identities and communities and the trajectories and outcomes of Indigenous movements. Drawing on a Foucauldian understanding of identity, power, and political economy centered on governmentality, discourse, and discursive practices, anthropologists have since conceptualized Indigeneity as a historically contingent structural positioning and an emergent legal-political subjectivity shaped by the colonial structure of power of the modern nation-state within the global capitalist system. This approach focuses on the subjectification, or the discursive transformation, of local communities into Indigenous subjects that self-identify with certain legal rights and political projects and demand certain structural and systemic transformations over others (Dreyfus and Rabinow 1982). It also examines how local communities resist top-down processes of Indigenous subjectification and negotiate with prevailing discourses of Indigenous rights in order to articulate counter discourses, assemble and mobilize around alternative Indigenous subjectivities, and pursue divergent projects and transformations. From this critical perspective, Indigenous identity can be mobilized by different political actors at different scales to advance diverse and often conflicting political projects involving local communities—not just Indian communities in Latin America—who claim themselves and/or are claimed by others to be Indigenous peoples (De la Cadena and Starn 2007). Since Indigenous movements crosses national borders, anthropologists have paid close attention to the transnational advocacy networks (Keck and Sikkink 1998). These networks reframe legal and political problems of governance at all scales in terms of Indigenous rights in order to pressure political actors to recognize and act on Indigenous demands, with no guaranteed outcomes for anyone, including Indigenous communities.

Anthropologists have applied this approach to Indigeneity to the analysis and theorization of Indigenous identity and politics at the international, regional, national, and local levels. At the international level, anthropologists and other scholars have examined the development of international law, policy, and discourse on the human rights of Indigenous peoples within the international system. This scholarship has investigated the historical formation of transnational Indigenous movements into an international political force (Niezen 2003). Scholars also study how Indigenous demands become codified within international law and policy on Indigenous rights and the limits and possibilities of codification processes on Indigenous movements. Some scholars emphasize the promise of international Indigenous rights at changing national legal systems (Echo-Hawk 2016) and empowering Indigenous peoples as political actors in relation to more powerful state actors in the international system (Lightfoot 2018). Other scholars argue that the new international Indigenous rights regime has been unable to deliver on its initial promise of empowerment, especially as Indigenous rights have become entangled in emerging neoliberal

development schemes centered on global capitalist expansion pursued by state governments and transnational corporations and promoted by international institutions such as the United Nations system and World Bank. These scholars demonstrate how Indigenous demands on the international stage have been coopted to advance state interests (Corntassel 2007), and how the construction of Indigenous rights within the international system has come to focus on cultural and symbolic issues at the expense of the political and economic concerns that initiated grassroots Indigenous organizing (Engle 2010).

Within this scholarship on the international system, anthropologists have been particularly interested in analyzing the costs and benefits of mobilizing around international Indigenous rights for local communities situated in local contexts. In order to analyze the everyday effects of Indigenous rights on local communities, anthropologists have engaged a related body of interdisciplinary literature on human rights to “map the middle” between international laws, policies, and discourses on Indigenous rights and the local communities who are subject of and subjected to those rights-based discourses (Merry 2006). This analytical framework has focused on elucidating the power structures, social relations, political processes, and discursive practices involved in the transformation of the local communities into international Indigenous rights-bearing subjects. Early scholarship looked at how local communities appropriated the international discourse of Indigenous rights into their own struggles for territorial autonomy (Speed 2008). More recent scholarship explains how the localization of Indigenous rights discourse redirects Indigenous politics to cultural-symbolic issues of recognition and marginalizes the political-economic-material concerns of local communities (Goodale 2016).

A related but distinct body of anthropology has examined these processes of Indigenous subjectification and mobilization and international Indigenous rights formation and localization in the regional context of Latin America, with attention to the regional particularity of national power structures, legal-political systems, social relations, and Indigenous politics. Movement demands compelled state governments to reverse the assimilation and erasure of Indian communities and instead begin to recognize and govern them as Indigenous political actors with collective rights to land, peoplehood, and self-determination as cultural distinctive but otherwise fully equal members of national communities under state sovereignty with territorial integrity. Anthropologists began to investigate the colonial histories and power structure of the modern nation-state; the neoliberal restructuring of capitalist political economies at the international, regional, and national levels that enabled the emergence of transnational processes of Indigenous ethnogenesis among rural and urban communities; the dynamics and trajectories of how such communities became incorporated into broader political mobilizations around Indigeneity to demand the recognition and respect of Indigenous rights from the nation-state; and the effects of state recognition of Indigenous rights on the political aspirations and material conditions of Indigenous communities (Jackson and Warren 2005, Van Cott 2010).

Since the early 2000s, a critical body of Latin American anthropology concerned with the complexities and contradictions of state recognition and governance of Indigenous peoples has focused on the state formation of neoliberal multiculturalism (Hale 2005). The new regime of governmentality that has granted limited state recognition to Indigenous demands, usually in terms of culture, in order to advance global capitalist expansion into new frontiers within the national territory and to neutralize demands based on the political, economic, and material concerns of Indigenous communities that pose an existential threat to the colonial structure of power of the modern nation-state. These anthropologists were initially skeptical of the promise of these new national governmental regimes of Indigenous rights to empower local Indigenous communities to

resist and transform entrenched social hierarchies and power structures that emerged during the colonial period and continued to marginalize and oppress Indigenous peoples for centuries (Hale 2002, Hale 2004, Postero 2007). As the early promises of neoliberal multiculturalism continue to fade into the past, anthropologists have since shifted their attention to how such regimes shape ongoing Indigenous struggles for having their rights recognized, guaranteed, respected, and protected and for achieving justice for rights violations. They are also concerned about the effects that the regimes have had on the future existence of Indigenous communities in the face of new processes of dispossession, displacement, and migration (Hale 2011, Ybarra 2013, Anthias and Radcliffe 2015, Loperena 2016, Postero 2017, Martínez Novo and Schossberg 2018, Speed 2019).

In order to better grapple with the limits of transnational Indigenous movements to empower Indigenous communities within the neoliberal multicultural regimes of the modern nation-state in Latin America, an emerging body of Latin American anthropology has shifted its analysis of colonial structures of power away from postcolonialism and toward settler colonialism. Since at least the 1990s, anthropologists have drawn on Latin American postcolonial theory to analyze the movements (Cusicanqui 1991, Quijano 2000, Casanova 2003). While the postcolonial approaches have been diverse with key differences, they all frame colonialism as a historical legacy within the historical present. In other words, even though colonialism as a formal legal-political-economic system ended with national Independence from the former colonial powers, modern nation-states have inherited a structure of power based on hierarchical and racialized social relations that emerged during the colonial period and continue to shape the structural positioning of Indigenous peoples at the political and economic margins of national communities. This perspective frames colonialism as a historical residue within the structure of power of the modern nation-state that can be expelled and overcome through national progress based on reforms that are inclusive of and responsive to the subaltern voices of Indigenous peoples.

As anthropologists participated in the theorization and analysis of postcolonialism in Latin America, other anthropologists began to theorize and analyze settler colonialism in Anglophone countries in other parts of the world (Wolfe 1999, Wolfe 2006, Veracini 2015). Unlike postcolonial theory, settler colonial theory understands colonialism as a structure of power that not only emerged during the colonial period and persists into the present day, but also enabled the birth and perpetuates the ongoing existence of the modern nation-state. Since inception, the settler colonial power structure has attempted to eliminate the socio-historical presence of Indigenous peoples as culturally distinctive and collective peoples from colonized territories through expulsion, genocide, or assimilation in order to facilitate the settler occupation, settlement, appropriation, and development of land for the expansion of the global capitalist system. Indigenous peoples have resisted these processes of elimination to assert their socio-historical presence within the colonized territories and to demand collective rights to territory, autonomy, and self-determination as peoples from the state. During the 2000s, scholars began to theorize the specificity of settler colonialism in Latin America due to the long history of European conquest, colonization, occupation, and domination of Indigenous and Black peoples throughout the region that differed from the British Empire (Gott 2007). Scholars then began to analyze how settler colonialism affected tourism development throughout the region (Brown 2013, Brasher 2021). Recent scholarship has shifted attention on settler colonialism in Latin America to transnational Indigenous and Black movements (Castellanos 2017, Speed 2017, Taylor and Lublin 2021). This new scholarship foregrounds the historical formation of the hierarchical social relationship between Indigenous peoples at the bottom and European settlers at the top of the settler colonial structure of power that remains at the center of modern Latin American nation-states, and the effects that this relationship has had on the diverse

emergences, trajectories, and outcomes of Indigenous identities and politics throughout the region.

My dissertation contributes to these established and emerging lines of inquiry within anthropology on transnational Indigenous movements, international Indigenous rights, neoliberal multiculturalism, and settler colonialism through an analysis of El Salvador, where Indigenous identity and politics have only recently begun to receive scholarly attention. Anthropologists have long analyzed other political and legal problems centered on other axes of identity in El Salvador within the regional context of Central America. During the 1970s and 1980s, anthropological attention to Central American countries joined an interdisciplinary body of scholarship focused on social unrest, political violence, and civil war in the broader context of the Cold War. In recent decades, the post-Cold War anthropology of Central America has focused on the uneven processes of democratization and economic neoliberalization and their entanglement with precarity and insecurity (Burrell and Moodie 2015). Within this interdisciplinary scholarship, anthropologists have foregrounded the intersections of the discursive practices of neoliberal governance and everyday life. Most of these studies that have given attention to Indigeneity have focused on Guatemala, which shares a land border with El Salvador to the southeast. In contrast, El Salvador has captured little interest due to a perceived absence of Indigenous peoples within the national territory. Historians have traced this perception to the 1932 Massacre (La Matanza) of Indians and peasants following their rebellion against land dispossession and labor exploitation and the subsequent state forgetting of the event and state marginalization, abandonment, and erasure of massacre survivors (Gould and Lauria-Santiago 2008). Historians have also dispelled the perception as one of many national myths of racial mixture (*mestizaje*) throughout Central America formulated by state governments in order to advance modern capitalist nation-building projects through the concealment of Indigeneity and elimination of Indigenous peoples (Euraque et al 2005). Anthropologists have begun to analyze Indigeneity in El Salvador with attention to how public commemorations of the 1932 Massacre reconstruct ideas of national identity and belonging to incorporate Indigenous peoples into the Salvadoran nation (Delugan 2012, Delugan 2013). Recent scholarship in cultural studies has begun to reinterpret the 1932 Massacre through the lens of settler colonialism (Cuéllar 2018).

My dissertation shifts anthropological attention back to the question of Indigenous subjectification, or the discursive transformation of local communities into the Indigenous subjects of international and national Indigenous rights regimes. While attention to Indigenous ethnogenesis has faded somewhat in recent decades as anthropologists have shifted to questions of empowerment, mobilization, contestation, and entanglement, my analysis demonstrates how an analytical return to and a theoretical reframing of Indigenous subjectification in the present day can provide new insight and understanding on the relationship between Indigeneity, race, colonialism, and capitalism in Latin America. Specifically, my analysis of El Salvador considers why local people racialized as Indians throughout the region resist and refuse to position themselves as Indigenous peoples despite meeting national and international criteria of Indigenous rights as articulated, publicized, mobilized, and institutionalized by different political actors for diverse rights-based political projects. While anthropologists and geographers have considered this question in the case of other racialized local communities in other regions of the world through other theoretical frameworks besides settler colonialism, particularly in Africa (Pelican 2009) and Asia (Li 2000, Yeh 2007), less attention has been paid to this question among local people who continue to receive widespread recognition and discrimination as Indians within local social relations and national communities in the context of Latin America and through a settler colonial framework. How and why does the settler colonial power structure shape resistance and refusal

among Indians to becoming Indigenous peoples? What effect does this local rejection of Indigeneity have on the form and entrenchment of the structure?

My analysis of Indian refusal of Indigeneity in El Salvador demonstrates how the international Indigenous rights discourse intersects with national multicultural regimes to perpetuate settler colonialism at the national and local levels in Latin America. The discourse's articulation of Indigenous peoplehood overlooks and obscures the enduring social status of the Indian, alongside the Black, at the abject bottom of the racialized class hierarchy at the center of settler colonial power structure of contemporary Latin American nations. This hierarchy has long been analyzed by anthropologists interested in race and social inequality (Pitt-Rivers 1967, Wade 2010) and more recently by an emerging sociological literature on skin color as an axis of social stratification and inequality (Villareal 2010, Loveman 2014, Telles 2014) and in terms of settler colonialism (Castellanos 2017, Speed 2017). The hierarchy originated with the colonial caste system, which linked different forms of labor with different racial groups within the colonial society. Within this system, colonial governments organized the Indians as peasant communities. Following national Independence in the 19th century, the new Latin American nation-states inherited this colonial system. Over the course of subsequent centuries, national governments across the region sought to facilitate the settler exploitation of Indian land and labor for national development and progress within the global capitalist system. In order to achieve this goal, the legislative, executive, and judicial branches of national governments enabled state-sanctioned processes of land dispossession, cultural destruction and appropriation, rural-to-urban migration and resettlement, and labor market integration that dismantled the Indian peasant communities and assimilated community members as individual and equal citizens of the modern nation-state. While these socio-historical processes never fully dismantled Indian communities nor transformed the individualized Indians into equal citizens, they nevertheless trapped the individualized Indians into the racialized underclass of local and national communities dominated by European settlers in the capital city and countryside. As members of these settler formations, the Indians are individuals and groups at the extreme margins of the state and society: dispossessed, dark-skinned, discriminated, exploited, impoverished, excluded, abandoned, silenced, and invisible. In recent decades, these settler formations have received formal state recognition and governance as "national," "mixed race" (e.g. *mestizaje*, *Ladino*), or "multicultural," in contrast to official "Indigenous" socio-territorial formations (e.g. "Maya" or "Zapotec").

From within this racialized class status at the bottom of local and national settler communities, the Indians resist and refuse to position themselves as Indigenous peoples because they see little possibilities in the international discourse of Indigenous rights for empowering them as political actors within national multicultural regimes or transforming their everyday social reality conditioned by the daily grind of race and class. This refusal is not just about their resistance to the prevailing terms of Indigeneity from the state, as discussed by Mohawk scholar Audra Simpson in North American contexts where American Indians refused multicultural state recognition as racialized minority citizens in order to demand recognition as sovereign Indigenous nations (2014, 2017). Rather, this refusal among the individualized Indians in Latin America is a wholesale rejection of the Indigenous subjectivity, regardless of the particular terms of competing discourses on Indigenous rights. These local actors abstain from becoming Indigenous altogether, without contesting the prevailing criteria of the modern nation-state or international community or even advocating for their own alternative terms (e.g. subaltern terms of race and class based on their own embodied ontologies and epistemologies). This refusal makes these Latin American Indians appear disinterested in Indigeneity before other political actors, erases their enduring social status

as Indians and potential positioning as Indigenous peoples; marginalizes Indigenous and Indian identities as a formal site of law, policy, and politics; and depoliticizes, conceals, and naturalizes the racialized class hierarchy at the center of the colonial power structure of local and national settler communities in Latin America.

My dissertation has the following organization. Chapter One (“Eliminating the Indian communities: Settler colonialism, national agrarian reform, and *mestizaje* since the late 19th century”) examines the emergence of a national settler colonial power structure in contemporary El Salvador based on Indian landlessness and large private landholdings held by powerful Euro-Salvadoran families. After inheriting the colonial system from the Spanish empire, national Legislative Assemblies abolished communal organization (Indian, *Ladino*) and collective land tenure (*ejido*, communal) in the late 19th century in order to birth a national agrarian political economy based on large coffee estates owned by an emergent national oligarchy of European descent. Over the following decades, national and local authorities implemented the privatization of the former collective landholdings, authorized the oligarchy to dispossess Indian individuals of their former collective landholdings, and crushed an Indian rebellion against their dispossession and exploitation as peasants on the estates with extralegal brutality in 1932. During the 1940s and 1950s, the national Hernández Martínez administration implemented a national project of *mestizaje* nation-building that expunged Indian and *Ladino* identities from national agrarian law and policy and thus concealed the ongoing presence of the Indians as individuals within the national community. During the 1979-1992 Salvadoran civil war, the large landowners formed a national political party (ARENA) to resist national agrarian reforms that threatened to diminish their landholdings through the redistribution of their landholdings to the peasantry. During the 1990s and 2000s, the World Bank helped consecutive national ARENA administrations to naturalize the ongoing socio-historical existence of the large estates by reframing the political problem of land distribution into a technical issue of land titling and administration.

Chapter Two (“Recognizing Indigenous peoples without Indigenous lands: International Indigenous rights and post-neoliberal multiculturalism in El Salvador”) investigates the partial reversal of Indian elimination through the national government’s establishment of a post-neoliberal multicultural regime of governance that facilitates the alignment of modern postwar statecraft and nation-building with international human rights discourse on Indigenous peoples without threatening the material foundation (i.e. land) of the national settler colonial power structure. Between the 1970s and 1990s, a transnational Indigenous advocacy network of sociocultural anthropologists from Mexico, El Salvador, and the United States investigated the enduring socio-historical presence of the Indians in El Salvador and conceptualized their contemporary existence as individuals and families within the racialized social class at the bottom of the national society. Between the 1990s and 2000s, national government agencies, such as the Ministry of Education and the Secretariat of Culture, collaborated with the United Nations system, the World Bank, and Indigenous organizations to re-articulate the Indians as Indigenous peoples who required formal state recognition and governance as the subjects of international law and policy on Indigenous rights. During the 2010s, national Legislative Assemblies and national presidential administrations established the legal and political framework for post-neoliberal multiculturalism based on culture—with marginal attention to land—through formal recognition of the Indians (also known as the pueblos *originarios*, or originary peoples) as Indigenous citizens within the Salvadoran nation. This new regime actively excluded demands for collective Indigenous land rights and instead centered on the construction of Indigenous cultural distinction as a pillar in the formation of the nation’s cultural heritage, along with the provision of social welfare and development aid to

Indigenous peoples in the countryside.

Chapter Three (“Who is the real ‘pueblo Indígena?’ Indian empowerment and the politics of Indigenous voice”) analyzes the limits of transnational Indigenous activism centered on collective land rights to empower Indigenous organizations as political actors who can intervene in the national government’s construction and implementation of post-neoliberal multiculturalism and challenge the land base of the national settler colonial power structure. During the 2010s, the UN Permanent Forum on Indigenous Issues, the Ministry of Foreign Relations, and the National Coordinating Council of Indigenous Salvadorans (CCNIS) formulated the National Action Plan for Indigenous Peoples in El Salvador (PLANPIES) as a policy instrument that would give Indigenous organizations equal authority as national government officials in the alignment of national Indigenous policymaking with international law and policy on Indigenous rights. This political project emerged within a national context where a wide range of national and international political actors since the 1990s had questioned the cultural authenticity and political legitimacy of Indigenous organizations as representatives of the grassroots interests of the Indians in El Salvador. In order to prove the veracity of its political voice and to advance the institutional processes of the PLANPIES, CCNIS publicized and disseminated photographs, videos, and text of its consultations with Indigenous communities, national government officials, and UN officials regarding the project on its online social media account. Nevertheless, a rival network of Indigenous organizations (the National Network of the Smiling Jaguar [*Jaguar Sonriente*]) criticized CCNIS’ representativity as a political strategy to intervene in and resist the PLANPIES and advocate for its own discourse of Indigenous empowerment through the Ministry of Culture’s Public Policy for Indigenous Peoples in El Salvador. While the 2014-2019 FMLN administration officialized the PLANPIES as a non-obligatory policy instrument second to the Public Policy, the 2019-2024 Bukele administration has ignored the instrument, effectively maintaining the formal subordinate status of Indigenous organizations to national authorities within post-neoliberal multicultural regime.

Chapter Four (“Remembering the 1932 Matanza, demanding justice for Indigenous dispossession”) analyzes how, within the constraints of the post-neoliberal multicultural regime, Indigenous organizations have begun to challenge the material foundation of settler colonialism in El Salvador by demanding justice for Indigenous dispossession from the state through the national judicial system. The National Museum of Anthropology (MUNA) in the capital city of San Salvador disseminated a public discourse of national multiculturalism that conceals and naturalizes the national settler colonial power structure through the erasure of the Indians as socio-historical actors by the end of the colonial period and the framing of Indian dispossession as a minor historical event in the early 20th century with the 1932 Massacre of landless Indian peasants. The Museum of the Word and Image (MUPI) in San Salvador publicized a counter discourse that foregrounded the enduring socio-historical presence of the Indians as Indigenous individuals and families within the contemporary Salvadoran nation and reframed Indian dispossession, including the 1932 massacre, as a gross violation of international human rights for Indigenous peoples that began a long national history of violent conflict over unequal land distribution during the 20th century. In recent years, the *Jaguar Sonriente* network has mobilized the MUPI discourse and the testimonies of the descendants of the victims of the 1932 Matanza to establish a legal case with the National Supreme Court of Justice that compels the state to begin to interpret the national history of Indian dispossession in terms of the violation of Indigenous rights guaranteed through national multiculturalism and international human rights and to consider appropriate forms of justice.

Chapter 5 (“Performing Indigeneity, refusing to become Indigenous: Indian resistance and settler domination at the everyday margins”) explains how the Indians refuse to become Indigenous peoples in terms of international Indigenous rights and national multiculturalism because the social costs of being Indian far outweigh the potential benefits of Indigeneity under settler domination. Today, the Indians continue to live under conditions of domination marked by precocity and insecurity under *Ladino* rule in the local context. By the early 2010s, the *Jaguar Sonriente* network localized international Indigenous rights in order to recognize and empower the Indians as Indigenous subjects within the municipal government through the formalization of municipal ordinances on the rights of Indigenous peoples. Rather than implement the ordinances over the subsequent decade, municipal governments have instead focused on the formation of the Indigenous cultural heritage of the municipality for the development of a national tourism economy. Local and national authorities have spatialized this new Indigenous tourism economy to bypass the Indians who live in the rural and urban margins and center on the *Ladino*-owned homes and businesses in the town center. Indian participation in local performances of Indigenous identity and cultural heritage for tourism consumption operationalizes and naturalizes the hierarchical social relations between the *Ladinos* and Indians. Despite their embodiment of local and national markers of Indigeneity, Indigenous organizational leaders have been unable to convince the Indians to embrace Indigenous identity, which is linked to Indian identity and shame in local social relations.

The dissertation draws on multi-sited and long-term ethnographic fieldwork, archival research, and cultural analysis on national law and policymaking on Indigenous peoples in El Salvador. I have approached this research project as a non-Indigenous *mestizaje* member of the Salvadoran diaspora in the United States. As an undergraduate student in Ethnic Studies at the University of California, Berkeley, I was a member of the Unión Salvadoreña de Estudiantes Universitarios, a Salvadoran American student association that connected me to the *Consejo de Pueblos Originarios Náhuat Pipil de Nahuizalco* (COPONAPN), an Indigenous organization that emerged at the forefront of the *Red Nacional del Jaguar Sonriente* (*Jaguar Sonriente*) network. In May 2016, I conducted ethnographic fieldwork with COPONAPN on the influence of transnational Indigenous organizing on national Indigenous policymaking at the 2016 UN Permanent Forum on Indigenous Issues in New York City. In June and July 2018, I conducted ethnographic fieldwork with COPONAPN and its allied Indigenous organizations and leaders in the *Jaguar Sonriente* on the network’s conflict with CCNIS within national Indigenous policymaking. Between January 2019 and March 2022, I broadened my analysis of national Indigenous law- and policymaking with ethnographic research on Indigenous tourism development in Nahuizalco and its neighboring municipality of Izalco; public commemorations of the 1932 Massacre; archival research on the historical formation of national law and policy concerning land and Indigenous peoples at the General Archive of the Nation in San Salvador and the Inter-American Indian Institute archive at the National Autonomous University of Mexico; analysis of museum exhibits on Indigenous peoples in the capital city; and analysis of social media and other online documentation on these issues produced by political actors in the CCNIS and *Jaguar Sonriente* networks.

Eliminating Indian communities:
Settler colonialism, national agrarian reform, and *mestizaje* since the late 19th century

El Salvador is a *mestizaje* national territory with no administrative subdivision organized as “Indigenous territory” within national law and policy. This means that Indigenous peoples in El Salvador have no state-recognized form of collective landholdings, communal organization, or self-government. Since the end of the 19th century, the Salvadoran settler elite have transformed Indigenous lands into the *mestizaje* national territory through the establishment and active maintenance of a national land tenure system centered on private property rights. This system protects the settler elite’s ongoing possession and occupation of Indigenous lands within the national territory and prevents the emergence of Indigenous territory and territorial movements into the present. In order to explain this socio-historical transformation, the chapter traces the Liberal, *mestizaje*, and neoliberal ideological underpinnings of private land tenure within the national legal-political system through two key periods in the long history of national agrarian reform: the settler elite’s elimination of collective land tenures and Indigenous peoples from national law and policy on agriculture from the late 19th to the mid-20th centuries, and the settler elite’s protection of their latifundia against land redistribution since the 1980s and into the present. The chapter will then consider the political possibilities for the legal establishment of collective Indigenous land rights and Indigenous territory in contemporary El Salvador.

The chapter first demonstrates how the Liberal faction of the settler elite abolished collective land tenures (ejido, communal) that the state had inherited from the Spanish colonial period from national law in the late 19th century in order to dispossess Indigenous *originario* and settler *Ladino* communities of their collective lands. This radical transformation in national land tenure enabled the settler elite to accumulate large private landholdings as the material foundation of the national capitalist agrarian economy by the mid-20th century.¹ The chapter then foregrounds how the national presidential administration and Legislative Assemblies during the mid-20th century military dictatorship of Hernández Martínez allied with the settler elite and concealed the national Liberal history of Indigenous land dispossession. The administration drew on the national ideology of *mestizaje* to justify the removal and exclusion of Indigenous identity from national agrarian law and policy that targeted the peasantry. However, the 1958-1961 national Legislative Assembly under Revolutionary Party of Democratic Unification established by the national military leadership complicated the Hernández Martínez administration’s legal and political erasure of Indigenous peoples with the ratification of ILO Convention 107. This implied that Indigenous peoples in the national territory had not yet fully assimilated into the *mestizaje* national population.

The chapter continues with an explanation of how the settler elite created a prominent national political party, ARENA, during the 1979-1992 Salvadoran civil war in order to protect their large private landholdings against radical agrarian reform designed by the 1979-1984 revolutionary military government. This reform sought to redistribute land from the large private landholdings to benefit impoverished and landless peasants and demobilize the FMLN guerrilla insurgency. ARENA mobilized to enshrine private property in the national Constitution of 1983 and undermine agrarian reform implementation during the 1980s. The chapter then exposes how four consecutive

¹ In contemporary El Salvador and in the historical record, a broad range of actors have recognized “*Indígena*,” “*originario*,” “*índio*,” and “*natural*” as interchangeable terms. The difference has to do with scale (local, national, international). I use the term “Indigenous” to emphasize how various actors within the Salvadoran government have articulated these terms with international policy discussions on Indigenous peoples.

ARENA national presidential administrations following the 1992 Peace Accords turned to the World Bank during the 1990s and 2000s in order to develop and implement a neoliberal market-based rationality for national agrarian reform. This new rationality further minimized the amount of land to be redistributed and thus legitimized the settler elite's ongoing possession of latifundia.

This socio-historical transformation of Indigenous lands into *mestizaje* national territory is neither complete nor irreversible. The settler elite did not fully extinguish the political and legal possibility for the contemporary emergence of Indigenous territory in El Salvador. The chapter concludes by revealing how the Liberal and neoliberal ideologies embedded in national law on private property rights prevented national Legislative Assemblies under consecutive ARENA and later FMLN national presidential administrations during the 2000s and 2010s from establishing collective Indigenous land rights within the national land tenure system. Under scrutiny from the UN system's Committee on the Elimination of All Forms of Racial Discrimination and the International Labor Organization, the Ministry of Foreign Relations, the Ministry of Labor and Social Provision, and the Secretariat of Culture drew on the emerging national ideology of multiculturalism to reveal an emerging possibility within the Legislative Assembly for the eventual legal ratification of the ILO Convention 169, which is based on collective Indigenous land rights. Whether ratification might one day become the national legal foundation for the creation of collective Indigenous land rights and Indigenous territory in El Salvador remains to be seen at the time of writing this chapter.

The chapter draws on a broad range of cultural texts digitized online or stored at the Inter-American Indian Institute archive at the National Autonomous University of Mexico. This includes historical studies published by U.S.-based academics; legislative decrees from national Legislative Assemblies; and policy documents published by the UN system (Committee on the Elimination of All Forms of Racial Discrimination, International Labor Organization), national presidential administrations (Ministry of Foreign Relations, Ministry of Labor and Social Provision, the Department of Indigenous Affairs within the Ministry of Education and later the Secretariat of Culture), and the World Bank.

The Liberal transformation of the national land tenure regime, late 19th century - early 20th century

The contemporary national land tenure regime based on private property in El Salvador originates in the settler elite's abolishment of collective land tenures from national legal system at the end of the 19th century. Hector Lindo-Fuentes, a prominent Salvadoran historian trained at the University of Chicago and tenured at Fordham University, revealed the socio-historical origins of this radical transformation in the national land tenure regime in his book, *Weak Foundations: The Economy of El Salvador in the Nineteenth Century* (1990).² During the 1876-1884 Liberal national presidential administration of Zaldívar, the Legislative Assembly of El Salvador ratified the legal abolishment of collective land tenures (communal and ejido). By the early 20th century, communal, municipal, departmental, and national authorities had privatized virtually all communal lands held by settler *Ladino* and Indigenous *originario* communities and ejido lands held by municipal governments and used by the communities throughout the entire national territory. This socio-historical process created the conditions of possibility for the settler elite to accumulate the newly privatized lands and expand their large private landholdings; create a national capitalist agrarian

² The author did not narrate the history through a settler colonial framework. Nevertheless, the author's focus on the settler elite enable the present re-interpretation of the history in terms of settler colonialism.

economy based on coffee cultivation and exports; and exert political dominance over all branches of the national government by the mid-20th century.

Following national independence from the Federal Republic of Central America in 1841, the national government of El Salvador inherited the Spanish empire's colonial land tenure regime. By the mid-19th century, the national land tenure regime recognized two forms of collective land tenure—"communal" and "ejido"—alongside private lands owned by individuals and public lands (*baldías*) held by the national government within the national territory. Communal lands were in possession of local communities. Ejido lands were in possession of the municipal government but accessible to and used by the communities. The national legal system organized the communities as *Ladino*, or settler, and *originario*, or Indigenous. The *Ladino* identity referred to the people who had originated from Spain and settled in the national territory. The Indigenous label referred to the people who had pre-Columbian origins within the national territory. The system demarcated the socio-legal boundary between *originarios* and *Ladinos* based on the cultural-historical difference between the two types of communities. Both *originario* and *Ladino* communities had collective legal title to communal lands and formal collective access to ejido lands. These communities often lived within the territorial boundaries and administrative jurisdictions of adjacent and sometimes even the same municipal governments. This close socio-spatial proximity often blurred, in practice, the socio-legal boundaries between ejido and communal lands and between *Ladino* and *originario* communal landholdings.

As the 19th century progressed, the emerging Liberal faction of the settler elite mobilized against the ruling Conservative faction's protection of collective land tenure within the national land tenure regime. The Liberal elite sought to transform land tenure and land use within the national territory in order to establish coffee production and export to international markets into the new foundation of the national agrarian economy. They envisioned this new form of capitalist agrarian development centered on large land estates—or *latifundia*—held as private property by individual owners. As the Liberal elite promoted coffee cultivation throughout the national territory, they sought additional lands to expand their private landholdings. National presidential administrations under Conservative leadership privatized and sold public lands to meet the Liberal faction's demands for private landholdings. Once large private landowners exhausted the available supply of *baldía* lands, the Liberal faction turned its attention to the privatization of communal and ejido lands.

By the 1870s, the Liberal faction had defeated the ruling Conservative faction in national presidential elections and took control of consecutive national presidential administrations. During the 1876-1884 national Liberal presidential administration of Zaldívar, the national Legislative Assembly decreed the abolishment of ejido and communal land tenures within the national land tenure system. These decrees mandated the prompt privatization of all communal and ejido landholdings throughout the entire national territory—they made no exceptions for any community or region. By this time, these collective lands constituted 37% of the national territory: 12% as communal and 25% as ejidales. *Originario* and *Ladino* communities had grown añil, or Indigofera, as a cash crop for export to international markets alongside subsistence crops such as corn for their own consumption. The Liberal faction framed this traditional system of collective land tenure and land use as incompatible with their vision for the creation of large coffee plantations, which required more land and labor than añil cultivation in order to maximize profits. The Liberal faction therefore framed collective land tenure as an obstacle to the economic modernization of the fledgling Salvadoran nation. It sought to privatize communal and ejido lands and incorporate the privatized lands into the emergent national *latifundia* system. The Liberal

faction's desire to appropriate collective landholdings targeted both *Ladino* and *originario* communities. It made no distinction between the *Ladino* or *originario* status of the communities that possessed and used the collective lands.

The Legislative Assembly first abolished communal lands from the national land tenure system. On February 15, 1881, the national legislative body passed the "Law of Extinction of Communities." This decree was based on a re-interpretation of classic Liberal ideology from Europe. It considered that the communal organization of the land stunted national progress by impeding the development of agriculture, hindering the circulation of wealth, weakening family ties, and undermining the independence of the individual. Previous national legislative efforts had attempted to dismantle communal land tenure within the national territory. For example, the national Civil Code had prohibited the joint possession of land based on the quasi-contracts for more than five years. Nevertheless, the national system of communal landholdings had continued to exist. The decree deemed that communal land tenure should cease as soon as possible, as it was contrary to the economic, political, and social principles that the national Republic had accepted.

The 1881 legislative decree mandated that the communities themselves privatize their communal lands with oversight from local, departmental, and national authorities from the executive branch of the national government. It required that communal landholdings be divided among co-owners at a prorated rate that reflected the amount that each had paid for the landholdings' acquisition, and in the absence of this information the division was to be equal among all heads (Article 1). Communal authorities were to proceed to make the division and to submit the division for approval or reform by the Governor of the respective Department, with the right to appeal to the Executive Power on the terms and forms established for the remaining administrative or administrative-contentious affairs (Article 2). The possessors of communal lands—either as "comuneros" or "compadres" with rights to the same lands, or by another legal title—were considered to be the legitimate, private, and individual owners of the part of the communal lands over which they had possession. The Executive Power, through the Ministry of Governance and Development (Ministerio de Gobernación y Fomento), was to regulate the fulfillment of this decree, which required execution within the shortest term possible. This decree revoked the decree of June 1, 1869 and any other disposition that was opposed to the present law.

The national Legislative Assembly next abolished ejido lands from the national land tenure system. On March 2, 1882, the national legislative body passed the "Law of Extinction of the Ejidos." This decree elaborated the Liberal ideology for land tenure and land use within the national territory. It explained that industrial agriculture was the most productive source of life and prosperity in the possession of the Nation, for which the Legislative Assembly had the imperative obligation to remove all obstacles that opposed its development. One of these principle obstacles was the ejido system, which nullified the benefits of private property in the majority and most important parts of the lands of the Republic. These lands had been used for subsistence crops of negligible commercial value or had been abandoned by all, due to the precarity of the rights of their possessors, maintaining them in isolation and apathy toward all betterment. Previous legal dispositions emitted to extinguish the ejido system by indirect means had not produced all the effects desired by the current Legislative Assembly. Furthermore, the taxes generated on ejido lands did not constitute a secure source of income for the municipal governments. Systematic resistance by the communities to pay the tax and the little energy by the municipal authorities to demand the tax made taxation inefficient. Although the direct dominion of ejido lands corresponded to the nation based on pre-existing laws, the decree found it was not just to deprive their use and enjoyment to the municipalities, without prior compensation.

The 1882 decree mandated that municipal governments privatize all ejido lands throughout the national territory with oversight from departmental and national authorities from the executive branch of the national government. It extinguished the ejido as an institution within the national land tenure system (Article 1). It recognized the current possessors of ejido lands as the exclusive owners and legitimate proprietors of the lands in their possession, based on the fulfillment of the present law (Article 2). It decentralized the privatization process and stipulated various responsibilities for municipal governments to fulfill through implementation (Articles 3-6). The municipal government was to make a protocol of all private titles that it was extending to the ejido lands. The municipal governments were also to carry a special book in which they would record the date for the extension of each title, the size of the land by block (*manzana*) or approximate, the name of the purchaser, and the annual payments made by the purchaser for legal title to the newly privatized land (Article 7). Within a six-month period, municipal governments were to send to their respective Governors an official record of the lands that were not privatized, which were to contain clear and detailed descriptions of the quality, location, and area of the land. The Governors, upon receipt of this official record, were to sell the lands in a public auction, sending advanced notice of the auction for publication in the national official journal. At noon on the tenth day after publication of the notice, the auction would take effect, selling to the lands at the best offer (article 8). If within six months of the publication of the law, the owners of the ejidos did not establish legal title to their land, they would lose the rights of ownership. The selling of said land was to proceed as described in the previous article, with the best compensation for the owner (Article 9). Land not privatized by the municipalities, in accordance to the two previous articles, a year after the publication of this decree, would become part of the dominion of the Nation (Article 10). The law was not to damage the rights given to the owners of ejido lands from previous laws, in order to obtain free of charge the property that they may have cultivated with plants of great production and long life (Article 11). The Executive Power was to resolve, based on the spirit of the law, all doubts and difficulties that may emerge in its application (Article 12). The legislative decree required the Executive Power, through the Ministry of Governance and Development, to implement its provisions.

Land privatization, Indian rebellion, and violent repression

With the 1881 and 1882 decrees, the Liberal settler elite in El Salvador succeeded in their mission to transform land tenure within the national territory. The decrees effectively removed communal and ejido lands from the national land tenure system and required local, departmental, and national authorities to privatize all of the formerly collective lands. Since the decrees contained no protections or guarantees that ensured that the newly privatized lands would remain in possession of their new individual landowners, land privatization sharpened inequality in land ownership between the settler elite and individual members of the *originario* and *Ladino* communities. Over subsequent decades, communal and municipal authorities implemented their legal mandates and privatized the collective lands. While the privatization process took longer than the Legislative Assembly had stipulated due to litigation over who, exactly, held legal title to which parcels of private land, the process had converted virtually all communal and ejido land into private landholdings by the early 20th century. At the same time, the large landowners dispossessed *originario* and *Ladino* individuals of their privatized landholdings through purchase, fraud, or intimidation and accumulated these lands into their large coffee estates. Without their communal and ejido lands, individual community members no longer had the option of growing their own

subsistence crops to meet their daily food needs or of cultivating their own cash crops to earn an income. This compelled the swelling ranks of landless *Ladinos* and *originarios* to find employment as seasonal and low-wage laborers on the large coffee plantations, which became increasingly central to the emerging national capitalist agrarian economy.

The widening socioeconomic chasm based on unequal land distribution between the landless *Ladino* and *originario* peasants and the large landowners fomented peasant resistance and mobilization against the Liberal settler elite during the early 20th century. The collapse of the international coffee market during the U.S. Great Depression accentuated social unrest and political tension throughout the national territory. In the Western coffee-growing region, which was the bastion of the settler elite's most productive and profitable latifundia, plummeting coffee prices caused landowners to slash benefits and wages to their laborers. In response, both *originario* and *Ladino* peasants launched an armed rebellion against municipal authorities and landowners throughout the region. Rebels took control of several municipalities for a few days. The Liberal elite interpreted the rebellion as a Communist threat to the established social order, even though the rebels mobilized around their own grievances and did not follow a Communist leadership. The landowners mobilized paramilitary forces to crush the rebellion with extra-legal brutality. Local people and policymakers would later remember the event as La Matanza, or "The Massacre," which claimed the lives of up to 30,000 *originario* and *Ladino* peasants. The 1931-1934 national presidential administration of Hernández Martínez intervened in the repression in order to stop the violence and restore order in the region. The administration, which by that point had established a close political alliance with the large landowners, would attempt to maintain peace and stability in the countryside through limited agrarian reforms that promised some degree of improvement to the condition of the peasantry but did not threaten the settler elite's large private landholdings. At no point during the administration did the national Legislative Assembly reintroduce communal, ejido, or any other form of collective land tenure within the national legal system as a solution of unequal land distribution and socioeconomic inequality.

Concealing the settler elite's dispossession of Indigenous land and exploitation of Indigenous labor through national *mestizaje*, 1940s-1950s

By the 1940s, the settler elite's large coffee estates and close alliance with the national military secured their political dominance within the national government. The 1935-1944 national presidential administration of military dictator Hernández Martínez concealed the settler elite's appropriation of Indigenous land and exploitation of Indigenous labor within the emerging national capitalist agrarian economy through the formal exclusion of Indigenous identity from national agrarian law and policy. The administration articulated a national ideology of *mestizaje*, or racial mixture, to justify this exclusion. The Ministry of Public Instruction expressed the exclusion on behalf of the administration in a policy report delivered to the first Congress of the Inter-American Indian Institute (I.I.I.) in 1940. The administration determined that the *mestizaje* national population encompassed the entire national territory. Indigenous peoples were a subpopulation within the national peasant population that required protection and improvement from the state. However, since Indigenous peoples had already assimilated into the national peasant population—to the extent that they shared the same class interests as settler *Ladino* peasants—*originario* peasants did not need agrarian laws and policies specific to their Indigenous identity. They would simply benefit from agrarian laws and policies designed to improve all peasants. The 1939-1945 national Legislative Assembly and the Ministries of Public Instruction and of Foreign Affairs

formalized this perspective with their ratification and approval, respectively, of the founding Convention for the I.I.I. in 1941. Hernández Martínez passed an executive decree in 1943 that signaled his administration's intent to implement his peasant approach to Indigenous peoples within national agrarian policy through the creation of a National Indigenist Institute as mandated in the I.I.I. Convention, which ultimately never came into existence. While subsequent administrations and Legislative Assemblies continued to exclude Indigenous identity from national agrarian laws, policies, and programs, the 1958-1961 Legislative Assembly challenged Hernández Martínez's claim on the degree of assimilation of Indigenous peoples with the ratification of the 1957 ILO Convention 107 in 1958, which remains in force as national law into the present. This legislative act established a national legal perspective of Indigenous peoples in El Salvador as not yet fully assimilated into the *mestizaje* national population, which in later decades would create the possibility within the national legal system for the creation of laws, policies, and programs specific to Indigenous identity.

The Ministry of Public Instruction within the executive branch of the national government articulated the Hernández Martínez administration's recognition of Indigenous peoples as an already assimilated sub-population within the *mestizaje* national peasant population that encompassed the entire national territory. In 1940, Jose A. Orantes, an official from the Ministry, delivered a policy report on behalf of the administration, "Hacia la Re-Vindicación del Indio Cuzcatleco" (Toward the Vindication of the Cuzcatleco Indian), at the I.I.I.'s first Congress in Pátzcuaro, Mexico.³ The report explained that the administration viewed itself and the heads of other national governments in the hemisphere as representing the interests of the settler elites in their respective countries, or the "Europeans adapted to living in the Americas" (41). However, unlike other American countries, Indigenous peoples in El Salvador did not pose a national problem that required the administration to assimilate them into the national *mestizaje* society headed by the settler elite. Most of the Indians in the national territory were "ya mixtado" (already mixed) and "ya incorporados" (already incorporated) into the *mestizaje* Salvadoran nation through the long national history of biological and cultural *mestizaje* among the Indigenous *originario* and settler *Ladino* peasants that had accelerated and neared perfection under the new national latifundia economy. The scant remaining and unassimilated "pure" Indians lived in the few small towns of Izalco, Nahuizalco, the Nonualcos, and Guatajiagua within the Paracentral and Western regions of the national territory. Nevertheless, the administration recognized the historical and social distinction of Indigenous peoples from the rest of the peasantry. Unlike the *Ladino* peasant group, the *originarios* had become peasants following the dispossession of their lands and exploitation of their labor by Euro-American settlers under Spanish colonial rule and later Salvadoran national governments. This historical process produced racialized class inequality and antagonistic race relations between the *Ladino* settlers and the *originarios*. The *originarios* distrusted, resented, and hated the *Ladinos*.

The Hernández Martínez administration did not consider this socio-historical distinction of the Indigenous population within the national peasantry to merit the establishment of agrarian law and policy specific to their Indigenous identity. Orantes explained that Indigenous identity was no longer formally tied to agrarian law and policy following the abolishment of communal and ejido lands from the national land tenure regime at the end of the 19th century. Since the Indians were already assimilated into the national peasantry, and since the settler elite exploited both *originario* and *Ladino* peasants in the national agrarian economy, the administration assumed that *originario* peasants had the same class interests as *Ladino* peasants and that both peasant groups could benefit

³ Then and now, "Cuzcatlán" refers to the Indigenous territory that preceded the national territory of El Salvador.

from the same agrarian law and policy. By the 1940s, the emerging Euro-Salvadoran oligarchy that dominated all branches of the national government had pushed *originario* and *Ladino* peasants to live in extreme social marginalization and economic poverty in the countryside. Within the national agrarian economy centered on coffee monoculture, the landless *originario* and *Ladino* peasants migrated to urban areas in search of work outside of the five-month coffee-growing season. This seasonal pattern of rural-to-urban migration created new social problems linked to the overpopulation of urban areas. In response, the administration defined the national peasant problem in terms of landlessness, poverty, and migration but excluded the issue of Indigenous identity, even though the peasantry included Indigenous peoples. The administration's proposed solution to the peasant problem mostly bypassed the severe land inequality at the root cause of rural poverty and protected the large private landholdings of the settler elite. In order to prevent rural people from abandoning the countryside in search of a better life in cities, the administration developed a Social Improvement program (Plan de Mejoramiento Social) to provide small plots of arable land with housing for impoverished peasant families to rent and later buy. This was the extent to which the administration sought to address land inequality and use land redistribution to benefit the rural poor.

Even though the Hernández Martínez administration was not willing to develop agrarian policies and programs specific to Indigenous identity, the administration nevertheless formalized its perspective of the Indigenous population as a distinctive sub-population of the national peasantry in need of protection and improvement. The administration made El Salvador into a founding member of the I.I.I. and committed subsequent national presidential administrations to engage with other American governments in the formation of international knowledge and policy recommendations on Indigenous peoples at the I.I.I. Following the Pátzcuaro Congress, a representative from the Ministry of Public Instruction signed the founding Convention of the I.I.I. on November 29, 1940. On March 18, 1941, the 1939-1945 Legislative Assembly under the National Pro Patria Party established by Hernández Martínez ratified the I.I.I. Convention as national law. On March 24, 1941, the Minister of Foreign Relations and Minister of Public Instruction approved all parts of the convention on behalf of the national presidential administration. The Convention stated that all American countries shared a similar Indigenous problem. American countries should therefore cooperate on knowledge production and policy making on Indigenous peoples in order to "improve in an integral manner the life of the Indigenous groups of America." The Convention mandated that national governments "elucidate the problems that affect the Indigenous nucleos within their respective jurisdictions" and "resolve the Indigenous problem in America by way of periodical reunions of the Inter-American Institute and National Indigenous Institutes." The Convention included a provision that required the national signatories to organize, operate, and finance National Indigenist Institutes as the national counterpart of the I.I.I. (Article X). The national institutes were to "stimulate interest and provide information on Indigenous material to public or private persons and institutions and to conduct studies of said material according to the particular interest of the country."

In the years that followed, the Hernández Martínez administration signaled its intention to implement its peasant approach to Indigenous peoples within national agrarian policy through the creation of a National Indigenist Institute as mandated in the I.I.I. Convention. On October 30, 1943, Hernández Martínez used his executive power to decree the creation of the Institute. The decree framed the Institute as a new state mechanism that could formalize and facilitate the administration's governance of the Indigenous population as already assimilated subpopulation of the national peasant population that encompassed the national territory. The decree placed the

Institute within the organizational structure of the Ministry of Public Instruction. The decree established the Institute as the administration's formal liaison with the I.I.I. and similar national institutes in other American countries. The Institute's Executive Committee was to include representatives from national government agencies concerned with the conditions of the rural poor, such as a member of the Social Improvement program, and from private sector organizations that represented the agricultural interests of the settler elite, such as the Coffee Association of El Salvador. The Executive Committee was not to include any direct representatives from the Indigenous population. The decree restricted the Institute's attention to the national peasant problem in technical and practical terms that excluded Indigenous identity and relevant political and racial issues from analysis. The decree mandated that the institute investigate the "cultural and progressive conditions of the rural masses, with a focus on their physical and psychological needs, in order to obtain the means to intervene effectively in the conditions of life of the peasant." Despite the legal validity of the executive decree that created the National Indigenist Institute, the Ministry of Public Instruction never created the Institute by end of the Hernández Martínez administration in 1944. No subsequent national presidential administration ever created the Institute.

Subsequent administrations maintained the exclusion of Indigenous identity from national agrarian policies and programs. However, the 1958-1961 national Legislative Assembly under Revolutionary Party of Democratic Unification established by the national military leadership and the 1979 national Legislative Assembly under the National Conciliation Party complicated the Hernández Martínez administration's articulation of national *mestizaje* to justify its removal of Indigenous identity from national law and policy on agriculture. These Legislative Assemblies reaffirmed the national legal perspective established by the founding Convention for the I.I.I. of Indigenous peoples as a distinctive subnational population of the national peasant population in need of protection and improvement by the national government. The 1958-1961 Legislative Assembly ratified the 1957 ILO Indigenous and Tribal Populations Convention 107 on November 18, 1958, which has remained in force as national law into the present day.⁴ Despite the ILO Convention 107's encouragement of national governments worldwide to assimilate Indigenous peoples as equal members of national populations, it nevertheless establishes a national legal definition of Indigenous peoples as not yet fully assimilated into the *mestizaje* national population and in need of laws and policies tailored to their Indigenous identity.⁵ The 1979 Legislative Assembly ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1979, which has also remained in force as national law. This Convention complicates the Hernandez Martinez administration's claim of a mixed-race nation within no significant internal racial difference and calls on the state to create laws and policies that protect racialized minority groups like Indigenous peoples from racial discrimination within the national population. The ILO Convention 107 and the ICERD thus created the possibility within national law for future Legislative Assemblies and national presidential administrations to create laws, policies, and programs for *originarios* that were specific to their Indigenous identity. Legislative

⁴ Unlike many other Latin American countries, the Salvadoran government has never replaced ILO 107 with the ratification of the 1989 ILO Convention 169. We will see more about this later in the chapter.

⁵ The Convention defined Indigenous peoples as "members of tribal or semi-tribal populations in independent countries whose economic conditions are at a less advanced stage than the stage reached by other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations." It also defined Indigenous peoples as "members...who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which this belongs."

Assemblies and national presidential administration would not act on this possibility until the late 20th and early 21st centuries.

Settler elite resistance to radical agrarian reform, 1980s

During the 1979-1992 Salvadoran civil war, the settler elite created a national political party, the National Republican Alliance (ARENA), to sabotage a radical national agrarian reform program proposed by the 1979-1984 national revolutionary military presidential administration that targeted their large private landholdings. By this point, the rural poor included Indigenous peoples implicitly,⁶ as national law and policy on agriculture no longer recognized Indigenous identity among the peasantry. Martin Diskin, a prominent U.S. anthropologist known for his advocacy for the rural poor in Latin America, documented this political process in an article he published in 1985 for the Institute for Food and Development Policy based in San Francisco, "Agrarian Reform in El Salvador: An Evaluation." In the late 1970s, the military took control of the national presidential administration and attempted to restore the national political stability and social order. The 1979-1984 military administration proposed an agrarian reform program based on social justice for the peasantry that threatened the Liberal foundation of the national agrarian economy. The program called for the extensive redistribution of lands from the settler elite's latifundia to the rural poor. In 1980, national Legislative Assembly's Decrees 153, 154, and 207 legalized the administration's reform program as national law. In response, ARENA mobilized a conservative political coalition to influence the 1982 Constituent Assembly and protect their large private landholdings by enshrining private property rights in the national Constitution of 1983. Articles 105 and 207 of the national Constitution centered the national agrarian reform program on private property and excluded the issue of social justice. The Articles effectively limited the scope land redistribution to protect the largest, most productive, and most profitable private landholdings of the Salvadoran oligarchy. During the 1979-1984 military and 1984-1989 centrist national presidential administrations, ARENA exerted its political influence on the Ministry of Agriculture and Livestock to further undermine the administrations' implementation of the already curtailed reform program to redistribute land.

By the 1980s, profound socioeconomic disparities based on severe land inequality between the large landowners and the landless and impoverished peasantry created a national situation of political instability that threatened the established social order in El Salvador. Since the abolishment of communal and ejido land tenure in the late 19th century, the settler elite had come to own the largest, most productive, and most profitable private landholdings that became the material basis for their position at the top of the national society and their dominance within the national government and economy. These latifundia depended on the labor exploitation of impoverished peasants and farmworkers. The settler landowners secured their power over their labor force through the socioeconomic marginalization and political exclusion of the rural poor within national life. By the 1970s, 1.5% of all farms held by the settler accounted for 49% of all farmland, while the rural poor owned 92% of the farms that represented only 27% of the land, usually of the poorest soil quality. This meant that 83% of the rural population was classified as the "rural poor" and lived on less than \$225USD per capita per year. Three-quarters of all rural

⁶ I will talk more about what "implicit" means in the chapter on state recognition. But in a nutshell, even though national agrarian law and policy no longer recognized Indigenous peoples, national policy on culture granted limited recognition. Not to the extent of formally identifying and tracking specific communities and individuals as Indigenous, but rather a vague understanding that Indigenous peoples limited visual social presence among the rural poor.

children under five suffered from malnutrition. In 1975, more than 40% of this population was completely deprived of land and dependent on agricultural wages earned during the peak agricultural season on large land estates, with an under- and unemployment rate of about 50%. These conditions of poverty, malnutrition, and illiteracy created social conflict between the landowners and the rural poor. Landowners used increasingly harsh steps--including extra-legal and lethal force by their military and paramilitary allies--to subdue protests and ensure the docility of their agricultural labor force.

Increasingly violent cycles of protest and repression during the 1970s led to a military coup of the national presidential administration in 1979. In 1980, the new 1979-1984 revolutionary administration formulated a national reform program centered on social justice that addressed a broad range of issues, including agriculture, in order to restore national political stability. The reforms intended to ameliorate social inequality, grant political enfranchisement to the majority of Salvadorans, and share the national wealth in order to establish an enduring peace within society. The agrarian reforms targeted about half the land in farms and perhaps 40% of the rural population. Under the military administration, the national Legislative Assembly legalized the program in two parts. The Legislative Assembly enacted the first part, known as the "Basic Law" (Decrees 153 and 154), on March 5, 1980. These decrees sought to confiscate all landholdings above 100 hectares (150 in the case of poorer quality soil) and to transform the confiscated lands into cooperatives run by the peasants and farmworkers who had worked on the latifundia. The Legislative Assembly enacted the second part, Decree 207, on April 28, 1980. This decree, also known as the "Land-to-the-tiller" program, sought to transfer ownership rights to individualized parcels of the large landholdings from the settler elite to tenants and sharecroppers. The administration intended to implement the agrarian reform in three phases. The Basic Law was to be implemented in two phases. Phase I would affect farms over 500 hectares, or about 15% of all land in farms and about 60,000 families as cooperative members. Phase II targeted remaining farms over 100 hectares, or 14% of all land in farms. Decree 207, or Phase III, promised to affect 177,000 members of the rural poor and perhaps about 10% of all land in farms.

The 1980 legislative decrees did not include implementation mechanism for the three phases of agrarian reform. This legal absence made reform implementation vulnerable to political influence from other actors, including the settler elite. During the 1980s, the settler elite formed a new political party, the National Republic Alliance (ARENA), to advocate for their own large private landholdings within the national Legislative Assembly under the military administration and later the centrist 1984-1989 national presidential administration before taking control of the presidency beginning in the 1989-1994 term. From these key positions within the legislative and executive branches of the national government, ARENA members formulated, institutionalized, and implemented anti-reform legislation and policies that minimized the amount of land that was to be taken from the settler elite's large private landholdings and redistributed to the rural poor.

In 1982, ARENA assembled a conservative political coalition to influence the Constituent Assembly and protect their right to the possession of land as private property in the national Constitution of 1983. In a victory for the settler elite, Articles 105 and 267 contained in the ratified national Constitution centered the national agrarian reform program on private property and made no mention of social justice. The Articles reduced the amount of land that was to be redistributed from the large landowners to the rural poor and effectively eliminated the land available for Phase II, which had targeted the largest, most productive, and most profitable farmlands owned by the oligarchy. Article 105 called on the state to recognize, foment, and guarantee the right to private property over farmland, be it individual, cooperative, communal, or in any other associative

(emphasis added). The state was not to reduce the maximum extension of land that is established by this Constitution as a right of property.⁷ The Article set the maximum extension of farmland belonging to one same natural or juridical person to two hundred and forty-five hectares. It exempted cooperative or communal peasant associations from this maximum limit. The lands which exceed the maximum limit may be transferred under any title to peasants, small farmers, cooperative corporation and associations, and peasant communities. The Article mandated that the transfer be realized within a period of three years. In an effort to dislodge land possession from the settler elite, the Article stated that in no case may the exceeding lands be transferred under any title to relatives within the fourth degree of consanguinity or the second degree of affinity. In order to enforce the maximum limit, Article 267 stated that if the land which exceeded the maximum limit established in Article 105 were not transferred within the period therein contemplated due to the owner, it may be the object of expropriation by the operation of law.

ARENA also undermined the implementation of Phases I and III of the national agrarian reform during the 1979-1984 military national presidential administration and the 1984-1989 centrist national presidential administration. A representative from ARENA headed the Ministry of Agriculture (MAG) within the executive branch between 1982 and 1984, which was the state institution responsible for agrarian reform implementation. MAG implementation of Phases I and III failed to improve the standard of living of the more than one-half million agrarian reform beneficiaries. MAG undermined Phase I implementation. It restructured the internal agency responsible for agrarian reform, the Salvadoran Institute for Agrarian Transformation. ISTA increased the agrarian debt of peasant cooperatives, reduced social services, delayed credit deliveries, allowed corruption in administration, and laid the institutional groundwork for the reprivatization of the peasant cooperatives. MAG implementation of Phase III, which was not under direct ARENA control but still vulnerable to ARENA influence, transferred tiny plots of poor-quality land at the margins of the national agricultural economy to small landowners who were very poor. The beneficiaries were so geographically isolated that they could not access auxiliary services and support for the reform from the MAG, such as credit and technical assistance.

ARENA's continued to influence MAG implementation of agrarian reform even after the centrist Christian Democratic party's candidate, Duarte, who was sympathetic to the rural poor and mobilized peasant organizations to win the national presidential election in 1984. ARENA mobilization within national politics, along with pressure from the national military leadership and U.S. foreign policy, restricted the scope of political action for the Duarte administration on reform implementation. By the mid-1980s, Duarte had not been able to deliver on his campaign promises to the rural poor and peasant organizations. It became increasingly unlikely within the national political arena that his administration would carry out the social-justice mandate of the original agrarian reform legislation proposed by the revolutionary military government and excluded by ARENA from the national Constitution of 1983.

Rationalizing the settler elite's large landholdings through neoliberal market-based agrarian reform, 1990s-2000s

During the 1990s and 2000s, the World Bank helped consecutive ARENA national presidential administrations develop a neoliberal market-based approach to national agrarian reform based on private property that further protected the settler elite's large landholdings from land redistribution. The 1992 Peace Accords between the 1989-1994 ARENA administration and the Farabundo Marti

⁷ The cooperative, communal, and associative forms of private property are not the same as collective and communal forms of land tenure often associated with Indigenous peoples in other Latin American countries.

National Liberation Front (FMLN) leadership of the guerrilla movement required the administration to implement the national agrarian reform enshrined in the national Constitution of 1983. This reform program focuses on land tenure and land redistribution in order to benefit the rural poor on both sides of the national civil war. The World Bank provided technical assistance and financial resources to help the 1994-1999, 1999-2004, and 2004-2009 ARENA administrations execute the reform through the Land Administration I Project. The World Bank published periodic reports that evaluated administrative progress on project implementation based on land tenure security and land market efficiency. This market-based approach marginalized land redistribution and the rural poor from the project—to the extent that it justified the exclusion of additional lands from the latifundia available for redistribution. After the project concluded in 2006, the World Bank encouraged subsequent national presidential administrations to maintain the neoliberal market-based approach to national agrarian reform. By the late 2000s, this approach revealed a small opening for the establishment of Indigenous land rights within the national legal-political system.

The 1992 Chapultepec Peace Accords built on the national Constitution of 1983 and placed both land redistribution and land tenure at the center of national agrarian reform to benefit the rural poor in El Salvador. With mediation from the Roman Catholic Church and the United Nations system, the 1989-1994 ARENA national presidential administration and the FMLN leadership signed the Accords on January 16, which became effective a few weeks later on February 1. The peace treaty formally ended the brutal civil war that ravaged the country during the 1980s and provided a legal and political framework for the national government's democratic reconstruction of Salvadoran society. The document contained agreements between both parties on actions that the legislative, judicial, and executive branches of the national government should take on a wide range of contentious issues in order to end the conflict: the disarmament of combatants, police reform, judicial reform, electoral reforms, and socioeconomic development. Chapter 5 of the document framed socioeconomic development that benefitted all sectors of the national population, particularly the rural poor, as central to national post-war reconstruction. The chapter contained one section on land redistribution and another on land tenure that attempted to solve the national land problem that had been at the center of the armed conflict. This agrarian reform sought to benefit the landless peasants and small farmers within and outside of the conflict zones throughout the national territory. The chapter codified a market-based rationality for the reform based on market prices and credit terms into the reform.

Section 2 of Chapter 5 of the Peace Accords defined how the national presidential administration was to use institutional land transfer mechanisms to implement land redistribution that addressed the national problem of landlessness throughout the national territory. The section's provisions sought to transfer legal title to private landholdings from the settler elite or to public land from the state to landless peasants and small farmers. The provisions mandated the administration to implement Articles 105 and 267 of the national Constitution, which had imposed a 245-hectares size limit on large private landholdings and required the administration to redistribute farmland above the size limit. Section 2 also compelled the administration to implement Article 104 of the national Constitution, which required the administration to redistribute state-owned public farmland outside of the national forestry reserve system. This section directed the administration to give preference for the land transfers to former combatants on both sides who, upon voluntary request, were landless peasants familiar with farming. The provision made the national Land Bank responsible for the land transfers. The Land Bank had to acquire lands sold voluntarily by their owners and to transfer the acquired lands to the beneficiaries

of the agrarian reform. The Land Bank was to process the land transfers at market prices and on the same credit terms as granted to the beneficiaries and financed from national and international resources. This land transfer process required the administration to propose new legislation that transformed the haphazard, contradictory, and incomplete existing national agrarian legislation into a harmonized and unified national agrarian code. The administration had to submit draft legislation to the national Legislative Assembly within 12 months of signing the Peace Accords.

Section 3 of Chapter 5 of the Peace Accords defined how the national presidential administration was to institutionalize land transfers in order to solve the national problem of irregular land tenure among landholders in conflict zones throughout the national territory. The intended legal beneficiaries were “those who currently occup[ied] and/or work[ed] the land” in the target areas. The section’s provisions directed the administration to create a national land tenure system that transferred and legalized land titles. In the meantime, the administration could not evict landholders and was to provide them with financial support to increase their agricultural production. The administration was to include the FMLN in the creation of the national land tenure system. The FMLN had to submit an inventory of land or buildings affected by these provisions. Upon verification of the inventory, the administration was to provide a “satisfactory legal solution” through voluntary sale of such property by the rightful owners to the current holders. If the owner did not wish to sell the property, the administration was to use legal methods to resettle the peasants and/or small farmers onto similar land and ensure that the resettlement land was situated in the same zone. The administration needed to legalize the land-tenure situation in conflict zones within six months from the signing of the document, granting either individual or collective (cooperative) title to the land. Land was to be purchased from their former owners at market prices. Land sales to the current holder were subject to the same conditions as those granted to beneficiaries of the agrarian reform.

During the 1990s and 2000s, consecutive ARENA administrations turned to the World Bank for technical assistance and financial resources to implement national agrarian reform as mandated in the national Constitution and the Peace Accords. The World Bank framed its intervention in national agrarian reform as part of its long-term, programmatic commitment to postwar reconstruction of El Salvador. The commitment focused on the transformation of El Salvador into an externally competitive market-based economy. This neoliberal market-based approach proposed by the World Bank was initially consistent with the Peace Accords. It identified the rural poor as the primary beneficiaries of agrarian reform and framed agrarian reform as a viable strategy to reduce rural poverty in the Salvadoran countryside. The 2001-2003 World Bank Country Assistance Strategy for El Salvador (CAS) explained this approach. The document provided a technical framework for the World Bank, the Inter-American Development Bank (IDB), and other international donors to coordinate and provide assistance to the 1994-1999 and 1999-2004 ARENA administrations during the 1997-2004 fiscal years in order to revise and create national laws, policies, and programs. This assistance sought to rebuild critical social infrastructure in the wake of the civil war and to support the country's medium-term poverty reduction agenda to reduce national poverty from 44-45% by 2001 to 35-40% by 2005. The CAS defined three key objectives: 1) sustaining efforts to reduce poverty and promote social development; 2) accelerating growth and developing new opportunities; and 3) fine-tuning the role of the public sector. The third objective contained policy prescriptions for the administrations to implement agrarian reform centered on private property rights with support from World Bank, the Inter-American Development Bank, the United Nations Development Program (UNDP), and the US Agency for International Development.

In order to help the ARENA administrations implement national agrarian reform, the World Bank designed, funded, and supervised the 1997-2005 Land Administration I project. The World Bank's original market-based vision for project departed from the agrarian reform mandated in the Peace Accords. Whereas the peace treaty framed agrarian reform in terms of land tenure and land redistribution, the project focused on the former and marginalized the latter. The 2001-2003 CAS explained that the project sought to improve land tenure security throughout the national territory with the transfer of individual private property rights to landless peasants and small farmers, particularly in former conflict zones during the civil war, as stipulated in the national Constitution's agrarian reforms. It centered on the creation of a centralized state institution, the National Center for Registries (CNR) within the Ministry of Economy, which would become responsible for generating more accurate information on the geographic characteristics of urban and rural properties (cadastre data) and on the extent of legal property rights (registry data). The project sought to develop a financially self-sufficient cadastral and registration system; raise the productivity of small and medium farmers; and strengthen the national land market through increased land tenure security. Under ARENA leadership, the national Legislative Assembly approved the project in 1996 and made the ARENA administrations responsible for project implementation.

The World Bank's early evaluation of the ARENA administrations' implementation of the Land Administration I project focused on the administrative structure and technical services of the CNR. The 2001 CAS viewed the administration's progress on implementation as a success. The Project had many achievements. The project helped the Salvadoran government to establish an efficient and modern system for national property cadastre and registry under a single institution, the CNR. 20% of the financial investment for the project had benefitted the capital city of San Salvador, where the CNR regularized and registered property to the agrarian reform beneficiaries. The CNR complied with quality management system standards set by the International Organization for Standardization's 9000 certification process. The project had also established active participation by civil society in the regularization of land in key Departments of the national territory. It also provided internet access to land records; achieved agreement between the CNR and the municipal government of metropolitan San Salvador to develop and share cadastral data; and promoted initial participation by selected municipalities in the maintenance and use of the cadastre information. If satisfactory project implementation continued, the World Bank expected to follow up with a proposed Land Administration II project.

After the 1999-2004 ARENA administration's completion of the Land Administration I project, the World Bank reframed its evaluation of the project's success to focus on whether the project increased land tenure security and strengthened the efficiency of the national land market. In 2010, the Independent Evaluation Group at the World Bank (IEGWB) published a performance assessment of the project. The assessment found the project to have had a "satisfactory" outcome. The assessment cited evidence that suggested that the project had improved the dynamism of the national land market with potentially efficiency-enhancing consequences. The project greatly improved registry and cadastre procedures, and the CNR's achievement of core financial self-sufficiency served as a model for other countries. The unit costs for regularization were in the range that the World Bank observed elsewhere. The project had an appropriate focus on increasing market efficiency by creating a unified cadastre and registry, and it improved land use capacity, particularly in fast-growing urban areas of El Salvador. The project had substantially achieved its objectives. While it covered only two-thirds of the projected number of parcels, this was feasible with the available funds, as the cost per hectare of regularization was underestimated at the time

of project appraisal.

The Land Administration I project failed to implement the call for land redistribution at the center of the national Constitution of 1983 and the 1992 Peace Accords. The World Bank used its neoliberal market-based approach to national agrarian reform in order to justify its marginalization and eventual exclusion of land redistribution from the project. The 2012 assessment published by the IEGWB speculated that earlier legal and political attempts at agrarian reform in El Salvador may have triggered settler elite resistance to land redistribution in the 1990s, although this did not provide an adequate explanation for why the World Bank did not promote land redistribution in El Salvador. The World Bank explained that previous agrarian reforms centered on land redistribution had led to inefficient resource use in agriculture. The possibility of full implementation of the most recent reform enshrined in the national Constitution of 1983 "had paralyzed land markets, deterred investments, distorted incentives, and did little to improve tenure security because many transfers could not be completed due to incomplete land records." This reform's 245-hectare ceiling on private property prohibited the formation of landholdings larger than 500 hectares, which were necessary for the formation of economies of scale. The World Bank also claimed that additional land redistribution was not an appropriate way to reduce rural poverty in El Salvador. Drawing on the results of a 1996 household survey, it determined that landlessness did not significantly increase the likelihood to be poor, as landless peasants and farmers with small plots of land had similar rates of extreme poverty, at about 30%. The World Bank had calculated that in order to elevate the rural poor above the poverty line, the rural poor would need to increase their average farm size from 2 hectares to 12.5 hectares, which was not possible given the available supply of arable land within the national territory. The World Bank concluded that "considering the scarcity of farm land in El Salvador, these estimates underline the unreasonableness of relying primarily on land redistribution to alleviate poverty among the rural poor, and the importance of non-land factors (i.e. education, access to infrastructure and credit, technology, economic incentives) in the poverty equation." The World Bank finalized its exclusion of land redistribution by noting that "the least poor in rural areas are those households which are heavily involved in non-farm employment, and thus a route out of poverty is to increase access of the poor to non-farm activities."

The Land Administration I project also failed to treat the rural poor as the primary beneficiaries of national agrarian reform as prescribed by the national Constitution of 1983, the Peace Accords, and the World Bank's own initial vision of the agrarian reform as a strategy to alleviate rural poverty in the countryside. The World Bank's neoliberal market-based approach to agrarian reform de-emphasized poverty alleviation in its evaluation of the project's outcomes. The World Bank could not prove that the project improved the poverty line among the rural poor. The 2010 IEGWB assessment found that the project not only failed to monitor the economic impact of the prescribed land administration policies on the rural poor, the project also marginalized and excluded the rural poor from its institutional operations. The increase in land registry revenues revealed an effective demand for CNR services, which suggested that customers who paid for the services were convinced that there was a payoff, such as land tenure security and associated economic benefits. However, the project had created insufficient data to determine the socioeconomic profile of paying customers; whether the rural poor had a strong demand for the services; or whether land registration increased income and productivity for the rural poor. Furthermore, the project's design and implementation paid insufficient attention to the institutional mechanisms needed to ensure access of the rural poor to the land regularization process and to land available for redistribution. This resulted in the project's failure to organize comprehensive and targeted information

campaigns; insufficient facilities for free legal advice; inadequate low-cost dispute resolution mechanisms; no reduced transaction fees for smallholders and socially deprived members of communities; and inadequate access and utilization of services by the poor.

After the conclusion of the Land Administrative I Project, the World Bank encouraged subsequent national presidential administrations in El Salvador to maintain its neoliberal market-based approach to national agrarian reform centered on land tenure security and land market efficiency. In 2012, the World Bank published a report on the state of the national land tenure system in El Salvador, “El Salvador Country Land Assessment.” The report recognized the CNR and the Salvadoran Institute for Agrarian Transformation (ISTA) within the MAG as the national government agencies responsible for the implementation of agrarian reform in El Salvador. It lauded the national progress on land administration. The previous administrations’ creation of the CNR made El Salvador into a pioneer in Latin America for merging national land registry with geographical descriptions of urban and rural lands into a single state institution. The report framed the CNR as one of the most sophisticated registries in the regions that was entirely self-financed—it even transferred surpluses to the national government’s Ministry of Finance. It claimed that the national population gave significant approval to the CNR for the efficiency and transparency of its services, and the national population perceived land tenure security as high. The report noted that ISTA had yet to formalize private property rights through the CNR for many beneficiaries who received redistributed lands under the agrarian reform. It recommended that ISTA should update the inventory of properties and cadastral information in the CNR in order to improve national land administration.

The World Bank’s neoliberal market-based approach to national agrarian reform identified an opening for the establishment of collective Indigenous land rights within the national legal-political system. The 2010 IEGWB assessment found that El Salvador had become largely successful in reversing the extreme inequality in access to land that had characterized much of the 20th century. However, landless peasants and small farmers continued to have difficulty in becoming successful farmers, and land tenure informality—characterized by land fragmentation and alternative uses for land—remained a national problem. ARENA national presidential administrations had made progress on addressing this problem by updating the national legal and institutional framework for land administration. The framework provided adequate recognition and protection of private and public lands. Almost all lands in El Salvador were held as private, with public lands limited to the national system of protected areas and those used by public entities. The assessment explained that since Indigenous peoples had no legal recognition within the national Constitution as members of the national population, the national government had not established a special land tenure regime specific to Indigenous peoples. This suggested that the first step toward collective Indigenous land rights in El Salvador was the formal recognition of Indigenous peoples as members of the Salvadoran nation. The assessment did not speculate on what legal form Indigenous land rights might take, and how Indigenous land rights could strengthen land tenure security and land market efficiency within the national territory.⁸

Conclusion

El Salvador is a *mestizaje* national territory with no Indigenous territory. The contemporary

⁸ The national Civil Code defined collective ownership in the form of cooperatives and other joint ownership arrangements based on individual private property. This excluded communal lands and those under customary tenure, which do not exist within the national legal system.

absence of Indigenous territory results from the settler colonial history of private property within the national territory since the late 19th century. In the late 19th century, the Liberal faction of the settler elite exerted their political influence in the legislative and executive branches of the national government to abolish ejido and communal land tenure from the national legal system and to accumulate large private landholdings. The subsequent processes of land privatization, dispossession, and accumulation throughout the entire national territory transformed the members of Indigenous *originario* and settler *Ladino* communities into low-wage laborers on settler-owned coffee plantations at the center of the national agrarian economy by the mid-20th century. In order to conceal this Liberal history of Indigenous land dispossession, the Legislative Assembly and the national presidential administration under the military dictatorship of Hernández Martínez drew on the national ideology of *mestizaje* to justify the removal and exclusion of Indigenous identity from national agrarian law and policy during the mid-20th century. During the 1979-1992 Salvadoran civil war, the settler elite created an influential national political party, ARENA, to protect their large private landholdings against radical agrarian reform proposed by the 1979-1984 revolutionary military government and designed to benefit the rural poor and demobilize the FMLN guerrilla insurgency. During the 1990s and 2000s, consecutive ARENA national presidential administrations turned to the World Bank to develop a neoliberal market-based rationality for national agrarian reform that justified their ongoing possession of their large private landholdings. During the 2000s and 2010s, national Ministries and Legislative Assemblies under consecutive ARENA and later FMLN national presidential administrations made slow national progress toward the establishment of collective Indigenous land rights within the national legal-political system.

While the socio-historical transformation of Indigenous lands into *mestizaje* national territory is neither complete nor irreversible, the contemporary non-existence of Indigenous territory means that Indigenous peoples in El Salvador have no material foundation at any scale or in any form for communal organization, self-government, and political autonomy over their own internal affairs. Without this material foundation, Indigenous peoples have had far, far less political power than other political actors within national politics to advocate for their own socio-economic interests in the negotiation of national laws, policies, and programs since the early 20th century. As we will see in the other dissertation chapters, this deeply entrenched condition of Indigenous landlessness and powerlessness has severely restricted the legal and political possibilities for Indigenous peoples in El Salvador to mobilize as a social class to resist the settler elite and decolonize the settler state to advance toward their own understandings of historical justice and Indigenous self-determination. The other chapters will reveal ongoing forms, relations, and expressions of settler power over Indigenous peoples that naturalize the *mestizaje* national territory and minimize the conditions of possibility for the internal emergence of Indigenous territory.

Recognizing Indigenous peoples without Indigenous lands: International Indigenous rights and post-neoliberal multiculturalism in El Salvador

This chapter analyzes how the settler state recognition of Indigenous peoples in El Salvador has come to focus on national issues of multiculturalism and exclude questions of land and territory.⁹ The chapter first locates the origins of state recognition in ethnographic studies and national government programs on culture and tourism during the 1970s and 1980s that conceptualized Indigenous peoples as a culturally distinctive social class at the bottom of the national *mestizaje* society. The second section explains how state institutions (e.g. the Ministry of Culture), Indigenous organizations, international institutions (e.g. the World Bank), and cultural anthropologists formulated Indigenous peoples' "invisibility" as Salvadoran citizens as the official rationale for state recognition during the 1990s and 2000s. The chapter then examines how the Ministry of Education, the Ministry of Labor and Social Provision, and the Ministry of Foreign Relations justified the exclusion of Indigenous land rights from the emergent state recognition of Indigenous peoples as Salvadoran citizens before the UN's International Labor Organization and the Committee on the Elimination of All Forms of Racial Discrimination during the 2000s. The fourth section analyzes how the Ministry of Culture and other state institutions invented and mobilized a new discourse of national multiculturalism to create a constitutional foundation and national legal and political framework for state recognition during the 2009-2019 FMLN administrations. The final section reveals how the Salvadoran state intended to govern Indigenous peoples as Salvadoran citizens without relinquishing state control over land, territory, and natural resources by the end of the 2010s. This chapter analyzes ethnographic studies, laws, policies, reports, statements, and other public institutional documentation digitized online or stored at the Inter-American Indian Institute archive at the National Autonomous University of Mexico.

Challenging national *mestizaje*, conceptualizing Indianness as racialized class status (1970s-1980s)

By the 1970s, international institutions such as the Inter-American Indian Institute and the United Nations, along with state governments throughout Latin America, recognized the social existence of Indigenous peoples within national territories on the basis of their ethnic difference from the dominant settler (often labeled as *mestizaje* or mixed-race) society of the modern nation-state. During the 1970s and 1980s, two Mexican-trained cultural anthropologists—Alejandro Dagoberto Marroquín and Concepción Clará de Guevara—argued that this ethnic definition of Indigenous identity did not apply to El Salvador. Cultural distinction marked the ongoing social existence of the *originarios* (also known locally as *índios* and *naturales*) as Indigenous peoples within the Salvadoran population, but not in cultural forms that registered as "Indigenous ethnicity" to international institutions or the Salvadoran state. While the state used the absence of Indigenous ethnicity to justify its non-recognition of Indigenous peoples within the national

⁹ El Salvador is a settler state and society. Chapter 1 (the chapter before this current chapter on state recognition) will analyze the politics of land redistribution at the center of settler colonialism in El Salvador. This means that that Salvadoran state is designed to preserve the land interests and landholdings of the settler elite. Key parts of Salvadoran settler colonialism are the state's abandonment of the Indians as a population within national law and policy by the mid-20th century; the "failure" of internationally monitored land redistribution programs during the Salvadoran civil war (1979-1992) and the early postwar years, and the depoliticization of land distribution within the national political arena in recent decades.

territory, Marroquín and Clará de Guevara theorized the ongoing Indigenous existence as a social class at the bottom of the national *mestizaje* society abandoned and erased by the state. This anthropological definition of Salvadoran Indigeneity informed emerging state recognition of Indigenous peoples as members of the Salvadoran nation through national cultural and tourism programs administered by the national government's Ministry of Education and Ministry of Culture and Communication.

In the early 1970s, Clará de Guevara began to theorize Indigenous peoples in El Salvador as a culturally distinctive social class at the bottom of the national *mestizaje* society. At the time, she had received her doctorate from the National School of Anthropology and History of Mexico in Mexico City and worked as the director of Ethnographic Investigations at the Salvadoran national government's David J. Guzmán Museum in the capital city of San Salvador. In 1973, she published a report on the situation of Indigenous communities in contemporary El Salvador ("Situación Actual de las Comunidades Indígenas en El Salvador"). The report argued that despite state erasure of Indigenous peoples from national and local law and policy, Indigenous peoples continued to exist within the national territory as the bottom segment of the landless peasant population within the *mestizaje* Salvadoran nation. The smallness of the national territory prevented the Indigenous peoples from escaping their integration into the nation through geographic isolation. The study focused on the Indigenous population in the departments of Ahuachapán, Santa Ana, and Sonsonate in the Occidental zone of the country. The 1973 report estimated the population size to be 65,000 individuals based on the direct fieldwork observation of its author. However, the report could not corroborate this population size with national census data, as the national census had not collected information on the Indigenous population size since the state removal of race and ethnicity from the census form in the 1930s.

Clará de Guevara claimed that race per se did not differentiate Indigenous peoples within the *mestizaje* nation. Instead, she identified cultural distinction as the predominant social marker that differentiated Indigenous peoples among the landless peasantry. The 1973 report defined Indigenous cultural distinction as the traditional cultural practices of Indigenous peoples who lived in the Salvadoran countryside. This definition departed from the predominant conceptualization among anthropologists and international institutions of Indigenous peoples as "Indigenous communities" recognized and organized by the state in Latin America.¹⁰ While the Salvadoran state had historically organized the Indigenous *originarios* and settler *Ladinos* as ethnic communities, the central government abolished communal organization and collective land tenure in the late 19th century. The central government enacted agrarian laws and policies to facilitate the integration of the *originarios* as low-wage peasant laborers and sharecroppers into the national agrarian economy in subsequent decades. These laws and policies were not specific to the *originarios* and were also applied to *Ladino* peasants. This socio-historical process of de facto state assimilation eroded much of the prominent cultural markers of Indigenous peoples' ethnic identities as recognized by the state by the mid-20th century. In place of the concept of Indigenous community, Clará de Guevara instead conceptualized the Indigenous population as family units that lived in close spatial and social proximity to settler *Ladinos* as residents of municipality-based communities in the countryside. Within these communities, Indigenous peoples and settlers were legally and politically undifferentiated citizens of local and national governments beyond the limited fields of tourism and culture. Some towns had a larger *Ladino* population than the Indigenous population (e.g. Izalco), whereas others had a larger Indigenous population (e.g. Santo Domingo de Guzmán). The Indigenous families had "a clear Indigenous ancestry, that conserve

¹⁰ Chapter 1 will analyze how Indigenous peoples lost their communal organization in El Salvador.

their own cultural traits, marked by the syncretism of elements inherited from the pre-Hispanic culture and standards imposed by the colonizing population." Some of these families thought of themselves as Indigenous and identified themselves as "naturales." The primary markers of their cultural distinction was their use of the Náhuat language and traditional dress worn by Indigenous women. The Indigenous population further expressed their traditional culture through handicraft production and popular Catholic religiosity organized by local cargo systems.

Clará de Guevara located Indigenous peoples as a social class subordinate to the settler *Ladino* social class within the local power structures of the municipality-based communities in the Occidental zone. The 1973 report explained that a history of economic hardship and *Ladino* deceit displaced the Indigenous families from the urban center of the municipalities and into the semi-urbanized periphery and the surrounding rural administrative districts (cantones). The Indigenous families had little political power in local government as Indigenous peoples. Most *originario* voters were manipulated by the local *Ladino* authorities. In communities where *Ladinos* were the minority, Indigenous individuals could occupy a role in local government such as mayor (alcalde municipal) or another formal position of authority. In some communities, like Izalco, Nahuizalco, and Santo Domingo de Guzmán, the Indigenous population elected their own organizational authorities (e.g. the Alcalde del Común in Izalco). These Indigenous leaders, however, reported to the municipal government. As residents of the cantones, *originario* families no longer owned their own plots of land. They had either sold their lands or had their lands stolen from them through *Ladino* fraud. Most had also lost access to their former communal lands, except in Santo Domingo de Guzmán. The rural Indigenous families rejected the agrarian programs offered by the national government to improve the economic situation of landless peasant families. They instead survived on traditional practices of subsistence production and cultivation. Indigenous women were small-scale merchants of fruits, vegetables, and handicrafts produced by their families. Indigenous men worked as peons in the national agrarian economy. Outside the short coffee- and sugar-cutting seasons, Indigenous families earned such little income that they could not cover their basic food needs. They suffered from chronic malnutrition and other poverty-induced pathologies. Government-funded public health units in the communities did not provide culturally adequate treatment to the Indigenous families, so the Indigenous families relied on traditional medicine.

Marroquín built on Clará de Guevara's analysis of Salvadoran Indigenous identity to theorize what he called "state negation"—or abandonment and erasure—of the existence of Indigenous peoples in El Salvador. Marroquín was a Professor at the National School of Anthropology and History of Mexico and led the Department of Anthropological Investigations at the Inter-American Indian Institute (I.I.I.) in Mexico City. He was concerned with how the national history of agrarian development since the late 19th century enabled central and local governments throughout the entire national territory to remove Indigenous identity from domestic law, policy, and programs. In 1975, he published an article in a special volume on El Salvador in *América Indígena*, the I.I.I.'s quarterly publication on Indigenous affairs throughout the Americas. The article ("The Indigenous Problem in El Salvador") critiqued the official state position that Indigenous peoples no longer posed a "problem" to the development of the Salvadoran nation. The article argued that the national Indigenous problem was in fact a problem of the Salvadoran state's formal refusal to recognize the ongoing existence of the Indigenous population and to improve their destitute living conditions. The article traced the historical origins of state negation back to La Matanza (the Massacre), a failed peasant rebellion in 1932. During the rebellion, landless Indian and *Ladino* peasants in the Occidental zone of the national territory mobilized and attacked the wealthy *Ladino* townspeople and owners of large coffee plantations who had dispossessed them of their lands and exploited

them as agrarian laborers on the plantations. The plantation owners organized paramilitary forces to crush the rebellion with extra-legal brutality, which claimed up to 30,000 peasant lives. In the aftermath of the rebellion, the Hernández Martínez military dictatorship, which led the presidential administration and maintained close political and economic alliances with the plantation owners, conflated the rebellion with Indian-ness and Communism. This led the *originarios* to abandon or hide their cultural markers of Indigenous identity for survival. In the four decades following the Matanza, the military dictatorship did not trust the Indigenous population and was outright hostile toward proposals to develop national Indigenous policy. By 1975, the presidential administration began to re-open discursive space for Indigenous peoples within the national population through a narrow interpretation of pre-Columbian archaeology as part of the nation's cultural heritage.

Marroquín criticized how the Salvadoran state used the international definition of Indigenous peoples as ethnic groups to justify its negation of Indigenous peoples in El Salvador. The 1975 Marroquín article expanded on Clará de Guevara's argument that the international definition did not apply to El Salvador. Decades of indiscriminate exploitation of *originario* and *Ladino* peasants in the capitalist agrarian economy throughout the national territory had erased much of the ethnic boundaries and cultural practices that had previously differentiated the *originarios* from the *Ladinos*. The Hernández Martínez presidential administration justified its abandonment of the Indigenous population within the national territory based on the degree of assimilation of Indigenous peoples into the Salvadoran national population. The administration maintained its claim that the Indigenous population was so small and so integrated into national life as impoverished peons and share croppers on haciendas and fincas that they no longer constituted a population in need of specific Indigenous policy. The high degree of *mestizaje* within the national population meant that a *mestizaje* might have had strong Indigenous cultural traits but otherwise lived socially and culturally within a Western ideology. Most Indians had even abandoned their Indigenous languages and adopted the Spanish language. The Whites and *mestizajes* expressed racial contempt toward the Indians, which led the Indians to hide their Indigenous identity and try to emulate and appear *mestizaje*. The article also noted that the presidential administration had no official population data to substantiate its claims on the Indigenous population since it removed questions on race and ethnicity from the national census in 1930.

Marroquín foregrounded the centrality of colonialism in the formation of Indigenous peoples into the lowest social class within the *mestizaje* Salvadoran nation. The 1975 article drew on a national survey on Indigenous peoples conducted by Marroquín and Clará de Guevara. The survey focused on the historical and cultural markers of Indigenous peoples who lived in rural cantones and labored as peons or sharecropper on haciendas and fincas near 45 municipalities with historical evidence of pre-Hispanic origin. The article found that by the 1970s, the cantón had succeeded the "ejido" and "communal" land structures of the 19th century as the material foundation for the social organization and cohesion for the Indigenous population in El Salvador. The article emphasized that the Indigenous social class emerged through the history of European settlers conquering, dispossessing, and humiliating the Indians into the landless peasantry at the bottom of the national social hierarchy. The landless peasantry was not exclusively made of Indians. Non-Indians were also present among the rural poor. At the time, some anthropologists proposed to abandon the "Indian" category altogether in favor of the "peasant" category to analyze the history of Indigenous peoples in El Salvador. However, Marroquín argued that the peasant category was too imprecise. What the Indian category foregrounded, and what the peasant category missed, was the history of European conquest of the Indigenous peoples. The conquerers became White or Spanish, and the conquered became Indian. The article presented the following socio-historical criteria for

identifying the Salvadoran Indigenous population: the Indians were the descendants of the people who were conquered by the Spanish. The settlers dispossessed the Indians of everything: their land, territory, social prestige, and culture. The settlers humiliated the Indians through mistreatment. The Indians had achieved little development as evidenced with their high levels of illiteracy and disease. The Indian was the most discriminated social class in national society, to the extent that no one wanted to claim Indian kinship. The Indians were oppressed—their national Constitutional rights as Salvadoran citizens were frequently violated with impunity. They were exploited as agrarian laborers. They were so poor that they wore the cheapest clothes that they could afford to buy; were willing to join the lower ranks of the national military; and lacked access to medical hospitals.

Clará de Guevara broaden her and Marroquín's class definition of Salvadoran Indigeneity to include Indigenous peoples and settlers. She explained that whether an *originario* or a *Ladino* occupied the Indigenous class status depended on the histories of conquest, settlement, and agrarian development of the particular subdivision of national territory being considered (municipality, department, and zone). In some subdivisions, impoverished European settlers had come to replace Indigenous peoples as the occupants of the Indian status. By this point, Clará de Guevara led the Department of Ethnography within the Section of Cultural Patrimony Investigations in the national government's Ministry of Education, formerly the Ministry of Public Instruction. She published an article alongside Marroquín in the 1975 special edition of *América Indígena* on El Salvador. Her article ("The Indigo of the 'White Indians'") presented an ethnohistory of the *índios cheles* ("white Indians") in the department of Morazán in the Oriental zone of the country. The Oriental zone had a different colonial history from the coffee-dominated Occidental zone that she and Marroquín had written about in their 1973 and 1975 publications, respectively. Centuries of brutal exploitation of Indian peasant labor on large añil (indigo) plantations had depopulated Morazán of its *originario* inhabitants. The *índios cheles* were a peasant population descended from European settlers. These settlers had mixed little with non-White populations in the local political economy. Their descendants in the department maintained a racialized European phenotype in Salvadoran society: "white skin burned by the sun; light-colored hair, even blonde; light colored eyes, green and blue; and fine facial features" (775). This population was visible as "white Indians" to national society due to their migration around the countryside alongside other Indians as seasonal agrarian laborers on large coffee-growing plantations in nearby departments.

At the same time as Clará de Guevara and Marroquín theorized Indigenous identity as a class status in El Salvador, the national government's Ministry of Education began to reverse the history of state negation of Indigenous peoples within the national territory. The Inter-American Indian Institute registered this emerging shift in the Salvadoran state's perspective in a 1980 report for the VIII Inter-American Indian Congress in Mérida, Mexico ("Indigenous policies and strategies in El Salvador since 1972"). The report explained why the Salvadoran state lacked national laws and policies specific to Indigenous peoples, including in fields such as handicraft production and agriculture that the I.I.I. had identified as fundamental to state development of Indigenous peoples in the Americas. The Salvadoran state had simply treated Indigenous and non-Indigenous populations as undifferentiated beneficiaries of social and economic development programs for the landless peasantry in the national territory. Within this national context, the Ministry of Education's General Directorate of Culture sought to develop the Salvadoran nation's traditional culture in order to advance national development plans in the fields of education and tourism. The Directorate began to develop national programs through national cultural policy implementation

that were not specific to Indigenous peoples but nevertheless advanced the state formation of Indigenous cultural distinction within the national population. The Directorate had two programs: the administration of cultural patrimony and the dissemination of culture. The first program defined Salvadoran culture through archaeological, historical, and ethnographic studies. The program's ethnographic studies focused on the nation's traditional culture, which encompassed Indigenous identity, without a specific focus on Indigenous peoples. The second program promoted public expressions of traditional and modern cultures in municipalities throughout the national territory through a national network of community cultural centers (*casas de la cultura*). These local institutions organized folkloric festivals and handicraft schools and fairs for municipal residents and tourists. At the same time that the Ministry unrolled these programs, it also began to collaborate with nascent Indigenous organizations through its support of the National Association of Indigenous Salvadorans (ANIS). The Ministry allowed ANIS to use the *casa de la cultura* building facilities in the city center of Sonsonate. Other national government agencies gave ANIS financial loans and technical support to purchase and run 512 manzanas (or about 870 acres) of land for an agricultural cooperative near the city.

During the 1980s, the national government's Ministry of Culture and Communication continued to develop the state's emerging recognition of Indigenous peoples as a culturally distinctive social class at the bottom of the *mestizaje* Salvadoran nation. The Ministry explained the new state approach to Indigenous peoples in a brief report to the I.I.I. in 1985 ("Indian Policy in El Salvador"). Due to the political, economic, social, and cultural integration of Indigenous population into the Salvadoran nation, the Ministry defined Indigenous identity in terms of the nation's traditional culture and historical roots. The report cited Clará de Guevara, who by this point framed Indian identity as a "socio-cultural concept" (emphasis added). From this perspective, the Salvadoran nation was racially *mestizaje* and culturally homogenous with traces of Indigenous cultural traditions dispersed throughout the national territory. The Indians were culturally distinctive and impoverished peasants in the countryside who "found refuge in their communities, and socially bearing the misery, have suffered to keep and value their customs, much of their language, and other cultural elements" (2). The report explained how the national government had begun to operationalize this new state approach to Indigenous peoples into national cultural policy. In 1975, the Ministry of Education established a Vice-Ministry of Culture, Youth, and Athletics. While the Vice-Ministry's cultural and artistic programs were not specific to Indigenous peoples, the programs foregrounded the "importance of [Indigenous] cultural values as essential elements of national identity, as well as the necessity of their study, preservation, and promotion" (2-3). In 1985, the national government upgraded the Vice-Ministry into the Ministry of Culture and Communication. This newly created Ministry approached culture and communication as central to human development within the frameworks of participation, solidarity, and social justice amid the devastation of national society during the Salvadoran civil war (1979-1992). The Ministry began to develop national cultural programs specific to Indigenous peoples. It collaborated on a project with the I.I.I. and ANIS to rescue and revitalize the Náhuat language in the Occidental zone of the national territory. It also planned to work with ANIS to create a National Indigenist Institute, which would ultimately never come into existence.

In the late 1980s and early 1990s, U.S. anthropologist Mac Chapin theorized Indigenous peoples as an "invisible" population before the state government in El Salvador. Chapin received his doctorate in cultural anthropology from the University of Arizona. At the time, he was the program director for Central America at Cultural Survival, an international organization dedicated to the rights of Indigenous peoples as defined and operationalized through international law and

policy. Chapin made his advocacy influential in national Indigenous policymaking in San Salvador through his engagements with the Department of Indigenous Affairs within the Ministry of Education's National Council of Culture and affiliated Indigenous organizations. Chapin published two articles on "the 500,000 invisible Indians of El Salvador" (1989, 1991). He estimated that the Indigenous population constituted about a tenth of the national population. The publications built on Marroquín's concept of "state negation" of Indigenous peoples in El Salvador (1975). Chapin adopted the concept of "invisibility" from Ralph Ellison's 1952 book about the invisible Black man in U.S. society to re-interpret the low social status of Indigenous peoples in the *mestizaje* Salvadoran nation. Chapin departed from Clará de Guevara's focus on cultural distinction to define Indigenous Salvadoran identity. He argued that the emerging recognition of Indigenous peoples in terms of cultural distinction within state institutions, along with the international definition of Indigenous peoples as ethnic groups, rendered the Indigenous population invisible in El Salvador. Most people in the capital city no longer recognized the existence of the Indians in the countryside on their basis of their cultural distinction. Cultural anthropologists from abroad who conducted fieldwork in Central America and were sympathetic to Indigenous peoples gave little attention to El Salvador. They fixated their ethnographic gaze on "exotic" Indigenous ethnic groups in neighboring countries like Guatemala and overlooked the impoverished "acculturated" Indians of El Salvador.

Chapin updated Marroquín's criteria (1975) for Indigenous identity in El Salvador in order to identify the "invisible" Salvadoran Indians. The criteria did not emphasize cultural distinction. Chapin created the criteria following ethnographic visits with Clará de Guevara to urban and rural areas in the departments of Morazán, San Salvador, Ahuachapán, and Sonsonate. Local people in the countryside, including in rural areas located near San Salvador, continued to identify themselves and each other as "Indian"/"natural" or "*Ladino*"/"*mestizaje*." Their local informants revealed key relational markers of Indian and *Ladino* identities. According to the anthropologists, the foremost identifier was skin color, followed by socioeconomic status, educational attainment, self-esteem, and religiosity. Their informants claimed that the Indians had darker skin color than the *Ladinos* because of their racial difference and the Indian tendency to perform manual labor in the sun. The Indians were poor and the *Ladinos* were rich in the local socio-economic hierarchy. The Indians were uneducated and spoke an inferior form of the Spanish language compared to the *Ladinos*. In general, the Indians had low self-worth based on their internalization of the *Ladino* perception that the Indians were a contemptuous and uncivilized race. The saving grace of the Indians, from their own perspective, was their Catholic religiosity. Compared to the *Ladinos*, the Indians claimed to have a closer and more authentic relationship to God due to their poverty.

Emerging state recognition of the Indians as Indigenous peoples (1990s-2000s)

At the same time that the World Bank helped consecutive postwar ARENA administrations formalize a neoliberal market-based approach to national agrarian reform, the Ministry of Labor and Social Provision, the Ministry of Foreign Relations, and the Department of Indigenous Affairs within the Ministry of Education and later the Secretariat of Culture under ARENA and later FMLN national presidential administrations identified a small political opening for the establishment of collective Indigenous land rights within the national legal system. The original text of the national Constitution of 1983 recognized Indigenous culture as part of Salvadoran heritage but did not mention Indigenous peoples themselves, much less establish collective land tenure or land rights specific to them. During the 1980s and 1990s, national Legislative Assemblies

did not create any legislation that recognized Indigenous peoples' existence. This legal erasure of Indigenous peoples in El Salvador caught the attention of the International Labor Organization and the Committee on the Elimination of All Forms of Racial Discrimination by the 2000s. Since El Salvador was a signatory to 1957 ILO Convention 107 and the 1969 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), these UN agencies questioned why El Salvador had no legislation specific to Indigenous peoples and had not become a signatory to the 1989 ILO Convention 169, which centered on collective Indigenous land rights. Under the 1999-2004 and 2004-2009 ARENA national presidential administrations, the Ministry of Labor and Social Provision, the Ministry of Foreign Relations, and the Department of Indigenous Affairs drew on the national ideology of *mestizaje* (racial mixture) and the principle of legal equality enshrined in the national Constitution in order to rationalize the legal erasure through periodic reports on national implementation of the ILO Convention 107 and the ICERD to the ILO and CERD. During the 2010s, the 2009-2014 and the 2014-2019 FMLN national presidential administration and the 2009-2012 and 2012-2015 Legislative Assembly began to re-articulate this rationality of legal erasure based on the national ideology of *mestizaje* toward legal recognition of Indigenous peoples as members of the Salvadoran nation based on an emerging national ideology of multiculturalism. These Legislative Assemblies proposed and approved legal recognition through a minor Constitutional reform in 2014. This enabled the 2014-2019 FMLN administration to begin institutional processes within the Ministry of Foreign Relations and the Ministry of Labor and Social Provision toward the national ratification of ILO Convention 169. By the end of the FMLN administration, no Legislative Assembly had ratified the ILO Convention 169.

Contemporary national law in El Salvador is based on the national Constitution of 1983, whose original text made no mention of Indigenous peoples. As described in the previous section, the 1979-1992 Salvadoran civil war transformed the Constitutional foundation of national law to protect the large landholdings of the settler elite against a radical agrarian reform that sought to redistribute land from the latifundia to benefit the rural poor. The 1979-1984 revolutionary military government that took power over the national presidential administration proposed the reform as central to the new national Constitution. A coalition of conservative political parties, including ARENA, the political party established by the settler elite, exerted significant political influence in the Constituent Assembly to protect the oligarchy's agrarian interests. The Constituent Assembly established no formal recognition in the national Constitution of 1983 to the social existence of Indigenous peoples within the national population. The Constitution maintained this exclusion even as it recognized Indigenous culture within the national territory as a constitutive element of the cultural heritage of the Salvadoran nation. It contained two articles, Articles 62 and 63, that mandated that the national presidential administration and the Legislative Assembly to create additional policies and legislation, respectively, that protected and publicized Indigenous languages and pre-Columbian archaeology to benefit the nation, with no mention of Indigenous peoples. Article 62 stated that "the native languages that are spoken in the national territory form part of the nation's cultural patrimony and shall be the object of preservation, dissemination, and respect." Article 63 mandated that "the artistic, historical, and archaeological wealth of the country form part of the Salvadoran cultural treasure, which shall be under the safeguard of the state and subject to special laws for its conservation."

By the time of the 1992 Peace Accords, the Legislative Assembly had not passed any additional legislation that reversed the Constituent Assembly's legal erasure of Indigenous peoples from the national Constitution. This meant that, by default, national law simply treated Indigenous peoples as individual citizens of the Salvadoran nation with equal entitlement to legal and political rights

enshrined in the national Constitution. At the same time, ARENA had ascended within the national political arena and won four consecutive five-year national presidential administrations between 1989 and 2009. These administrations oversaw the postwar reconstruction of national society. Their visions for national reconstruction excluded legal recognition of Indigenous peoples as members of the Salvadoran nation. Although not stated outright, this exclusion was consistent with the ARENA administrations' rejection of agrarian reforms that could threaten the large private landholdings of the settler elite. By this point, the ILO passed the Indigenous and Tribal Peoples Convention 169 to replace the Convention 107 in 1989. Unlike the assimilatory orientation of its predecessor, this new Convention committed state signatories to recognize Indigenous peoples' collective rights to land, such as communal land tenure, territorial autonomy, and self-governance. These Indigenous land rights established an international legal basis for Indigenous peoples themselves to decide whether to assimilate as individual citizens into the national community or to maintain or recover their collective status as peoples who are entitled to maintaining or reclaiming possession of their ancestral lands or receiving just compensation for their historical dispossession. With the formal passage of Convention 169, the ILO labeled Convention 107 as outdated. The ILO encouraged, but could not compel, UN Member States like El Salvador who were signatories to ILO Convention 107 to ratify the ILO Convention 169. While ILO Convention 169 became increasingly influential in Latin America as the 1990s progressed, the national Legislative Assemblies during the 1989-1994 and 1994-1999 ARENA national presidential administrations did not join neighboring countries in becoming a signatory to the Convention and thus ratifying the Convention as national law.

After the UN system helped broker the 1992 Peace Accords, various UN agencies provided technical assistance and financial resources to facilitate postwar national reconstruction under ARENA administrations. As part of this process, the administrations authorized the Ministry of Labor and Social Provision and the Ministry of Foreign Relations, in collaboration within the Department of Indigenous Affairs within the Ministry of Education, to submit periodic reports to the UN's CERD and the ILO regarding the domestic implementation of the ICERD and the ILO Convention 107 within national law and policy. Despite the legal erasure of Indigenous peoples from the national Constitution, these international legal instruments remained "in force" as national law. They created a non-binding commitment for the executive, legislative, and judicial branches of the national government to protect the rights of Indigenous peoples as equal members of the Salvadoran nation and to report national progress to the ILO and the CERD. The ILO and CERD responded to these official reports with recommendations on concrete actions that the three branches of the national government could take in order to facilitate national implementation of their respective Conventions.

The Ministry of Labor and Social Provision drew on the principle of legal equality enshrined in the national Constitution in order to rationalize the erasure of Indigenous peoples from national law in a memoria submitted to the International Labor Organization in 2000. The document explained why previous Legislative Assemblies had not created additional national legislation based on the ILO Convention 107 following its ratification. Based on the most recent national census taken in 1992, which did not include a question of Indigenous identity, the Ministry estimated that Indigenous peoples constituted 7-10% of the national population (at about 539,000 people). The Ministry claimed that Indigenous peoples were a subnational population that "did not suffer any type of marginalization or discrimination" based on national law and policy. The Ministry substantiated this claim by citing the first article of the national Constitution. The article stated that "the human person is the origin and the end of the activity of the state, and the state is

organized for the achievement of justice, juridical security, and the common good." Based on the Ministry's interpretation of this statement, the national Constitution did not discriminate against any Salvadoran citizen on any basis, including race. The Ministry argued that the national Constitution guaranteed fundamental rights to all Salvadorans, which implicitly included the Indigenous population. The Legislative Assembly therefore did not need to enact legislation that granted legal recognition to the social existence of Indigenous peoples within the national community, much less that established distinctive Indigenous rights that differentiated Indigenous peoples from the rest of the national citizenry.

The Ministry of Labor and Social Provision pointed out that, in light of the ILO's recent passage of the Convention 169, the national Constitution did not recognize collective land rights for Indigenous peoples in El Salvador. The Ministry's 2000 memoria to the ILO explained that Indigenous peoples were not entitled to land rights beyond what was already available to all Salvadoran citizens. The Constituent Assembly and subsequent Legislative Assemblies had recognized, developed, and guaranteed the right to land as private property, in the form of individuals, cooperatives, communal, or other associative forms. In theory, Indigenous peoples could hold private property as individual citizens. However, no Constitutional provision nor subsequent national law guaranteed land or territorial rights specific to the Indigenous population, such as communal land tenure and traditional territory found elsewhere in Central America.

The Ministry of Labor and Social Provision's rationale revealed a contradiction between the legal erasure of Indigenous peoples from the national Constitution and the Constitutional recognition of Indigenous culture as part of the cultural heritage of the nation. How could Legislative Assemblies and national presidential administrations claim to apply equal status and protection to Indigenous peoples, when the national Constitution mandated that the administration take particular actions that protected and disseminated distinct Indigenous culture? This contradiction created an opening within the national legal-political system for the creation and implementation of national programs within the executive branch that laid the political groundwork for the eventual state recognition of Indigenous peoples as members of the national community. In the same memoria to the ILO in 2000, the Ministry of Labor and Social Provision explained how the Department of Indigenous Affairs within the Ministry of Education began to recognize and organize Indigenous peoples as leaders and organizations in order to implement Articles 62 and 63 of the national Constitution. The Department developed and executed national programs that promoted national cultural productions relevant to Indigenous languages and pre-Columbian archaeology. These programs focused on the recognition and support of Indigenous peoples and organizations (e.g. National Association of Indigenous Salvadorans [ANIS], National Coordinating Council of Indigenous Salvadorans [CCNIS]); the investigation of the national "Indigenous problem" (e.g. studies, conferences); the rescue and diffusion of autochthonous languages in El Salvador (i.e. a Náhuat language revitalization program), and the publication of Indigenist literature, or literary work published by non-Indigenous authors that celebrated the historical and cultural significance of Indigenous heritage to national identity.

In 2003, the World Bank published a profile on Indigenous peoples in El Salvador ("El Perfil de los Pueblos Indigenas en El Salvador") that responded to Chapin's concerns about the invisibility of Indigenous Salvadoran and defined Indigenous invisibility as an important problem for the development for the Salvadoran nation that required state action. The profile emerged through collaboration between World Bank representatives, the Department of Indigenous Affairs, Indigenous representatives, and prominent national anthropologists. It established an important ideological, political, and technical framework for growing state recognition of Indigenous peoples

as members of the national community. The profile sought to coordinate national Indigenous policymaking among national government agencies, international cooperation agencies, academics, and the general public who shared “a growing and genuine interest in the making visible and recognizing the existence of Indigenous peoples in El Salvador.” It defined Indigenous peoples as social and political actors who could direct their own development from their own worldview (*cosmovisión*). At the time, El Salvador had become a poor country dependent on international aid for the post-war reconstruction of national society and for the advancement of national development. The World Bank had significant political and financial clout in the international community, which strongly influenced the trajectory of national policymaking in El Salvador. The report built on growing recognition among state governments and international institutions of Indigenous peoples as important actors in national development, particularly in the Global South. The profile also built on decades of national government agencies and international institutions enlisting the participation of Indigenous representatives to implement programs that affected, but were not specific to, Indigenous peoples in El Salvador.

The 2003 World Bank profile ignored Chapin’s [Anthropologists] criticism on the limits of cultural distinction as a social marker of Salvadoran Indigenous identity. The profile instead framed the need for the Salvadoran state to develop laws, policies, and programs specific to Indigenous peoples in terms of their cultural distinction within the national community. The profile explained that increased Indigenous visibility in El Salvador would strengthen the cultural development of the Salvadoran nation. The 2003 profile recognized the *pueblos originarios* (originary peoples) as the Indigenous peoples (the Nahua/Pipiles, the Lencas, and the Cacaopera) who formed “the original foundation (*el sustento original*) of the Salvadoran identity, forming an active and dynamic factor in the development and progress of [Salvadoran] society. As such, the profile argued that the state could not develop national culture without the recognition and strengthening of the culture and rights of the *pueblos indígenas*.”¹¹ According to the profile, these Indigenous peoples lived in poverty as tenant farmers in the countryside who produced subsistence crops and performed low-wage agrarian labor. Their originary knowledge, values, norms, and practices constituted their Indigenous identity. Indigenous peoples took the organizational forms of local cargo systems (*cofradías*), councils, families, and Indigenous organizations. They reproduced their cultural identity primarily through oral transmission from older to younger generations within families and communities. The World Bank profile estimated 10-12% of the national population to be Indigenous. The profile did not cite a source for the population count, although it disclosed that the percentage had not been verified by a population census.

A few years later, the Ministry of Foreign Relations drew on the national ideology of *mestizaje* to elaborate on the Ministry of Labor and Social Provision’s rationale for the legal erasure of Indigenous peoples. Similar to its counterparts elsewhere in Latin America, this ideology idealized racial mixture between Euro-Salvadoran settlers and Indigenous peoples within the national territory. In 2004, the Ministry of Foreign Relations submitted its report on the national government’s domestic application of the ICERD over the previous decade to the CERD. The report explained why the Constituent Assembly and subsequent Legislative Assemblies had not established any special legal measures or rights to protect Indigenous peoples against racial discrimination within the national community. According to the Ministry, Indigenous peoples suffered no racial discrimination due to the degree of their assimilation into the national *mestizaje* population. The national population did not have different racial groups, since national *mestizaje* had erased the marked racial differences between the white settlers (also known as *Ladinos*) and

¹¹ World Bank. *El Perfil de los Pueblos Indígenas de El Salvador*. 2003, xi.

the Indians. The resulting *mestizaje* homogeneity had maintained traditions, legends, and customs (e.g. handicrafts, dances) inherited from Indigenous ancestors. Unlike its Central American counterparts, Salvadoran *mestizaje* had fully assimilated Indigenous peoples into the national community, because no part of the *mestizaje* national territory was exclusive to Indigenous peoples. The *mestizaje* national population encompassed the entire national territory, which made El Salvador different from its neighboring countries.

As the 2000s progressed, the CERD pressured the national presidential administrations and the Legislative Assemblies to legally recognize the social existence of Indigenous peoples and to establish rights specific to them within national law and policy in order to facilitate Salvadoran nation's development. The CERD scrutinized the Ministry of Foreign Relations' claim that Indigenous peoples suffered no racial discrimination in El Salvador because they had been fully assimilated into the *mestizaje* national population. Meeting minutes from the 2006 CERD session in Geneva ("Summary Record of the 1742 Meeting") showed that the CERD committee pressed the Salvadoran delegation to explain the national legal criteria for Indigenous identity in El Salvador, especially since the national legal erasure of Indigenous peoples in El Salvador contrasted sharply with the official legal recognition of Indigenous peoples in neighboring Guatemala. The two-person delegation included Mr. Melendez, a representative from the Ministry of Foreign Relations, and Ms. Jaimes de Araujo, a technician in the Department of Indigenous Affairs. Committee members found it difficult to believe the Ministry of Foreign Relations' claim that the homogenous ethnic, demographic, and language realities of El Salvador could be so different from the racially and ethnically heterogeneous population of Guatemala, which the committee had considered on the previous day. A national government representative from Guatemala had acknowledged to the CERD committee that national development was impossible to conceive, let alone plan, without state recognition of its Indigenous peoples within the national territory.

At the 2006 CERD session, Mr. Melendez and Ms. Jaimes defended the Ministry of Foreign Relations' rationale for the exclusion of Indigenous peoples and Indigenous rights from national law based on the degree of racial and ethnic mixture between European settlers and Indigenous peoples within the *mestizaje* national population. The delegation explained that a few Indigenous peoples continued to live in tiny isolated groups, which had maintained certain traditions, customs, and handicrafts that had existed in the pre-Columbian past. However, most of the Indigenous population had fully integrated into the national population, and the national population had fully assimilated Indigenous traditions and customs. As a result, the Indigenous population had lost most of their cultural distinction, such as language and traditions. In fact, Indigenous peoples had become so culturally assimilated and the national population was so racially mixed that to differentiate Indigenous peoples within the national population on the basis of ethnicity was difficult, especially since few Indigenous peoples self-identified as Indigenous. This was not the outcome of deliberate government policy but rather of state abandonment, which the representatives framed as "the consequence of de facto integration and the result of the phenomenon of natural acculturation." This meant that determining Indigenous identity in El Salvador, for socio-historical reasons, was much more complicated than in Guatemala, "where Indigenous peoples had preserved, among other things, their culture and their language and demanded recognition of their affiliation with their community."

The 2006 CERD committee then asked Mr. Melendez and Ms. Jaimes to explain why El Salvador had not become a signatory to the ILO Convention 169. The delegates responded that the Ministry of Foreign Relations had determined that Article 10 of the Convention contravened with

the principle of legal equality enshrined in the national Constitution, although the delegates did not elaborate on this incompatibility.¹² More importantly, the Ministry had claimed that the Convention's Articles 14 and 17, which focused on Indigenous peoples' right to maintaining access to or reclaiming possession of their collective lands, conflicted with the Constitution's Articles 2, 11, and 22, which were designed to protect the individual possession of private landholdings. These Constitutional articles recognized private property as the only form of land tenure available to individuals within the national territory. This meant that, per national law, Indigenous peoples could only obtain as private property in individual, cooperative, and association forms. The Salvadoran delegation conceded that private property did not offer an effective form of land tenure for Indigenous peoples, as private landholdings could be sold freely on the market. The Salvadoran Institute for Agrarian Transformation (ISTA) within the national government's Ministry of Agriculture and Livestock had tracked land ownership through a national land registry. During the 1980s, national presidential administrations implemented Phase I of the national agrarian reform mandated in the national Constitution. This phase sought to help landless peasants and small farmers, including Indigenous peoples, acquire land by confiscating and redistributing land that they had worked on the settler elite's latifundia and organizing the redistributed lands into new farming cooperatives under worker ownership and administration. However, this agrarian reform failed to produce profitable cooperatives. The cooperatives fell into disrepair, and cooperative members sold the land back to the large landowners. Private lands became re-concentrated in the possession of the settler elite.

In the wake of [international stuff], the national government's Ministry of the Economy made attempt to make Indigenous peoples visible within the national population to the state. Its General Directorate of Statistics and Censuses (DIGESTYC) added questions on race and ethnicity to the 2007 national census (Censo Nacional VI de Población y Vivienda). This was the first time that a national government agency collected national census data on Indigenous peoples since the 1930 national census, after which no national government agency collected national population data on race and ethnicity. The 2007 census departed from the 2003 World Bank profile and framed Indigenous identity in terms of race, not in terms of culture. The DIGESTYC added race to question 6 in subsection 1 (para todas las personas, or "for everyone") in section VI (Datos de las personas del Hogar, or "details on all people in the household"). Question 6a asked respondents to self-identify with one of five racial categories: blanco ("White"); *mestizaje* (mezcla de blanco con Indígena) ("*mestizaje*," or "a mix of White with Indigenous"); Indígena ("Indigenous"); Negro (de raza) (Black [of race]); and Otro ("other"). Question 6b asked respondents who self-identified as "Indigenous" to disclose which Indigenous group they belonged to: Lenca; Kakawira (Cacaopera); Nahua-Pipil; and Otro (Especifique)("Other [Specify]"). Census results revealed that the majority of respondents, at 86.3% (or 4.9 million), self-identified as *mestizaje*. Only 0.2% of respondents (or 11,488) identified themselves as Indígena. This census count of the Indigenous population size was much less than the 10-12% of the national population estimated by the 2003 World Bank profile.

Salvadoran anthropologists and Indigenous representatives whom the DIGESTYC had consulted in the creation of the race question in the 2007 national census critiqued the census results as a new form of state erasure of Indigenous peoples that reinforced the national myth of a homogeneous *mestizaje* population within the national territory. They argued that the results undercounted the population size of the Indigenous Salvadorans. The reputable national daily newspaper El Diario de Hoy published this criticism in two articles in 2008. In the first article

¹² Article 10 of the ILO Convention 169 focused on criminal punishment.

(“The Indigenous are still in the shadows”), Carlos Benjamin Lara, an anthropologist from the prestigious national public university in San Salvador, Universidad de El Salvador, argued that the national census did not adequately pose the question on Indigenous identity. Through consultations with DIGESTYC, Salvadoran anthropologists and Indigenous representatives proposed that the question be framed in terms of ethnic identity. The DIGESTYC ignored the recommendation and framed Indigenous identity in terms of race. In a formal complaint filed against the DIGESTYC at the national government’s Supreme Court of Justice, Indigenous representatives alleged that the racial framing of Indigenous identity led to the undercount of Indigenous peoples. Rafael Martínez, an anthropologist at the University of New Mexico, explained that the racial framing amounted to racial discrimination in a social context where the pueblos *originarios*, as Indigenous peoples, had an inferior position in relation to the *mestizajes* and whites on the national racial hierarchy. In the second article (“The census was a demographic ethnocide”), Miguel Angel Ayala, the leader of the Indigenous organization Winaka in the town of Cacaopera in the department of Morazán in the Oriental zone, delivered a sharp critique of the census results. He argued that Indigenous undercount was a “statistical ethnocide” against the pueblos *originarios*.

Post-neoliberal multicultural recognition of Indigenous peoples without land, 2009-2014

During the 2010s, the Salvadoran state formally recognized the existence of Indigenous peoples in El Salvador. The 2009-2014 and 2014-2019 leftist presidential administrations of the Farabundo Martí National Liberation Front (FMLN) and the national government’s Legislative Assembly framed state recognition through a new national discourse of multiculturalism. This discourse positioned Indigenous peoples as a culturally distinctive segment within the national population in need of state protection and development based on their constitutional rights as Salvadoran citizens. This new regime of state recognition effectively circumscribed Indigenous legal rights, policymaking, and contentious politics to the field of national culture within the state administration. The state recognized Indigenous landlessness as an national problem but did not attempt to address the problem by established Indigenous land rights within the national legal system.

CCNIS had submitted a formal proposal for the constitutional recognition of Indigenous peoples in El Salvador to the Legislative Operations Management office at the Legislative Assembly on April 7, 2006. On April 20, 2006, the FMLN Deputy Walter Durán from the Political Commission of the Legislative Assembly responded to the CCNIS proposal with a legal action to initiate the formal approval process. During the 2009-2014 FMLN presidential administration, FMLN legislators within the Legislative Assembly and the Office of the Attorney General for Human Rights within the Public Ministry helped advance the proposed reform through the approval process. The Legislative Assembly approved the reform on April 25, 2012 and ratified the reform on June 12, 2014.¹³

The proposed CCNIS text for the constitutional reform attempted to create a broad legal foundation within the national Constitution that articulated state recognition of Indigenous peoples within the national territory with international law and policy on Indigenous rights, particularly in regards to land and autonomy. By early 2021, CCNIS had published its original proposal on its

¹³ During the 2010s, CCNIS publicly positioned itself within national and international Indigenous policymaking as the Salvadoran Indigenous organization that initiated the national constitutional reform process that established state recognition of Indigenous peoples in El Salvador with support from the FMLN party. On June 13, 2020, CCNIS published a reflection on the six-year anniversary of the reform.

organizational website. The proposed text was much more expansive than the approved Legislative Assembly text for the constitutional reform. The proposal responded to the United Nations' recent condemnation of the Salvadoran state for not granting constitutional recognition to nor legislating in favor of Indigenous peoples within the national territory. The proposal framed CCNIS as the organizational representative of all Indigenous peoples in El Salvador. The Indigenous organization enumerated Indigenous peoples at 17% of the national population. The Indigenous population was in a precarious situation of poverty marked by the lack of socioeconomic opportunities, distinct forms of discrimination and rights violation as Salvadoran citizens, and the loss of their Indigenous culture. The proposal attempted to address this precarious situation by adding Indigenous rights to autonomy and land to the national Constitution through the creation of two new articles—Articles 71 and 73—under a new section on Indigenous peoples and communities in Chapter II—on social rights—under Title II—on fundamental rights and guarantees of the person.

CCNIS' proposed text for Article 71 attempted to create a national constitutional framework for Indigenous political autonomy in El Salvador. The state would have recognized the existence of Indigenous peoples and communities as the originary peoples of the lands that constituted the national territory. This originary status would have given Indigenous peoples the right to develop their social, political, and economic organization; their cultures; and their territories according to their own worldview. Article 71 would have also created a constitutional obligation for the state to protect the rights of Indigenous peoples as recognized in national and international laws. The state would have had to respect and guarantee Indigenous peoples and communities all the rights recognized in the national Constitution without discrimination and to adopt necessary measures as required in international conventions, treaties, and other instruments on Indigenous rights.

CCNIS' proposed Article 73 sought to establish a constitutional foundation for Indigenous land rights in El Salvador. It defined the term "Indigenous" as synonymous with "originary," "traditional," "ancestral," or any other term used in El Salvador to locate the territorial or ethnic origin of a person to the national territory. Article 73 would have directed the Salvadoran state to guarantee, respect, and strengthen the cultural identity, worldview, languages, and spirituality of Indigenous peoples. The Executive Branch, with the participation of Indigenous peoples and communities, would have had to guarantee the right of Indigenous peoples to access and legalize lands that they had maintained in their possession as individual and collective property, which the state would then have had to make inalienable, imprescriptible, unattachable, and non-transferrable. The article would have also required the state exploitation and use of natural resources on Indigenous lands and territories to avoid disruption to the cultural, social, and economic integrity of Indigenous peoples. The state would have had to respect Indigenous peoples' right to free, prior, and informed consent. The state would have also needed to guarantee Indigenous peoples' access to the management and use of natural protected areas as well as to usufruct rights. These Indigenous land rights would have become the basis for Indigenous self-governance. Indigenous peoples were to have the right to define and exercise their own organization and internal governmental structures and their own legal system within their territories and communities in conformance with the uses and customs and their fundamental individual and collective rights.

In 2008, the FMLN party, which had emerged as the primary Leftist party following the Peace Accords to represent the guerrilla insurgency from the Salvadoran civil war, defeated ARENA in the national presidential elections, ending two decades of ARENA administrations and initiating a decade of FMLN administrations. Under the 2009-2014 and 2014-2019 FMLN administrations,

the 2009-2012 and 2012-2015 Legislative Assemblies, also under FMLN leadership for the first time in the postwar period, began to re-articulate the official rationale of legal erasure based on a national ideology of *mestizaje* toward legal recognition of Indigenous peoples in El Salvador based on an emerging national ideology of multiculturalism.¹⁴

The 2009-2014 FMLN presidential administration of Mauricio Funes began to institutionalize the Salvadoran state's formal recognition of Indigenous peoples as a culturally distinctive segment of the national population. The administration's five-year national development plan (Plan Quinquenal) did not mention Indigenous peoples. However, it identified the rural poor as a population central to the administration's vision of national governance. The Plan expressed the priorities, objectives, and goals of the administration. It sought to contribute to the coherence and coordination of governmental action, in addition to helping the Presidency of the Republic conduct national governance in a strategic form. The Plan also sought to make transparent the administration of national government and to inspire confidence among national and international actors in the Funes administration. The Plan defined instruments, strategic public politics, and priority projects and programs that required implementation in order to fulfill its objectives and goals. The Plan attempted to present a national development strategy for the medium and long terms that counted on broad support from the national and international communities. Its strategic framework focused on the consolidation and deepening of the national democratic regime and the construction of a model of socioeconomic development for the nation that would be productive, efficient, inclusive, and sustainable. This was based on the widening of the entrepreneurial base of the country, above all on the micro-, small-, and medium-sized businesses and the rural producers who are organized as individuals and cooperatives in the countryside.

Early on in his administration, President Funes began to publicize a national discourse of multiculturalism as his presidential administration's official rationale for the Salvadoran state's recognition of Indigenous peoples. Funes presented the discourse at the inaugural address for the First National Indigenous Congress in El Salvador on October 12, 2010. He claimed that previous administrations in the Salvadoran nation's 200-year history had protected the interests of the settler oligarchy. His administration was the first to work for the interests of the impoverished masses, which included the Indigenous population. He asked the pueblos *originarios* to forgive the Salvadoran state and nation, whose historical persecution and elimination forced the Indigenous population to abandon their Indigenous cultural practices and hide their Indigenous identities for survival. He proclaimed El Salvador to be a multicultural and pluriethnic country. He directed the Salvadoran nation to recognize its internal cultural diversity and to promote the heterogeneous cultural, economic, and social expressions of the Salvadoran people. This required explicit state recognition of the Indigenous population as rights-bearing citizens within national law and policy. To meet this requirement, Funes mandated that the national government's Directorate of Indigenous Peoples (Dirección de Pueblos Indígenas) within the Secretariat of Social Inclusion (Secretaría de Inclusión Social) to collaborate with the Secretariat of Culture (Secretaría de la Cultura). These national government agencies were to consult Indigenous organizations and obtain Indigenous consensus in the formation of public policies specific to the Indigenous population.

The Funes administration's national discourse of multiculturalism recognized Indigenous landlessness as a national problem but excluded Indigenous land rights from its vision for state recognition. The 2010 Funes address at the National Indigenous Congress defined the Indigenous population as among the poorest peasant families who lived in communities throughout the

¹⁴ I will provide greater analysis of this shift in my dissertation chapter on state recognition and national multiculturalism. This section limits discussion to Indigenous land rights.

national territory, which was under the control of the state and society. The Funes administration intended to continue the previous presidential administrations' practice of giving Indigenous families title to small plots of land through a small land transfer program managed by the national government's Salvadoran Institute for Agrarian Transformation. The program was open to all poor peasant families. It was not specific to Indigenous peoples. This was the extent to which the Funes administration intended to intervene in the Indigenous land problem.

In the years following the National Indigenous Congress, the national government's Legislative Assembly established national multiculturalism within the national Constitution as the legal basis for state recognition of Indigenous peoples. In 2012, the legislative body approved a reform to article 63 of the national Constitution. The Legislative Assembly then activated the reform as national law in 2014. This was the only constitutional article specific to Indigenous peoples. It confined state recognition of Indigenous peoples to the state's legal and political framework for developing the Salvadoran nation's history, identity, heritage, and culture. The article previously stated that "the artistic, historical, and archaeological wealth of the country form part of the Salvadoran cultural treasure, which shall be under the safeguard of the state and subject to special laws for its conversation." The reform appended the following clause to the original text: "El Salvador recognizes the Indigenous peoples and will implement measures to maintain and develop their ethnic and cultural identity, worldview, values, and spirituality." The new clause oriented state action on Indigenous peoples to the protection and development of Indigenous cultural distinction within the national population.

These assemblies formulated and ratified a national Constitutional reform that expanded the national legal recognition of Indigenous culture as part of the national heritage to also include Indigenous peoples. The reform appended a single clause to Article 63 on pre-Columbian archaeology as Salvadoran heritage: "El Salvador recognizes Indigenous peoples and will implement measures to maintain and develop their ethnic and cultural identity, worldview, values and spirituality." This new clause restricted the formal scope of legal recognition of Indigenous peoples to the narrow legal terms of national culture. At the same time, the 2009-2014 administration elevated the Department of Indigenous Peoples within the institutional structure of the executive branch. The administration moved the Department from the Ministry of Education and placed it within the Secretariat of Culture. The administration made the Department responsible for coordinating national Indigenous policymaking among relevant government offices in the executive, judicial, and legislative branches of the national government.

The national government's Legislative Assembly approved in 2012 and ratified in 2014 a modified version of the constitutional reform that had much narrower scope than the original CCNIS proposal as the national legal basis for state recognition of Indigenous peoples in El Salvador. The reform recognized the existence of Indigenous peoples as members of the Salvadoran nation and subjected Indigenous peoples to state power as subjects of national laws, policies, and programs on the nation's traditional culture. The reform added a single clause to the original text of Article 63. The original text focused on state protection of the nation's cultural heritage. It read that "the artistic, historical, and archeological wealth of the country form part of the Salvadoran cultural treasure, which shall be under the safeguard of the State and subject to special laws for its conservation." The appended clause contained an exclusive focus on the state formation of Indigenous cultural distinction within the national population. It stated that "El Salvador recognizes the indigenous peoples and will implement public policies to maintain and develop their ethnic and cultural identity, worldview, values and spirituality." The constitutional reform made no mention of Indigenous peoples' rights to land and territory within the national

territory that was at the center of CCNIS' proposed reform.

CCNIS' public support of the approved constitutional reform indicated its willingness as an Indigenous organization to compromise on its political demands in order to advance the FMLN's national presidential administration's agenda for Indigenous peoples. On May 1, 2012, CCNIS released a public statement that framed the the Legislative Assembly's initial approval as an important achievement toward the state's implementation of international Indigenous rights in El Salvador. The statement explained that Indigenous peoples offered a source of wealth and knowledge to the Salvadoran nation from a worldview that defined nature not as "for" but "part of" Indigenous peoples. Indigenous peoples had resisted state brutality during the 20th century, which was marked by the 1932 Matanza (massacre), state assimilation policies implemented throughout Latin America, and the Salvadoran civil war during the 1980s that concealed the disappearances and massacres of Indigenous brothers and sisters. The late 20th century and early 21st centuries had brought great vitalization and strength to Indigenous peoples' ancestral culture. Bolstered by an international legal framework, Indigenous peoples were demanding their Indigenous rights in El Salvador as proof that their blood came from their Indigenous grandparents. These demands proved that Indigenous peoples had always existed in El Salvador, even if the legal framework of the Salvadoran nation-state had not taken them into consideration, until now. In recent weeks, CCNIS and the National Association of Indigenous Salvadorans (ANIS) had advocated strongly for the Legislative Assembly to approve the constitutional recognition of Indigenous peoples in April 2012. CCNIS expressed great happiness in taking this initial step on their path toward demanding collective Indigenous rights from the state. CCNIS identified the next steps as the ratification of the approved reform by the 2012-2015 Legislative Assembly; the signing and ratification of the ILO Convention 169; and the elevation of the 2007 UN Declaration on the Rights of Indigenous Peoples to the status of national law. CCNIS intended to continue this historic process of state recognition as Indigenous peoples, which the state had hindered in the past, in order to strengthen the identities and specificities of Indigenous peoples in El Salvador that Indigenous peoples had maintained in resistance in order to prevail as the heirs of Cuscatlan.

CCNIS public support of the approved constitutional reform validated the administrations' inclusion of Indigenous participation in the state formation of national Indigenous policy. CCNIS maintained its public approval of the revised constitutional reform after the Legislative Assembly ratified and activated the reform as national law in June 2014. On September 8, 2014, CCNIS published a statement that framed the reform as an initial achievement in a much longer process to develop the Salvadoran state's legal recognition and political organization of Indigenous peoples within the national territory. The statement noted that state governments like El Salvador needed to ensure that policies and projects reflected the needs and cultural parameters of Indigenous peoples with direct, full, and effective participation through processes of free, prior, and informed consent. Indigenous modes and forms of life constituted a value, a strength, and a power to improve the quality of life of Indigenous peoples, who had maintained a culture of peace, dialogue, and respect based on cultural diversity. CCNIS recognized the new clause that the reform appended to Article 63 as an important step in the state's national governance of Indigenous peoples in El Salvador. However, CCNIS also identified the state's historic debt on adopting international legal instruments such as ILO Convention 169 that contributed to communal Indigenous development and to the strengthening of their cultural identity. The state also needed to create a national legal framework with secondary laws and public policies for Indigenous peoples. CCNIS expressed its hope that the central and municipal governments of the Salvadoran state would take the diverse proposals from Indigenous peoples to reflect on the importance of

Indigenous worldview (*buen vivir*) and to work with the organizational structures of Indigenous peoples in order to create a mechanism of dialogue, coordination, and planning to solve problems at the national and local levels.

The 2014-2019 FMLN presidential administration of Salvador Sánchez Cerén continued the previous FMLN administration's multiculturalist trajectory on state recognition of Indigenous peoples in El Salvador. In 2013, as part of the FMLN's re-election campaign for the next presidential administration, the FMLN party held Citizenship Consultations with various sectors of society, including Indigenous peoples. The consultations document presented the Sánchez Cerén administration with the need for the state to implement policies that benefitted Indigenous peoples. The consultations directed the administration to channel state resources to help Indigenous peoples improve their basic infrastructure and life conditions through economic development programs, including the provision of basic services. In response, the Sánchez Cerén administration was to create Indigenous policies that addressed the issue of Indigenous identity through the lens of national historical memory.

Unlike the previous FMLN administration, the Sánchez Cerén administration's five-year national development plan identified Indigenous peoples as a priority population for state intervention based on their constitutional rights as Salvadoran citizens. The administration, in accordance with the constitutional principle of national legal equality and in fulfillment of the state's national and international legal obligations, sought to execute specific actions oriented toward population groups traditionally excluded from development and from the full exercise of their constitutional rights. The plan included the progressive advancement of specific measures in public policies that responded to the particularities of Indigenous peoples. The plan defined the following objectives, strategies, and guidelines that pertained to Indigenous peoples. One objective sought to develop the human potential of the Salvadoran population. This included a strategy to broaden access to education and set guidelines for the development of special programs that minimized the education gaps among excluded populations, including Indigenous peoples. Another objective intended to move toward an economy and society that were environmentally sustainable and resilient to the effects of climate change. This contained a strategy to advance the sustainable management of the national territory, which included the conservation and restoration of the environment and patrimony of Indigenous peoples. Another objective was to encourage culture as a constitutional right, a factor of national cohesion and identity, and a force of social transformation. This objective defined a strategy for the valuation, diffusion, and appropriation of the nation's cultural and natural heritage from an intercultural perspective. This strategy included guidelines to support and incentivize initiatives within civil society organizations and business tied to the protection and rescue of cultural and immaterial heritage, including Indigenous heritage. This objective on culture also formulated a strategy for the promotion of the rights of Indigenous peoples, with an emphasis on Indigenous culture. This strategy contained the following guidelines: 1) to promote, rescue, and revitalize the culture of Indigenous peoples; 2) to eliminate all forms of discrimination against Indigenous peoples in the mass media; 3) to quantify and qualify Indigenous peoples; and 4) to strengthen the initiatives and cultural and artistic manifestations of Indigenous peoples throughout the national territory--their worldview, spirituality, languages, dances, handicrafts, and traditions--with an intercultural focus in order to generate institutional conditions that facilitated the national citizenry's access to these manifestations.

Gustavo Pineda, a Salvadoran lawyer on the staff for the Department of Indigenous Affairs, used his institutional position to lobby for the Legislative Assembly to ratify the ILO Convention 169 into national law. In 2015, Pineda published an article that revealed how the 2014-2019 FMLN

administration and the 2012-2015 and 2015-2018 Legislative Assemblies continued to articulate the multicultural legal recognition of Indigenous peoples in ways that enabled the Legislative Assembly to broaden the possibility within the national legal-political system for ratifying ILO Convention 169. The article explained that the Ministry of Labor and Social Provision had been studying the Convention as a requirement for ratification. The decision to ratify the instrument would ultimately depend on the Legislative Assembly itself. According to Pineda, internal debate within the executive branch and the Legislative Assembly over the viability of legalizing the Convention into national law continued to center on the Convention's supposed unconstitutionality with regard to national legal equality and Indigenous land rights, which Mr. Melendez and Ms. Jaimes had presented to the ICERD back in 2006. The present concern over national legal equality focused on the claim that the Convention gave "privileges" to Indigenous peoples over the rest of the general citizenry, which disrupted the right to equality prescribed in the national Constitution. Pineda argued that the need to legislate in favor of a specific human group was based on the group's particular conditions of vulnerability within the national community. In the case of Indigenous peoples, the discrimination would be positive for them. The ILO Convention 169 prescribed advantageous conditions in terms of rights in order to compensate their social vulnerability and to consider the culture of Indigenous peoples in relation to the rest of the citizenry. With regard to Indigenous land rights, Pineda noted that Article 14 established the right of Indigenous peoples to the land "that they traditionally occupy." The same article also stated that "adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned." Pineda viewed the Article as compatible with private land tenure enshrined in the national Constitution. He explained that the national government's implementation of Article 14 would require the creation of institutional procedures and regulations in harmony with the national legal framework and in the consultation of Indigenous peoples. National government officials would have to explain the reach of the international legal instrument within the national legal system to Indigenous peoples so as not to create false expectations for its possible outcomes with regard to land tenure.

During the Sánchez Cerén administration, the national government's Legislative Assembly built on the 2012 constitutional reform to elaborate national multiculturalism as the national legal framework for the development and implementation of national Indigenous policy. In 2016, the legislative body approved the National Law on Culture. The Law created a state mandate to "adopt public policies oriented toward the recognition and visibility of Indigenous peoples." The Law had a chapter on the rights of Indigenous peoples to orient national Indigenous policymaking. These rights were exclusive to Indigenous cultural identity: "the right to preserve, enrich, and disseminate their culture, identity, and cultural patrimony and to create new knowledge based on their ancestral knowledge and contemporary archives." The Law reaffirmed the individual and collective right of Indigenous peoples to fully enjoy the human rights and fundamental liberties recognized in the national Constitution for all Salvadoran citizens. The Law guaranteed that Indigenous peoples would have freedom, equality, dignity and live free of all discrimination. Indigenous peoples also had the right to practice their traditions and cultural customs and to maintain and protect the tangible and intangible expressions of their culture. The Law called on the state to establish the means to ensure the participation of Indigenous peoples in the adoption of decisions over issues that affect their rights. The state also needed to promote conditions that permitted the Indigenous peoples to attain economic and social development compatible to their cultural characteristics. This included state promotion of the study and investigation of the history and culture of the Indigenous peoples at the local level; collaboration between municipal governments, national

government agencies, and international institutions on the conservation and dissemination of Indigenous languages (e.g. Náhuat); national and local government promotion of spiritual and religious manifestations of Indigenous peoples, whether they be syncretic or autochthonous in origin; and the dissemination of Indigenous history and language instruction through the national network of cultural centers (casas de la cultura) administered by the national government's Ministry of Culture.

The Sánchez Cerén administration began to implement the constitutional and national legal mandate to create national policy specific to Indigenous peoples in El Salvador. In 2018, the Sánchez Cerén administration launched the Public Policy for Indigenous Peoples in El Salvador as official state policy. The Policy identified Indigenous Peoples as a segment of the rural poor worthy of state protection and development on the basis of their culture, which the Policy defined as valuable and meaningful to the identity and culture of the multicultural Salvadoran nation. The Policy stated specific actions for state institutions in the executive, judicial, and legislative branches of the national government to take with regard to Indigenous peoples. State action was to have an inclusive perspective toward Indigenous peoples of the country and incorporate Indigenous opinions in state policymaking. This required a process of direct participation of Indigenous peoples from the planning stages to the implementation stages of programs and policies that were defined.

The Public Policy engaged with contemporary international discourses on Indigenous rights to rationalize its prescribed state actions for Indigenous peoples in El Salvador. The Policy drew on the definition of Indigenous peoples from the 2002 World Bank study, "Profile on Indigenous peoples in El Salvador." The Policy stated that Indigenous peoples in El Salvador fit the definition of Indigenous identity contained in the ILO Convention 169, which defined self-identification or consciousness of their indigenous or tribal identities as a fundamental criterion. The Policy also cited other national and international legal and political texts: 1) the final document of the First National Indigenous Congress in 2010; 2) the diagnostic over the situation of the human rights of Indigenous Peoples in Central America created by the Regional Office for Central America of the High Commission of the United Nation for Human Rights in 2011; 3) the Situational Report on the Rights of Indigenous Peoples in El Salvador from the Attorney General's Office for the Defense of Human Rights in 2012; 4) the Report by the UN Special Rapporteur for Indigenous Peoples, James Anaya, on the "Situation of Indigenous Peoples in El Salvador" in 2013; 5) the Post 2015 Development Agenda created by the Technical Secretariat of the Presidency of El Salvador, the Ministry of Foreign Relations, and the United Nations System in El Salvador, as it applies to originary peoples and communities, 2013; 6) the document "Ne Chiltic Sinti ipal Yec Ineme" produced by the Indigenous Council for Country Dialogue from the Frente Farabundo Martí para la Liberación Nacional party in 2013; and 7) the alternative report from Indigenous women, created by CLADEM El Salvador and presented to the UN Committee for the Elimination of Racial Discrimination in 2014.

The Public Policy sought to protect and develop Indigenous peoples as citizens of the multicultural Salvadoran nation. The policy intended to break the Salvadoran state's historical negation of the existence of Indigenous peoples within the national territory through the creation of national multiculturalism. State negation stemmed from the "false assumption of cultural homogeneity [in the national population]...based on the symbolism of *mestizaje*." The Policy explained that to include Indigenous peoples as citizens in the Salvadoran nation meant to positively differentiate and incorporate this sector of society as a group subject to equal legal rights enshrined in the national Constitution. Since El Salvador was a multiethnic and pluricultural

society, the state needed to reconstruct the nation's historical memory through the preservation, promotion, and revalorization of the national population's cultural diversity, which was an essential feature of modern democracies. The most important part of the state's recognition of Indigenous peoples was to begin moral and material reparations for the damages or injuries enacted against Indigenous peoples, who for many years had been in a state of being abandoned by the state and forgotten within the nation. The Public Policy defined specific actions to be implemented by the state with a focus on rights, with a strong emphasis on the rights contained in the 2007 UN Declaration of the Rights of Indigenous Peoples. These affirmative actions were to encourage Indigenous peoples' access to the means of life that permit a dignified existence to the identity of Indigenous peoples as a differentiated group. The affirmative actions sought to overcome the common shortcomings of state intervention in society, such as welfarism, paternalism, and political clientelism. The Policy instead sought to contribute to the empowerment and the self-management of the Indigenous peoples within the national community.¹⁵

The second strategy, on economic development, and the fourth strategy, on sustainable development, defined Indigenous-land relations and placed that relations under the institutional authority of the national government's Salvadoran Institute for Agrarian Transformation (ISTA) and the Ministry of Agriculture and Livestock (MAG). ISTA and MAG were not to transfer state possession or control over land, natural resources, or territory to Indigenous peoples. The economic development strategy contained subsections on "Land" and "Food Sovereignty and Autonomy" that restricted the Indigenous issues of "land" and "autonomy" to improving Indigenous peoples' commercial and subsistence food production. The fourth strategy restricted the Indigenous issue of "natural resources" to the participation of Indigenous peoples in the state's administration of natural resource management. Neither strategy gave Indigenous peoples rights to possess or manage land, natural resources, or territory on their own terms.

The "Land" and "Food Sovereignty and Autonomy" subsections described how ISTA and MAG were to recognize and govern Indigenous peoples' relationship to land. The "Land" subsection limited the issue of Indigenous land rights to the state's recognition of Indigenous peoples as formal beneficiaries of a small land redistribution program administered by ISTA. The subsection justified this strategy in terms of the subsistence food production of Indigenous peoples. The Indigenous perspective on land was not to exploit the land, but to care for it and gather sustenance from it in equilibrium with it. Indigenous peoples did not have a consensus on the ideal form of land tenure. Some accepted private property of their small parcels, whereas others desired alternative forms of land tenure. Many Indigenous Salvadorans used their lands for agricultural production. They were small sharecroppers dedicated to subsistence cultivation. They rejected agricultural inputs and hybrid seeds that would make them dependent on transnational agroindustrial corporations that threatened their food sovereignty. Therefore, one of the primary demands by Indigenous peoples with regard to agriculture was the provision of crop seeds. The idea was to recover ancestral seeds with nutritional value that had reproductive capacity and were adapted to the agricultural conditions of the country. This required a shift in the technical assistance and agricultural production in the Ministry of Agriculture and Livestock toward ecological sustainability, fair trade, and the inclusion of ancestral nutritional products in the diversification of agriculture. The point was not to diminish or turn away from the production and commercialization of surplus crops or from the production of agroindustrial crops. Rather, the idea was to achieve a balance between agriculture production oriented toward economic sustainability

¹⁵ The public policy also uses the terms "Indigenous," "indigenous communities," and "*pueblos originarios* [originary peoples]" to refer to Indigenous peoples in El Salvador.

and an Indigenous vision of agriculture. The subsection called on ISTA to add Indigenous peoples as specific benefits on its "Manual for Land Transfers." ISTA was to promote collective land tenure and mechanisms to access collective land tenure. ISTA was to provide juridical assistance to Indigenous peoples to guarantee their land property and to legalize their property.

The "Food Sovereignty and Autonomy" subsection restricted the issue of "Indigenous autonomy" to subsistence food production. Indigenous food sovereignty centered on the ability of Indigenous peoples to produce sufficient crops to meet their own basic needs. Indigenous peoples had ancestral wisdom and knowledge to supply their food needs. However, Indigenous peoples and communities required support from the state in order to obtain material and economic access to nutritious food so that they could develop. Toward this end, the subsection sought to strengthen Indigenous peoples' capacity for self-management; to guarantee access to nutritious food; and to create positive changes in the cultural system linked to food and nutritional sovereignty and security. The subsection called on the Ministry of Agriculture and Livestock to implement agricultural and livestock programs that favored the food security and autonomy of Indigenous peoples. The National Center of Agricultural and Forestry Technology was to implement a program that investigated and promoted ancestral agricultural products with nutritional ends. The Ministry of Agriculture and Livestock was to create a local network of Indigenous agriculturalists to exchange native seeds. Finally, the Ministry of Agriculture and Livestock and the National Commission for Micro and Small Businesses were to create an intercultural solidarity market for the transaction of products that originate from Indigenous peoples.

The fourth strategy, on environmental sustainability, defined and placed Indigenous peoples' relationship with the environment under the institutional authority of the Ministry of the Environment and Natural Resources (MARN). The strategy focused on Indigenous peoples' access to natural resources and participation in state management of natural resources. It did not include Indigenous peoples' rights to possess and manage natural resources themselves. The strategy sought to develop conditions of environmental sustainability in places inhabited by Indigenous peoples through the creation of state actions that facilitated the adequate use of natural resources in a symbiotic manner, with an emphasis on the preservation and restoration of the natural resources and the strengthening the capacity for resiliency. MARN recognized Indigenous peoples' intimate relationship with their environment. A fundamental concept in the Indigenous worldview was their recognition of Mother Earth as a living being. This implied a harmonious integration between the human and the environment. This concept crashed with the utilitarian use of the environment within Salvadoran society. MARN had begun to carry out different workshops with Indigenous communities to socialize the National Policy of the Environment and Natural Resources, with the participation of Indigenous leaders. These workshops sought to exchange experiences and proposals of Indigenous peoples from the perspective of their ancestral worldview to protect the earth and the environment, in order to include their perspective into the Strategy and Action Plan for the National Policy.

The environmental sustainability strategy described how MARN was to govern Indigenous peoples and the environment. MARN was to implement environmental protection measures in ecosystems linked to Indigenous peoples from the perspectives of Indigenous worldview, the Buen Vivir, and rights of Mother Earth. MARN was also to guarantee Indigenous peoples' access to technologies that favored environmental sustainability in the management of water, land, and biodiversity. MARN and municipal government were to open spaces for the participation of Indigenous peoples regarding access to and protection of water resources. MARN was to promote the participation of Indigenous organizations in the care, protection, and administration of

protected areas. MARN was to promote the participation of Indigenous peoples in energy policies to prevent damage to their environment. MARN was to protect the ancestral heritage of the Indigenous peoples. MARN and MICULTURA were to implement a program for the recovery, protection, and development of Indigenous peoples' knowledge for the conservation and sustainable use of biological diversity in accords with the Nagoya Protocol. MARN and MICULTURA were to promote the right to sacred altars for Indigenous peoples that included agreements for the use, care, or protection of sacred altars or places located in mountains, rivers, caves, and other natural places. MARN was to promote the signing and ratification of treaties and the approval of laws that promoted the rights of the environment and of Mother Earth. MARN was to implement processes of social control for Indigenous peoples to measure the effectiveness of the MARN's operation.

In recent years, the International Labor Organization has recognized a significant development in El Salvador's national progress toward the Legislative Assembly's ratification of ILO Convention 169, although progress remains slow. In 2019, the ILO published an observation document on its website that summarized the ratification status of the Convention by the Salvadoran government. The document noted that a recent analytical document from the Ministry of Labor and Social Provision had concluded in favor of ratification. The ILO Committee requested more information from the Ministry on additional consultations and progress toward ratification. The ratification process was still under the consideration by the Ministry of Foreign Relations, which was holding consultations with relevant state institutions in order to seek ratification before the 2018-2021 Legislative Assembly. How the Ministry of Labor and Social Provision, the Ministry of Foreign Relations, and the Legislative Assembly had come to rationalize the Convention and national Constitution as legally compatible over the issues of national legal equality and Indigenous land rights remains undisclosed. Neither the Ministries nor the Legislative Assembly under the previous or current administration period have made additional information public on the analytical document or the Convention ratification process.

While the FMLN lost its re-election campaign for the presidential administration in 2018, the 2019-2024 Bukele administration's national development plan (Plan Cuzcatlán), continued the FMLN administrations' multiculturalist approach to Indigenous peoples as a citizenship population. Nayib Bukele, a former member of the FMLN, won the election as a populist candidate with the newly established political party, Nuevos Ideas (New Ideas). Citing international declarations, the national Constitution, and national laws, the Plan Cuzcatlán recognized that all Salvadorans had the right to create and reinvent the material and immaterial manifestations of art and culture. The plan called on the state to guarantee the social welfare of the individuals, protect them, and promote their exercise of their cultural rights through the lens of national multiculturalism. The plan's objective for multiculturalism was to recognize the multiplicity of identities of the Salvadoran people. This included a strategy for the implementation of the Public Policy for Indigenous Peoples in El Salvador. The Plan guaranteed the fulfillment of the Policy, so that Indigenous peoples may enjoy their individual and collective rights; become visible within society; no longer experience discrimination; and advance in their economic and social development, among other things.

Who is the real “pueblo Indígena?”
Indian empowerment and the politics of Indigenous voice

Since at least the 1980s, Indigenous organizations throughout Latin America have joined transnational Indigenous movements that mobilize international law and policy on Indigenous rights in order to challenge and transform the legal, political, and institutional structures of state power over Indigenous peoples within national and subnational territories. These Indigenous organizations have articulated their criticism of the state through a discourse of Indigenous self-representation—often in terms as self-determination—that positions themselves as autonomous political actors who represent the political will and organizational capacity of Indigenous stakeholders to express and advocate for their own collective interests in negotiations with state governments and international institutions over legal, political, and administrative affairs that affect Indigenous peoples and communities. International and state institutions have responded to these Indigenous criticisms with the formal establishment and expansion of decision-making mechanisms and processes that facilitate the “consultation” and “participation” of Indigenous organizations in order to validate the “consent” of Indigenous peoples and communities in the formation and implementation of laws, policies, and programs. These mechanisms and processes guarantee no political outcomes for Indigenous peoples. They often result in new legal, political, and institutional arrangements that transform the multi-scalar and transnational fields of Indigenous politics and create new limits and opportunities, as well as complexities and contradictions, for political negotiations between state, international, and Indigenous actors.

This chapter analyzes how Salvadoran Indigenous organizations have helped expand and legitimize the structure of settler state power over Indigenous peoples within the national territory as culturally distinctive but otherwise undifferentiated individual citizens of the newly multicultural settler Salvadoran nation. In recent decades, these Indigenous organizations have collaborated with state institutions and UN agencies to align national law and policy on Indigenous peoples with international law and policy on Indigenous rights. Given the particular history of Indigenous peoples in El Salvador, state institutions, UN agencies, and Indigenous organizations have not debated or even questioned whether the Salvadoran state should have supreme political authority over Indigenous peoples throughout the national territory. Nor have these actors attempted to transform the state power structure or curtail the state’s power over Indigenous peoples with the subnational decentralization or devolution of the state government’s administrative, legislative, or political functions over Indigenous peoples to Indigenous organizations or communities themselves or to a non-state actor. Instead, state, UN, and Indigenous actors have focused on rationalizing why the state should recognize the existence of Indigenous peoples within the national territory and develop its governance of them as Salvadoran citizens. This process centers on how and why the state should develop and exercise state power specific to Indigenous peoples through national laws, policies, and programs. The process has produced contentious politics centered on the unsolved question of which state institutions—and, by extension, which Indigenous organizations and UN agencies—should have what forms of political power over Indigenous Salvadorans.

This contentious Indigenous politics in El Salvador became visible in the public national political arena during the formation of the 2018 National Action Plan for Indigenous Peoples in El Salvador (PLANPIES). The PLANPIES was part of a broader UN initiative designed to facilitate the national implementation of the 2007 UN Declaration on the Rights of Indigenous Peoples in the Global South. With technical assistance, political support, and funding from the UN system,

the 2014-2019 FMLN national presidential administration of Sánchez Cerén authorized state institutions to collaborate with UN agencies and Salvadoran Indigenous organizations to develop the PLANPIES. The instrument was to provide a legally valid but otherwise non-obligatory political framework for the national administration to formulate and implement national laws, policies, and programs for domestic Indigenous peoples. Political contention centered on whether the national government's Ministry of Culture (MUCULTURA) or Ministry of Foreign Relations (MRREE) should be the state institution responsible for coordinating state institutions to reform the state power structure to include Indigenous peoples within national politics. MICULTURA had the administration's mandate to coordinate national Indigenous policymaking, whereas MRREE had the administration's authority to ensure that the state fulfilled its formal commitments to international laws, policies, and programs, including international Indigenous rights.

During the Sánchez Cerén administration, Indigenous organizations, UN agencies, and state institutions concentrated state power over Indigenous peoples in El Salvador in the national presidential administration. The Ministry of Foreign Relations framed the PLANPIES as a national policy instrument that represented the grassroots interests and authentic political voice of Indigenous Salvadorans within state- and UN-centric fields of Indigenous policymaking. The administration's inclusion of Indigenous organizations' participation in the formation of the PLANPIES was a radical departure from previous state, UN, and anthropological criticisms against Indigenous organizations as illegitimate political representatives of the everyday interests of Indigenous Salvadorans. The administration recognized a leading Salvadoran Indigenous organization (CCNIS) as the legitimate coordinator of Indigenous participation within the PLANPIES based on CCNIS' public willingness to compromise on its political demands—including collective land rights—in order to advance the administration's project of multicultural state recognition of Indigenous peoples. A rival network of Salvadoran Indigenous organizations from the national government's Ministry of Culture criticized the political representativity of CCNIS and the PLANPIES for Indigenous Salvadorans in ways that further normalized the administration's authority to develop the formal terms of state power over Indigenous Salvadorans. The administration launched the PLANPIES near the end of the 2014-2019 presidential term and made little progress on national implementation before the 2019-2024 Nuevos Ideas administration took office. The new administration's refusal to implement the PLANPIES within national Indigenous policy has indicated that the development and exercise state power over Indigenous Salvadorans remains dependent on the political will of national presidential administrations. Indigenous organizations and UN agencies involved in the PLANPIES formation have had little legal recourse or political leverage to compel state action—in any direction—on Indigenous Salvadorans.

Nationalizing the international discourse of Indigenous rights in El Salvador through the PLANPIES

In recent decades, UN agencies, state governments, and Indigenous worldwide, including in El Salvador, have contributed to the formation of international law and policy on Indigenous rights within the UN system into a widely accepted legal and political standard for the development and implementation of laws, policies, and programs that reform—rather than transform—state power structures over Indigenous peoples and communities at the international, national, and subnational levels. Indigenous organizations and leaders have long sought political empowerment in order to advance the interests of Indigenous peoples on the international stage, as expressed in the language

of Indigenous political self-representation—or self-determination—in the 2007 UN Declaration on the Rights of Indigenous Peoples. This language promised a radical challenge to the state power structure but ultimately maintained state and UN authority over Indigenous peoples within state and international institutions central to Indigenous policymaking. Over the subsequent decade, the UN system and state governments elaborated the official international discourse of Indigenous rights to expand their institutional control over Indigenous policymaking. This discourse came to exclude the idea of Indigenous self-determination and instead focused on defining the idea of Indigenous participation and institutionalizing the idea within policymaking. The 2014 UN World Conference on Indigenous Peoples formalized how state governments were to include Indigenous participation in the state implementation of the UNDRIP at the national and subnational levels with assistance from the UN system. UN agencies and Salvadoran state institutions presented the 2018 National Action Plan for Indigenous Peoples in El Salvador (PLANPIES) as an exemplary model for how state governments throughout the Global South could mobilize the UN's emerging terms of Indigenous participation to implement the UNDRIP within national and subnational Indigenous policymaking.

The UNDRIP established primary responsibility for the international, national, and subnational implementation of international law and policy on Indigenous rights to the UN system and to the 193 sovereign state governments that constituted the formal UN membership (also known within the system as Member States). The UNDRIP required state governments and UN agencies to include Indigenous participation in their implementation of Indigenous rights. Article 42 called on the United Nations; its bodies, including the Permanent Forum on Indigenous Issues; its specialized agencies, including at the country level; and Member States to promote respect for and the full application of the provisions of the Declaration and to follow up on the effectiveness of the Declaration. Article 19 called on state governments to consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. Article 41 tasked the organs and specialized agencies of the United Nations system and other intergovernmental organizations to contribute to the full realization of the provisions of the Declaration through the mobilization, *inter alia*, of financial cooperation and technical assistance. Article 41 also tasked international institutions to establish ways and means of ensuring participation of Indigenous peoples on issues affecting them.

The UNDRIP framed Indigenous participation in terms of a narrow conceptualization of self-determination that fit within the legal and political frameworks of the UN system and Member States. Article 46 prohibited Indigenous actors from violating the Charter of the United Nations or the territorial integrity of political unity of sovereign and independent states. Article 3 defined self-determination as the ability of Indigenous peoples to determine their political status and pursue their economic, social, and cultural development. Article 4 extended this definition to include autonomy or self-government on internal and local affairs. Article 33 allowed Indigenous peoples to define their own identity and membership based on their customs and traditions as well as to become individual citizens of the State in which they live. Article 33 also enabled Indigenous peoples to determine their own institutional structures and memberships based on their own procedures. Article 34 stated that Indigenous peoples could promote, develop, and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards. Article 18 gave Indigenous peoples the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves

in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions. Article 23 gave Indigenous peoples the right to determine and develop priorities and strategies for exercising their right to development, in particular to health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programs through their own institutions.

In the years following the formal ratification of the 2007 UNDRIP, the UN system and state governments elaborated an official international discourse on Indigenous rights that marginalized and excluded the idea of self-determination from the state and UN implementation of the UNDRIP at the national and subnational levels. This discursive shift further restricted the legal and political grounds on which Indigenous organizations could negotiate on behalf of Indigenous peoples and communities with state governments and UN agencies. It also further expanded state and UN power of Indigenous peoples in the implementation of Indigenous rights. State and UN actors institutionalized this discursive shift within the UN system through the 2014 UN World Conference of Indigenous Peoples (WCIP). By the early 2010s, UN agencies and states actors, with the participation of Indigenous representatives, designed the WCIP as the next step taken by the UN system to facilitate the state implementation of the UNDRIP worldwide. This event's Outcome Document defined key legal, political, and policy actions that state governments should take in coordination with Indigenous representatives and UN agencies.

The UN system excluded Indigenous self-determination from its formal discourse on Indigenous participation at the 2014 World Conference on Indigenous Peoples. On September 18, 2012, the United Nations Permanent Forum on Indigenous Issues published a press release on how Indigenous peoples would participate in the upcoming WCIP with no mention of self-determination. The press release announced that the UN General Assembly had adopted a draft resolution (A/66/L.61) to organize a high-level plenary meeting of its sixty-ninth session, to be known as the "World Conference on Indigenous peoples."¹⁶ The Assembly scheduled the event for September 22-23, 2014 in New York. The World Conference sought to share perspectives and best practices on the realization of the rights of Indigenous peoples in order to pursue the objectives of the UNDRIP. The Outcome Document for the event was to be action-oriented and to pursue the realization of the rights enshrined in the UN Declaration. The draft resolution encouraged the full and effective participation of Indigenous peoples worldwide in the World Conference. The document requested that the President of the General Assembly, H.E. Sam Kutesa, organize an informal interactive hearing with a broad range of non-state actors, including Indigenous peoples, to provide inputs for the preparatory process. It also invited the three UN mechanisms related to Indigenous peoples' rights (the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples) to provide input to the preparatory process. The press release quoted the Chair of the UN Permanent Forum on Indigenous Issues, Grand Chief Ed John of Canada, to underscore the centrality of Indigenous participation in the event. Chief John described the World Conference as "a unique opportunity to ensure greater and more inclusive participation of Indigenous peoples in decisions which affect them. Indigenous peoples need to be involved, heard, and their issues addressed for real and transformative changes to happen. As well, the World Conference is an opportunity to bring to light the historical and current challenges facing indigenous peoples." The draft resolution noted that many Member State representatives welcomed the establishment of the World

¹⁶ UN Resolution A/66/L.61, which commits the General Assembly to creating the World Conference on Indigenous peoples, has similar language to this press release. The resolution focuses on the issue of consultation and participation with no mention of cooperation or consent, much less Indigenous self-determination.

Conference and emphasized the important role of the General Assembly in protecting and promoting the rights of Indigenous peoples.

The United Nations system maintained its exclusion of Indigenous self-determination from its official discourse on Indigenous participation state- and UN-approved Outcome Document for the 2014 World Conference on Indigenous Peoples. On September 22, 2014, the United Nations published a press release on the conclusion of the WCIP. The headline read that UN Member States reaffirmed their commitment to the rights of Indigenous peoples at the event. The event gathered over 1,000 Indigenous delegates, Heads of State and Government, UN officials, and national human rights institutions to share perspectives and best practices on the realization of the rights of Indigenous peoples. Member States adopted the event's landmark Outcome Document in which they renewed their commitment to the full realization of the rights of Indigenous peoples. The President of the General Assembly welcomed the "active participation of Indigenous peoples in its preparation, as well as the cooperation between Member States and Indigenous peoples in preparation of the Outcome Document." In his remarks in the opening session, UN Secretary-General Ban Ki-moon emphasized that "Indigenous peoples are central to our discourse of human rights and global development." Noting that the Conference's "deliberations and decisions will reverberate across the international community with concrete effects in the lives of Indigenous people," he stressed that Indigenous participation would be critical in the global drive for a more sustainable future and pledged the full support of the United Nations to Indigenous peoples. In her address to the opening session of the event, special guest Rigoberta Menchú--Nobel Peace Prize recipient and Indigenous rights activist from Guatemala—expressed her deep concern with persistent violations of the rights of Indigenous peoples and urged Member States to "apply national and international law, particularly the rights enshrined in [ILO] Convention 169 and the UNDRIP, which establishes minimum standards for their survival, dignity, well-being, and rights." The press release noted that while significant progress had been made since the adoption of the Declaration in 2007, Indigenous peoples continued to face numerous obstacles to the full realization of their rights, with many of them struggling to remain on their lands and retain the right to their natural resources. At about five per cent of the world's population, Indigenous peoples constituted 15 per cent of the world's poor and about one third of the world's 900 million extremely poor rural people. The event's concise and action-oriented Outcome Document, prepared on the basis of inclusive and open consultations with Member States and Indigenous peoples, reiterated Member States' support for the objectives of the UNDRIP. They reaffirmed their commitment to consult and cooperate with Indigenous peoples in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measure that may affect them.

The WCIP Outcome Document itself made no mention of Indigenous self-determination in its recommendations on how state governments and the UN system were to implement the UNDRIP. This exclusion exposed an internal contradiction within the document. The WCIP's Articles 2, 3, and 4 referenced Indigenous rights as defined in the UNDRIP. UNDRIP's Articles 3 and 4 defined self-determination as a central principle in the state fulfillment of the rights of Indigenous peoples. The WCIP Outcome Document's Article 2 briefly mentioned the Alta Document by name, although it did not address the Alta Document's explicit and central request that the WCIP include Indigenous self-determination as a requirement for the state implementation of the UNDRIP:¹⁷ "We welcome the Indigenous peoples' preparatory processes for the World

¹⁷ The Outcome Document for the Alta Conference is archived online: <http://unsr.jamesanaya.org/docs/data/Alta-outcome-document-june-2013.pdf>

Conference, including the Global Indigenous Preparatory Conference held in Alta, Norway, in June 2013. We take note of the outcome document of the Alta Conference and other contributions made by Indigenous peoples.” WCIP Article 3 expressed Member State’s reaffirmation of their support for the UNDRIP and their “commitments made in this respect to consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, in accordance with the applicable principles of the Declaration.” WCIP Article 4 reaffirmed Member States’ “solemn commitment to respect, promote and advance and in no way diminish the rights of Indigenous peoples and to uphold the principles of the Declaration.”

The WCIP Outcome Document further expanded the state’s authority within international law and policy on Indigenous rights over the implementation of the UNDRIP. It defined how Indigenous peoples were to participate in the implementation process through collaboration, cooperation, consultation, and consent with the state. Article 7 expressed the state commitment to “taking, in consultation and cooperation with Indigenous peoples, appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the Declaration and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and civil service.” Article 8 allowed Indigenous peoples to choose their own representative institutions to cooperate with state governments in the development and implementation of “national action plans, strategies, or other measures, where relevant, to achieve the ends of the Declaration.” Article 37 expressed Member State recognition of the rights of Indigenous peoples to “determine and develop their priorities and strategies for exercising their right to development.” This clause was the closest approximation in the Outcome Document text to a conceptualization of self-determination. The text never actually stated the term, and the document placed this approximation near the end of its text.

The Outcome Document also elaborated the UN system’s political influence in the state implementation of the UNDRIP. State governments were encouraged to follow political guidelines established within the UN system. Article 1 expressed Member States’ “solemn commitment to the purposes and principles of the Charter of the United Nations, in a spirit of cooperation with the Indigenous peoples of the world.” The article also explained that the event had sought “to reiterate the important and continuing role of the United Nations in promoting and protecting the rights of Indigenous peoples.” Article 5 expressed Member States recognition of the UN system as a legitimate actor in creating international law and policy on Indigenous rights: “In addition to the Declaration, we recall the other major achievements of the past two decades in building an international framework for the advancement of the rights and aspirations of the world’s Indigenous peoples, including the establishment of the Permanent Forum on Indigenous Issues, the creation of the Expert Mechanism on the rights of Indigenous peoples and the establishment of the mandate of the Special Rapporteur on the rights of Indigenous peoples. We commit ourselves to giving due consideration to recommendations and advice issued by those bodies in cooperation with Indigenous peoples.” And finally, Article 37 expressed the state commitment to “giving due consideration to all the rights of indigenous peoples in the elaboration of the post-2015 development agenda” within the United Nations system.

The WCIP Outcome Document concealed the UN system’s political influence in the implementation of the UNDRIP by framing the UN system as a politically neutral source of technical assistance for state governments and Indigenous peoples. The Outcome Document identified specific UN agencies as technical advisors available to assist national governments and

Indigenous representatives with the national implementation of the UNDRIP. The document gave Member States the power to determine whether and how to allow the UN system to provide technical support to the implementation process. Article 31 requested that “the Secretary-General, in consultation and cooperation with Indigenous peoples, the Inter-Agency Support Group on Indigenous Peoples' Issues, and Member States, to begin the development, within existing resources, of a system-wide action plan to ensure a coherent approach to achieving the ends of the Declaration and to report to the General Assembly at its seventieth session, through the Economic and Social Council, on progress made. We invite the Secretary-General to Accord, by the end of the seventieth session of the Assembly, an existing senior official of the United Nations system, with access to the highest levels of decision-making within the system, responsibility for coordinating the action plan, raising awareness of the rights of indigenous peoples at the possible level and increasing the coherence of the activities of the system in this regard.” Article 32 invited “United Nations agencies, funds and programmes, in addition to resident coordinators, where appropriate, to support the implementation, upon request, of national action plans, strategies, or other measures to achieve the ends of the Declaration, in accordance with national priorities and United Nations Development Assistance Frameworks, where they exist, through better coordination and cooperation.” Article 40 requested “the Secretary-General, in consultation with the Inter-Agency Support Group on Indigenous Peoples' Issues and Member States, taking into account the views expressed by Indigenous peoples, to report to the General Assembly at its seventieth session on the implementation of the present outcome document, and to submit at the same session, through the Economic and Social Council, recommendations regarding how to use, modify and improve existing United Nations mechanisms to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, ways to enhance a coherent, system-wide approach to achieving the ends of the Declaration and specific proposals to enable the participation of Indigenous peoples' representatives and institutions, building on the report of the Secretary-General on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on the issues affecting them.”

Following the 2014 World Conference on Indigenous Peoples, UN agencies such as the Food and Agriculture Organizations, Salvadoran state institutions such as the Ministry of Foreign Relations, and Salvadoran Indigenous organizations led by the National Coordinating Council of Indigenous Salvadorans (CCNIS) led the formation of the National Action Plan for Indigenous Peoples in El Salvador (Plan de Acción Nacional de Pueblos Indígenas en El Salvador, or PLANPIES)) as a formal but non-obligatory political framework for the state implementation of the 2007 UNDRIP at the national and subnational levels. The UN system framed the PLANPIES as one of six pilot national action plans that could guide the state implementation of the UNDRIP throughout the Global South: two in Latin America, two in Africa, and two in Southeast Asia. The 2014-2019 FMLN national presidential administration in El Salvador was the first of these six state governments to develop and approve the PLANPIES as formal state policy. The PLANPIES claimed to have unified and expressed the political will of all pertinent actors in Salvadoran Indigenous policymaking: the UN system, the state, and Indigenous peoples. It foregrounded the political agency of Salvadoran Indigenous organizations to represent Salvadoran Indigenous peoples' political interests and authentic voice in collaborations with the state government and UN agencies in the implementation of the UNDRIP.

The state formation of the PLANPIES ended on the political will of the 2014-2019 FMLN national presidential administration. The administration authorized state institutions to collaborate with UN agencies and Indigenous organizations to develop the PLANPIES as a policy instrument

that could advance the presidency's national agenda on Indigenous peoples. In his opening remarks to the PLANPIES, Salvadoran President Sánchez Cerén explained that his government sought to transform peace, democracy, security, and human rights into basic principles for the state's construction of a more just and inclusive national society in El Salvador. His government intended to create a Salvadoran nation that guaranteed the social inclusion of all the national citizenry, with an emphasis on the most vulnerable populations that the state and society had historically rendered invisible. This commitment led his administration to define Indigenous peoples as a "priority population group" for national policymaking. The administration outlined specific lines of state action that would contribute to the conservation and valorization of Indigenous Salvadorans, including the PLANPIES. The administration made the PLANPIES with the participation of Indigenous communities and state institutions. PLANPIES development followed the 2010 national presidential address by Mauricio Funes (also from the FMLN party), the International Convention on the Elimination of all Forms of Racial Discrimination, and the 2014 national Constitutional reform that established state recognition of Indigenous peoples in El Salvador. The PLANPIES signified the national government's political will to fulfill its national and international commitments on Indigenous peoples. The PLANPIES defined collective action toward the valorization, respect, and the appropriation of the cultural patrimony of the Indigenous population. The instrument helped the state move society toward the liberal Enlightenment ideals of equality, fraternity, and liberty.

The PLANPIES document reiterated the UN system's positioning of UN agencies as mere technical assistants to the state implementation of the UNDRIP. In her opening remarks to the PLANPIES, Mirna Cunningham—Special Ambassador for the FAO; Consultant to the Secretary General of the United Nations for the UN World Conference for Indigenous Peoples; and International Consultant for the International Fund for Agricultural Development (IFAD)—framed the PLANPIES as an instrument for the state's fulfillment of its international commitment on the domestic implementation of Indigenous rights. In 2014, the national government of El Salvador became a state signatory to the Outcome Document for the First WCIP at the United Nations. This signatory status committed the national government of El Salvador to guarantee the basic human rights of Indigenous peoples defined in the 2007 UNDRIP. This commitment required the national government to cooperate with Indigenous peoples by way of their representative Indigenous institutions and organizational structures to define and implement action plans, strategies, or other national measures to achieve the ends of the UNDRIP. The commitment also obliged the national government to seek the support of the UN system through coordination and cooperation to execute the action plans, strategies, or other national measures so long as such instruments aligned with national priorities and UN development frameworks. The national government's Ministry of Foreign Relations coordinated the planning process for the PLANPIES between state institutions and Indigenous organizations, the latter which were led by the National Team of Indigenous Conduction (El Equipo Nacional de Conducción Indígena, or NTIC). The Indigenous organizations consulted representatives from the three Indigenous peoples in the country through national workshops, which allowed the voices of Indigenous women and youth to be heard. State institutions and Indigenous organizations shared key developments in the process with mass communications, academia, and international cooperation. The UN system contributed technical assistance to the process since the beginning through the UN Resident Coordinator office based in San Salvador. The IFAD, the Food and Agriculture Organization (FAO), the Permanent Forum on Indigenous Issues (PFII) and its Secretariat, the Fund for Indigenous Peoples in Latin America and the Caribbean (FILAC), the International Work Group for Indigenous Affairs

(IWGIA), and the Center for Indigenous Peoples' Autonomy and Development (CIPAD) contributed financial resources, technical assistance, and political support. The planning process depended on a form of policymaking centered on political will, compromise, respectful dialogue, and effective participation in the shared search for solutions that could begin to heal the historical wounds and discrimination that Indigenous peoples have suffered in El Salvador.

The PLANPIES document foregrounded the central role of Indigenous participation in the state implementation of the UNDRIP. In his opening remarks to the document, the UN Resident Coordinator in San Salvador framed the state's formation of the PLANPIES as reflecting the political will of Indigenous peoples in El Salvador. Since the state's invitation for the UN system to become part of this initiative, the Resident Coordinator contributed technical knowledge and experience in order to define the primary actions of the PLANPIES and to ensure that the construction process was broad and participatory. Indigenous peoples had struggled tirelessly to ensure the full enjoyment of their rights and a dignified life in accordance to legal principles that were intrinsic to El Salvador. They had fought not only for their recognition but also for their protection, as well as for space to participate in public policies that affected their life opportunities. The PLANPIES drew on a series of consultations in 2015 and 2016 with representatives from Indigenous peoples, academia, communication media, and international cooperation, which identified the principle problems confronting Indigenous peoples and specific state actions for their solution. The Plan was an important step that attempted to increase the visibility of Indigenous peoples in El Salvador and to realize their wishes and struggles.

The PLANPIES document positioned the Indigenous organizations that constituted the National Team of Indigenous Conduct (NTIC) as key political actors in the state formation of the PLANPIES. This framing emphasized a degree of Indigenous political autonomy in the planning process, although the document never framed Indigenous participation in terms of self-determination. The NTIC consisted of a broad range of member Indigenous organizations, including the National Coordinating Council of Indigenous Salvadorans (CCNIS) and Indigenous Council of Central America (CICA). The Indigenous organizations created the proposal for the PLANPIES, which was the result of a broad consultation process in the capital city and countryside with the participation of the three Indigenous peoples in El Salvador—the Náhuat Pipil, the Lenca, and the Kakawira. The NTIC drew inspiration for the PLANPIES from Indigenous peoples' relationship to nature and from their Indigenous ancestors. The NTIC sought to orient Indigenous peoples to return to their origins in hope that one day they could unite and strengthen their organizational processes, their spaces of dialogue and influence (*incidencia*) within state institutions in order to create policy proposals from their own Indigenous worldview. The Indigenous organizations had designed the PLANPIES to respond to the necessity of creating instruments that allowed for the recognition, respect, and fulfillment of the rights of Indigenous peoples. The PLANPIES reflected the interests of Indigenous men, women, and youth under the premise of "nothing without us, everything with us." The consultation process identified the priority areas, goals, lines, and strategic actions in order to fulfill the commitment made by the Salvadoran state on the ten-year anniversary of the 2007 UNDRIP. The NCIT thanked state institutions, the UN system, and international cooperation agencies for their companionship and support in the process. The NTIC committed itself to continue the work of implementing the PLANPIES in the countryside, in municipalities, and in the capital city.

Early state and UN criticism of Salvadoran Indigenous organizations

State and UN recognition of the Salvadoran Indigenous organizations—particularly the National Coordinating Council of Indigenous Salvadorans (CCNIS)—as legitimate political representatives of Indigenous peoples in El Salvador for the formation of the 2018 PLANPIES was a radical departure from previous state, international, and anthropological criticisms of Indigenous political self-representation in El Salvador. During the 2000s, the U.S. political scientist Virginia Tilley and the Salvadoran anthropologist Ramón Rivas revealed that state institutions responsible for national Indigenous policymaking, such as the Ministry of Education and the Ministry of Culture, and international institutions that provided technical support and funding to national Indigenous policymaking, such as the United Nations Educational, Scientific, and Cultural Organization and the European Union, considered the emerging idea of Indigenous political self-representation at the center of international law and policy on Indigenous rights to be out of context in El Salvador. These state and international institutions regarded Salvadoran Indigenous leaders and organizations as illegitimate political representatives of Indigenous Salvadorans. The institutions had accepted the prevalent anthropological definition of Indigenous peoples in El Salvador as a culturally distinctive social class at the bottom of national Salvadoran society.¹⁸ This definition positioned Indigenous peoples as so marginalized and excluded within the national community as landless peasants in the countryside that they lacked the political capacity to organize, mobilize, and advocate for their own interests within state-based national politics. Most prominent Indigenous leaders and organizations who had emerged and participated in state and international institutions—including CCNIS—were based in small towns and cities throughout the national territory and were therefore spatially and socially far removed from the everyday and grinding conditions of poverty that characterized the Salvadoran Indigenous class status. Tilley and Rivas suggested that, at best, state and international institutions viewed Salvadoran Indigenous representatives as out of touch with the lived realities of Indigenous Salvadorans. At worst, the institutional actors regarded Salvadoran Indigenous leaders as opportunistic individuals who sought personal profit from state and international funds assigned to the “real” Indigenous peoples.

During the 1990s, state and international institutions scrutinized the political representation of Indigenous leaders and organizations in El Salvador. Their attention focused on whose interests, exactly, were expressed by the Salvadoran Indigenous representatives. In 2002, Virginia Tilley, a political scientist trained at the University of Madison-Wisconsin and based at Hobart and William Smith Colleges in New York, analyzed this institutional concern in an article on how international development programs over the preceding decade had distorted grassroots Indigenous activism in El Salvador. These programs assumed that Indigenous Salvadorans would have the political capacity to represent themselves and their interests on terms legible to the UN system and other international institutions. In 1993, the European Union launched its big-budget 7,500,000 euro program to organize national Indigenous politics throughout Central America (“Programme of Support for the Indigenous Peoples of Central America”). The program sought to increase Indigenous peoples’ collective and individual identity, access to national politics, and control over the environment and natural resources in their respective territories within each Central American country, including El Salvador. The program required Indigenous organizations in each national territory to join a “national council” (*mesa nacional*) in order to receive program funds for project proposals. In response, Salvadoran Indigenous organizations created the National Coordinating Council of Indigenous Salvadorans (CCNIS). During the 1990s, a representative from the Ministry

¹⁸ See Chapter 2 of this dissertation for a genealogy of this anthropological definition of Indigenous identity in El Salvador.

of Education confided to Tilley that CCNIS had the reputation as an Indigenous organization that “didn’t represent anyone” among state institutions such as the Ministry of Education and international institutions such as the European Union and UNESCO. This skepticism was based on what these institutions viewed as the dubious organizational structure of many CCNIS organizations and the disjuncture between CCNIS’s project proposals and the current socioeconomic conditions of Indigenous Salvadorans. Most of the leadership of the CCNIS organizations could not substantiate their claims of having a robust local membership body with concrete evidence such as membership enrollment lists or local supporters. Prominent Indigenous organizations in El Salvador recognized by the institutions—such as a Lenca organization led by Miguel Angel Amaya, as well as local cargo systems (*cofradías*)—did not join CCNIS. CCNIS formulated project proposals that attempted to fit the formal terms of the program, such as “territory,” that the institutions deemed ill-suited for the Salvadoran context. In the case of territory, the program promoted Indigenous peoples’ collective land rights to territory. However, the Salvadoran state had abolished collective land tenure throughout the national territory in the late 19th century, and most Indigenous Salvadorans since then had accepted private land tenure. Few Indigenous organizations beyond CCNIS were interested in making territory claims, and no organization demanded collective land tenure.

This institutional criticism against the political legitimacy of Salvadoran Indigenous organizations endured within national Indigenous policymaking during the 2000s and 2010s. Within a few years of the Tilley publication, the Salvadoran anthropologist Ramón Rivas elaborated on the institutional criticism from the perspective of Salvadoran anthropology. Rivas made the criticism influential within national policymaking through his roles as a policy consultant and state official over the following decade. He received his Doctorate in Social and Cultural Anthropology from Nijmegen University in the Netherlands. After many years of ethnographic research among the Indigenous Garifuna and Lenca peoples in Honduras and of working as a consultant on Honduran Indigenous policy, Rivas became a professor at a prestigious private university in San Salvador, the Universidad Tecnológica, and directed the university’s School of Art and Culture. Rivas was the anthropological consultant for the 2003 World Bank profile on Indigenous peoples in El Salvador that has since provided an important ideological, political, and legal framework for contemporary state recognition of Indigenous peoples as culturally distinctive citizens of the Salvadoran nation. Rivas later became the head of the National Directorate of Cultural Patrimony in the national presidential administration’s Secretariat of Culture, which 2014-2019 FMLN administration mandated to coordinate the formation of national Indigenous policy among state institutions. Rivas then headed the Secretariat between 2014 and 2015, when the institution began to develop the Public Policy for Indigenous Peoples in El Salvador as the state’s formal and obligatory political framework for the development and implementation of national Indigenous policy aligned with the 2007 UNDRIP.

Like other prominent national and international anthropologists who studied national Indigenous policy in El Salvador over the preceding decades (Clará de Guevara, Marroquín, Chapin), Rivas also conceptualized Indigenous peoples as a culturally distinctive social class at the bottom of Salvadoran society. Rivas added that the Salvadoran Indigenous population were landless peasants with Indigenous tradition dispersed through the national territory, similar to the Lenca that he and other cultural anthropologists had studied in Honduras. In 2004, Rivas published an article on the persistence of the Indigenous population in El Salvador that he had written for the 2003 World Bank profile on Indigenous peoples in El Salvador. The article explained that the national territory had no territorial sub-division exclusive to the Indigenous population. Indigenous

Salvadorans were not organized into territorial units such as a “tribe” or “community” found elsewhere in Latin America. The Indians were families and individuals who lived alongside settlers in small town-based communities throughout the countryside. Rivas focused on the Indigenous population in rural areas, although he noted that the Indigenous population had a significant presence in all sectors of Salvadoran society, including in the small towns and cities. Indigenous families and individuals had long migrated from rural areas to small towns and then onto the cities in the national territory in search of paid work. They had even joined the transnational migration of Salvadorans abroad who sought employment in low-wage jobs in developed countries and sent remittances back home. Indigenous youth saw their future with migration. They no longer envisioned a future with land, as the national government did not support agricultural programs in general. The Indigenous population, as part of their labor exploitation in the national political economy, had adopted cultural practices that were common to the working poor in rural and urban areas. Indigenous language and dress, which were classic ethnic markers of Indigenous identity elsewhere in Central America, provided minimal social visibility to the Indigenous population within the Salvadoran nation. The only Indigenous language in the national territory with living speakers was Náhuat, and the language only had a few hundred living speakers. Among the Náhuat speakers were elderly women who still wore traditional dress, usually for special events. Besides these minor ethnic manifestations of Indigenous identity, Indigenous Salvadorans were part of the national *mestizaje* culture. Individuals looked and behaved like everyone else in the national society. They even wore button-up shirts and close-toed shoes.

Building on previous anthropological studies on Indigenous policy in El Salvador, Rivas elaborated the terms of cultural distinction as a primary criterion for Indigenous identity in El Salvador. The 2004 Rivas article explained that despite their integration into the national society, Indigenous peoples had nevertheless retained enough of their cultural distinction among the rural poor to differentiate them from the rest of the Salvadoran population. The article defined Indigenous cultural distinction in terms of racialized phenotype and traditional cultural practices. Western cultural values dominated the national society, and Salvadoran society discriminated against the Indigenous population for their inherent cultural inferiority. This created a form of racism and classism so pervasive within the national community that Euro-American settlers at the local level viewed the Indigenous population to be the bottom social stratum. This discouraged Indigenous individuals and families from self-identifying as Indigenous, as Indigenous self-identification brought additional social marginalization rather than political empowerment within the national society. The Indians had “deep-brown skin, slanted eyes, a hooked nose, and a large mouth” (“gente de piel morena, ojos rasgados, nariz encorvada, y de boca grande”). One of Rivas’ informants explained that the Indigenous were socially recognized more for their physiognomy than their cultural practices, since everyone had a similar *mestizaje* culture (“los indígenas se conocen más por su fisonomía que por lo que hacen. Ahora todos nos parecemos”). Despite this cultural homogeneity throughout the Salvadoran population, Rivas argued that Indigenous cultural practices—specifically, ancestral traditions—were still a significant social marker of Salvadoran Indigenous identity. However, these practices were not exclusive to Indigenous peoples. They were dispersed throughout the national population. Indigenous Salvadorans maintained these traditions within the family, the rural sub-division (cantón) within municipal territories, and the town-based community of the municipality. These Indigenous traditions emerged historically through the syncretism between pre-Hispanic and Spanish cultures. Most traditions were affiliated with Roman Catholicism and centered on ancestral spirituality. These practices ranged from specific home furnishings to rituals that celebrated births, deaths, and agricultural seasons. Also

included were traditional dances and festivities that celebrated popular religiosity. The heads of families and the *cofradías* were the traditional authorities responsible for the local organization of Indigenous identity and culture.

This anthropological definition of Indigenous peoples as a culturally distinctive class status at the bottom of Salvadoran society enabled state and international institutions to criticize the political legitimacy of Salvadoran Indigenous leaders and organizations to represent Indigenous peoples in El Salvador. In 2005, Rivas published an article that analyzed how self-identification as a primary criterion for determining Indigenous status within international law and policy on Indigenous rights permitted Salvadoran Indigenous organizations to exclude Indigenous peoples from national Indigenous politics. The article did not mention CCNIS by name but likely referred to CCNIS since the Indigenous organization had become a leading Indigenous actor by the date of the article's publication. The article noted that in recent years, international institutions such as the World Bank, the UN system, and the Organization of American States had been working on international legal and political instruments such as Working Papers on the United Nations and American Declarations on the Rights of Indigenous peoples, and the World Bank Operative 4.20, that defined "self-identification" as a key criterion for state recognition of Indigenous peoples within national territories. This criterion responded to worldwide Indigenous movement demands for the right to define their own Indigenous identity. Indigenous movements argued that any institutional definition of Indigenous identity would likely exclude some Indigenous groups. However, to grant non-Indigenous actors such as state governments the power to define Indigenous identity would also give them the power to deny the existence and rights of Indigenous individuals and peoples within national and subnational territories. The criterion sought to empower Indigenous peoples to participate in national politics because their identity would be based on their own internal claims. Rivas complicated this logic with a claim that the criterion did not enable the political empowerment of Indigenous peoples in El Salvador. Salvadoran law did not have a formal definition of "Indigenous peoples." This legal absence allowed anyone within the national territory to self-identify as Indigenous for the purpose of national Indigenous policymaking. In recent years, non-Indigenous individuals based in towns and cities had claimed Indigenous self-identification and created their own Indigenous organizations. Rivas interpreted this process as detestable and condemnable and should not have been allowed to happen. Rivas argued that claims of Indigenous self-identification made by Salvadoran Indigenous representatives should be evaluated on a case by case basis. State and international institutions should center their evaluations of the political legitimacy of Indigenous organizations on the question of whether the representative in question shared social characteristics in common with the "real" Indigenous Salvadorans—or the landless peasants with Indigenous cultural distinction who lived in the countryside.

Legitimizing Salvadoran Indigenous organizations for the PLANPIES

State institutions and UN agencies during the 2009-2014 and 2014-2019 FMLN national presidential administrations placed and publicized the participation of Salvadoran Indigenous organizations at the center of the formation of national laws and policies on Indigenous peoples aligned with international Indigenous rights, including the PLANPIES. In almost every case, state institutions and UN agencies who coordinated the PLANPIES formation worked with the same Salvadoran Indigenous organizations, including CCNIS, that state institutions, international agencies, and scholars had criticized as politically illegitimate representatives of Indigenous Salvadorans during the 1990s and 2000s. The unresolved institutional criticisms of Salvadoran

Indigenous political self-representation remained an open secret among all political actors who participated in Indigenous policymaking in El Salvador during the 2010s. CCNIS' emergence as the dominant Salvadoran Indigenous actor within the PLANPIES formation revealed that, during these administrations, state and UN actors were willing to overlook the criticisms so long as the Indigenous actors helped advance institutional agendas for Indigenous peoples in El Salvador. State and UN actors recognized and positioned CCNIS as a legitimate, authentic, and highest authority among Salvadoran Indigenous actors on international and national politics on Indigenous peoples in El Salvador.

The Outcome Document for the 2014 World Conference on Indigenous peoples required the UN system and the state government to include Indigenous participation the creation of the PLANPIES. State institutions and UN agencies fulfilled the requirement with the participation of the National Coordinating Council of Indigenous Salvadorans (CCNIS). By that point, CCNIS had created a solid record of effective and meaningful participation as an Indigenous organization in state and international institutions. Among its most important achievement was its appropriation, re-articulation, and mobilization of the international discourse on Indigenous rights to advocate for official state recognition of the existence of Indigenous peoples as members of the Salvadoran nation among state institutions in the legislative and executive branches of the national government. In 2006, CCNIS submitted a proposal with support from the leftist Farabundo Martí National Liberation party (FMLN) and the judicial branch's Attorney General's Office for the Defense of Human Rights (PDDH) to the national Legislative Assembly to create a constitutional reform that would establish a legal foundation for state recognition of Indigenous peoples with rights to political autonomy and land within the national territory. During the first year of the 2014-2019 FMLN presidential administration, the Legislative Assembly ratified a much narrower version of the proposed reform that established a constitutional mandate to develop public policies that protected and revitalized Indigenous cultural distinction within the Salvadoran nation. CCNIS' public validation of the approved reform demonstrated its willingness to compromise on its political demands in order to advance the administrations' national agenda for Indigenous peoples. This legitimized CCNIS as an effective Indigenous organization for state and UN institutions during the administrations.

Rival criticisms of Indigenous claims in the PLANPIES reinforce state power over Indigenous Salvadorans

Indigenous political self-representation became a site of public controversy among Indigenous organizations and leaders who supported rival factions of state leadership on national Indigenous policymaking during the 2014-2019 FMLN presidential administration. The Ministry of Culture led one faction in support of the Public Policy for Indigenous peoples in El Salvador. The Ministry of Foreign Affairs led the other faction to advance the PLANPIES. At stake in this rivalry was which state institution should develop and exercise what forms of political power over Indigenous Salvadorans. How state institutions negotiated the development and implementation of state power between them carried significant implications for the political influence of specific Indigenous leaders and organizations within Salvadoran policymaking. In general, CCNIS and its allied or rival organizations and leaders did not reject or resist this institutional process of reforming the state power structure. This is not to suggest that Indigenous actors were subject to total domination by state actors. Of course, the Indigenous organizations negotiated on behalf of Indigenous Salvadorans with state and international institutions. However, Salvadoran Indigenous actors were

committed to the national implementation of international Indigenous rights, which gave state institutions tremendous control over implementation. Indigenous negotiations often advanced political agendas and trajectories that had been authorized by political actors within the state and the UN system. This is also not to suggest that Salvadoran Indigenous representatives were a unified political bloc. Indigenous organizations and leaders supported state institutions that gave them a central role in the reform process, and they criticized and refused institutional agendas that marginalized or excluded them. Regardless of which state faction they belonged to, Salvadoran Indigenous organizations nevertheless legitimized the national presidential administrations' authority to invent, expand, and exercise new forms of state power over Indigenous Salvadorans.

This political reality of national Indigenous organizing in El Salvador explains the emergence of public criticism from rival Salvadoran Indigenous organizations who belonged to the Public Policy faction against CCNIS and the PLANPIES faction. The PLANPIES claimed political agreement among state, UN, and Indigenous actors at the center of national Indigenous policymaking in El Salvador. This was not entirely the case. By the time that state institutions, UN agencies, and Indigenous organizations began to publicize their formation of the PLANPIES in 2015, the national government's Ministry of Culture had already created and finalized the Public Policy for Indigenous Peoples in El Salvador. Like the PLANPIES, the Public Policy attempted to align national Indigenous policymaking with international law and policy on Indigenous rights, including the 2007 UNDRIP. The Public Policy even included the participation of Indigenous organizations and other state institutions. CCNIS declined to participate in the Public Policy, although many Indigenous organizations affiliated with CCNIS, such as the Ama Foundation (FAMA), had participated and later withdrew their public support from the Public Policy. Unlike the Public Policy, the PLANPIES was coordinated by the Ministry of Foreign Relations (MRREE), not the Ministry of Culture, and it included the formal involvement from UN agencies such as the UN Permanent Forum on Indigenous Issues and the Food and Agriculture Organization. During the late 2010s, the 2014-2019 FMLN national presidential administration repeatedly stalled on launching the Public Policy as official state policy while the PLANPIES formation progressed. Seeing the PLANPIES as a threat to the Public Policy's influence in national Indigenous policymaking, the Public Policy network mobilized the international discourse of Indigenous rights to challenge the political legitimacy of the PLANPIES as a UN-sanctioned national policy instrument that reflected the interests of Indigenous peoples in El Salvador. Like Tilley and Rivas during the 2000s, the Public Policy network painted CCNIS—heavily implied through vague references to an “NGO” or “council,” although not identified explicitly by name—as an illegitimate and dominant Indigenous NGO in the state and UN formation of the PLANPIES that did not represent Indigenous Salvadorans and that marginalized and excluded rival and legitimate Indigenous organizations that had participated in the Public Policy. The Public Policy criticism implicated specific state institutions and UN agencies, in their support of CCNIS, had violated Indigenous peoples' rights to participation, collaboration, and consent in El Salvador that had become central to international law and policy on Indigenous rights, including the PLANPIES.

Salvadoran Indigenous organizations who had become central to the Public Policy formation opposed the dominant narrative about Indigenous political participation in the PLANPIES that emerged and disseminated among state institutions and UN agencies with heavy political control over trajectory of national Indigenous policymaking. This opposition to the dominant narrative effectively placed these rival Salvadoran Indigenous organizations in a subaltern status. They, along with their allies in the Ministry of Culture, concealed their identities in public out of fear for political retribution from the more powerful state institutions, UN agencies, and Indigenous

organizations, although it was common knowledge who these critiques to the actors who participated behind the closed doors of policymaking. One or more representatives from the Ministry of Culture and its affiliated Indigenous organizations managed a Facebook page titled “Pueblos Indígenas en El Salvador.” The Facebook page publicized political statements that criticized the state and UN formation of the PLANPIES based on the political illegitimacy of CCNIS and called for the FMLN administration’s formal launch of the Public Policy. The statements never revealed the identity of the author(s) beyond vague references to Indigenous peoples in El Salvador and Indigenous organizations that had participated in the state formation of the Public Policy. While the author was unknown to the public, the statements made clear that whoever penned the statements had insider knowledge to the state formation of national Indigenous policymaking in El Salvador. This was the only centralized public archive of Indigenous criticism against the PLANPIES.

The Public Policy network began its criticism of the PLANPIES by framing CCNIS—through indirect references and not-so-subtle implications—as an Indigenous organization that dominated Indigenous participation and marginalized other Indigenous organizations in state institutions such as the Office for the Attorney General for Human Rights (PDDH) in the judicial branch of the national government. The network published a statement that it claimed an Indigenous representative delivered at the close of the public event, “Yulcuicat Festival of Ancestral Identity and Indigenous Resistance, Song of the Heart,” on October 12, 2015 at the prestigious public university, the University of El Salvador. The statement observed that in the past year, the Salvadoran state had experienced a setback in its mechanism for the inclusion of Indigenous peoples within national policymaking, which relegated various *originario* communities to invisibility. At the same time, the document was concerned with the presidential administration’s recent suspension of its official launch of the Public Policy. Indigenous collectives, communities, and organizations had created the Public Policy in recent years by attending each work session at the multi-sectorial body (mesa multisectorial) at the Ministry of Culture, where their perspectives and thoughts were taken into consideration seriously for the first time by a state institution. As part of the national administration’s “Governing with the People” program, the President of the Republic—Sánchez Cerén—made an official visit to the township of Nahuizalco in May 2015 and promised to approve the Public Policy in June 2015. The statement observed how other institutional spaces besides the multisectorial, such as the Indigenous Council (Mesa Indígena) at the PDDH, were not suitable for Indigenous participation. The Mesa Indígena did not have the ideal conditions to generate a plural and democratic process for all Indigenous organizations. Even though the PDDH had the political will for the Indigenous Council to be inclusive, it did not have a method for equal vote among Indigenous representatives, which limited the self-expression of Indigenous communities and organizations.

In contrast to the PDDH and other state institutions, the Public Policy network positioned the Department of Indigenous Peoples at the Ministry of Culture as a national government agency with a participation process that resisted CCNIS’ dominance and gave political voice to all Indigenous organizations. The 2015 Yulcuicat statement made the following demands on the national government. First, it called on the presidential administration to reschedule as soon as possible the formal state launch of the Public Policy. The Public Policy reflected the consensus and thought of all Indigenous representatives who helped create it through a plural and comprehensive process in the mesa multisectorial. Next, the document called for the Department of Indigenous Peoples to regain its superior institutional status as a “Directorate of Indigenous Peoples” and that it retain its decision-making processes as it has fulfilled them to date—transparent, inclusive, and free of the

interference from NGOs and particular organizations (the implication here is CCNIS). Next, the document demanded that all spaces for institutional meetings or work created by the Salvadoran state and directed toward Indigenous peoples, be a space with equal conditions for all the Indigenous communities and organizations, without favoritism toward a single organization or a particular sector, but rather with voting equity among Indigenous representatives. It then demanded that such spaces also be inclusive, or rather, that they invite the diversity of Indigenous communities and that they prevent the error of taking the word of a single organization or a single Indigenous sector as the representative of the totality of Indigenous peoples in El Salvador, since many Indigenous organizations were not represented by an NGO or a Coordinator and were generally less heard in institutional spaces besides the multisectorial process. And finally, the document called on the PDDH to create a process that decentralized its Mesa Indígena in such a way that made it truly democratic and that offered equal access conditions to all Indigenous communities and organizations in a way that is comprehensive and plural.

By early 2016, the Public Policy network continued to view the UN system as a potential ally that could apply international political pressure on the presidential administration to launch the Public Policy before the completion of the PLANPIES. Two Indigenous leaders in the Public Policy network—Pedro Alberto Rodríguez Águilar and Margot Pérez de Cortéz from the Council of Originary Nahuat Pipil Peoples from Nahuizalco (COPONAPN)—participated in the 15th session of the UN Permanent Forum on Indigenous Issues on May 9-20, 2016. They each delivered a separate statement that called for the UN system to intervene in national Indigenous policymaking. Mr. Rodríguez presented himself as the Vice President of COPONAPN. Ms. Pérez identified herself as COPONAPN's President. They each used their status as a Salvadoran Indigenous organization to speak on behalf of all Indigenous peoples in El Salvador. Their statements embraced the international discourse on Indigenous rights and affirmed the United Nation's official position as an influential advocate for Indigenous peoples in the state formation of national laws and policies on Indigenous rights. Both representatives asked members of the Permanent Forum to strengthen their support of Indigenous peoples in their struggle for the respect of their rights. In affirmation of Indigenous peoples' rights to have full and effective participation toward self-determination in state governance, Mrs. Pérez and Mr. Rodríguez called the Permanent Forum's attention to critical issues affecting Indigenous peoples in El Salvador. Each statement listed five actions that the Permanent Forum should take in order to resolve conflicts between the Salvadoran government and Indigenous peoples.

The Rodríguez statement framed the Public Policy as one of many state actions that the Permanent Forum should demand from the national government of El Salvador in order to align national law and policy on Indigenous peoples with international law and policy on Indigenous rights. The first recommendation called on the Salvadoran state to implement the specific recommendations made by the U.S. Professor James Anaya, the former UN Special Rapporteur on the Rights of Indigenous Peoples, in his 2012 report on El Salvador. The third recommendation called on the Salvadoran state to sign, ratify, and implement the International Labor Organization Convention 169 and to implement the 2007 UN Declaration on the Rights of Indigenous Peoples. The fifth recommendation demanded that the Salvadoran state approve the Public Policy to guarantee the welfare of Indigenous peoples in El Salvador. It called on the national government to establish the Public Policy as official state policy to ensure that the national government continues to address the issue of Indigenous peoples in a systematic and sustainable manner. It called on President Sánchez Cerén to fulfill his public promise to sign the Public Policy, which had been elaborated by Salvadoran Indigenous organizations.

The Pérez statement advocated for the Public Policy with a sharp criticism of the PLANPIES and CCNIS as illegitimate representatives of the political interests of Indigenous peoples in El Salvador. The statement did not mention CCNIS by name, but it targeted CCNIS through allegations against two international institutions where CCNIS was a member organization: the Central American Indigenous Council (CICA) and the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean (Fondo Indígena). The statement's first recommendation called on the Salvadoran state to fulfill the principle of free, prior, and informed consent in decision-making processes within national policymaking that affected Indigenous peoples. Indigenous organizations were aware of the formation of a National Action Plan to fulfill the UNDRIP. However, the PLANPIES had not been consulted with Indigenous peoples. Indigenous peoples demanded that the Salvadoran state sign the Public Policy created between the state and Indigenous organizations over three years and that the PLANPIES not be imposed on Indigenous peoples because the document did not carry the feeling and thought of the Indigenous peoples. The fourth recommendation asked the Permanent Forum to lobby the Salvadoran government to review the funds asked for by the CICA and Fondo Indígena in the name of Indigenous peoples in El Salvador. To the present moment, Indigenous peoples had not received any support or help in their communities from these international institutions. Indigenous peoples wanted an explanation on where CICA and the Fondo Indígena channeled or used these funds (the implication here is that CCNIS misused these funds). The fifth recommendation demanded that Indigenous representatives who lived within the communities have an easier participation in decision-making processes that affected their interests and that this participation be inclusive and democratic. Indigenous communities demanded that the Salvadoran state encourage and support the nomination of legitimate Indigenous representatives in different spaces such as the Fondo Indígena, the CICA, and other international organisms and agencies. The Salvadoran state should also establish a national agency for Indigenous peoples that was democratic and representative and avoided the traffic of influences of Indigenous organizations not based in the communities (again, CCNIS). The statement described the Public Policy as having been worked on by various Indigenous leaders and originary communities and organizations for more than five years in close contact with technicians from 10 national government agencies through the processes of the Multisectorial of SECULTURA and that had been supported (avalado) and signed by the President of the Republic and has formal legal support (garantes) since the beginning from the Human Rights Institute from the prestigious Central American University and the Office of Legal Custody Maria Julia Hernandez, both located in the capital city.

Following the Rodríguez and Pérez statements at the 2016 UNPFII, the Public Policy network reversed its position on the UN system as being an influential advocate for Indigenous Salvadorans to being a political adversary to Salvadoran Indigenous organizations. The network exposed and criticized specific UN agencies for their exclusion of its Indigenous organizations from the state formation of the PLANPIES. The Public Policy network published a letter on July 8, 2016 that Indigenous organizations and leaders had delivered to Mr. Glayson Ferrari, the Country Programme Manager for the UN's International Fund for Agricultural Development (IFAD) in El Salvador. The letter critiqued the UN system's lack of consultations of all Indigenous organization in the creation of the PLANPIES. The letter stated that the excluded Indigenous organizations had become aware of an institutional project to create the PLANPIES in order to implement the 2007 UNRIP with support from UN agencies such as the IFAD and the Food and Agriculture Organization and from various national government agencies. The Indigenous representatives that signed the statement had seen that the PLANPIES had a supposed consultation process for

Indigenous peoples. In reality, this has not been the case and the PLANPIES has not observed the principles of free, prior, and informed consent. Indigenous organizations understood that at the PLANPIES had been presented in the recent annual session of the UNPFII.

The Political Policy network alleged that local representatives of UN agencies in El Salvador enabled CCNIS to dominate the state formation of the PLANPIES. Again, the network's criticisms of CCNIS were implied. With concern over how this process is being unfolded, the 2016 letter listed eleven demands to the IFAD representative of El Salvador. Most Indigenous communities were unaware of the PLANPIES in its totality and had not been consulted on it. Indigenous organizations demanded that they and their communities become familiar with and study the PLANPIES and that the PLANPIES should be subject to their approval observing the principles of free, prior, and informed consent. Indigenous organizations wanted an active and democratic participation in the formulation and implementation processes of the PLANPIES. Indigenous organizations did not want the PLANPIES formation to be under the hegemony of one Indigenous organization over others (CCNIS). Indigenous organizations wanted the process to be democratic, equitable, and equal among all Indigenous organizations. Indigenous organizations wanted the decision-making process of the PLANPIES to respect and value the autonomy of representation of each community. Indigenous organizations wanted the inclusion of Indigenous representatives who were directly integrated within their communities; who were familiar with Mother Earth, spirituality, and Indigenous cultural manifestations; and who were truly and directly knowledgeable about the necessities for their communities (the implication here is that CCNIS does not have these qualities). Indigenous organizations wanted the national government to harmonize the PLANPIES with the Public Policy, since both were perfectly complementary. The Public Policy could become a permanent state instrument independent of the political agendas of national governments. Indigenous organizations were willing to work with all sectors of Indigenous peoples in a manner of respect, equal, and equity in pursuit of a common agenda since they all sought support for Indigenous rights from the Salvadoran state. Indigenous organizations hoped that the national and international agencies that supported the PLANPIES provide real, democratic, and representative support to the communities and territorial leaders. Indigenous organizations wanted IFAD and all other UN agencies to create a truly representative structure of Indigenous peoples in El Salvador that would become the point of reference for the PLANPIES as well as all other important matters for Indigenous Salvadorans. This agency should have formal recognition from the Salvadoran state. Indigenous organizations wanted the UN agencies to create a follow-up mechanism to this current document so that the PLANPIES be truly democratic and effective.

By early 2017, the Public Policy network published its increased frustration that the Sánchez Cerén administration continued to postpone the official launch date for the Public Policy. On May 31, 2017, the Public Policy network published an open letter to Salvadoran President Sánchez Cerén. This was the third time that the presidential administration postponed the launch. Indigenous organizations found this repeated action to be strange, because the Sánchez Cerén had presented the Public Policy as an achievement during the first year of his administration in 2015. The document reminded the President that he had ratified the Public Policy on June 13, 2015 during the program "Governing with the People" in Nahuizalco. At the event, the President stated his public commitment to launch and implement the Public Policy. He expressed that his administration would ensure "that the policy becomes a reality, and does not remain a dead letter." The Indigenous organizations reiterated that the presidency's repeated postponement of the Public Policy violated the state's obligation to create national Indigenous policies as mandated in Article 63 of the national Constitution.

The Public Policy network's criticism of the Sánchez Cerén administration stopped short of delegitimizing the administration's authority to develop and implement state power over Indigenous Salvadorans. Instead, the network sought to recruit the administration as a political ally against CCNIS, state institutions, and UN agencies involved in the PLANPIES formation. The network framed CCNIS and its affiliated state institutions as a political obstacle to the formal launch of Public Policy. The network's reference to CCNIS was indirect and implicit. The open letter to Sánchez Cerén asked his administration to launch the Public Policy that Indigenous organizations had created within the multisectorial council of the Ministry of Culture (previously known as the Secretariat of Culture). The administration's five-year national development plan (Plan Quinquenal) identified MICULTURA as the state institution with the formal authorization from the national presidential administration to coordinate national Indigenous policymaking among state institutions. The letter claimed that MICULTURA had been the only state institution that had been truly concerned for Indigenous peoples, including respect of the decision of those Indigenous organizations who never wanted to participate in the multisectorial council (i.e. CCNIS), even though the space had always been inclusive and participatory for all Indigenous organizations. At the same time, the letter asked for no interference from other state institutions that ignored MICULTURA's formal mandate from the Plan Quinquenal in order to appropriate—in an unmerited, exclusionary, and non-transparent form—the issue of Indigenous peoples. These state institutions had also influenced the administration's postponement of the Public Policy in disrespect of Indigenous peoples' processes as free peoples with self-determination. The letter also asked for transparency in state processes toward Indigenous peoples in order to solve anomalous situations. For example, since 1998, the Indigenous Fund had not held open elections to choose its Indigenous representative from El Salvador. The same person, who is an Indigenous consultant for the World Bank, has since occupied the position for nineteen years, even though Indigenous organizations had not openly chosen him to represent them throughout all this time, even though Indigenous organizations knew that the Indigenous Fund required the election of Indigenous representative every two years with free, prior, and informed consent. (This was a dig at CCNIS, because that same person is also the formal head of CCNIS. Yes, broad concentration of institutional power in a single Indigenous leader). Indigenous organizations asked that the Salvadoran state not promote the hegemony of NGOs or a single Indigenous organization (i.e. CCNIS) over the rest of the Indigenous organizations as had been the case with the PLANPIES. Such institutional favoritism rendered vulnerable the right to equality and created discrimination and exclusion toward diverse Indigenous communities. It was important that all spaces promoted by the government should always be inclusive with equal conditions and opportunities. Such spaces must avoid the error of taking the word of a single organization or only one Indigenous sector as if it represented the totality of Indigenous peoples in El Salvador. The Indigenous organizations reiterated its demand that the Public Policy be launched shortly in the month of June 2017. NGOs in search of money (i.e. CCNIS) usurped the identity of the communities in order to approve projects that went against their worldview and sense as originary peoples, as was the case in the municipality of Nahuizalco. Indigenous organizations thanked the President for his openness toward *originario* peoples during his administration. They had learned that their strength was in the multiculturalism and the diversity of their thought as Indigenous organizations and that they had the capacity to work in mutual respect without interfering in other's work.

As the administration continued to drag out the formal launch of the Public Policy, the Public Policy network sharpened its criticism of the UN system, state institutions, and CCNIS from the PLANPIES as political adversaries to the Public Policy. The network exposed the identities of

specific PLANPIES actors due to their exclusion of Indigenous organizations from the Public Policy. On November 15, 2017, the Public Policy network released a statement that proclaimed, in all caps, to “LET THE ENTIRE WORLD KNOW THAT THE UN AND IRONICALLY THE PDDH'S MESA INDÍGENA HAVE VIOLATED THE RIGHTS OF INDIGENOUS PEOPLES MORE THAN ONCE DENYING THEM FAIR PROCESSES.” The statement expressed concern and indignation that for the fourth consecutive time the presidential administration had suspended the official launch of the Public Policy, which had been programmed for November 16 at the Presidential House (Casa Presidencial). This fourth cancellation was a mockery toward ordinary communities, as well as an abuse of some institutions who had intervened to halt the launch, such as the United Nations system, the Ministry of Foreign Relations (MRREE), and the PDDH who appeared to favor in a direct way an NGO that claimed to be “a national coordinator of Indigenous peoples.” The statement openly denounced that various of Indigenous representatives who had supported the Public Policy had been humiliated, excluded, and even censured in meetings with the MRREE, the United Nations, and the PDDH's Mesa Indígena. As a result, the Public Policy network did not consider any of these three agencies as fair in processes concerning Indigenous peoples in El Salvador or as the guarantors of objective dialogue between Indigenous peoples, the state, and the United Nations.

The Public Policy network framed interference of state institutions, UN agencies, and CCNIS to halt the formal launch of the Public Policy as a violation of Indigenous self-determination in El Salvador. The November 15, 2017 statement made a list of demands for the UN system and the state to respect and fulfill Indigenous self-determination. Indigenous organizations demanded that the Salvadoran state as well as the UN, the Ministry of Foreign Relations, and the PDDH recognize and accept the diversity of cultures, working methodologies, and different forms of thought among Indigenous organizations instead of trying to impose a mold through the representation and hegemony of an Indigenous NGO and its processes, which went against their right as Indigenous peoples to self-determination. The statement clarified that their Indigenous organizations and communities were aware that the presidential administration would make the Public Policy compatible with the PLANPIES and make both instruments official at the same time. Indigenous organizations had never objected to the launching both instruments, since both had passed through the official filters of the state and were now in accordance with the national legal framework and institutionality of El Salvador. This objection to both the Public Policy and the PLANPIES came from external bureaucracies and interests that did not correspond with Indigenous Salvadorans. The statement asked for respect of Indigenous organizations’ work within MICULTURA multisectorial body. The statement recalled that, according to the administration’s Plan Quinquenal, MICULTURA was the state institution with the administration’s official authorization to manage national Indigenous policymaking and that it had always been an institution that respected Indigenous organizations’ decisions and cultural diversity, including respecting the decision of Indigenous organizations who had never participated in the multisectorial, even though the multisectorial had always been inclusive and participatory. The statement asked that President Sánchez Cerén establish order among state institutions and to be firm in his posture and decision to no longer suspend the Public Policy's launch. It asked the administration to launch both the Public Policy and the PLANPIES in November 2017. It also demanded that the Salvadoran state and the aforementioned institutions avoid preferential treatment that made vulnerable Indigenous organizations’ right to equality and that generated discrimination and exclusion toward diverse Indigenous communities. It was important that state institutions and their international representatives should always be equal in conditions and

opportunities, and inclusive, with the same rights in equity and with the comprehensive feeling of Indigenous peoples. The state should avoid the falling into the error of taking the word of only one organization or one Indigenous sector as the representation of the totality of Indigenous peoples in El Salvador.

As the administrations presidential term neared its conclusion, and the administration had yet to launch either the Public Policy or the PLANPIES, the Public Policy network intensified its allegations against the Ministry of Foreign Relations, CCNIS, and the UN system as the primary antagonists that thwarted the Public Policy launch. On May 12, 2018, the Indigenous organizations from the multisectorial published an open letter to the UN Permanent Forum on Indigenous Issues (UNPFII). The letter stated that the Public Policy had been blocked constantly—the presidential administration had suspended the policy launch on five occasions—which the Indigenous organizations considered to be a mockery directed toward the Salvadoran Indigenous peoples, a mockery of the Indigenous organizations’ efforts, and it reflected little serious attention from the current presidential administration. The letter also denounced the bad manner of the construction process of the PLANPIES, which had been created by an Indigenist NGO that proclaimed itself to be the coordinator and representative at national and international levels of Indigenous peoples in El Salvador.¹⁹ The Plan had been supported by the Ministry of Foreign Relations (MRREE), the Salvadoran Institute for Agrarian Transformation, the Food and Agriculture Organization, the International Fund for Agricultural Development (IFAD), and the UNPFII. The letter alleged that the PLANPIES had not conducted official consultations with Indigenous peoples, and it lacked an inclusive process that took into account in a comprehensive manner the totality of different Indigenous organizations and communities in the country. The Indigenous organizations who had participated in the multisectorial had asked to be taken into consideration for the PLANPIES processes, a position they had presented in a meeting on Wednesday June 9, 2016, with the then-representative of IFAD in El Salvador, Glayson Ferrarri. He gave his word that these Indigenous organizations would be taken into consideration. In the end, this never happened. Mr. Ferrari never formalized a process to incorporate the Public Policy network into the decision-making and elaboration of the PLANPIES. He left them outside of all consultation. The same situation occurred with the former head of the MMRR, Hugo Martínez, who excluded a representative quantity of Indigenous communities in order to skew his support toward the same Indigenist organization that claimed to represent all Indigenous organizations at the national and international levels. This Indigenist NGO advised the MRREE to create obstacles for the official launch of the Public Policy. The new head of the MRREE, Carlos Castaneda, continued his predecessor’s institutional agenda. Mr. Castaneda, during his tenure as Vice-MRREE for Mr. Martínez, also did not show impartiality and inclusion toward Indigenous peoples. The Indigenous organizations considered that the Salvadoran state needed to correct the path of bad decisions taken to date, that it must be impartial and stop favoring a particular group, since this was not conducive toward processes of cohesion and communal work for Indigenous peoples. The Salvadoran state should stop halting the Public Policy launch since such blocks only contributed to the invisibility of Indigenous communities and hindered the revitalization of Indigenous culture in El Salvador. The Indigenous organizations

¹⁹ The term “Indigenist” (or *Indigenista*) is a slander within national Indigenous policymaking. It refers to individuals and organizations who claim to be Indigenous but are not actually from the Indigenous class status within the national city. This term has roots in mid-20th century Indigenous policymaking in the Americas, when state institutions, international institutions, and anthropologists sought to “solve” national Indigenous problems for Indigenous peoples with little to no direct representation of Indigenous peoples themselves in the process. An example of this now dated approach to Indigenous policymaking is the now defunct Interamerican Indigenist Institute, which was based in Mexico City.

demanding that the MRREE call for open, democratic, and transparent elections to choose a new representative to the Indigenous Fund. The UN and its agencies in El Salvador should address their processes of exclusion and skewing and consider in a comprehensive manner all Indigenous communities and organizations in El Salvador in order to avoid falling into the error of taking the word of a single organizations as the absolute representative of Salvadoran *originario* communities.

The enduring control of national presidential administrations over Indigenous Salvadorans

Despite the recent development of national law and policy on Indigenous peoples, national presidential administrations have claimed and retained tremendous political power over Indigenous peoples in El Salvador. Administrations exercised this power through national development agendas that directed state institutions to develop and implement laws, policies, and programs specific to Indigenous Salvadorans. This power included the formal authorization of whether and how state institutions were to collaborate with UN agencies and Indigenous organizations and leaders. The PLANPIES formation revealed how Indigenous actors engaged with this concentration of state power over Indigenous peoples within the national presidential administration. CCNIS legitimized this state power structure over Indigenous peoples while its political benefactor, the national FMLN party, led the national presidential administration during the 2014-2019 period. However, this structure became a political obstacle for CCNIS when the FMLN lost its national re-election campaign and the Nuevos Ideas administration began its 2019-2024 term. CCNIS criticized the new administration's refusal to implement the PLANPIES. This criticism reveals that the state power structure gives little legal recourse or political leverage for Salvadoran Indigenous representatives to compel state action on Indigenous peoples. The political trajectory of state power over Indigenous peoples depends on the political will of presidential administration.

The Sánchez Cerén administration launched the PLANPIES as an official state instrument for national Indigenous policymaking at the end of 2018. This major political victory presented the next challenge for the PLANPIES network: state implementation. Neither national nor international law required the state government to implement the PLANPIES within the national legal-political system. State implementation ultimately depended on the political will of state institutions in the three branches of the national government under the direction of the national presidential administration. UN agencies and Indigenous organizations had worked closely with the FMLN party to develop and launch the PLANPIES during the 2014-2019 Sánchez Cerén administration. This history became a political obstacle for the PLANPIES network when the FMLN lost its presidential campaign to the newly established New Ideas (Nuevos Ideas) party in February 2019. Nayib Bukele, who had been expelled from the FMLN party a few years earlier amid public controversy, won the president's office on a campaign platform that criticized the political efficacy of the previous FMLN and ARENA administrations since the 1992 Peace Accords. During the lame duck period of the Sánchez Cerén presidency, the Ministry of Culture publicized the outgoing administration's official commitment to implement the PLANPIES. After the transfer of power in June 2019, the Bukele administration departed from its predecessor's trajectory to national Indigenous policymaking. It focused on implementation the Public Policy for Indigenous Peoples in El Salvador with little attention to the PLANPIES. CCNIS published its political statements on its private website and social media accounts in order to lobby the Bukele

administration to implement the PLANPIES.²⁰ By early 2021, the administration had given little public response or institutional commitment to do so.

Despite the sustained criticism from the Public Policy network toward the PLANPIES, the PLANPIES had its own Indigenous organizations that criticized the Public Policy, defended the PLANPIES, and legitimized the national presidential administration's approach to national Indigenous policy. Prominent Indigenous leaders and organizations that had participated in the formation of both the Public Policy and the PLANPIES publicly withdrew their support for the Public Policy as the Public Policy network sharpened its public criticism of the PLANPIES. These Indigenous leaders and organizations had a high profile in national Indigenous policymaking. They frequently participated in Indigenous consultations with state institutions, UN agencies, and international cooperation agencies involved in the PLANPIES formation. They also appeared in public events and related national and international news and social media coverage as prominent Indigenous leaders from El Salvador. These leaders and organizations were: Fidel Flores (ACCIES); Juliana Ama (FAMA); Iván Díaz Cruz (ANAPICKU); Felipe Sánchez Paiz (ANITISA); Juan Portillo Rodas (ADTAIS); Valentín Pérez Mestanza (Asociación Winaka); and Juana Heriberta Cruz (Asociación Comunal Lenca de Chilanga). These Indigenous organizations signed and published online a letter they had written to President Sánchez Cerén on October 24, 2017. They carbon copied the UN Office in El Salvador, the Ministry of Foreign Relations, the Ministry of Culture (MICULTURA), and the Salvadoran Institute for Agrarian Transformation. The Indigenous representatives explained their formal withdrawal from the Public Policy process. Even though they had initiated the elaboration process for the Public Policy, they would cease to participate because MICULTURA did not incorporate their contributions into the Public Policy text. They contrasted their participation in the Public Policy with their leadership in the PLANPIES. They were part of the National Team of Indigenous Conduct (Equipo Nacional de Conducción Indígena), which claimed responsibility for the formulation of the PLANPIES. The organizations felt like a fundamental part of the PLANPIES elaboration process. The PLANPIES text reflected their contributions. The PLANPIES, unlike the Public Policy, fulfilled the right to Indigenous consultation and the principle of free prior and informed consent. The PLANPIES was elaborated through a mechanism of high-level participation and consultation of Indigenous peoples in San Salvador and the countryside. The Indigenous organizations then stated that they reserved the right to file a judicial lawsuit against MICULTURA if it continued to use their individual and organizational names to advocate the Public Policy process.

During the later years of the 2014-2019 FMLN administration, CCNIS defended the PLANPIES as a UN-approved national policy instrument that represented the political aspirations of Indigenous Salvadorans and legitimized the national presidential administration's agenda for Indigenous peoples. CCNIS posted an article published in *Diario Co-Latino* on August 9, 2017 titled "Indigenous peoples demand the state's application of the PLANPIES." The article cited Jesús Amadeo Martínez, the leader of CCNIS, and Glayson Ferrari, the IFAD director for El Salvador. Both men articulated the PLANPIES as a UN-approved instrument for the state implementation of internationally recognized Indigenous rights in El Salvador. Mr. Martínez, who identified as Indigenous Lenca, stated that "if the Salvadoran people are in search of its roots, then we want to tell them that they will feel proud that they come from dignified peoples such as the Lencas, Nahuas, or Kakawiras, and now we search for the respect for our human rights and our identity." CCNIS and the National Team of Indigenous Conduct, along with the government of the

²⁰ www.facebook.com/CCNIS
www.ccniselsalvador.org/

President Sánchez Cerén, elaborated the PLANPIES with the endorsement from the United Nations. This was a historic reversal of previous state policy. Mr. Martínez explained that “all of these struggles that we have had in order to visibilize ourselves have been strong, remember that the 2005 Census for Multiple Uses from the Ministry of the Economy revealed that we were 17% [of the national population], but the national government authorities hid this statistic, and, of course, our existence has always been negated...we have suffered much negation.” Since the 2009-2014 FMLN administration, the national government had created institutional openings to strengthen the organizational processes of Indigenous peoples at the local and regional levels, which led to their constitutional recognition in 2014. The Salvadoran state made a formal commitment to support the PLANPIES before the Indigenous peoples of the world and the General Assembly of the United Nations. The PLANPIES advanced the rights of the Salvadoran Indigenous peoples, which had been negated for decades, such as the rights to collective lands, health, education, and better conditions for Indigenous women and youth, to conserve their spirituality through a process of strengthening rights-based processes. Indigenous peoples recognized the political will of the Salvadoran government to permit the elaboration process for the PLANPIES. Mr. Ferrari elaborated the UN’s support for state implementation of the PLANPIES. He explained that “here in El Salvador, following the UN resolution, we have decided to support this national plan and to our satisfaction it is one of the pioneer cases at the global level, to have a national plan. Obviously the plan is a conquest by Indigenous peoples of the government and the country.” Mr. Ferrari noted that the PLANPIES by itself would not change the lives of Indigenous peoples. He called on all the forces of national life for entities from the national government, civil society, and the private sector to take on the commitments. Mr. Ferrari extolled the potential that state implementation of the PLANPIES could have in improving the livelihoods of Indigenous Salvadorans: “The PLANPIES has elements and strategies to really change the life of Indigenous peoples, because the document is very comprehensive and it considers giving opportunities to Indigenous peoples that have been excluded from many opportunities in this country. It is a strategy for the country to define how Indigenous peoples will participate in decision-making processes and guidelines for government entities to improve and contribute the execution of said plan.”

The United Nations system validated the PLANPIES as an international model for national government administrations worldwide to pursue the state implementation of the 2007 UNDRIP. At each annual session since the 2014 World Conference on Indigenous Peoples, the UNPFII had reported on the status of Member State action on the Outcome Document. This included updates on state efforts to implement the the 2007 UNDRIP through national action plans such as the PLANPIES. At the conclusion of its seventeenth session in 2018, the UNPFII on Indigenous issues acknowledged the efforts made by the Salvadoran state to develop the PLANPIES “in consultation with indigenous peoples and encourages them to share best practices.” It also encouraged the Salvadoran state to continue to “effectively engage with indigenous peoples at the national, local and community levels to develop and implement” the PLANPIES in order to achieve the ends of the UNDRIP (#75). Following its eighteenth session in 2019, the UNPFII recognized the PLANPIES as a best practice for other member states to follow (#82). “The Permanent Forum welcomes the adoption by the Government of El Salvador of a national action plan and encourages its full and effective implementation. The Forum strongly urges other States to follow this good practice and to develop their own national action plans for the full implementation of the Declaration.”

The national election results for the 2019-2024 presidential administration ended an era of the

Salvadoran national government's political will for the state implementation of the PLANPIES. After the FMLN party lost its national re-election campaign, the leadership of the Ministry of Culture began to publicize the outgoing FMLN administration's full institutional commitment to implementation the PLANPIES. On March 20, 2019, CCNIS and the Ministry of Culture shared online statements and photos on their websites and social media platforms of the first meeting of the "Follow-Up Committee for the PLANPIES." The Minister of Culture, Silvia Elena Regalado, hosted the event at the Ministry's institutional headquarters within the centro de gobierno (center of government), which is a large institutional complex in the heart of San Salvador that housed the headquarters of many state institutions in the executive, legislative, and judicial branches of national government. The event inaugurated a new institutional committee to implement the PLANPIES within national Indigenous policymaking. Committee members consisted of ten representatives from Indigenous communities and ten representatives from state institutions. The latter included the Director of Territorial Networks (Director General de Redes Territoriales) and the Director of Indigenous Peoples. These directors were state officials appointed by the national presidential administration who responsible for coordinating the state formation and implementation of national Indigenous policy from within the Ministry of Culture. The Director of Indigenous Peoples reported to the Director of Territorial Networks, who reported to the Minister of Culture. Minister Regalado framed the establishment of the followup committee as a state response to the historical marginalization of Indigenous presence in El Salvador. She described the PLANPIES as an instrument that enabled institutional advancement in the state's recognition, respect, promotion, and guarantee of Indigenous rights in El Salvador. The PLANPIES promoted the development of normative legal and political frameworks that recognized the autonomy of Indigenous peoples in order to achieve their full and effective participation in state decision-making and that promoted state actions for the protection, conservation, collective and sustainable use of lands, territories, and resources that improved their own Indigenous productive system. The Minister handed out printed copies of the first edition of the PLANPIES to the representatives in attendance.

The 2019-2024 Bukele administration did not continue its predecessor's commitment to the state implementation of the PLANPIES within national Indigenous policymaking. The 2019-2024 Bukele administration's national development plan (Plan Cuzcatlán) maintained the 2009-2019 FMLN administrations' approach to Indigenous peoples as a culturally distinctive population within the national citizenry through the formal state discourse of national multiculturalism. Citing international declarations, the national Constitution, and national laws, the Plan Cuzcatlán recognized that all Salvadorans had the right to create and reinvent the material and immaterial manifestations of their art and culture. The plan called on the state to guarantee the social welfare of the individuals, to protect them, and to promote their exercise of their cultural rights. The plan defined multiculturalism as the state's recognition of the multiplicity of identities of the Salvadoran people. This included a strategy for the Bukele administration to implement the Public Policy for Indigenous Peoples in El Salvador. The plan guaranteed the fulfillment of the Policy, so that Indigenous peoples could enjoy their individual and collective rights; become visible within Salvadoran society; be free of discrimination; and advance in their economic and social development, among other things. The plan made no mention of the PLANPIES. In order to implement the Plan Cuzcatlán, the Bukele administration replaced almost all ministers and directors within state institutions in the executive branch that had been appointed by the previous administration, including within MICULTURA. The removed institutional leadership had championed the PLANPIES under the direction of the FMLN administrations. The new appointed

leadership was loyal to the Bukele administration.

The Bukele administration publicized no formal commitment to or planned state action on the PLANPIES. About a year following the inauguration of the Bukele administration, CCNIS began to criticize the administration's approach to national Indigenous policy. On May 24, 2020, CCNIS published an online statement that targeted the lack of political collaboration between itself and the administration, which was central to PLANPIES implementation. CCNIS framed the criticism in terms of a broader critique of the administration's response to the COVID-19 pandemic that threatened to undo many of the advances that the Salvadoran state had achieved on human rights and democratic processes within the national territory. The Indigenous organization focused its criticism on two state institutions that had become central to the PLANPIES network during the Sánchez Cerén administration: MICULTURA and the Attorney General's Office for the Defense of Human Rights (PDDH). CCNIS called on MICULTURA to respect Indigenous peoples' proposals made within national and international institutional spaces to approve laws and public policies that were indispensable for the Salvadoran nation's post-pandemic recovery. These proposals centered on the full recognition of Indigenous peoples' collective rights contained in the ILO Convention 169 and the UNDRIP. These rights encompassed self-determination; consultation; free, prior, and informed consent; Indigenous governmental structures; territory and natural goods; water; and Indigenous forms of life. CCNIS then called on the PDDH to give active, constant, and consequential accompaniment to Indigenous peoples and to monitor the actions that state institutions carried out in Indigenous territories. CCNIS asked the PDDH to guarantee that state institutions respected human rights and in particular the rights of Indigenous peoples.

CCNIS expanded its criticism of the Bukele administration's inaction on the PLANPIES to target additional state institutions within the executive branch of the national government: the Vice President's office and the Ministry of Health, the Ministry of the Environment and Natural Resources, the Ministry of Agriculture and Livestock, the Ministry of Education, and the Ministry of Local Development. On June 14, 2020, CCNIS released another public statement that reiterated the lack of political coordination between the Bukele administration and Indigenous organizations, including itself, to implement national policies on Indigenous rights, specifically the PLANPIES. The statement alleged that Indigenous organizations at the national and local levels lacked a political mechanism with President Bukele to facilitate followup on coordinated work between the state and Indigenous peoples from the vision of Indigenous cultural identity based on respect and good faith to vindicate the rights of Indigenous peoples and to strengthen their Indigenous worldview. At the start of the Bukele administration, CCNIS had presented a proposal to the Vice President of the Republic, Félix Ulloa, who had met with Indigenous organizations to formulate Bukele's approach to national Indigenous policy. CCNIS sought to create an Intergovernmental Council for Indigenous Peoples that would depend on technical support from the Vice President's office. The Council would function as a mechanism of interlocution between heads or representatives of state institutions and representatives of Indigenous organizations from the Nahua Pipil, Lenca, and Kakawira peoples to address the basic needs of Indigenous Salvadorans. CCNIS called on the Bukele administration to establish the Council in order to implement the PLANPIES and the National Policy of Health for Indigenous Peoples in El Salvador, as well as to follow up on other state instruments such as the Public Policy for Indigenous peoples and the Law of Culture in order to guarantee the continuity of Indigenous peoples' influence in policymaking and lawmaking in fulfillment of Indigenous rights. CCNIS also called on the Bukele administration to respect the autonomy of Indigenous peoples to achieve a full and effective participation in their decision-making. CCNIS also called on the re-activation or establishment of spaces of dialogue or

decision-making within the Ministries of Health, of the Environment and Natural Resources, of Agriculture and Livestock, of Education, and of Local Development in order to create processes and actions of support for the protection and conservation within the development and strengthening of the cultural identity;; Indigenous economy; the culturally adequate use and management of natural resources; and their own life-systems based on Indigenous worldview. CCNIS stated that Indigenous peoples existed with proposals for coordinated work with the objective to safeguard their own forms of life based on their own Nahuat Pipil, Lenka, and Kakawira worldview.

CCNIS criticized the Bukele administration's inaction on the PLANPIES as part of the state's broader colonial history of Indigenous peoples in El Salvador. On October 12, 2020—Indigenous Peoples' Day—CCNIS released a public statement that described the Bukele administration as part of a colonial state that continued to marginalize and render invisible Indigenous peoples within the national population. The administration perpetuated state colonization of Indigenous peoples by continuing to frame Indigenous communities as part of the Salvadoran nation's folklore and by refusing to recognize and fulfill Indigenous rights in regards to land, health, and intercultural education, among other issues. CCNIS reiterated its concern that initiatives presented by Indigenous peoples to the executive organ lacked followup on the part of the respective authorities. It cited the non-creation of the Intergovernmental Council of Indigenous peoples as an agency for high-level dialogue and interlocution between Indigenous organizational structures and the pertinent government institutions. This inaction represented a lack of political will by the Bukele administration to create a coordinated approach with Indigenous organizations to solving Indigenous problems in El Salvador.

CCNIS framed the PLANPIES as a form of Indigenous resistance to state colonization of Indigenous peoples in El Salvador enacted by the Bukele administration. The state's ongoing negation of Indigenous rights rendered invisible and difficult the full and effective participation of Indigenous peoples in administrative and legislative decisions that affected them within the nation-state. CCNIS' proposed solution was for the Bukele administration to create institutional spaces that permitted the development and implementation of the PLANIES. The October 12 statement made several demands on the Bukele administration. CCNIS demanded that the Salvadoran state work to fulfill the individual and collective rights of Indigenous peoples with respect to national citizenship as defined in the Salvadoran Constitution and in primary and secondary legislation. It demanded that the central government and its institutions cease to continue with practices of invisibilization, exclusion, and division of Indigenous peoples and organizations, and to search for mechanisms that permit dialogue in good faith and respect in coordination with Indigenous peoples. CCNIS again called for the creation of the Intergovernmental Indigenous Council as a mechanism of dialogue and interlocution between Indigenous peoples and the central government. It demanded the application of the PLANPIES. It also demanded the fulfillment of the observations from UN Committee on the Elimination of Racial Discrimination (CERD) in 2019, which recommended that the Salvadoran state implement the PLANPIES in an effective way. CCNIS invited UN agencies to maintain their accompaniment and support to the Salvadoran state and Indigenous peoples with the goals of guaranteeing the collective rights of Indigenous peoples and fulfilling the international commitments taken on by the Salvadoran state. It also called on international cooperation to maintain their accompaniment and support to the country, but especially to Indigenous peoples, to support community initiatives that contributed to overcoming situations that have become more difficult with the COVID-19 pandemic. CCNIS encouraged the three organs of the state to take up the work through mechanisms that strengthened the democratic

weakness in the country, through responsible, serious, and respectful dialogue, by prioritizing the interests of the people over partisan political interests and the economic interests of powerful social groups. CCNIS also encouraged the PDDH to maintain and strengthen its constitutional work to safeguard and guarantee the full fulfillment of the human rights and the specific rights of Indigenous peoples. CCNIS then encouraged the High Commission of the United Nations on Human Rights to accompany their work at the national level, as guarantors that Indigenous rights are fulfilled. Finally, it encouraged the UN Special Rapporteur on the Rights of Indigenous Peoples to monitor the Salvadoran state on the fulfillment of the normative framework specific to Indigenous peoples and of the recommendations made by diverse UN mechanisms on state protection of Indigenous rights, in particular the observation published by CERD in 2019. CCNIS concluded by re-affirming their commitment and good faith to build bridges of dialogue and coordination between the state and Indigenous peoples' structures in order to reduce inequality.

CCNIS appeared to have made little public headway on the PLANPIES with the Bukele administration by early 2021. The administration had not yet made a formal public commitment to implement the PLANPIES in national policy. While relations between the administration and the Indigenous organization remained distant, the administration signaled a new if minor willingness to collaborate with CCNIS on national Indigenous policy through the participation of a Nuevos Ideas representative in the First National Political Dialogue with Indigenous Peoples of El Salvador. On February 17, 2021, CCNIS published a statement on the event. CCNIS hosted the event to build its public relations with the various national political parties, including the FMLN and Nuevos Ideas, and their respective candidates who were running in that year's national election cycle for national legislators and municipal leaders. The representatives discussed the position of their political parties on the rights of Indigenous peoples in the fulfillment of their mandate and their proposals for the 2021 elections. The event was accompanied with representatives from the three Indigenous peoples in the country--Nahua, Lenka, and Kakawira--as well as representatives from the PDDH from El Salvador and from the National Office of Human Rights of the Regional Office for Central America of the UN Office of the High Commissioner for Human Rights. CCNIS asked the representatives about Indigenous peoples in El Salvador, including the actions that the candidates would take if elected into office to promote the full and effective participation of Indigenous women and youth, to create strategies for re-activating the economy, and to incorporate Indigenous principles, values, and worldview. The representatives expressed favorable perspectives to CCNIS. The FMLN representatives acknowledged that the party had played an important part in the nation's advancements on Indigenous peoples, such as the constitutional reform, the elaboration of policies for health and recognition, and, above all, the visibility of Indigenous peoples. The Nuevos Ideas representative stated that his party was promoting the ratification of ILO Convention 169. As part of the event, CCNIS distributed copies of the PLANPIES as an agenda by Indigenous peoples that contained important aspects for the nation's development with Indigenous identities that concretized urgent and long-term demands of Indigenous peoples in El Salvador on the Salvadoran state. The PDDH representative called on the political party representatives to fulfill their political parties' proposal for Indigenous peoples, and stated that the PDDH would be vigilant to ensure that the proposals were fulfilled based on the human dignity of Indigenous peoples.

Conclusion

Since their early emergence in the 1980s, Salvadoran Indigenous organizations and leaders

have worked with state institutions and international agencies, particularly from the UN system, to reform the state power structure and help state institutions develop and exercise new forms of power over Indigenous peoples in El Salvador. This processes has unfolded in parallel to and in articulation with the development of international law and policy on Indigenous rights within the UN system, which over the past decade has come to encourage state governments worldwide to incorporate the participation of Indigenous representatives in the subnational and national implementation of Indigenous rights. The participation of domestic Indigenous actors in the formation of the 2018 National Action Plan for Indigenous Peoples in El Salvador (PLANPIES) was a radical departure of previous state, international, and anthropological criticisms of Salvadoran Indigenous actors as illegitimate political representatives of everyday Indigenous Salvadorans. This fundamental shift in in Salvadoran Indigenous politics has revealed that—for state institutions and UN agencies—the political legitimacy of Indigenous organizations depends much less on their social and spatial proximity to Indigenous Salvadorans and more on their political utility for advancing state and UN agendas for Indigenous peoples authorized by national presidential administrations through their effective articulation of national and international interests. Rival Indigenous criticisms of the PLANPIES revealed that at stake in this process is not if the state should have power over Indigenous Salvadorans. In general, all political actors—including Indigenous representatives—have accepted this question of power as a given. Rather, contentious politics center on which state institution, and by implication, which Indigenous organizations, should have what forms of authority and control over the political trajectory of Indigenous policymaking. The state’s non-implementation of the PLANPIES during the 2019-2024 Bukele administration has revealed that the development and exercise of state power over Indigenous Salvadorans remains firmly under the control of national presidential administrations, with little political leverage or legal recourse to Indigenous critics.

This national legal and political structure of state power provides highly circumscribed political agency to Salvadoran Indigenous leaders and organizations, not to mention to Indigenous Salvadorans themselves, through narrow participation channels controlled by state institutions and UN agencies. It may seem contradictory, if not paradoxical, for Salvadoran Indigenous actors in recent decades to have helped state institutions and UN agencies expand the legal and political fields of national Indigenous policymaking in ways that have reformed and legitimized—rather than resist and transform—the state power structure. Perhaps this is a necessary pre-condition for the emergence and development of bottom-up and emancipatory Indigenous politics in a settler colonial context where the state has historically been very effective at eliminating the social presence of Indigenous peoples within in El Salvador. After all, it was not until very recently that the Salvadoran state even recognized the existence of Indigenous peoples within the national territory. Perhaps the emerging national political field will one day enable Salvadoran Indigenous actors to formulate radical critiques that resist state and UN agendas and pursue structural transformations to the material foundation of the settler state. This possibility, however, has no guarantees. Unlike Indigenous peoples in neighboring Central American countries and elsewhere in the region, Indigenous Salvadorans have no material basis from which they can resist the state. The state has historically denied Indigenous Salvadorans the constitutional rights to collective land tenure, communal self-government, or territorial autonomy. The nature of Salvadoran Indigenous organizing discussed in this chapter suggests that domestic Indigenous actors are unlikely to challenge or change the state power structure anytime soon.

Remembering the 1932 Matanza, Demanding justice for Indigenous dispossession

In recent decades, Indigenous movements throughout Central America have effectively articulated and mobilized Indigenous rights-based discourses centered on demands for land, territory, and autonomy in order to resist, and in some cases even begin to transform, settler colonial structures, processes, and logics that have long attempted to eliminate the contemporary socio-historical presence of Indigenous peoples and Indigenous territories located within the territorial boundaries of the modern nation-state. However, this contemporary form of Indigenous organizing has not taken root or proliferated in El Salvador due to the particular Salvadoran history of *originario* dispossession discussed in Chapter 1. Since the 1992 Peace Accords that ended the Salvadoran civil war, postwar national governments, regardless of political ideology and across the executive, legislative, and judicial branches of the state, have long marginalized and excluded the emerging Indigenous rights to land, territory, and autonomy from the national legal-political system. This settler state refusal to recognize such issues has long concealed and protected the national and subnational institutional structures, mechanisms, and social relations that have enabled and perpetuated *originario* dispossession since the late 19th century into the present day against political interventions and socio-legal transformations by transnational Indigenous activism.

This chapter demonstrates how the pueblos *originarios* based in small towns in the western coffee-growing region of the national territory have disrupted and begun to reverse the postwar national history of settler state refusal to recognize collective Indigenous land rights in recent years and begun to challenge the material foundation of the national settler colonial power structure. *Originario* leaders and community members have participated in transnational Indigenous activism in El Salvador organized by two key actor-networks headquartered in the capital city of San Salvador: the Museum of the Word and the Image (MUPI), a civil society organization, and the National Network of the Smiling Jaguar (*Jaguar Sonriente*), an Indigenous activist network. This activism has centered on the articulation, dissemination, and mobilization of discursive and visual practices of contemporary *originario* elders 1) remembering the 1932 Massacre of *originario* peasants as an unjust and highly symbolic event within a much longer socio-historical process of *originario* dispossession throughout the western region and 2) demanding justice for the Massacre and their dispossession from the state through the national legal system. Whether this Indigenous organizing will one day legalize collective Indigenous land rights within the national legal system and open new legal and political possibilities for Indigenous resistance against settler colonialism is too soon to tell. Such forms of resistance could be the re-establishment of communal organization and collective land tenure for the pueblos *originarios*, the redistribution of land back to the pueblos *originarios* in the form of collective landholdings, and the recognition of *originario* lands as Indigenous territories.

A shift in public discourse on Indian dispossession in the national sphere centered on museums in the capital city of San Salvador has enabled the *Jaguar Sonriente*'s lawsuit on the 1932 Massacre. Administered by the National Directorate of Museums and Exhibition Halls within the national Ministry of Culture, the National Museum of Anthropology's (MUNA) permanent exhibit on "migration and settlement" articulated, displayed, and disseminated a public discourse of contemporary national multiculturalism that concealed the settler colonial power structure of the modern nation-state by erasing the socio-historical existence of the Indians within the national territory following the colonial period and framing Indian dispossession, marked by the 1932

Massacre, as a single trivial national historical event at the beginning of the 20th century. The MUPI's permanent exhibit on the "1932 Massacre" articulated and displayed a counter discourse that reframed Indian dispossession as a historical process that enabled the violent land conflict at the center of the 20th century national history. The exhibit centered dispossession on an event: the 1932 Matanza, or massacre, of Indigenous peasant men following an Indigenous rebellion against their dispossession and exploitation in the national economy. The exhibit foregrounded the enduring existence of the pueblos *originarios* as socio-historical actors who remembered the violent event and their dispossession into the present day and demanded justice. The exhibit constructed the counter history and national imaginary with testimonies, ethnographic photography, portrait photography, and ethnographic film centered on memories of the event from survivors and their kin.

Since the late 2010s, the *Jaguar Sonriente* has appropriated, elaborated, and mobilized the MUPI counter discourse to demand justice for the kin of the *originario* survivors of the 1932 Massacre and to begin to establish national legal recognition by the settler state of *originario* dispossession as a highly symbolic historical injustice that requires formal redress through the national judicial system. To date, this demand has been articulated by the *Jaguar Sonriente* and accepted and processed by the national Supreme Court of Justice in national legal terms of forced disappearances and Indigenous rights. This legal process has been slow, with little progress made public by the Court. In order to mobilize broad public support for the process, the *Jaguar Sonriente* has used ethnographic film and photography to articulate *originario* elders as socio-historical actors who demand justice for the 1932 Massacre from the state. This media focuses on public annual commemorations of the 1932 Massacre centered on the testimonies of *originario* survivors and their descendants and related institutional actions taken by *originario* elders at the national Supreme Court of Justice in order to advance the lawsuit. The network disseminated this media on Indigenous social media (Facebook).

This chapter draws on discursive, visual, and ethnographic analysis that I conducted in El Salvador and online. I visited the MUNA and MUPI several times over the course of my ethnographic fieldwork in El Salvador (January 2019-March 2020). Based on ethnographic fieldwork that I conducted at one of the commemorations in January 2019, I have conducted additional online research on the public commemorations and related legal processes archived for the public on the *Jaguar Sonriente*'s Facebook page.

Concealing and naturalizing settler colonialism as national multiculturalism

The National Museum of Anthropology (MUNA) concealed and naturalized the settler colonial power structure of the modern nation-state with a public discourse of national belonging based on migration and settlement that erased the socio-historical presence of the Indians by the end of the colonial period and marginalized Indian dispossession as an insignificant national historical event at the beginning of the 20th century. The museum was located in the wealthy and exclusive commercial district of the Zona Rosa in the community (colonia) of San Benito in the metropolitan area of San Salvador. The MUNA is currently under the administration of the National Directorate of Museums and Exposition Halls within the Ministry of Culture.²¹ Its mission is to promote familiarity and reflection among Salvadorans on their identity and their cultural diversity, through permanent, mobile, and temporary exhibits, as well as through investigations, publications, and

²¹ <https://www.cultura.gob.sv/marco-institucional/direccion-nacional-de-museos-y-salas-de-exposicion/museo-nacional-de-etnologia-muna/>

educational programs in the fields of archaeology, anthropology, and history, as testimony of the social processes of the different human groups that inhabited and inhabit the entire national territory. The museum was first established as the National Museum of El Salvador by Executive Decree on February 1, 1883 and established on October 9, 1883. The museum has since undergone many changes in institutional organization, administration, and location over the course of the following century. The current building opened to the public on October 9, 2001, with new installations designed for the operation of a specialized museum, with space for technical areas (museography, conservation, design, education, and collections management) and for services to the public (auditory and commercial offerings, among others). It has six permanent exhibits: Introduction; Migration and Settlement; Agriculture; Artisanal and Industrial Production and Exchange; Religion; and Pre-Hispanic Burials of El Salvador.

The images and text on the display panels in the Migration and Settlement permanent exhibit articulated a public discourse that provided ideological justification for the socio-territorial existence of the modern nation-state and the marginalization of questions of Indian dispossession and Indigenous resistance within the national public sphere. This discourse centered on the evolving figure of the “settler” within the national territory: first various pre-Columbian ethnic groups, then the Spanish, and finally other European groups. By articulating a national pre-Columbian history in which pre-Columbian ethnic groups were the first migrants, settlers, civilizational hegemony, and settler colonizers in the national territory that became El Salvador, the museum exhibit then naturalized the Spanish and other Europeans as simply the latest civilization to send migrants to settle, colonize, and control the national territory during the Conquest and Colonization periods of national history. The exhibit began to erase the Indians from the national history during the Independence and early Republic periods and finalized their erasure by the early Contemporary period. At the same time, the exhibit foregrounded Spanish and European settlers as historical actors who established the postcolonial settler state and maintained a distinctive socio-historical presence within the national community into the Contemporary period.

The exhibit began its narrative with an “Introduction” panel that based national multiculturalism on the national history of migration and settlement. The panel text stated that in order for Salvadorans to understand their identity as a people, they must recognize their own cultural diversity, which had grown little by little since humans first crossed the Bering Strait and began to populate the American continent. Within the national history, migration and settlement were central axes for Salvadorans to deepen their knowledge and understanding of some of the most relevant aspects for defining Salvadoran culture and diversity.

The “Populating of America,” “beginning of sedentarism,” and “early pre-classical period (2,000-1,200)” panels positioned Indigenous peoples as the first migrants in the Americas who became the first settlers in El Salvador. At the end of the last Ice Age around 20,000 to 15,000 years ago, ocean levels dropped and formed a land bridge—the Bering Strait—that enabled hunter-gatherer from East Asia to become the first migrants to arrive in and inhabit the Americas during the Paleo-Indian Period (15,000-7,000). These first migrants did not settle. They were family groups that traveled constantly in search of subsistence: fruits, leaves, seeds, and hunting animals of various sizes. At the end of the Paleo-Indian period, the migrant hunter-gather groups began to adapt themselves to their environments throughout the Americas, which enabled them to remain for more time in the same place and required them to interact with available resources. The first semi-sedentary settlements appeared around 7,000 BC in different ecological areas such as the highlands, tropical forests, and the coast. These groups still depended in large part on hunting and

gathering, but they began to take advantage of abundant resources that they found in specific areas such as estuaries, the coast, and migratory animal routes. Human intervention in the selection, care, and protection of certain species of wild plant species produced the initial domestication of maize, beans, and different types of squash such as the ayote in southern Mexico and Central America between 7,000 and 2,000 BC. These crops formed the fundamental diets of Mesoamerican societies, which enabled the emergence of small towns made by extensive families. Sedentarism emerged in El Salvador between 2,000 and 1,200BC due to human groups who settled in the Pacific coastal plain, forming villages that generated surplus agricultural production, population growth, and more complex settlements.

The “Middle Pre-classic Period” and the “transition to the Classic period” panels positioned the Olmec, Maya, and Teotihuacán civilizations as the first external hegemon to exert cultural dominance over the human settlements in El Salvador. By the Middle Pre-classic period, population centers had emerged throughout the region from western Mexico to El Salvador that exercised varying degrees of political and economic influence over each other through commercial exchange networks. Some of the most developed centers were San Jose Mogote, Oaxaca, and La Venta de Tabasco, Mexico; Takalik Abaj in Guatemala; and Chalchuapa in El Salvador. However, the Olmecs from the coast of the Gulf of Mexico wielded the most influence. Archaeologists found evidence of Olmec influence in the western region of El Salvador through Olmec cultural elements in Salvadoran archaeological sites, such as the Piedra de las Victorias near the Chalchuapa archaeological site. The end of the Late Pre-classic period saw the emergence of complex settlements throughout the region that expanded their territories and dominated other populations. The city of Teotihuacan was consolidated in central Mexico, becoming one of the most powerful settlements in Mesoamerica. The influence of Teotihuacan reached western El Salvador and has been identified in vessels as well as stone and ceramic incense burners found in Chalchuapa. At the same time, other cultures continued to develop, such as the Maya in the West.

The “Transition from the Classic to the Post Classic” panel identified the Náhuatl from central Mexico as the first civilization to send settler-colonizers to exert their cultural dominance over their pre-existing human settlements in El Salvador during the Postclassic period. The collapse of Teotihuacán, the collapse of the primary Maya cities, and the emergence of Tula as the Tolteca capital led Náhuatl migrants to resettle in different regions of Central America between 900 and 1400 AD, including Escuintla in Guatemala, the western region of El Salvador, the Pacific Coast of Nicaragua, and the province of Nicoya in Costa Rica. These Náhuatl settlers came to know themselves during the Colonial period as “pipiles” in El Salvador. These settler-colonizers brought cultural influence to the territories that they settled. Their culture originated from central Mexico and drew on the Toltec culture, including language, deities, architecture, and cosmology. Some archaeological sites with evidence of the first Pipiles to arrive in the territory were Chalchuapa, Las Marias, Loma China, Igualtepeque, Cihuatlan, San Andres, and Cuzcatlan. The Náhuatl brought gods that they had venerated in central Mexico, such as Tlaloc, Quetzalcoatl and Huehuetotl. They also brought symbols engraved in sculpture and ceramics, such as the Toltec butterfly, the ehecacozcatl. Many nahuat place names and pipil biocultural characteristics continued to exist in the western region of contemporary El Salvador.

The “Late Postclassic Period” panel reorganized the culturally diverse human settlements in El Salvador into ethnic groups and positioned the Náhuatl as the dominant ethnic group in the western region of the national territory on the advent of Spanish arrival. The display featured a “Linguistic map of Indigenous peoples that inhabited the Salvadoran territory during the contact period between the Spanish and the Indigenous (1524).” The map divided the national territory

into different regions and assigned a region to an ethnic group. The western part of the national territory was recognized as Pipil and the eastern part as Kakawira or Cacaoperas. The west had pockets of Maya ethnic groups: Xincas, Mayas pokomanes, and Mayas Chorits. The east had small areas of Kakawiras or Cacaoperas and Chortegas. The display text described Náhuat domination over the western territory. It noted that, prior to European contact, Cuzcatlán had become the Pipil capital of a complex chiefdom that had many settlements under its control. The towns gave tribute as taxes to governors based in the capital. When the Spanish conquistador Pedro de Alvarado crossed the Paz river from Guatemala in 1524 along with thousands of Indigenous allies, the chiefdom controlled around 80 settlements.

The permanent exhibit's progressive historical positioning and re-positioning of Indigenous peoples as migrants, settlers, hegemonies, and then settler-colonizers within the national territory during the pre-Hispanic epoch naturalized the Spanish conquest and colonization of Indigenous peoples during the subsequent epoch. The "And then the Spaniards came..." panel positioned the Spanish empire as the latest external civilization, like their Náhuat predecessors, to exert cultural dominance over human settlements within the national territory through migration and settlement. The Spanish arrived in El Salvador in 1522, when the Piloto Mayor Andrés Niño arrived to the Gulf of Fonseca from Panama before reaching Mexico and then returning to Panama in 1523. In that same year in Mexico, Hernan Cortés, in his search to consolidate control over the recently conquered Tenochtitlán and with desires to extend his territorial dominions toward the south, organized a land expedition under Pedro de Alvarado, who left Tenochtitlán in December of 1523 with the intention to conquer the territories that are today occupied by the republics of Guatemala and El Salvador. Given Alvarado's initial failure, a second expedition went to Cuzcatlán, which founded the first city of San Salvador in 1525. This settlement was probably not much more than a military camp that had to be abandoned in 1526 due to an Indigenous uprising. This was one of two panels in the entire exhibit to reference Indigenous resistance to Spanish domination, although subsequent panels in the exhibit did not elaborate on or place Indigenous resistance at the center of national history.

The "territoriality and *mestizaje*" panel began to erase Indigenous peoples from the national territory by reframing Indigenous peoples and European settlers as racialized ethnic groups that became the progenitors of the growing *mestizaje* (mixed race) population within the national territory that would later become the Salvadoran nation. With the end of the Conquest, the Spanish Crown imposed a new settler colonial social order in 1550 based on the "pueblo de indios," where colonial authorities spatially concentrated the Indigenous population in order to effectively control, Christianize, and exploit them. This settlement policy enforced the territorial segregation of Indigenous peoples and European settlers under ethnic criteria. The Spanish were to reside in cities and villas, and the Indians in the pueblos. The colonial social structure was based on skin color, which determined socioeconomic status. Peninsular Spaniards had positions in the government and the Church. Criollos, or Spaniards born in America, were businessmen and encomenderos. Indians were agrarian laborers. Blacks worked the mines and haciendas. As the period progressed, the Spanish crown imposed the castas system, which was a new form of social stratification based on the racial classification of "mixed" persons. The system defined a variety of denominations such as *mestizajes* (of Spanish and Indigenous); mulatto (of Spanish and black); and zambo (of black and Indigenous), among others. At the end of the 18th century, cultural differences distinguished the ethnic groups, the most extensive group being the *mestizajes*, followed by the Indians, the mulattos, and the Spanish. This settler colonial structure created racial tensions based on social difference and access to power between the four ethnic groups prior to national

Independence.

The “Forming the nation” panel nearly finalized the erasure of Indigenous peoples from the national history through its narration of the birth of the settler nation-state in El Salvador at the end of the colonial period. The narrative simply omitted Indigenous peoples altogether, with no explanation of their disappearance, and instead focused on the criollos, or the American-born European settler elite, as the primary historical actors of the national Independence movement. The Enlightenment movement in 18th century Europe arrived in Spain and subsequently to its colonies through the Bourbonic Reforms. When the Bourbon dynasty assumed the Spanish Crown, the Crown implemented various political, social, and economic reforms in America, with the aim to recover their economic power through fiscal projects that included taxes on *Ladinos* and *mestizajes*. The high taxes and political problems of Spain increased the discontent among the inhabitants of the current Central American territory, strengthening the crisis and the desire of the criollos to modify the conditions to which they were subject. Thus, on November 5th, 1811, the criollos launched the first movement for emancipation that culminated on September 15, 1821. Following Independence, annexation to Mexico and the invasion of Iturbide in 1822 weakened the central power. The fall of Iturbide initiated a new movement that culminated with the Constitution of 1824, but the differences between Conservatives and Liberal factions continued the Central American conflicts until 1829. The struggles of the Federation left a series of influential caudillos in politics until 1871 and during this period they ended the colonial monopolies and took advantage of the new commercial links that established the economic bases of the new Republic.

The “Migration Phenomenon in El Salvador” panel completed the exhibit’s historical erasure of Indigenous peoples. This was the second of two panels in the permanent exhibit to reference Indigenous resistance to Spanish domination, and the only panel in the exhibit to reference Indigenous dispossession. It reframed the national historical significance of Indigenous resistance and dispossession to justify the power of the post-colonial settler state to control the national territory during the 20th century. It located Indigenous peoples and dispossession at the beginning of a long national history that centered on displacement, migration, and (re)settlement. The narrative focused on economic, social, political, and legal transformations that shaped and were shaped by movements of people between Europe, El Salvador, other Central American countries, and the United States, which culminated in the establishment of first legally recognized Salvadoran community in Los Angeles, California during the 1990s and 2000s. The display divided this narrative into decades, beginning with the 1930-1940 decade. The description of the first decade made the only reference to Indigenous peoples within this narrative. The reference was brief. It stated “Indigenous uprising (1932)” with no explanation of the causes of the uprising or what became of Indigenous peoples within the national territory following the event, which effectively concealed and naturalized their dispossession. Subsequent decades in this historical timeline ceased to narrate Indigenous peoples as socio-historical actors within the national history. This erasure enabled the panel to position the state as a legitimate authority to control the national territory through the establishment of border control. In the same decade, the panel text described the national government’s establishment of the first “Law of Migration and its rules (1933); the creation of the Central Migration Office to execute border control in the country (1933); and the establishment of border checkpoints for the registry and control of nationalities and foreigners in Las Chinamas, San Ignacio Citalá, and the Ilopango airport, among other places.

Remembering *Originario* Dispossession:

Visuality, Collective Memory, and the 1932 Matanza

Located in a large converted house in a residential neighborhood between the historic city center and the national University of El Salvador in the San Salvador metropolitan area, Venezuelan journalist Carlos Henríquez Consalvi founded the Museum of the Word and Image (MUPI) as a civil society organization in the 1990s during the national postwar period of national reconstruction to contribute to the educational and cultural development of the country through the rescue, preservation, and dissemination of the nation's historical and cultural heritage (patrimonio). The museum focused on the promotion of a national Culture of Peace through art, culture, and the valorization of collective memories from the 1979-1992 Salvadoran civil war. It organized audiovisual archives, exhibits, and programming with youth, universities, and communities to create spaces of reflection on the contemporary challenges posed by issues of national identity, culture, and historic memory that confronted Salvadoran society. The MUPI received international recognition from prominent institutions such as Spanish Agency for International Development Cooperation (AECID) and UNESCO.²² It belonged to a regional network of museums and archives throughout Latin America dedicated to the preservation of national memory.²³

The MUPI's "1932 Matanza" exhibit articulated a counter discourse of national belonging based on land conflict that contested the MUNA's erasure of Indigenous peoples and marginalization of Indigenous dispossession within the national history. The MUPI discourse extended the socio-historical existence of Indigenous peoples into the early 20th century and reframed Indigenous dispossession under the emerging national settler colonial power structure as the origins of the national history of violent land conflict throughout the national territory during the 20th century. The exhibit then framed the pueblos *originarios*, alongside the *Ladinos*, as remembering the 1932 Massacre of Indigenous peasants and demanding justice for the dispossession and the event.

The "1932 Causes" panel narrated the historical formation of a national settler colonial power structure during the late 19th and early 20th centuries. This structure enabled the settler elite, also known as the large landowners, to establish and secure their social, political, and economic dominance over the pueblos *originarios* within the national territory. The text at the top of the panel located the emergence of this structure in the land dispossession of the pueblos *originarios* in the Western region of the national territory by the settler elite facilitated by state-mandated

²² Ingresa al Banco de Buenas Prácticas de Cultura para el Desarrollo, AECID. 2008.

Premio Internacional de Cultura Prince Claus, a Carlos Henríquez Consalvi. 2008.

Premio Ford al MUPI por el Juego didáctico sobre cultura ancestral indígena "Los Izalcos". 2010.

II Premio Iberoamericano en Educación y Museos en Madrid, España. 2010.

Integrante del Comité Regional de América Latina y el Caribe del Programa Memoria del Mundo de la UNESCO-MOWLAC, de 2013 a 2017.

Reconocimiento a Carlos Henríquez Consalvi, en marco del 88 aniversario de Radio Nacional de El Salvador "Por su aporte a la radiodifusión salvadoreña y su participación en Radio Venceremos por 11 años". 2014

Premio Iberoamericano de Educación en DDHH Monseñor Óscar Arnulfo Romero. Su trabajo con jóvenes relevos generacionales. Cartagena, Colombia. 2017.

Intercultural Innovation Award. Por Escuelas de Paz. Ganador del 5o Lugar De la Alianza de Civilizaciones de Naciones Unidas y BMW. Madrid, España, 2019.

Premio Iberoamericano en Educación. Archivos Memoria de la Pandemia. 8o. Lugar. 2020

²³ The MUPI network includes: the Coalición Internacional de Sitios de Conciencia, Red de Sotos de Memoria Latinoamericanos y caribeños, Federation Internacional de Museos de Derechos Humanos, Comité Nacional Memorias del Mundo El Salvador, Unesco; Coordinadora Latinoamericana de Archivos Audiovisuales; Archivo Mesoamericano; Archivo Mesoamericano de Documentos; Radio Venceremos; Red de Memoria Historica

privatization of land in order to promote a new mode of agrarian capitalist development based on coffee. As the pueblos *originarios* lost possession of their communal landholdings, the large landowners accumulated the lands as private property for coffee cultivation. Other socio-historical processes—labor exploitation, global economic crisis, and anti-Indian discrimination—intersected with land dispossession to secure and maintain hierarchical social relations of domination and exploitation between the owners of the large coffee plantations and the pueblos *originarios*. The text at the bottom of the panel featured a quote from the famed Swedish botanist and Anthropologist, Carl V. Hartman, who described this new national agrarian political economy as “without exception, of little benefit to the Indigenous, who unexpectedly had to transition from a communal system to an individual one, creating the possibility for the whites (settlers) to insert themselves and transform the Indigenous into their slave labor force.”²⁴

The “1932 Causes” panel positioned the national military as a socio-historical actor that mediated and maintained the relationship between the large landowners and the pueblos *originarios* by the early 20th century. The remaining space on the panel displayed ethnographic photographs taken by Hartman to visually represent the relations of power between these different actors in the western region of the territory.²⁵ The photographs presented the municipality of Nahuizalco as an emblematic socio-spatial formation that was emblematic of the landowner-military-Indigenous relations. The images articulated place and material culture as visual markers of the landowner, military, and *originario* identities and of the relations between them within the local context.

Two photos in the upper-right area of the panel positioned the pueblos *originarios* as family units at the socio-economic margins of, but in close socio-spatial proximity to, the town center of the municipality. The upper photo depicted a group of *originarios* of various ages and genders, presumably a family, standing in front of a dwelling, presumably their home. The men and boys were either nude or wearing a loincloth. The women and girls wore refajos, or long embroidered textiles, to cover their lower body while leaving their chests bare. All of the family members were barefoot. Their home had a thatch roof. The lower photo spatially located the pueblos *originarios* outside of but close to the town center. The photo featured a group of men seated at the corner of an intersection below a large building. The identities of the men—whether settler or *originario*—was unknown. The materiality of the building—adobe walls with a tiled roof—and its placement at the center of the photograph conveyed its location in the town center. One of the streets at the intersection extended off into the background. Along the street and in the near background were thatched huts of *originario* families.

Below these photos was another photo that revealed the power of the large landowners over the military. In the background of the photo was an adobe house with a tiled roof set in front of a jungle landscape, setting the scene outside of the municipality and in the countryside. In front of the house were three luxury cars facing toward the camera. The cars signified wealth and power in the local context derived from the plantation economy. Among the cars were landowning men and military men, the former posing for the photo and the latter looking at the car. The clothing

²⁴ Full quote as it appears on the panel: “Before the land became parceled, all the inhabitants of the small towns (*aldea*) worked in the field in a collective form and then made offerings to the corn god...the distribution of land in all of these countries was, without exception, of little benefit to the Indigenous, who unexpectedly had to transition from a communal system to an individual one, creating the possibility for the whites to insert themselves and transform the Indigenous into their slave labor force.”

²⁵ Copies of these photographs are stored in the MUPI archive on-site and online by the [Swedish institution]. He is perhaps the only known source of ethnographic photography of Indigenous peoples during this Period. Photos were part of his longer expedition in Central America.

of the landowners, dressed in all-white suits, and their placement at the center of the image, in full view, directly next to the car and the house, suggesting ownership over these material objects and the possession of power in the local context. Next to these powerful men were military men dressed in combat gear. The authority of the settler elite over the military was conveyed by the placement of military men at the margins of the image, in obstructed or partial view.

Below this photo was another photo that revealed the power of the large landowners over the pueblos *originarios* within the municipality. The photo featured a large aerial and landscape perspective of the town center and margins. In the foreground were rows of thatched houses of the pueblos *originarios*, and in the background was the town center of houses with adobe walls and tiled roofs of landowners. The spatial organization of both the *originario* houses and the town houses into neat rows and columns suggested that the *originario* families were under the firm control of the town authorities, who were likely responsive to the interests of the large landowners. At the bottom center of the image were four men that signified the subordination of the pueblos *originarios* to the large landowners. Three of the men were huddled together, dressed in all white outfits that later panels in the exhibit articulate as typical of the *originario* peasants who labored in the regional plantation economy. A few feet to their right was a lone man mounted on a horse. The man was dressed in an all white suit. His position as mounted on a horse adjacent to the group suggests that he is their overseer or employer, or perhaps even the owner of the plantation where the men labor.

After articulating the hierarchical relations between the landowners, the military, and the pueblos *originarios* within the national settler colonial power structure, the exhibit framed the pueblos *originarios* as socio-historical actors who resisted their land dispossession and labor exploitation in the new coffee-based economy. In a corner of the exhibit room somewhat hidden by an artificial coffee plant, the “Coffee Cultivation” display explained the miserable working conditions on coffee plantations. By the end of the 19th century, the Salvadoran economy became increasingly dependent on the production and exportation of coffee. National governments created laws to benefit the large landowners, such as the privatization of the lands of the Indigenous communities to expand coffee cultivation. Over time, the coffee economy increased inequality in the distribution of land and wealth, creating severe poverty among plantation workers, which included Indigenous peoples. In 1920, the plantation owners earned 500,000 colones per year. Workers earned 0.5 cents a day or 168 colones per year. One year of plantation owner income equaled 35 centuries of work. In 1932, the salaries were reduced 70% to just 0.15 cents per day.

The “Years of struggle” panel framed Indigenous peoples as peasants whose political interests intersected with, but were distinct from, the emerging labor movement within the coffee estate economy. Whereas Indigenous peasants sought to recover their lands, the movement instead focused on labor issues. Labor organizations emerged in the 1920s to demand better living and working conditions for workers and peasants on the plantations. The national presidential administration of Pío Bosque Romero (1927-1931) permitted workers and peasants greater freedom to organize, which was taken advantage of by labor organizers. The Red Aid (El Socorro Rojo) became the principal organization for the peasants in the Salvadoran Occident. The organization helped political prisoners and denounced repression by the state and the landowners. The organization’s most noted leader was Farabundo Martí²⁶, who had participated in the Sandinista struggle against the U.S. invasion of Nicaragua. Near the end of the decade, the Communist Party joins the peasant struggle, creating an alliance, although fragile, between

²⁶ This is the same Farabundo Martí that became the namesake of the FMLN guerrilla movement during the 1979-1992 Salvadoran civil war and of the FMLN political party following the Peace Accords.

peasants, workers, and urban students. The Indigenous peasants focused on agrarian reform centered on land redistribution and organized meetings in the Occidental zone.

The “Years of Struggle” panel presented several photographs that foregrounded the political difference and distance between the labor movement leadership from the Indigenous peasantry. In the top right corner were two portraits—one of the Marxist peasant movement leader Farabundo Martí above another of President Romero. Both men were clean shaven with well-maintained hairstyles and dressed in a white shirt underneath a black suit. Their respectable professional appearance suggested that both men were from the same national community, even though they were from different social classes with oppositional ideologies. Their faces were in full view and in detail, which conveyed that their personal identities and political ideologies were well known to the national history. Below these portraits was an enlarged photograph of Indigenous peasants working in a field. They were wearing white cotton pants and long sleeve shirts and straw hats to conceal and thus protect their bodies from the sun. They were in a horizontal line. Many of them are carrying a till, with one carrying a tree-branch broom, and were facing down, suggesting they are at work tilling the soil on a plantation. Unlike Romero and Martí, the faces of the Indigenous peasants were not visible, suggesting that national history knew the Indigenous peasants not as individuals but as an invisible social class. The placement of the portraits above the photograph suggested that both men saw themselves as political leaders who attempted to impose their own ideologies on the Indigenous peasantry. The spatial gap between the portraits and the photograph foregrounded the socio-political gap between national political leaders and the peasantry.

The “Political and social crisis” panel emphasized how Indigenous peasants maintained land as their central political demand on the eve of their uprising against the large landowners due to increased economic deprivation. The first free elections carried out in 1931 coincided with the global economic crisis. The price of coffee plummeted, creating more poverty and social unrest in El Salvador. The government of Arturo Araujo (March-December 1931) opted to repress the labor movement. Peasants affiliated with the Socorro Rojo demanded the redistribution of land on the plantations. On December 2, 1931, the General Hernández Martínez organized a coup d’état against President Araujo. Rural workers took advantage of the atmosphere of political uncertainty and launched, for the first time in the history of the country, a wave of strikes on coffee plantations. Amid this climate of political instability, the military government postponed the municipal elections for fifteen days. These elections were very important to the peasants, since they had hoped to create changes at the local level to improve their living conditions. In the 1931 elections, the Communist Party and its organizations had reached considerable force, but they were frustrated by fraud and the annulation of votes in the municipalities where the party won. During the first years of the economic depression, many small producers lost their lands; 8% of the lands for coffee changed ownership.

The “El Levantamiento” panel framed Indigenous peasant uprising against the coffee estates and the military government as politically autonomous from the labor movement. The Communist Party had decided to carry out a plan to accompany the rebellion, but three of their leaders, Mario Zapata, Alfonso Luna, and Farabundo Martí, were captured by the military four days before the event. This created a situation of uncertainty, although the Central Committee of the Party voted to continue the plans. On January 22, 1932, the insurgents challenged the territorial power of the military by taking control of the roads and attempting to take possession of the military barracks in the departmental cities of Sonsonate and Ahuachapán. The rebels also challenged the power of the large landowners by forcing wealthy settler women to make tortillas by hand; taking control of municipal governments in Tacuba, Juayua, Sonzacate, Nahuizalco, and Izalco; and burning the

property titles held by the settler elite and creating a plan to redistribute the land. The panel concluded with a testimony from a woman, Margarita Turcios, on the centrality of land to the political aspirations of the Indigenous peasants for their rebellion: “that is what they wanted: to be free. They would become owners of the properties [land] of the rich. To have freedom, to have a place to work.”

The “La Matanza” panel described how the military and the landowners responded to the Indigenous uprising with extreme acts of violence that targeted and punished Indigenous peoples as a social group. Over the course of three days, the military, with the support of civilian militias created by the landowners, repressed the rebellion. Over the following weeks the troops killed thousands of alleged insurrectionists. In Izalco and Nahuizalco, the repression was indiscriminate, with the shooting of all males over twelve years old. This persecution lasted over a month and at least ten thousand were shot, although some investigators had considered the victims to be 30,000 massacred. The testimonies of the survivors indicated that the troops arrived at localities with the lists of those who had voted for the Communist Party, and they proceeded to capture and shoot the indicated. The display featured photos of the cadavers of victims in public places and in mass graves to underscore the brutality and systematicness of the massacre.

The “What happened in 1932” panel framed this violent repression of the Indigenous peasant rebellion as an act of genocide against Indigenous peoples in El Salvador. The Hernandez Martinez government used the National Guard and civil militia created by the landowners to massacre thousands of Indigenous peoples and peasants. The total amount of victims were estimated between 10,000 to 30,000, which amounted to 1 or 2% of the national population of 1.5 million. The repression took various forms. Between January 24 and February 25, government troops indiscriminately shot peasants, Indigenous, *Ladinos*, and boys older than 12 years old. Colonel Ortiz from the National Guard then ordered the shooting of Indigenous peoples and the interrogation of *Ladinos* between January 25 and February 13. Finally, the military massacred peasants that voted for the Communist Party, sympathized with the Red Aid, or belonged to peasant organizations. The massacre was systematic. According to a testimony from Ramón Esquina from the canton Tajcuilujlan, the military opened trenches in cemeteries in Nahuizalco, where “they threw the bodies as if they were sacks of sugar cane.” Many historians argued that this systematic violence amounted to a state act of genocide against the Indigenous population as defined by The United Nations. This definition focused on the intention to destroy, in whole or part, a national, ethnic, racial, or religious group. Such destructive acts include: 1) the massacre of members of a group; 2) serious threats against the physical or mental integrity of members of a group; and 3) the subjugation of the group to conditions that can lead to their physical destruction, total or partial.

The exhibit room included two visual displays that each emphasized a particular act of Indigenous genocide committed by the military and the large landowners in the aftermath of the 1932 rebellion. The first display represented how military and landowners decapitated the political leadership of the Indigenous peasantry via public spectacle in the town square. The display centered on a section of wall covered entirely by an enlarged photograph of a public execution. In the background, a multitude of people, presumably local *Ladino* and *originario* residents, stood in everyday clothes in the town center of the municipality of Juayua. In the foreground were three cut out images standing in the middle of a large clearing that placed the military and Indigenous peoples at the center of the spectacle. Two cutouts were military men in uniform, each holding a gun. The third cutout, located at the bottom center of the image, was Francisco Sanchez, one of the Indigenous leaders of the rebellion. His dress reflected his Indigenous peasant status. He

wore an oversized white long sleeve shirt, presumably made of cotton, that was typical of Indigenous peasants in the regional plantation economy. He wore no hat or shoes. He wore baggy black pants held up above the waist by a black belt. A small textual description adjacent to the visual display stated that the photo of Mr. Sanchez was taken just before he was shot, becoming one of the first of many assassinations enacted by the military in order to sow terror in the local population.

The second visual display represented how the military and large landowners targeted not individual participants in the rebellion but rather Indigenous peasant men as a social group. This display was located in a corner between a wall featuring visual displays of coffee cultivation and another wall featuring news clippings of the events of the rebellion. The display featured several cotton shirts and pants worn by Indigenous peasant men. The outfits were huddled in a few rows, placed in near proximity to each other to represent the group status of Indigenous peasant men. Red streaks stained the front side of the shirts to represent the blood spilled from gunshot wounds during the massacre. The dirt and wrinkles that soiled the shirts and pants signified that that clothing belonged to agrarian laborers. The absence of a body beneath the clothes, and the positioning of a straw sombrero at the top of the shirt as if to either hide the face of the absent body, revealed the unknown identity of each individual victim due to the systematic nature of the massacre.

The exhibit positioned Indigenous women as the survivors of the 1932 Massacre. The “Women harvesters” panel described their working conditions on the plantations. They labored alongside men as a large part of the labor force on the coffee plantations. Access to a wage permitted some women to have a certain degree of economic independence, although they too were subject to labor exploitation. Women were also subjected to being fired if they were pregnant; lower wages than men; and sexual assault. By not giving benefits to their workers, such as access to education, health, and a dignified salary, the landowners imposed double work on women. According to machismo, cooking and cleaning were a responsibility of women and that was why they did not deserve pay for their domestic work. A visual display next to the “Memories of the dispossession” exhibit framed Indigenous women as also direct victims of violent repression in the aftermath of the rebellion. The display featured a large photograph with an elderly originaria woman at the center. On the ground were a bunch of handicrafts, including handwoven woven petate mats. On either side of her were armed military men. Presumably, they had confiscated her goods. The photograph signified how Indigenous women survivors continued to live on after the 1932 Massacre under the oppressive surveillance of the military.

The “Memories of Dispossession” panel framed the Indigenous women who survived the 1932 Massacre, and their descendants, as socio-historical actors in the national present who continued to remember their dispossession and the event. After the brutal repression of the event target Indigenous men, widowed Indigenous women became heads of families who were dispossessed of their formal land title. The panel described this socio-historical process: political exclusion, social marginalization, economic immiseration, and finally dispossession. The massacre created fear among the survivors from joining labor and political organizations and articulating their political voice on land. Ridicule from the *Ladinos* marginalized ethnic markers of Indigeneity within local social relations. Indigenous peoples spoke less and less Náhuat, and new generations of Indigenous women ceased to wear the refajo. The final step in this process of Indigenous dispossession was extreme poverty confronted by Indigenous families. The panel illustrated how this worked with a quote from Dionisio Ramírez. His grandmother had told him that her family faced economic precarity after a cyclone left them with nothing to eat. She then went to the home

of a local landowner, Don Manuel Borjas, to ask if he could provide some yuca as subsistence for her family. He agreed, in exchange for the formal title to her family's plot of land. "And in exchange for a small quantity of yuca, the property then belonged to the landowner."

The "Memories of Dispossession" panel defined the refajo as a key visual marker of Indigenous woman identity. The panel featured a much larger, vertical, and colored photo of a woman identified as Juliana Ama de Chile, the niece of the Indigenous leader Feliciano Ama from 1932.²⁷ Ama was in full ceremonial folkloric dress. She wore a colorful textile wrapped around her forehead and draped down the sides of her bust below a large and white huipil with intricate and colorful patterns. Her waist-down is covered by a large green and black patterned refajo held up by a thick, similarly colored textured belt. Her feet were covered in black boots and surrounded by a bed of pink and fuchsia flowers to signify her femininity and connection to the natural world. Her closed eyes, lower-tilt of the face, and hands interlocked and resting neatly just above her waist signify a posture of reverence often performed by Indigenous activists during public commemorations of the 1932 Massacre. Ama's refajo was similar to the garment featured in the "el refajo" display in the exhibit. The display was a life-size cutout of an ethnographic photo of a topless Indigenous woman draped from the waist down in a refajo. The photo was part of the Hartmen collection. Its bare chest revealed how Indigenous women dressed in the late 19th century in everyday social relations. The brightly colored refajo was not part of the photograph but rather draped around the cutout to represent the textile as a visual marker in the present day. The woman's face was clear in the photograph to signify her known identity. She was poor as signified her bare feet and exposed chest.

At the same time, the "Memories of Dispossession" panel articulated advanced age and poverty as an additional visual marker of Indigenous woman identity. The top-right section of the panel had a small headshot of an elder Indigenous woman. The black and white tone of the photograph and the deep-set lines across her face signified her elderly status and placed her in the past. The towel folded neatly on top of her head evoked a common cultural practice among lower-class women in public spaces in El Salvador. The elder looked off in the distance in a longing gaze, as if remembering the past, to signify her ongoing possession of her memories of her dispossession.²⁸

A water color painting in the "Coffee economy" displayed identified dark skin color as a marker of Indigenous womanhood. The painting was titled "Nahuizalco." It depicted four Indigenous women. Among the women were common things for sale in small town life: large rolled up petates and large baskets filled with from produce. From left-to-right, the identity of the women came into focus, but never quite fully. All wore dresses in different shades of red, the color of blood, to signify their connection between the women and the bloodshed of the 1932 Massacre. The leftmost woman at the center of the image was bent down, untying produce in a large basket. She was not water colored. Her gaze attending to the task. To her right was another woman bent over, in a posture that suggested that she was helping the other woman untie the basket. This second woman was wearing a colorful red dress although her body and hair are left a colorless white. To her right is another woman standing upright, facing the ground in the opposite direction. This woman has a pink dress, dark brown skin, and black hair. Although, again, her facial features were smudged, her identity rendered unknown. The fourth and final woman is standing over the baskets full of produce. She was facing directly at the spectator of the image. Her posture suggested that she was waiting for a request from a client. Her clothes, skin color and hair were colorful. Her

²⁷ This kinship relation is contested within Indigenous politics in El Salvador.

²⁸ The panel did not identify the woman, leaving her unknown. It did identify the photographer as Maria Theresa Diaz Colacho.

identity was of a regular woman vendor came into sharper focus — although not fully. She had no eyes, rendering the image of her face, and thus her identity, incomplete and unknown, but also commonplace among the impoverished masses.

The MUPI used portrait photography to demonstrate that *Ladinos* also remembered the 1932 Massacre and Indigenous dispossession alongside the pueblos *originarios* in the local context. Above many panels, throughout the hall, the exhibit featured quotes and portrait photos of the busts of *originario* and *Ladino* elders who remembered to center and literally elevate their perspectives in the MUPI's counter history of Indigenous dispossession and the event. The photographs used phenotype and surname as visual markers to differentiate the two identities. The *originario* informants had a darker phenotype and sometimes a Náhuatl surname, whereas the *Ladinos* had a fairer complexion and a Hispanic last name. All informants, regardless of *originario* or *Ladino* identity, wore regular clothes common to the rural poor who live in the cantones, or rural administrative districts, that surround town centers. These photographs were taken during the interviews for the creation of the ethnographic film. Presumably, the interviews took place in an everyday setting—either at the home of their informant or in a nearby public location.

The “Memory takes the word” panel positioned local people as interested in remembering the 1932 Massacre and Indigenous dispossession in public. The MUPI had collected testimonies of survivors of the 1932 Massacre to produce the ethnographic film, “1932, Cicatriz de la Memoria” (Scar of the Memory), alongside the 2008 book, “To Rise in Darkness,” published by U.S. historians Lauria-Santiago and Gould. The bottom section of the panel featured an enlarged photograph of a local film screening for the documentary. Based on the architecture of the venue, the film screening appeared to have taken place in the recreational gymnasium at a public school of a small town like Nahuizalco, suggesting that the event had authorization by local authorities such as school administrators and perhaps even the municipal government.²⁹ The panel did not specify in which small town, exactly, the film screening took place, which suggested that it could have taken place in any of the small towns in the western region of the national territory that were affected by the 1932 Massacre. On the floor of the gymnasium were many rows of chairs divided into two columns. The rows in each column were densely packed with people, with little to no visible empty chairs. The spectators faced the front of the room. At the front of the aisle that separates the two columns, in the front and center of the photo, was a projector set up facing the viewer. Presumably, the spectators were watching the documentary. Who, exactly, among the spectators were Indigenous or *Ladino* was neither clear in the photo nor identified by the panel. No one appeared to be wearing a refajo, but some spectators had other visual markers of Indigenous identity, such as dark skin. The imprecise identities of the spectators, Indigenous or not, suggested that the event had broad public interest in the local towns.

The “Memory takes the word” panel explained that local people will continue to remember Indigenous dispossession and the 1932 Massacre through intergenerational transmission of memory. The panel had a photograph of an elderly Indigenous woman seated next to a young Indigenous girl. The woman had dark brown skin and hair parted down the middle and pulled back. Her skinny body frame, the position of her body facing the camera but with her gaze averted from the photographer, and her arms crossed over her belly in discomfort conveyed her Indigenous identity in terms of low social class. She wore a large, colorful refajo around her waist, a huipil on

²⁹ The floor of the venue was paved in concrete. The right side had a wall made of timber blocks. The left side appeared to be a hallway lined with classroom doors. In front of the right wall and left hallway were a row of what looks like to be steel beams that likely hold up an aluminum roof to protect the venue from the elements.

her bust, and a small colorful towel neatly stacked on top of her head to signify her Indigenous identity legible to national folklore. In a chair immediately behind her, also in full view, was the young girl dressed in formal clothes often used for formal public occasions in small towns. The girl wore a blue dress with lace around the midsection. While the girl was not wearing anything that would mark her as Indigenous, her similar phenotype and her close spatial proximity to the elder Indigenous woman suggested a close kinship relation of a grandmother and a granddaughter. Thus, the photograph conveyed that the grandmother shared her knowledge of the 1932 Matanza with her granddaughter by attending the film screening together.

Finally, the panel framed public commemorations of the 1932 Massacre as a form of Indigenous activism that enabled the pueblos *originarios* to demand justice for the event and their dispossession. The panel stated that after the public projection of this documentary, the elderly men and women began to share new information of the 1932 Massacre. The act of confronting the history of the insurrection in a collective way in canton-based meetings created respect within the community toward the elders who transmitted the diverse threads of history. This new local support enabled MUPI to support annual commemorations of the 1932 Massacre in the towns of Izalco and Nahuizalco. These places were the location of some of the mass graves for those who were shot during the event. The commemorations transformed these mass graves into places of public memory for Indigenous peoples to demand a clarification of what happened during the event, justice, and reparations for the victims of the genocide. The panel did not elaborate on what form justice should take from the perspective of Indigenous peoples, such as the return of stolen lands, or which socio-historical actors should be held responsible for the violent repression and for the delivery of justice and reparations.

Demanding Justice for *Originario* Dispossession:

Public Commemorations, Forced Disappearances, and Indigenous Rights

The *Jaguar Sonriente* network established contemporary state recognition of Indigenous dispossession as a national legal issue in the national present, beginning with *originario* memories of forced disappearances during the 1932 Massacre. Building on the MUPI's counter discourse of the 1932 Massacre within the national public sphere, the network developed and disseminated a public discourse of the pueblos *originarios* as Indigenous peoples who remembered the forced disappearances of their kin during the violent event. The network then submitted, and the national Supreme Court of Justice accepted, a legal action focused on the forced disappearances of the grandfather, father, and uncle of an Indigenous activist from the municipality of Nahuizalco, Pedro Alberto Rodríguez Aguilar. The network then developed and disseminated the public discourse of justice for the legal action to go beyond what happened during the event and the location of remains to also include reparations for the victims and their families. The network began to mobilize ordinary *originario* elders to join the legal action as formal plaintiffs alongside Mr. Rodríguez. The network has disseminated this process through ethnographic film, photography, and documents archived on its social media platform.

On January 22, 2019, the *Jaguar Sonriente* network uploaded a 51 minute and 9 second video of their annual commemoration of the 1932 Massacre to begin to create a public discourse around historical justice for Indigenous dispossession from the state.³⁰ The video caption stated that: "On this day we present ourselves before the Supreme Court of Justice to demand the Salvadoran state, justice and reparations for the historic ethnocide of January, 22, 1932 in the Occidental region of

{NOTE_LABEL} <https://www.facebook.com/PueblosIndigenasElSalvador/videos/770134710032430/>

our territory.” The video positioned *originario* elders as political actors in the national present who continued to remember the 1932 Massacre based on collective memories transmitted within their families and communities and mobilized with Indigenous activists to demand justice from the national Supreme Court of Justice. The video positioned Indigenous activists from the *Jaguar Sonriente* network as legitimate representatives of the collective historic memory of the pueblos *originarios* for the 1932 Massacre and their political interests regarding justice from the national legal system. The commemoration took place within the gated and guarded courtyard in front of the Court to signify that the *originario* elders and Indigenous activists had institutional access to the national legal system.

The *Jaguar Sonriente* began the commemoration by incorporating the *originario* elders into their demand for justice for the 1932 Massacre. Guadalupe, a Náhuatl language instructor and Indigenous activist from the network, opened the event with a traditional invocation to nature and history. She then called for justice for the 1932 Massacre. She encouraged other Indigenous activists and *originario* elders to join her call by yelling the word “justice” several times. She then invited the *originario* elders to share their legal demands based on their testimonies of the 1932 Massacre.

The video positioned the *Jaguar Sonriente* as legitimate translators of *originario* testimony of the 1932 Massacre before the public and the Court. Guadalupe began this segment of the commemoration with an originaria elder. The old woman wore a long-sleeved black shirt, with a navy blue shawl draped over her shoulders. Her salt-and-pepper hair was parted down the middle and tied up in a bun. She wore no make-up, and was missing teeth. The viewer could not hear the elder as she spoke. Wind whooshed over the camera microphone and drowned out her low-volume voice. After the elder finished speaking, Guadalupe paraphrased the elder’s words to the rest of the group and the viewer. The originaria elder had recounted how her cousins and father were murdered during the massacre. Her cousins were coming back home carrying small crabs that they had fished from the river. When they arrived home, the military surrounded their house, took them outside, and murdered them. The military also captured and murdered her father once he arrived in Nahuizalco from Guatemala. Guadalupe framed the originaria’s word as a “living testimony of the persons who have survived among the grandmothers and grandfathers who were murdered.” She reassured the audience of the veracity of her paraphrasing of the originaria’s testimony. The originaria did not contest Guadalupe.

The *originario* elders and Indigenous activists remembered the 1932 massacre as a gendered act of violence that dispossessed *originario* families of their landholdings. Guadalupe then talked to another originaria elder. The elder wore a long skirt printed with colorful vertical stripes. She wore a quarter sleeve blouse with blue polka dots with a thin gold necklace, a bag over her shoulder, and hair tied back in a ponytail. Her face had no makeup and was missing teeth. The elder recounted how the perpetrators seized her family’s land title before they murdered her grandfather. The day before the perpetrators killed her grandfather, they arrived to their house to demand the land title from her grandfather in order to spare his life. Her grandfather was asleep when the perpetrators arrived at around 11:00PM to take him outside. They told her grandfather to dig his own grave, and once the grave was finished, they killed and buried him there. The perpetrators later took the land title and placed their own names on it.

While the *originario* elders recounted the violence that they or their families endured, most did not identify the perpetrators. The elders simply refer to the perpetrators as an anonymous “they.” This suggested an enduring fear of retribution by the perpetrators or their descendants who still live within the municipality-based communities if the *originario* elders named the perpetrators in

public. Some *originario* elders and Indigenous activists were not afraid to name specific perpetrators (e.g. the military, Hernandez Martinez administration, or local *Ladino* landowners) perhaps because they had greater distance from the perpetrators or more access to protection by law against retribution. Guadalupe then directed the group's attention to another *originaria* elder. She was dressed in formal attire typical for evangelical worship: an all-white blouse, pressed, with buttons down the middle and a flat collar. She also wore a ruffled pink-and-white apron characteristic of vendors in the municipal marketplace. Her hair was pulled back in a ponytail and covered in a long black scarf. As she gave her testimony, the elder mumbled and looked toward the ground, facing Guadalupe as they stood next to each other. When the elder finished, Guadalupe explained that the perpetrators killed all of her family. A local *Ladino* landowner, Gabino Mata, had given the names of her family members to be killed to the perpetrators. Mata's descendants continued to live on the land that Mata had stolen from the *originario* elders' families, land that Guadalupe referred to as belonging to the pueblos Indígenas.

Even though the *originario* elders who survived the massacre could no longer speak for themselves due to advanced age or having passed away, the original survivors transmitted their memories to younger generations in their families, who testified on their behalf. While Guadalupe continued to walk around the circle to ask the elders who wanted to speak next, an *originaria* elder stepped toward the camera and began to speak directly toward the viewer. She wore a blouse with a black-and-white floral print and a large black purse draped over her shoulder. She had her hair tied in a bun. She testified on behalf of her father, who stood elsewhere in the circle. She lamented that her father could no longer speak because he was elderly. He had told her that when he was about five years old, his parents were away in Guatemala to attend to a milpa when the police went house by house to kill the *originario* men. Since her father was afraid of the police, he rolled himself up in a petate to hide. When the police arrived to his house to look for his parents, the police only kicked the petate where her father was hidden. Her father said that the police killed them because the President Maximiliano Martinez did not want the presence of Indians, even though the President and the military depended on the Indians as agricultural laborers for the production of food. It was an unjust massacre. The *originaria* thanked God that her generation did not have to witness the event, but her parents and others' grandparents did, and the older generations told the younger generations what they suffered. They needed justice for those whose family were massacred.

Even for the younger generations who did not live through the Massacre, their inherited memories of the event were traumatic and difficult to talk about in public. Next spoke an *originaria* elder whose testimony was briefly stifled by grief as she recalled how the Massacre affected her family. She was dressed in a pale white dress with white lace trimmings with her hair pulled back and covered with a white scarf, in an outfit typical of evangelical worshippers. Her father was summoned to Hacienda Mirazalco. Her mother prohibited him from going. He listened, which is why they did not kill him. Everyone who went to the hacienda, colonos and mozos had worked, harvested sorghum. They sent them to harvest coconuts. They climbed the coconut trees, cut the coconuts, and ate and drank from the coconuts. Then they took them and made them dig a large grave. She had an uncle, who had already since passed away. Her uncle arrived when they had already had everyone lined up to kill them. She recounted that her uncle pondered "Is it possible that"... and then she burst into tears, speaking words that were unintelligible. Her uncle felt them push him, but he jumped out of the line and ran. God gave him the strength to run. They shot at him, at his legs, everywhere. He ran. But everyone else stayed in that large grave — that is where they fell, where they killed them, where they buried them.

Indigenous activists corroborated *originario* testimony of the 1932 Massacre with claims of empirical evidence of mass graves. Guadalupe further explained how the military employed brutal methods to kill the pueblos *originarios* during the uprising.³¹ The military organized their victims into groups. They obliged a group to dig their own mass grave. Once completed, the military shot the group members, who fell into the graves. Regardless of whether the victims were dead or alive, the military obliged the next group to bury the preceding group. Guadalupe and other Indigenous activists had evidence of this method. They knew of the existence of mass graves with very large quantities of human remains.

The brutality of the 1932 massacre created a lasting sense of fear of premature death among the pueblos *originarios* due to their *originario* identity into the present day.³² After Guadalupe spoke, the Indigenous activist moved out of the video frame to corral the *originario* elders who had sat down in the shade along a nearby concrete hedge and to bring them back to the circle for the commemoration. As she did this, the video frame started to move around the circle, foregrounding close-up bust shots of the elders who had remained or were returning to the circle. Unprompted by Guadalupe, an *originario* elder holding one end of a large banner that read “*Consejo de Pueblos Originarios Náhuat Pipil de Nahuizalco*” gave his testimony to the camera. He was a short man, wearing a tan button-up shirt, a black watch, and a small black backpack. He recounted how he had grown up without a father, grandfathers, or a grandmother because they had all been taken and killed during the event. He then thanked God that, despite the violent history that has shaped his familial and personal life, he continued to exist into the present moment at eighty years old. This implied that even though the Massacre ended in 1932, he continued to believe that he too could suffer a violent and premature death like the one that extinguished the lives of his kin during the event.

The Indigenous activists then framed the *originario* testimony as part of a formal legal action to demand justice for the 1932 Massacre from the national Supreme Court of Justice. Speaking to the group of *originario* elders, Guadalupe proclaimed the day to the Day of Resistance of the Pueblos *Originarios* in El Salvador and then ended the ceremony. She then informed the group that the activists would read a public communiqué that they had created. The latter was dressed in pressed white shirt and dark khakis and yelled out the communiqué to the *originario* elders. The *Jaguar Sonriente* did not share the text of the communiqué on their social media, but included it in verbal form in the video. Guadalupe ushered the elders to sit down on a nearby bench in the shade while another Indigenous activist read them the document. The Indigenous activists Gustavo Pineda and Mr. Rodríguez Aguilar then joined Guadalupe to stand around man as he read.

The communiqué reasserted that Indigenous peoples were socio-historical actors whose memories of the 1932 Massacre raised Indigenous dispossession as a political and legal issue in the national present. It positioned the *originario* elders and the Indigenous activists as Indigenous peoples who were mobilizing to demand justice for the 1932 Massacre. It opened with a reference to the pueblos *originarios* from El Salvador and the Red Nacional de Pueblos Indígenas, El *Jaguar Sonriente*. It then stated that Indigenous communities in El Salvador submitted a demanda to clarify the Massacre, which occurred 87 years prior. The genocide was a terrible event in the national history of El Salvador that had been rendered invisible, negated, and even instrumentalized politically by national political parties in every national electoral campaign. It asserted that the Indigenous rebellion that led to the event was neither a Communist revolution or led by any political party. Instead, the rebellion was a political process toward justice organized

³¹ At about 36 min

³² At about 37 min

by Indigenous leaders in order to recover the land that had been usurped by the Republic and to validate their right to their *originario* culture. However, in the process, Indigenous peoples were massacred under a regime of terror that obliged them to hide their culture, maternal languages, ancestral dances, spirituality, and philosophical wealth.

The communiqué then positioned Indigenous peoples as political actors who demanded justice for their kin murdered during the event from the national legal system. Their demand focused on the case of the then-recently elected mayor of Nahuizalco in that moment, Mr. Pedro Rodríguez Lue and his two sons, who were kin of Mr. Rodríguez Aguilar. Mr. Rodríguez Lue was never allowed to occupy his new position and much less exercise his power as mayor. He and his sons were taken by members of the military toward an unknown location, and no one had known what happened to them. Cases like this were common in Izalco, Nahuizalco, Juayua, and in all of the Occidental region. Cases of persons who were taken away and possibly massacred by the military. These cases were the reason that the Indigenous communities turned to the national Supreme Court of Justice to demand that the disappeared persons be revealed, that this be investigated. This was a first step toward to find the truth, reparations, and justice for this genocide that has been silenced for so much time. This has not been done before due to the evident fear, based not just in the 1932 genocide, but also in the massacre suffered during the armed conflict that ended 27 years ago. As such, the communities began to take on this history and search for justice within the national system and, if possible, in the international system. At the conclusion of the communiqué, the *originario* elders applauded to show their assent of the document.

The *Jaguar Sonriente* was committed to assisting the *originario* elders pursue this legal action. Immediately after the communiqué, Mr. Pineda, a lawyer from the National Directorate of Indigenous Peoples within the Ministry of Culture and an Indigenous activist within the *Jaguar Sonriente* network, spoke to the seated elders. He greeted them and apologized for not being able to greet them earlier in the event. The Supreme Court of Justice had just received their written demanda for exhibición personal. Now they will wait for a response to see what happens. Mr. Pineda noted that this was the very first time that someone had submitted to the Court a legal action regarding the 1932 Massacre. He expressed gratitude to the *originario* elders for making this legal action possible by sharing their testimonies of the event. He noted that Mr. Rodríguez Aguilar had been very excited, because many *originario* elders, including those present, had waited a long time for this day to initiate a legal action toward justice. The *originario* elders should be certain that the *Jaguar Sonriente* would continue to accompany them in this legal process. The Indigenous activists were at the service of the *originario* elders. After Mr. Pineda thanked the elders, everyone applauded to show their assent to his message.

The film positioned Mr. Rodríguez Aguilar as the Indigenous activist and *originario* elder from Nahuizalco who embodied this struggle for justice for the 1932 Massacre through the legal action. The activist wore a navy button up shirt, tan khakis, a belt, and his Indigenous bag. He teared up and his voice cracked as he recalled telling and 86-year old originaria elder that he was committed to act and struggle for the rights of their pueblos Indígenas. These were the same rights that his great grandfather, Pedro Rodríguez Lue, and his grandfather, José Cruz Rodríguez, fought for. He wondered where the locations of their remains could be. At 56 years old, the activist felt strengthened by the support of the *originario* elders in attendance. The legal action drew on the memories of the *originario* elders to seek reparations for the injuries to the pueblos Indígenas—specifically, stolen lands and social discrimination. He identified other legal actions sought for by the *Jaguar Sonriente* to address these injuries, such as the development of a national law on Indigenous rights and an inquiry on the status of bonos for *originario* elders before the

Commission of Justice and Rights in the national Legislative Assembly. Mr. Rodríguez Aguilar thanked the lawyers for enabling these legal processes, because the *originario* elders had no resources. All they had was their will to struggle, and this struggle was just beginning. The *originario* elders clapped at the conclusion of the activist's speech.

Following the public commemoration of the 1932 Massacre on January 22, 2019, the Court accepted the lawsuit, which effectively inserted the *Jaguar Sonriente*'s public discourse on the 1932 Massacre into the national legal system. However, the court redefined the scope of possible justice for the legal action. The *Jaguar Sonriente* did not share the original text of the legal action that it had submitted to the national Supreme Court of Justice on its Facebook account. It did, however, publish the formal resolution made by the Court's Chamber of the Constitutional on March 6, 2019 in response to the submitted legal action (Habeas Corpus number 33-2019). The network uploaded this resolution on May 19, 2019.³³

The Chamber recognized members of the *Jaguar Sonriente* network as the formal petitioners of the legal action: Mr. Pedro Alberto Rodríguez Aguilar; Claudia Lizbeth Interiano Quijada, a lawyer from a civil society organization; Daniel Orlando Navas Peña, FMLN party administrator; Karla Mariela Irigoyen Meza, an administrative technician from the DNPI; Luis Antonio de Paz Vasques, an Indigenous activist based in San Salvador; and Gustavo Eduardo Pineda Nolasco, a lawyer with the DNPI. The petitioners had sought a habeas corpus in favor of Mr. Pedro Rodríguez Lúe, José Cruz Rodríguez, and Juan Rodríguez against actions taken by the Military of El Salvador during the 1932 Massacre.

The Court recognized kinship ties and Indigeneity as a valid legal basis for the petitioners' demand for justice for the victims. The resolution acknowledged the petitioner's claim that the victims were members of Indigenous families and communities who had hitherto been unable to demand justice from the state due to fear of violence. The petitioners solicited from the Chamber a habeas corpus, in the form of an *exhibición personal*³⁴, in favor of the Mr. Pedro Rodríguez Lúe, José Cruz Rodríguez, and Juan Rodríguez, for their forced disappearance, taken place in 1932, when said persons were 65, 48, and 45 years old, respectively, in the context of the actions identified as an uprising of Indigenous communities in various municipalities in the occidental zone of the country. The petitioners said that in January of 1932, members of the Military of El Salvador arrived to the municipality of Nahuizalco, captured various persons, among them the mentioned men, and took them with the hands tied. Since that moment, no one had known where the men ended up, without any certainty whether they were executed or not, because no one had found their bodies in order to be waked and buried with dignity. The petitioners clarified that the persons in whose favor they requested the *exhibición personal* were, in order, the great grandfather, grandfather, and paternal uncle of Mr. Pedro Alberto Rodríguez Aguilar; they were members of the indigenous populations of the cited municipality; and Mr. Rodríguez Lúe, at the time of his disappearance had won the municipal election of Nahuizalco, but he was never able to assume the office. Moreover, the petitioners manifested that the family never filed a report, since they considered that it would endanger their lives in that context and including many years later during the internal armed conflict in the decade of 1980 and in the postwar.

The Court recognized that this legal action was tied to the broader national history of Indigenous dispossession on display at the MUPI. The *Jaguar Sonriente* linked the MUPI's discourse on Indigenous dispossession to the legal action. The network's petition for Habeas Corpus was accompanied with a DVD that contained the documentary "1932, Scar of the

³³ <https://www.facebook.com/PueblosIndigenasElSalvador/posts/1854770991291482>

³⁴ This legal action would require the relevant authorities to reveal the location of the missing persons to the public.

Memory,” created by the MUPI, and a copy of the book “1932. Rebelión contra la oscuridad,” by the authors Jeffrey L. Gould and Aldo Laurie-Santiago, edited by the same aforementioned museum; along with sworn declarations of reference on the acts of the denounced disappearances.

The Chamber determined that the amount of time that had passed between the forced disappearances during the 1932 Massacre and the present demanda rendered the petition of habeas corpus inadmissible before the Court. The Chamber reasoned that in order to protect the right to liberty of persons for whom the exhibicion personal was solicited, the alleged violations needed to be current or persist in the moment of the petition, so that the Constitutional protection had possibilities for being efficient by ordering the cessation of said violation or the measures of adequate restitution. When the vulnerability of the liberty originated in a forced disappearance, the Habeas Corpus could only proceed if the possibility existed that the missing person remained alive, since only in that case did it make sense the type of measures that could be ordered. For example, the Fiscalía General de la Republic could conduct a formal investigation to determine the location of the victim and restore their liberty. In the present case, the petition itself stated that the Mr. Pedro Rodríguez Lúe, José Cruz Rodríguez and Juan Rodríguez were 65, 48 and 45 years old respectively, in January of 1932, at the time of the forced disappearance. Since 87 years had since passed since that action, the summation of the ages of said persons at the moment of their disappearance and the amount of time that has passed since then discards the possibility that they remain alive. As a result, a Habeas Corpus for forced disappearance, which would order their search and release into liberty, could not be executed, lacking in sense to initiate the mentioned constitutional process, with that end, by which the petition cannot proceed forward on that respect.

Nevertheless, the Court reaffirmed intergenerational memory of the Massacre and international law on Indigenous rights as valid legal grounds for the petitioners to pursue legal action on their claims of alleged rights violation. The Chamber observed that Mr. Pedro Alberto Rodríguez Aguilar had affirmed that the three disappeared persons were his relatives (great grandfather, grand father, and paternal uncle); that they were members of the indigenous population of Nahuizalco; that the disappearance was committed by members of the Military of El Salvador in a context of military repression of a popular Indigenous uprising that resulted in the execution of thousands of persons; that it was not known with certainty what occurred in particular to his relatives (if they were executed or not and the reasons for doing so); that the remains of their relatives were never found; and that what occurred instilled terror in his family and the indigenous community of Nahuizalco, for which they abstained from searching for justice and they limited themselves to maintaining the historic memory of what occurred. Also, this Chamber observed that the juridical foundation of the solicitation relates to the prescriptions of the International Right of the Human Rights on Rights of Indigenous Peoples and in their concrete petitions is referred the necessity to know the location of his relatives and determine the physical and psychological effects that the disappearance produced on the nuclear family.

The Court thus reframed the legal scope of potential justice for the *Jaguar Sonriente*’s action from the release of the victims to finding out what happened to victims and burying their remains with dignity and respect. The Court based this new possibility for justice on three fundamental rights within the national legal system: the right to truth for victims of rights violations, their kin, and society; the right to the personal integrity of victims for their kin; and the right to cultural identity for Indigenous peoples. The first right was to truth for victims and their families of the 1932 Massacre and to measures of no repetition of the rights violation in society. In previous cases of grave violations of fundamental rights, the Chamber had determined that the victims—including the direct victims and their families—have the right to know, with independence to the amount of

time that has passed since the date on which the illicit act was committed (emphasis original), who was its perpetrator, on which date and place was it perpetrated, how it was produced, and why it was produced, in addition to the right to know where the remains of the relatives are located, in order to bury them with dignity and respect. The chamber had also considered that this reconstruction and determination of past violations was a measure of no repetition of said violations, since it had also considered that society was also entitled to the right to know the truth. This made possible the formation of collective memory, which would permit the construction of a future based on the knowledge of said truth in order to avoid new threats to fundamental rights.

The second right was to the personal integrity of the victims for their kin. The victims were deceased persons as a result of violations to fundamental rights, and the location of their remains was unknown. This violated the right to recognize the situation of pain, anguish, or suffering for the relatives derived from that lack of knowing what happened to the victims; from the indefinite postponement of the hurt; and from the impossibility of laying their loved ones to rest with dignity and respect.

The third and final right was to the cultural identity of the Indigenous peoples to which the victims belonged. When the violations to fundamental rights affected (including alongside other persons) members or integrates of the pueblos indígenas, the determination of what occurred also integrated their right to cultural identity, in regards to demands for official historical clarification of their past, above all in regards to occurrences that could have affected their subsequent communal development and their possibilities for the full exercise of rights as equal parts of Salvadoran society, without discrimination, and with respect to their customs, practices, and traditions.

The Chamber clarified that this resolution was an initial step in a much longer institutional process within the national legal system to determine whether these fundamental rights were violated and, if so, how to deliver justice. In identifying the possible rights that could have been violated, the Chamber did not say that the rights were violated (emphasis added), but that the Court should respond to the petitioners' claims of alleged rights violations. The chamber tasked the resolution of the amparo to the ordinary jurisdiction; to the institutions charged with the "investigations that are serious, exhaustive, responsible, impartial, integral, systematic, and conclusive by the part of the State"; and to the authorities responsible for the action of historic clarification in the occurred actions in January of 1932, against the indigenous populations of the occidental zone of the country. What the jurisprudence of this chamber indicated was that, with respect to this time of occurrence, the versions of the victims on what occurred should be responded to by the State, without the silence, forgetting, or negation of justice as acceptable responses. The resolution did not say much else on who would be the relevant institutions and authorities, how they would respond to the amparo, and on what timeline. Presumably, this will be worked out internally by the Chamber and relevant institutions and authorities.

On January 24, 2020, the *Jaguar Sonriente* organized *originario* elders to participate in a public event to commemorate the 88th anniversary of the 1932 Massacre. The Indigenous activist network created a video of the event and publicized the video on their Facebook event page.³⁵ The video developed the public discourse of the 1932 Massacre by linking the lawsuit to national memory on forced disappearances; call for reparations and additional legislation; and articulate political coalitions between the lawsuit and international law on Indigenous rights and transnational Indigenous organizing based on the UN system

The *Jaguar Sonriente* staged the event at the Parque Cuzcatlan, a public park with high

³⁵ <https://www.facebook.com/PueblosIndigenasElSalvador/videos/198089644711552>

symbolic value for the Salvadoran nation. Established in 1939, the park was located a few blocks east of the historic city center, which was a major geographical hub of formal and informal economic activity within the capital city and a center of national monuments such as the Metropolitan Cathedral with the crypt for the remains of Monseñor Romero, a national hero of the civil war and a recently canonized saint in the Roman Catholic Church. It was also near the National Palace, the former administrative center of the national government that currently operated as a historic site, national public archive, and public venue for official events. The Parque Cuzcatlán was a center of national culture and tourism in its own right. The park was recently renovated during the 2014-2019 FMLN presidential administration and opened to the public during the 2019-2024 Bukele administration. In addition to being one of the few large sites of public green space for family recreation within the city, the park hosted different exhibition and musical concerts, especially during the fiestas patronales for the capital. The park also hosted various sites of interests, such as the Monument to Memory and Truth, which was dedicated to the victims of forced disappearances during the 1979-1992 Salvadoran civil war.

The *Jaguar Sonriente* staged the conclusion of the event march at the Monument to Truth and Memory in order to symbolically place the 1932 massacre at the center of a much longer national history of forced disappearances during violent land conflict that culminated in the national civil war. The Committee of Monuments for the Civil Victims of Human Rights Violations, along with about a dozen Salvadoran non-governmental organizations, promoted the construction of the monument. This responded to a recommendation in the 1993 report by the UN-approved Truth Commission for El Salvador. As part of the commission's mandate to investigate the grave human rights violations that occurred during the civil war, the report recommended that the national government construct a national monument in memory of the victims of the armed conflict. The monument was unveiled in 2003. It paid homage to civilians who were killed or disappeared. It featured an 85-meter wall of black granite with the names of more than 25,000 men, women, and children who perished. Like the 1932 Massacre, the total number of victims during the civil war is unknown, although 75,000 people were estimated to have been tortured, extrajudicial killed, or disappeared).³⁶

In the video, Mr. Rodríguez Aguilar and Mr. Paz, two Indigenous activists from the *Jaguar Sonriente*, were surrounded by *originario* elders from Nahuizalco. The elders held a banner with the name of COPONAPN in large, bold font for easy reading from a distance. The elders wore regular formal dress: the men in button up shirts and slacks, and the women in blouses and button up shirts. Pedro and Luis wore traditional outfits typical of Indigenous activists in El Salvador — an embodied shirt — and black slacks. The elders moved and were at the center of the video frame, but they did not speak to the public. These *originario* elders were Indigenous Nahuat grandmothers and grandfathers from Nahuizalco and other nearby municipality-based communities. Mr. Rodríguez Aguilar spoke for them through his use of “we” and “us” during his communiqué.

The communiqué broadened the public discourse on the 1932 Massacre beyond a demand for justice to include a consideration of reparations for rights violations. The *Jaguar Sonriente* framed the event as a genocide remained an unresolved historical injustice for the pueblos *originarios*. The pueblos *originarios* maintained a collective sense of terror and pain within their memories of the event, and the *originario* youth and children maintained a stigma of being *originario*. The genocide transformed the lives of not just the Indigenous peoples but also of the entire nation. On this historical basis, the intervention called for a clarification of the actions taken during the genocide and for a process for reparations, which the pueblos *originarios* continue to wait on from

³⁶ <https://www.amnesty.org/en/documents/amr29/011/2003/es/>

the state. On January 22, 2019, they placed a demand of Habeas Corpus for the forced disappearance of three persons during the genocide of 1932 before the Supreme Court of Justice, whose resolution determined it to be a *demanda de amparo*. This was the first time, in 87 years, that someone had attempted to achieve justice for the genocide within the national legal system, since fear had prevented the pueblos *originarios* from doing so in the past. With its resolution, the Maximum Tribunal established a watershed: it was an act of justice that re-integrated the pueblos *originarios* with the rest of the country and consolidated El Salvador as a nation. The pueblos *originarios* were hopeful that this process of *amparo* takes them to an encounter with the truth and that they had due reparation.

The intervention framed the legal action as part of a broader and contentious legal-political processes for expanding the national legal framework for Indigenous rights. It centered this process on the national Law on the Rights of Indigenous peoples, which responded to the pueblos *originario*'s desire to be recognized as Indigenous peoples and to have an effective tool to change their difficult reality. On November 27, 2017, the *Jaguar Sonriente* presented a project for this new piece of legislation before the national Legislative Assembly. The Indigenous activist network knew that the Commission for Justice and Human Rights for the Legislative Assembly was discussing the proposal. They also knew that the rival Indigenous network, CCNIS (referred to as “dark interests on behalf of a group of persons that have always taken advantage of us, taking opportunities and money for the issue of Indigenous peoples”) threatened to manipulate the process. The intervention thus called on the members of the commission to carry out the legalization process in a transparent and honest process that reflected the interests of the pueblos *originarios* and was free from intervene from “Indigenist NGOs that do not represent us.”³⁷

The intervention concluded by raising the possibility of forming political coalitions with other social groups and political actors interested in the *originario* pursuit of justice from the Salvadoran state. It ended with a call to action: “Brothers and sisters, lets not have any doubt that we will defeat the death and obscurity of the genocide, we will incite the torch of light and justice, brothers and sisters, we will walk together!!!” Pedro did not clarify who, exactly, were the “brothers and sisters” he referred to—whether the referent were other *originario* elders, Indigenous activists, everyday citizens in the national community, academics, or perhaps even the international community working on Indigenous rights. The referent, and thus who might join this Indigenous movement, is left open to the interpretation of the viewer.

This call for political action reframed the 1932 Massacre as not just an issue of national law but also of international Indigenous rights and transnational Indigenous organizing within the UN system. Throughout the video, Mr. Rodríguez Aguilar articulated two specific political coalitions between the *Jaguar Sonriente*'s demand for justice for the 1932 Massacre and the UN system. The first was the UN Special Rapporteur on the Rights of Indigenous Peoples, and the second was the 7th Generation Fund for Indigenous Peoples, an Indigenous Peoples' Organization in Consultative Status with the Economic and Social Council (ECOSOC) since 2016. The communiqué made direct references to Dr. James Anaya, the former Special Rapporteur. The intervention expressed greetings from the pueblos *originarios* of El Salvador to Dr. Anaya. To articulate a sense of

³⁷ The video cuts abruptly here. No explanation why from the Facebook post. Perhaps battery died or someone messed up, as these things go, giving another sense of the unofficialness of this. The Full text was posted online on redabyayala.blogspot.com. The “Pueblos Indígenas de El Salvador” page had another Facebook post dedicated just to this blogpost. The blog was supposed to function as a sort of Indigenous news outlet. The blog does not state the name of the user. But, based on content, the author was likely Tonatierra, a Tucson-based Indigenous organization within the *Jaguar Sonriente* network.

kinship, community, and political affiliation between the pueblos *originarios* and the Rapporteur, the intervention referred to Dr. Anaya as an “emblematic Indigenous brother.” During his tenure as Rapporteur, the UN official had visited the pueblos *originarios* in the municipality of Nahuizalco in order to create a report on Indigenous peoples in El Salvador that had since guided the Salvadoran government on the development of laws, policies, and programs that ensured the fulfillment of Indigenous rights. The intervention expressed heartfelt gratitude for the support that Dr. Anaya had offered to the Indigenous peoples of El Salvador. This opened the possibility of similar relationship between the *Jaguar Sonriente* and the then-current Special Rapporteur, Victoria Tauli-Corpuz.

The Seventh Generation Fund’s presence in the event manifested through the participation of Tonatierra, an community-based Indigenous peoples’ non-profit organization based in downtown Phoenix, Arizona. Tonatierra was affiliated with the Seventh Generation Fund for Indigenous Peoples, an Indigenous-led non-profit organization based in Arcata, California, and dedicated to Indigenous Peoples’ self-determination and the sovereignty of Native nations. Its formal consultative status with ECOSOC enabled the Fund to participate as a key Indigenous political actor within the UN system, particularly during the formal events of the annual UN Permanent Forum on Indigenous issues. The Seventh Generation Fund had established political affiliations with Indigenous peoples’ organizations throughout the Americas and abroad. Tonatierra helped the fund maintain relationships with Indigenous leaders and organizations in its network and implement political projects throughout the U.S. Southwest and Latin America, such as the *Jaguar Sonriente* network’s *Consejo de Pueblos Originarios Náhuat Pipil de Nahuizalco* (COPONAPN), where Mr. Rodríguez Aguilar was an Indigenous leader. Tonatierra also helped organize the participation of these Indigenous actors within UN politics, processes, and programs. The video of the event showed the participation of Mr. Tupac Acosta, a founding member of Tonatierra. Mr. Acosta stepped in and out of the video frame and stood right next to the COPONAPN banner, on the other side of Mr. Rodríguez Aguilar, and near Mr. Paz, another Indigenous activist from *Jaguar Sonriente* who stood behind the banner; and surrounded by the *originario* elders. Tupac’s close spatial proximity to both Salvadoran Indigenous activists and his placement at the center of the video frame foregrounded the close political connection between the *Jaguar Sonriente*’s demand for justice and transnational Indigenous organizing at the United Nations.

On February 18, 2020, the *Jaguar Sonriente* posted a collection of photographs titled “Adhesión Jurídica - Massacre 1932.” The text on the post stated that on the last Friday, February 14, Indigenous grandfathers and grandmothers from the Indigenous communities of Nahuizalco arrived to the Supreme Court of Justice to attach themselves juridically to the network’s lawsuit for the justice to clarify the 1932 massacre. The Indigenous peoples of El Salvador, in taking this action, searched for the revindication of their rights and that the truth of the historic actions be known. The photographs broadened the Indigenous political subjectivity at the center of the legal action from just including Indigenous activists like Mr. Pedro Rodríguez to include everyday *originario* elders with mediation from lawyers and Indigenous activists.

The collection had five photographs that featured five elder *originario* men and an elder originaria woman; a middle aged *originario* man; Mr. Rodríguez Aguilar; and Ms. Interiano, the lawyer from the lawsuit. The first photo showed the group standing in front of the gated entrance to the court compound. The second featured the *originario* elders and Mr. Rodríguez waiting in a line, presumably while the lawyer figured out the next bureaucratic steps. The third and fourth photos showed the group completing an administrative task at a service counter window. The fifth and final photo show the group photo in front the entrance to the court building.

The photographs used clothing as a visual marker that made this emerging Indigenous subjectivity within the legal action accessible to all *originario* elders. The *originario* men and woman in the photographs were not dressed up in colorful and embroidered garments often worn by Indigenous activists, including Mr. Rodríguez in the *Jaguar Sonriente*, to signify and embody national Indigenous heritage. They wore everyday clothes worn by the lower social classes in the capital city and in the small towns for formal occasions and business with institutional actors, such as the Court. The men wore baggy khaki pants in neutral tones that were held up above the waist with a belt. They wore a loose-fitting neutral button up or polo shirt. Three wore hats—one ball cap, one cowboy hat, and one hiking hat. The woman likewise wore a plain pencil skirt and a pastel yellow button up shirt. She carried a red-and-white striped bag around her shoulder, a type of reusable plastic bag often used to buy and carry produce at municipal marketplaces. All wore flat, clothes toed shoes.

The photographs showed that the *originario* citizens had access to join the legal action as petitioners through their physical presence in the institutional infrastructure of the Court. Photo One located the group in front of the public entrance to the court compound from the street. Photo 2 shows the group waiting in a line in a foyer area of the court. Photos 3 and 4 show the group at a service counter window, with an attendant sitting down on the other side of a plastic barrier in front of a computer surrounded by office furniture, equipment, and supplies. This office window presumably where they submit their document to the court, and where the court receives the document to advance it to the next phase of the legal process. Photo Five proved that the group is indeed at the court by taking a photo of the group in front of an entrance to the Court building, presumably within the gated public portion of the court compound. This location is evidenced by a small “CSJ” insignia on a building window directly behind the group.

Originario citizens, however, did not have direct access to the Court. The photographs revealed that their access was mediated through a lawyer. The lawyer in this case was Ms. Interiano, whose clothing conveyed her professional status. She wore a patterned black-and-white dress with closed-toed high heel shoes, and her left arm carried a large black purse, a large notebook, and a cell phone. She was the only person in the photos to wear a lanyard, which was likely the official badge needed for the group to enter the Court building for the legal action. The lanyard also suggested that she, based on her profession, was the only person recognized by the Court as having the authority to take legal action on behalf of the group. Photographs three and four cemented this positioning of the lawyer as a necessary intermediate between the *originario* elders and the Court. The lawyer stood at the window counter and spoke to the attendant. She placed a folder filled with documents and an open book on the counter. Directly behind the lawyer were the *originario* elders in a small group, looking at the window, waiting to be attended.

The photographs positioned Indigenous activists as a necessary intermediary to bridge the social divide between the *originario* citizens and the lawyers. Photograph 5 presented the social distance between the lawyer and the *originario* citizens. The elders stood close together in a group, touching each other, with not space between them. The lawyer stood alone next to the group, with space between the group. She was not part of the group. Mr. Rodríguez, on the other hand, was positioned as part of the group. He was in all the photos. He was dressed similarly as the other *originario* men and woman—a grey polo shirt, a high-waisted baggy navy blue khaki pants, a black belt, and closed toed shoes—to signify his close social proximity to them. He wore a bag around his shoulder, however, to distinguish him from the other *originario* elders and mark him as an Indigenous activism. The bag featured visual markers of Indigeneity: a two-headed blue bird animal with squiggles on both sides beneath the words “Guatemala” in bold typeface. Photos 3

and 4 positioned Mr. Rodríguez as an intermediary between the *originario* elders and the lawyer. In these photos, Mr. Rodríguez is standing next to the lawyer as the lawyer speaks to an official at the counter. In Photo 3, he is standing adjacent to an *originario* elder, facing the elder, presumably to give him instructions on what to do next. In Photo 4, Pedro is also facing the counter, presumably listening in order to give directions to the rest of the group as needed.

Performing Indigeneity, refusing to become Indigenous:
Indian resistance to *Ladino* domination and exploitation at the margins

My ethnographic fieldwork in late 2019 and early 2020 found that the *Ladinos* in the town centers of Izalco and Nahuizalco continued their political and economic domination of the *originarios*. The neighboring municipalities were located in the Department of Sonsonate in the Occidental zone of the country. Izalco was about an hour west drive by car from San Salvador on a major highway. Nahuizalco was about 30 minutes northwest of Izalco through the departmental capital of Sonsonate. According to the most recent national census in 2007, Izalco and Nahuizalco had populations of 70,959 and 49,081 inhabitants, respectively. In Izalco, about half of the population (56.05%) lived in the town's urban area and the rest live in the countryside. In Nahuizalco, about two-thirds (68.4%) live in the urban area and the rest lived in the countryside. Official population data still does not disaggregate local people as *Ladino* and *originario*.

Local actors in the town centers of Izalco and Nahuizalco revealed *Ladino* domination through a colloquial geography that associated colonial identity, socioeconomic status, racialized phenotype, and place in the municipal territory. The colloquial geography did not require local people to personally disclose whether they were *Ladino* or *originario* in order to label them as such. Local people knew who were the *originarios* and the *Ladinos* among them. The *Ladinos* were the affluent residents with a European complexion and a Spanish surname who lived in the town center. They constituted the notable families in the municipality who were headed by doctors, engineers, and other studied professionals. Prominent *Ladinos* ran local institutions necessary for local governance, such as the municipal government, local offices of national government agencies, local businesses, and neighborhood associations. The *originarios* were the impoverished residents with an Indian complexion and sometimes even a Náhuat surname who lived in the urban periphery and surrounding countryside. They had little direct representation as *originarios* among the leadership in local governance. The *originarios* transited the town center as low-wage laborers, informal vendors, and beggars. Among the most socially visible *originarios* were the impoverished women from the countryside who trekked to the town center every day carrying large and heavy baskets filled with fresh local produce on top of their heads. These women often sold their commodities at a cheap price under the hot sun on the street in front of the municipal marketplace.

The colloquial geography's abstract associations between socioeconomic status, colonial identity, racialized phenotype, and place in the municipalities were ideal types that bookended the local social spectrum. The associations create the abstract impression that to be *Ladino* was respectable and to be *originario* was undesirable and even contemptuous. While not everyone in the locality possessed the necessary social markers to claim *Ladino* identity, few local people chose to publicly self-identify with the stigmatized *originario* identity. This made it difficult, if not arbitrary and provisional, to use the colloquial geography as a reliable lens to determine who among local individuals were *Ladino* or *originario* and where to delineate a colonial division among local people. The abstract associations were much less stable and useful as concepts when applied to concrete bodies of individuals embedded in local social relations. Most local people were positioned in the local context somewhere between an absolute *Ladino* center and the extreme *originario* margins. For example, *Ladinos* with a European complexion also constituted the urban and rural poor. Conversely, some *originario* families who bore strong Indian phenotype, a Spanish surname, and lived in the town center had achieved some upward social mobility, but not enough to join the ranks of the local *Ladino* leadership. Furthermore, the *Ladinos* and the *originarios* maintained close and complex relations of care and kinship.

Contemporary *Ladino* domination of the *originarios* was neither a contentious site of local politics nor a local secret in either municipality. It was a simple matter of fact in the local commonsense. Local actors in the town center, such as the *Ladino* staff at the municipal office of culture and tourism in Izalco and the *originario* members of the Handicraft Development Center in Nahuizalco, readily explained the colloquial geography to outsiders interested in learning more about the local history and culture. This was especially the case when the conversation landed on popular religiosity. Public celebrations and local traditions of the Roman Catholic Church were pillars of local identity. Izalco and Nahuizalco each had two Catholic Church buildings where local people congregated to practice popular religiosity. Izalco had the Nuestra Señora de los Dolores parish in its upper central plaza and the Nuestra Señora de la Asunción parish in its lower central plaza. Nahuizalco had the San Juan Bautista parish in its central plaza and the parish's ermita, or chapel, in a neighborhood a few blocks south. Each church building had its own distinctive cultural forms. For example, members of the ermita in Nahuizalco organized public performances of the traditional Moros y Cristianos dance to recreate the historical battle between Christians and Muslims during the Reconquista of the Iberian peninsula. The dance was a distinctly *originario* tradition in the municipality. Members of the Dolores parish in Izalco and the Bautista parish in Nahuizalco, led by prominent *Ladinos*, organized the most important religious fiestas for the local people. Local actors explained the differences between the cultural forms in terms of colonial identity, socioeconomic status, and place. Local actors identified the Dolores church in Izalco and the San Juan Bautista church in Nahuizalco with the interchangeable concepts of “de los ricos” (for the rich) or “de los *Ladinos*” (for the *Ladinos*). They also articulated the Asunción church in Izalco and the ermita in Nahuizalco with the equally interchangeable concepts of “de los pobres” (for the poor) and “de los *originarios*” (for the *originarios*). The local actors regularly used racialized phenotype to further point out the *originarios* and the *Ladinos* among local people.

Localizing Indigenous rights as municipal governance

In the late 2000s, the national government in San Salvador began to encourage the municipal governments in Izalco and Nahuizalco to institutionalize a new Indigenous identity in local governance. The national government's Ministry of Culture developed municipal ordinances on the rights of local Indigenous communities as a legally binding political instrument for the localization of national law and policy on Indigenous cultural recognition throughout the national territory. National policy sought to make Indigenous peoples socially visible in the countryside as valued bearers of the Indigenous foundation of the nation's history, identity, and culture. Within the organizational chart of the Ministry of Culture, the National Directorate for Indigenous Peoples (DNPI) was responsible for the development and implementation of national Indigenous policy, including the municipal ordinances. The DNPI designed the ordinances to create a new structure for local Indigenous participation in the implementation of national Indigenous policy. The idea for the ordinances came from Gustavo Pineda, the director of an institutional predecessor to the DNPI. Pineda joined the DNPI as a lawyer who specialized in aligning national Indigenous policy with national law on cultural rights and international law and policy on Indigenous rights.

National law prohibited the DNPI from obligating the municipal governments to decree the ordinances. The National Constitution of 1983 recognized the municipal government as the smallest territorial and administrative unit of the state in the national territory of El Salvador. The Municipal Code of 1986 gave substantial political autonomy to the municipal government over the organization, operation, and exercise of local governance in the municipal territory. It defined the

town center as the seat of the municipal government with territorial jurisdiction over the surrounding countryside. However, the municipal government did not receive absolute autonomy. The Municipal Code required municipal governments to collaborate with other state institutions, such as national government agencies, in the implementation of national development plans.

The formal legalization of the ordinances was ultimately the decision of the municipal governments. The DNPI provided technical support in order to guide the municipal government in the creation of the ordinances. The DNPI gave a template for the ordinance structure and content to the municipal governments. Pineda and the technical staff organized consultations in the small towns with the municipal government and other local actor to revise, localize, and finalize the ordinance content. Some of the local actors were *originarios* who occupied formal leadership positions in local institutions that the municipal governments and the DNPI recognized as local Indigenous leaders, such as the *cofradía* system in Izalco and the Handicraft Development Center in Nahuizalco. Key officials within the municipal government, including the mayors themselves, were *Ladino*. The DNPI mobilized the local Indigenous leaders to demands the ordinances in order to apply local political pressure on local officials to advance the process. The municipal governments in Izalco and Nahuizalco decreed the ordinances on April 21, 2012 (“The Municipal Ordinance on the Rights of the Indigenous Community in Izalco”) and October 24, 2010 (“The Municipal Ordinance on the Rights of the Indigenous Communities Settled in the Municipality of Nahuizalco”). The municipal ordinances in Izalco and in Nahuizalco were similar in structure and content but with minor variation. Izalco and Nahuizalco became the first of seven municipalities of the 262 total in the national territory with such an ordinance by early 2020.

The ordinances promised to create a structural positioning within the municipal government that provided new legal protections and political empowerment to the *originarios* as Indigenous peoples within local governance. This implied that *originario* protection and empowerment was against *Ladino* domination, but this was not explicitly stated in the ordinances.³⁸ The ordinances cited their legal basis in the general principles of racial equality defined in the National Constitution and the 1969 International Convention on the Elimination of All Forms of Racial Discrimination. They also cited the general recommendations on Indigenous Rights defined in the 2007 UN Declaration on the Rights of Indigenous Peoples and by the UN Committee on the Elimination of Racial Discrimination. The ordinances sought “to promote the integral development and the full exercise of the civil and political rights” of the communities in regards to “the protection, conservation, and preservation of their own culture, land, territory, and...natural resources.” The ordinances defined Indigenous rights as the local policy domains of formal recognition, racial discrimination, culture, labor and children, elders, disabilities, women, consultation, self-determination, development, health, natural resource conservation, and land repatriation. The ordinances articulated specific policies, institutions, mechanisms, programs, and other actions that the municipal government should take to implement ordinance provisions into local governance. Both the Municipal Code and the municipal ordinances created a legal requirement for the municipal governments to implement the ordinances soon after their decree.

The municipal governments did not implement the ordinances. As with ordinance creation, national law allowed the DNPI to assist with ordinance implementation, but the DNPI did not have the legal authority to compel the municipal government to take action. The ordinances defined the creation of a formal Indigenous representative as a crucial mechanism for municipal governments to engage local Indigenous communities in ordinance implementation. The Izalco ordinance recognized the already-existing *Alcaldía del Común* (“Mayorship of the Common”) as “the

³⁸ In fact, the ordinances made no mention of the *Ladinos*.

historical and ancestral organization that has represented and represents the Nahuat-Pipil community since the colonial period into our present days, and as such it is the legitimate representative of the Indigenous community of Izalco...before the municipal government." The Nahuizalco ordinance called for "the creation of a Council Of Indigenous Communities [Consejo de Comunidades Indígenas] constituted by a representative from the municipal government and one representative from each of the rural districts [in the countryside] that constitute the Indigenous communities." This municipal entity would "represent the Indigenous communities [from the municipal territory] within the municipal government." The ordinances delegated the following responsibilities to Alcaldía del Común and the Council of Indigenous Communities:

"to participate in the formulation of the policies and other planning contained in the Ordinance; to participate in the activities concerned with the Ordinance; to emit opinions, studies, or positions on issues of concern to the Indigenous communities that can guide the criteria of the Municipal Government; and to all the powers and mandates that the Municipal Government grants them."

This formal blueprint for the Indigenous representatives were meant to allocate significant political power to the *originarios* in local governance.

The municipal governments never established the formal Indigenous representatives as defined in the municipal ordinances. In Nahuizalco, local Indigenous communities simply had no Indigenous representative whatsoever within the municipal government. In Izalco, the municipal government confined the Alcaldía del Común's political power to the cultural affairs of the *cofradías* (popular Catholic religious organization), which included *Ladinos* and *originarios* in the locality as leaders and members. The municipal government gave little political power to the Indigenous representative in other matters of local governance. The municipal government displayed the Alcaldía del Común's marginal position during a public parade in honor of the national Independence Day on September 15, 2019. The extravagant and festive event showcased important local actors to the people of the municipality. Throngs of spectators lined the parade route that went through the center of the municipality along the main paved road that linked the upper and lower plazas. The parade had a contingent for the municipal government. The various local government offices and their staff walked in the contingent led by the mayor himself, the Ing. (Engineer) Alfonso Guevara. All of them wore formal office attire to signify their institutional power. The contingent did not include the Alcaldía del Común, which had its own contingent later on in the parade between the marching band contingents of two local educational centers. The Alcaldía del Común's contingent featured children in traditional and Catholic dress to signify the importance of the organization to local cultural heritage. Neither the current Alcalde, Rafael Latin, nor his leadership committee walked in the contingent or elsewhere in the parade. Their physical absence from the parade reflected their lack of any political power in local governance beyond cultural matters.

Municipal formation of Indigeneity as tourism development

Following the decree of the municipal ordinances, the municipal governments shifted their attention away from defining local Indigenous identity as a potential site of protection and empowerment for the *originarios*. The municipal governments instead focused on the formation of local Indigenous identity into an attractive historical-cultural feature of local cultural heritage

in the town center for touristic consumption. Izalco and Nahuizalco were part of the national Pueblos Vivos (“Living Towns/Peoples”) program. The national government’s Ministry of Tourism in San Salvador launched the program in 2009 to implement national policy on tourism at the local level throughout the national territory. The Ministry collaborated with various national government agencies, including the Ministry of Culture, to carry out the program. The program promoted cultural tourism, or tourism from cities in the national territory to towns in the countryside, as an engine of local economic development. This promised to generate a new source of income to local people in municipalities with few economic opportunities, particularly for the *Ladinos* who lived and owned businesses in the town center that could cater to tourists. In 2004, both municipalities had moderate levels of extreme poverty at 19.9% in Izalco and 26% in Nahuizalco.³⁹ In 2011, Izalco had a GDP of \$5,390.00USD and Nahuizalco of \$4,631.10USD.⁴⁰ The cultural tourism program aimed to transform the already existing identities, histories, and traditions of local peoples in municipalities into tourist attractions.⁴¹ It also sought to re-create the town centers into attractive tourist destinations.⁴²

The national tourism program advertised the *originarios* as the primary tourist attraction in Izalco and Nahuizalco. The program organized municipalities throughout the national territory into tourist routes categorized by tourist attraction. Izalco and Nahuizalco were part of the Ruta Náhuat Pipil, which connected them with other municipalities in the department of Sonsonate in the country’s Occidental zone. This route showcased the ancestral cultural traditions of the *originarios*, which the program marketed as Indigenous Náhuat Pipil communities. The program advertised Indigenous tradition as the primary cultural substance of local cultural heritage for all residents of the municipal territory, including the local *Ladino* leaders in the town center.

Under their shared Náhuat theme, Izalco and Nahuizalco each presented their own distinctive Indigenous tourist attractions. In Izalco, the tourist program emphasized the popular religiosity of the 38 *cofradías* that reside in the municipality. The *cofradías* organized public festivities for their patron saints. *Cofradía* traditions were a syncretic blend of Roman Catholic and pre-Columbian beliefs and practices. The *cofradías* displayed their traditions to the public in annual fiestas hosted in private homes or public spaces and in processions throughout the municipal streets scheduled throughout the liturgical calendar year. Key events were the “Candles of Jesus of Nazareth” (*Velas de Jesús Nazareno*) during the Lenten season, the “Thrones” (*Los Tronos*) during the Advent season, and Indigenous Mayan ceremonies that celebrate the equinoxes and the solstices. Popular religiosity was also an important tourist attraction in Nahuizalco, but Nahuizalco had much fewer *cofradías* than Izalco. The primary substance of cultural tourism in Nahuizalco encompassed other local traditions beyond popular religiosity. The tourism program promoted other tourist attractions such as the artisanal production of wooden, clay, and natural fiber products; ancestral recipes of traditional foods, such as tamales, pork, rice, and chicha (a popular fermented drink); local agricultural practices and products; and elderly Indigenous women who wore traditional dress (i.e. the *refajo*, or long textile skirt) in public.

The national tourist program invited tourists from San Salvador and from cities and larger towns in Sonsonate and adjacent departments to visit Izalco and Nahuizalco. Most of the imagined tourists were nationals, although international visitors were also welcomed. The tourist attractions offered in the town centers could entertain tourists for a few hours. Tourists were expected to spend

³⁹ Fondo de Inversión Social para el Desarrollo Local de El Salvador. *Mapa de Pobreza*. 2004.

⁴⁰ United Nations Development Programme. *Almanaque* 262. UNDP, 2011.

⁴¹ CORSATUR, “Pueblos Vivos: Estrategia Turística para el Desarrollo Human,” 2014, 27.

⁴² CORSATUR, “Pueblos Vivos: Estrategia Turística para el Desarrollo Human,” 2014, 26-27.

an afternoon or evening in the town centers and then return to their homes. On the off chance that a tourist did want to stay the night, the town centers counted on a hostel or two. A tourist would drive into the town center in a car along the main road from the highway. The tourist would park their car near the central plaza in a guarded or well-trafficked part of the town center due to personal safety concerns. Depending on the time of day, the tourist and their companions—usually friends or family—would visit one of the many restaurants in the town center. They would then visit the municipal market and artesanía vendors near the town center to purchase produce and handicrafts at a relatively cheap price. Depending on the day, the tourist might spectate a public cultural event in the town center.

The national tourism program gave conceptual and political orientation to municipal policy on cultural tourism, but the Municipal Code delegated the municipal government autonomy over many local actions necessary for policy implementation.⁴³ The municipal governments published many local economic development plans that guided cultural tourism. The plans re-imagined local histories, cultures, and identities of the *originarios* as tourist commodities. Each municipality took a different overall policy approach. For example, the 2015-2020 Participative Strategic Plan (Plan Estratégico Participativo) for Izalco sought to re-create the cultural patrimony of Izalco through the revitalization of popular religiosity. Specific objectives were "to strengthen the culture of the pueblos *originarios* through the support and visibilization of the *cofradías* that belong to the Alcaldía del Común" and "to consolidate the cultural identity of Izalqueños through the realization of traditional cultural activities." The 2012 Municipal Competitiveness Plan (Plan de Competitividad Municipal del Municipio de Nahuizalco-Sonsonate) in Nahuizalco aimed to remake the entire town center into a tourist destination. Specific objectives included to: "create awareness of the distinctive attractions (natural resources, cultural and historical resources, customs, and products) that the municipality already has at the disposal of tourists and visitors;" "modernize the town center" with improved roads, lighting, and other public infrastructure; "develop cultural evenings, fairs, and other activities that offer local cultural products (agricultural/livestock, artisanal, traditional foods);" and the "rescue and conservation of religious and historical traditions from the municipality."

Municipal policy on cultural tourism theoretically overlapped with some articles on cultural rights outlined in the municipal ordinances on local Indigenous communities. The policy's intent was not to protect or empower the *originarios* in local governance. The rebranding of *originario* culture as Indigenous attractions resonated with the cultural right for local Indigenous communities to practice and revitalize their traditions. To fulfill this right, the municipal government had to promote "the protection, restoration, rescue, and recuperation of the historical-cultural objects of the patrimony of the Indigenous community" (Article 9). The identification of the *cofradías* as an Indigenous tourist attraction intersected with the municipal government's obligation to protect "all spiritual or religious manifestations of the community, especially in regards to the ancestral spiritual practices, which implies the protection of...the organization and celebration of spiritual cults whether they be syncretic [a blend of the Catholic and the autochthonous] or autochthonous" (Article 11). The creation of tourist attractions, particularly public cultural events, in which local people and visitors of all ages could participate showed affinity with the municipal government's

⁴³ Municipal powers relevant to cultural tourism are: "the elaboration, approval, and execution of local development plans;" "the development and control of public nomenclature and decoration;" "the promotion of...culture...recreation...and the arts;" "the the promotion of internal and external tourism" "the promotion of...artisanal development..."; "the promotion and organization of popular fairs and festivities;" and "the regulation of the use of parks, streets, sidewalks, and other municipal sites."

responsibility to “guarantee the intergenerational transmission of traditions and cultural practices” (Article 12). And finally, the cosmetic beautification of some local historical sites for tourists aligned the municipal government’s commitment to “recover and systematize the historical memory, with special emphasis on the grave violations of human rights that the Indigenous community suffered during genocides, such as in the 1932 massacre...” (Article 15).

Spatializing Indigeneity onto the *Ladino* core of the community

The *Ladino* leadership in Izalco and Nahuizalco created local geographies of cultural tourism centered on the central plaza and adjacent neighborhoods in the town center. The geographies made similar touristic offerings but with notable differences. The larger municipality of Izalco had two central plazas, an upper plaza (known locally as Izalco de arriba) and a lower plaza (Izalco de abajo), whereas the smaller municipality of Nahuizalco had only one central plaza. Each plaza had its own park with ample benches, manicured gardens, and shady foliage for locals and tourists to visit and pass the time. A prominent touristic feature of each plaza was a local Roman Catholic church with a picturesque colonial façade. Restaurants and informal food vendors, hostels, local historical sites, and local handicraft shops and vendors attracted and entertained tourists. Both Izalco and Nahuizalco had a local community center (casa de la cultura) administered by the national government’s Ministry of Culture to help local actors create public cultural programming. The community center in Nahuizalco had an on-site museum (Museo Comunitario Náhuat Pipil de Nahuizalco) that described the cultural and economic conditions of the *originarios* in the early 1900s and their fate in the 1932 massacre. The municipal government of Izalco had an office dedicated to culture and tourism to help plan public cultural events. Nahuizalco had no such office. Unlike Izalco, the central plaza of Nahuizalco had a Handicraft Development Center (Centro de Desarrollo Artesanal, or CEDART). The artesanía collective at CEDART sold innovative and traditional handicrafts to tourists as part of a national program administered by the national government’s Ministry of the Economy in San Salvador. Well-maintained asphalt or brick roads marked the touristic parts of the town center in each municipality. Municipal police on foot or in small trucks patrolled the area to maintain the place safe, secure, and attractive to tourists.

These emergent tourism geographies in Izalco and Nahuizalco featured prominent landmarks that visually displayed Indigenous identity as a tourist attraction. The eastern edge of Izalco near the highway had the Turicentro Ancestral Atecozol, a family fun center whose “ancestral” theme featured large statues and building structures with an artistic aesthetic reminiscent of a mythical and archaeological pre-Columbian past. A couple blocks east of the Asunción church in the lower plaza was the Indigenous library. This was the only public library in the municipality, and it was administered by the Alcaldía del Común. A street-facing wall and street pavement in front of the library building featured large colorful murals that represented a romanticized colonial past. A few blocks east of the lower plaza, and about a block from the highway, was the small construction site for the Alcaldía del Común’s new headquarters. The building’s central courtyard featured a large stone Mayan temple for Indigenous ceremonies and *cofradía* events. Next to the church in lower Izalco were the ruins of the old church building at the entrance of a small grassy enclosure. Large trees lined the perimeter. Its center had a small grotto with an image of the Virgin Mary. Local and national actors labeled the grassy enclosure as “El Llanito,” a local Indigenous ceremonial and historical site marked with a large plaque to commemorate the 1932 massacre. The park at the center of the lower plaza, which was directly in front of the municipal government headquarters, had decorative stone monuments of Indigenous hieroglyphs, including a Jaguar figurehead that

was an iconic symbol of national archaeology. In Nahuizalco, murals on street walls along the road from the highway to the central plaza offered artistic renditions of local rural culture, including peasant women in traditional Indigenous dress. CEDART and the community center museum had murals depicting pre-Columbian images of Indigenous Peoples, such as a Mayan temple and a serpent-God. Some private businesses had Indigenous murals on their street-facing facade, such as a pupusería storefront with a cartoon mural of a young Indigenous women in traditional dress. If tourists doubted whether they could find Indigenous Peoples in the locality, the municipal government headquarters had a large and colorful mural that proclaimed “#I AM INDIGENOUS” (#SOYINDÍGENA) on an outer wall facing the central plaza.

In making these cultural tourism geographies, the *Ladino* leadership poised themselves to reap economic benefits from cultural tourism. In the municipalities, home residences were important sites of local economic production and commercialization. The *Ladinos* owned, managed, or otherwise led local businesses that catered to tourists. The shops offered prepared meals, snacks, cheap manufactured goods, and handicraft souvenirs. They were located in the *Ladino*-owned houses or commercial buildings near the central plaza in the town center. *Originarios*, as informal vendors, sometimes offered similar products to tourists in the central plaza, but they did not pose much competition to the *Ladino* businesses. *Originarios* were less likely to own or run the business or building of the tourist attraction or profit on the same scale as brick and mortar *Ladino* businesses. The *originarios*, alongside the poorer *Ladinos*, lived in smaller and lower-quality houses further away from the central plaza in the urban periphery or in ramshackle huts made of bamboo beams and flimsy walls made of tin or plastic in the surrounding countryside. Tourists did not frequent the areas in the municipality where the *originarios* dwelled, so the *originarios* had less opportunity than the *Ladinos* to sell their products directly to tourists and profit from tourism. Not only did the *Ladinos* of the town center monopolize tourist attractions and economic opportunities from the urban and rural peripheries, local people who lived and worked in the central plaza advised tourists to avoid the marginalized areas due to their widely recognized poverty, insecurity, and danger. Local actors instead encouraged tourists to stick to the town center, which local government agencies, businesses, and the police maintained safe and beautiful for tourist leisure.

Performing Indigeneity, naturalizing *Ladino*-Indian relations

The municipal government and other local actors organized extravagant public cultural events to draw tourists and their dollars to the town center. In Izalco, many of these public events centered on the popular religiosity of the local *cofradía* system. The municipal government provided logistical and financial support to the *cofradías* for their public festivities. This included shade canopies and plastic chairs for fiesta guests and a small pickup truck with a sound system and an emcee to lead the processions. The municipal government also gave each *cofradía* \$100USD in cash to purchase necessary supplies for their fiestas, such as flowers and other decorations to embellish the Catholic images being venerated; small fireworks to temporally and spatially mark the fiesta's location and procession routes to townsfolk; and abundant food and drink for all attendees. A professional photographer documented the events and circulated high-quality photographs on Izalco Piadoso (“Pious Izalco”), a professional website and also a Facebook page dedicated to the preservation of *cofradía* activities as the hallmark of cultural patrimony in Izalco. The fiestas and processions, especially the more important ones during the Easter and Christmas seasons, were quite spectacular public events that received national press coverage. In Nahuizalco,

the public cultural events did not focus as much on the *cofradías*, as the *cofradia* system in Nahuizalco was much smaller than in Izalco. The *cofradías* in Nahuizalco also organized fiestas and processions for their patron images, but they were not as frequent or on the same scale as the ones in Izalco. The municipal government and other local actors in Nahuizalco organized regular public cultural activities on the weekends, such as cumbia musical ensembles, comedic drag queen performances, a small pen filled with electric cars for children, live statue performers, and other forms of popular entertainment. The municipal government also organized cultural fairs and festivals, such as the annual Cancules celebration in honor of the Día de los Difuntos (“Day of the Dead”).

The *Ladinos* were at the center of high-profile cultural events for tourism, such as the Traslado del Niño Dios de María in Izalco and the Cancules celebration in Nahuizalco. Local participants included both the *Ladinos* and the *originarios*, but the *Ladinos* occupied most of the key roles for the events. The Traslado procession on August 24, 2019 focused on two *Ladino* families in the town center. The Niño Dios de María was one of the four different images of the child Jesus that resided in the municipality. All four images had high symbolic importance in the local *cofradia* hierarchy and to the people of the town center. The Traslado was a public celebration of the ceremonial transfer of the image from his previous home with the Sigüenza family to his new home with the Solano family. This was the first of three important public events sponsored by the municipal government to celebrate the Niño Dios de Maria. A Pregón followed in September. This was a more elaborate procession organized to announce a public invitation to the people of the town center for his Trono in December, which was a large public celebration of the image during his annual fiesta. Compared to other *cofradía* fiestas with a lower public profile, the municipal government gave extra support to the *cofradía* to organize the Traslado, such as providing a small pickup truck with an event emcee and sound system. The procession began in the lower plaza and proceeded along a main paved road through the upper plaza and onto another paved road to pick up the image from the Sigüenza family and to drop him off with the Solano family. The Solano family lived a couple long residential blocks east from the Sigüenza family in the neighborhood just east of the Dolores church in the upper plaza within the historic *Ladino* part of town. Both families were well-off *Ladinos* who lived in nice homes by local standards, complete with thick concrete walls and a concrete or tiled floor. Local supporters of the *cofradía*, or the family, friends, and neighbors of each family, accompanied the image as part of the procession.

In Nahuizalco, most of the local actors who organized and performed the Cancules celebration on November 1, 2019 were under *Ladino* leadership, with *originarios* in supporting roles. This included the municipal government, the casa de la cultura, and the handicraft collective at CEDART in the central plaza. Also included were several neighborhood associations and the public relations office for a local hydroelectric dam located in the town center. The municipal government incentivized the local actors to participate in the celebration by organizing a public competition to determine who could build the best altar in the municipality. The prize was a new refrigerator, which was a luxury appliance to municipal residents. During the day, the local actors erected ornate altars dedicated to the dearly departed throughout the town center. At night, local actors transformed the town center into a public fiesta. They invited children and their parents from the municipality and elsewhere to visit each altar to practice the canchules. The child recited a prescribed Catholic prayer provided by the altar host, and upon completion of the prayer, the host gave a treat to the child.

The Traslado procession and the Cancules celebration publicized Indigenous identity as a feature of local heritage as defined by the local *Ladino* leadership. The public events gave

observers a vague or superficial impression that Indigenous identity gave deep historical roots to the local cultural heritage. Local actors did not elaborate on the local meaning of Indigenous identity or clarify who exactly were the local Indigenous peoples. They certainly did not give explicit public recognition to the *originarios* or even to the *Ladinos*. During the Traslado in Izalco, the municipal government tacked Indigenous identity on as a discursive accoutrement to an already established and coherent public discourse of popular religiosity. During the procession, the emcee truck, provided by the municipal government, went through several cycles of explaining the significance of the Niño Dios de María to local heritage. He framed the procession as a public expression of "our traditions and our identity that unites all of the pueblo Izalqueño." The emcee made an implied reference to Indigenous identity by describing the procession as "a cultural-historical event that once again marks the autochthonous cultural expression (quehacer autoctono) of our beloved Izalco." The public discourse made no further mention of autochthony. The emcee made additional implied references to Indigenous identity through several cycles of identifying and thanking patrons who made the event possible. This included the municipal office of culture and tourism; notable families in the town, such as the Ama family, who were the descendants of a prominent *originario* leader of the failed 1932 rebellion; and the *cofradías*, including Don Tito Reyes, the former Alcalde del Común, and Rafael Latin, the current Alcalde del Común. The emcee made an explicit reference to Indigenous identity at least once in his acknowledgments and gratitude: "Once again we thank the support of the Indigenous community and of course the support of the pueblo Izalqueño and of all of the *cofradías*." This was the extent to which the public discourse included Indigeneity.

In Nahuizalco, the Canchules celebration displayed Indigenous identity as a public image of ancestral tradition that did not require explanation from event organizers or performers. Local actors decorated the altars with splendid displays of objects and people who embodied local traditional culture for tourist enjoyment. The event had about ten altars scattered throughout the central plaza and in adjacent neighborhoods. The altars featured traditional foods and handicrafts, local produce and livestock, and Catholic imagery as decorations. Most altars had some women and sometimes even a man in traditional dress as part of the exhibit: textiled skirts (*refajos*) and embroidered shirts (*huipiles*) for women, and long sleeve white shirts and pants for men. This form of traditional dress evoked how *originario* peasants in the Occidental zone dressed in the late 19th and early 20th century as agrarian laborers on large coffee and other cash crop plantations. This visual image of local Indigenous Peoples was on display in the local museum administered by the casa de la cultura in the central plaza and at the Museum of the Image and the Word (El Museo de la Palabra y el Imagen), a prominent national museum in San Salvador. The women and men in traditional dress were a mix of *originarios* and *Ladinos*. They played host during the event and implemented event logistics, such as crowd control and handing out treats to children. A few of the women performed local tradition as a quaint and live-action feature of the altars, such as preparing food in a traditional manner (grinding corn on a stone grinder, cooking tortillas on a wood-fired clay griddle) and making handicrafts out of natural fibers. Altar hosts had little interaction with guests besides making small talk and handing out treats to children who recited the Canchules prayer. The municipal government provided an emcee for the event complete with a large and sophisticated audio and visual system adjacent to its altar in the central plaza. Whether the emcee talked about Indigenous identity or not did not matter much to the event. The emcee was background noise amid the chatter and exuberance of all the visitors who came to enjoy the ornate decorations on the altar displays and clogged the town center.

Originario refusal to becoming Indigenous

Most *originarios* I encountered over the course of my ethnographic fieldwork in Izalco and Nahuizalco abstained from positioning themselves as Indigenous peoples on state, activist, or alternative terms. A peculiar site of this *originario* abstention were two local organizations that Indigenous activists, municipal governments, national government agencies, and international institutions frequently articulated as Indigenous peoples: the local cargo system in Izalco and the handicraft collective in Nahuizalco. Not only did Indigenous organizations, municipal governments, the National Directorate of Indigenous Peoples, and international aid organizations frame these local institutions as prime sites where the *originario* members embodied the best examples of the traditional *originario* cultural practices that constituted national Indigenous heritage, these institutions had been headed by local *originario* leaders—Margot Pérez, Alonso García, and Rafael Latin—who positioned themselves as Indigenous activists within national policymaking and the local Indigenous tourism economies. As political actors, they were notable exceptions to the *Ladino* leadership within each municipality-based community.

Ms. Pérez, Mr. García, and Mr. Latin were local experts on recent state recognition of the pueblos *originarios* in terms of the Indigenous heritage of the Salvadoran nation and on international law and policy on Indigenous rights. In Izalco, Mr. García led the *cofradía* of the Padre Eterno ('Eternal Father'), one of the most symbolic images in the local cargo system, and Mr. Latin headed the *Alcaldía del Común*, which the municipal government recognized and publicized as the formal Indigenous authority on the cultural and religious affairs of the local cargo system. In Nahuizalco, Ms. Pérez was the former head of the handicraft collective. Within the municipal context, these *originario* leaders frequently mobilized regular *originario* and *Ladino* members in their respective local institutions to work with the national government's Ministry of Tourism and the Ministry of Culture on public events in San Salvador and in each municipality to commemorate national Indigenous heritage or to distribute goods from national social welfare projects to the local pueblos *originarios*. They also worked closely with the municipal governments to organize public cultural events for Indigenous tourism, such as the religious and civic fiestas. Finally, these *originario* leaders collaborated as local Indigenous informants for anthropological and other academic studies on cultural heritage and tourism development conducted by students and faculty in anthropology and other disciplines from prominent universities in San Salvador, such as the Technological University.

These local *originario* leaders talked to me at length about local Indigenous identity in Izalco and Nahuizalco on state (national and municipal) and activist terms. I wanted to get a broader sense of the complexity of local perspectives and experiences around Indigenous identity and politics in each municipality beyond these *originario* leaders. I decided to begin by asking members of the cargo system and the handicraft collective to describe their local Indigenous identity on their own terms during my ethnographic visits, with the intention of snowballing sampling other people in their local networks. I assumed that since the *originario* leaders had frequently articulated and positioned their *cofradía* and handicraft collective members as Indigenous peoples, the rank-and-file would have developed some sort of consciousness of themselves as such. I also assumed that the members would share their leaders' openness and willingness to talk at length about their own Indigenous identity. I expected the members to use local alternative terms that engaged with and departed from, and perhaps even complicated or contested, the state and activist terms. I was surprised to find that most did not claim the identity

to refer to themselves. This was not an outright rejection of Indigeneity. Rather, they were either unwilling or unable to talk about the identity in their own words.

In Izalco, Mr. García and Mr. Latin lacked the authority to encourage *cofradía* members to take up the state or activist terms of Indigeneity due to the decentralized organization of the cargo system. I attended several public fiestas: the Traslado del Niño Dios de María on August 24; the Virgen de Dolores on September 15; the Pregón del Niño Dios de María on September 21; the San Miguel Arcangel on September 29; the Niño Dios de la Virgen de Belén on December 23; and the Trono del Niño Pepe on January 6. A husband-and-wife team usually helmed a *cofradía* and drew on local networks of support from their friends, family, and other sympathizers inside and outside of Izalco to organize the fiestas. Mr. García and Mr. Latin did not attend all fiestas. When either man did make an appearance, he did not stay for the entire duration. He certainly did not prosthelytize *Ladino* and *originario* organizers or attendees to think of themselves as Indigenous peoples. My attempts to find *cofradía* members to explain the Indigeneity of their cultural heritage was usually a non-starter or dead end for my conversations with both the *originario* and *Ladino* rank-and-file. They usually referred me to talk to either Mr. Latin or Mr. García, if I explained why I had expected to talk to me about their Indigeneity. I did not sense that my informants were hiding or withholding information from me about being Indigenous. They were proud of their heritage and eager to share insights on the origins, forms, and symbolisms of the local popular religiosity within their municipality-based community. They just did not use Indigenous identity themselves to represent their own identities and practices in the local context.

In Nahuizalco, Ms. Pérez had lost her authority to motivate the handicraft collective members to present themselves and their products as Indigenous on national and municipal terms in order to increase sales to tourists. After five years of Ms. Pérez at the helm, the collective voted her out in 2018 and replaced her with a new leader. I made several visits to the collective between January 2019 and February 2020, after Margot had been removed from the leadership position. The collective continued to sell handicrafts made of local natural fibers and market them as material manifestations of local cultural heritage to tourists. However, they no longer placed much emphasis on the handicrafts as Indigenous. The new leadership instead focused on the innovation of techniques and aesthetics to make new products that could sell at a higher price point than existing handicrafts to tourists. The intended aesthetic was a rustic chic that could be displayed on fashion runways and magazines and sold in exclusive boutiques in San Salvador. Even though most handicraft workers fit the local social profile of the pueblos *originarios*, most did not claim to be Indigenous. My conversations with them were cordial but otherwise focused on the sales-pitch of the handicrafts, such as the origins and symbolism of handicraft materials and negotiations over sales price. Like the *cofradías* in Izalco, I had also asked them about their Indigeneity, but they had little to no comment. Unlike the *cofradías*, I sensed that it was a topic that the workers did not want to discuss, perhaps due to internecine conflict within the collective over Ms. Pérez's removal.

My informal conversations with the *originario* rank-and-file of each local institution during my ethnographic visits revealed that the enduring social stigma of *originario* identity in relation to *Ladino* identity based on the popular association of *originario* identity with poverty and powerlessness led the *originario* members to abstain from positioning themselves as Indigenous beyond the circumscribed cultural forms necessary for tourism and policymaking. A few local informants—Magda, Cecy, and Zoilita—elaborated on this popular association. These *originaria* women participated in and were local experts on the localization of national Indigenous heritage in the local Indigenous tourism economy. They embodied and often performed Indigenous heritage

during tourism activities and events. They were also in good standing in the handicraft collective due to their high sales volume and frequently participated as performers of Indigenous tradition at tourism and policymaking events sponsored by the Ministry of Culture, the Ministry of Tourism, and/or the municipal governments. Many municipal residents had what the women described as 'pure *originario* blood' made socially visible through their racialized Indian phenotype. While national government officials, municipal authorities, and *originario* leaders-turned-Indigenous activists had attempted to rebrand the *originarios* on empowering terms of national and local Indigenous heritage, the *originario* identity continued to signify subordination and shame within local social relations and power structures, leading the pueblos *originarios* to disassociate from Indigeneity.

For example, on one of my visits to Nahuizalco, I chatted about local Indigeneity with Cecy's daughter, Catalina, who had just finished setting up her table to sell handicrafts underneath the handicraft collective's veranda facing the central plaza. Catalina claimed that she did not know who the Indigenous peoples were that tourists looked for in Nahuizalco. I then chatted with her aunt Magda, who claimed that Nahuizalqueños, particularly the *originario* youth, did not desire Indigenous identity. She looked over at her niece, Catalina, who sat at the table next to Magda's but was not part of our conversation, as she stated that the youth refused Indigenous self-identification 'even if they have the face of a Maya' (aunque tengan la cara de Maya). This reference was to the racialized phenotype of the Maya peoples in the neighboring country of Guatemala, whose closest international border crossing with El Salvador at Las Chinamas was about an hour drive from Nahuizalco along the major CA-8 highway. Magda then joked that she could take me around the central plaza to ask local youth whether they were Indigenous. Many of them had a 'Mayan face.' She anticipated that they would be embarrassed, laugh or look down, and deny being Indigenous if I asked them point-blank. I did not take up Magda on her offer.

Since the 2000s, the National Directorate of Indigenous Peoples, along with its institutional predecessors and affiliated Indigenous leaders and organizations, have also attempted to intervene in these settler colonial power structures and local social relations in the countryside through the localization of international and national Indigenous rights at the municipal level throughout the national territory. This piecemeal political and institutional process has focused on the formulation and legalization of municipal ordinances on the rights of local Indigenous communities. In the first two municipalities to participate in this process, the Izalco and Nahuizalco and Izalco, the officials enlisted municipal authorities and local Indigenous organizations and leaders, such as Ms. Pérez, Mr. Latin, and Mr. Garcia, to formulate the structure and content of the ordinances. Each municipal government eventually authorized and published both ordinances in the national government's Official Journal of El Salvador, which activated both ordinances as municipal law. The ordinances were the 2010 "Municipal Ordinance on the Rights of the Indigenous Communities settled in the municipality of Nahuizalco" and the 2012 "Municipal Ordinance on the Rights of the Indigenous Communities of Izalco." Like national law and policy on Indigenous peoples, the ordinances also referenced international law and policy on Indigenous rights (e.g. the 2007 UNDRIP) as it stipulated a broad range of rights, such as to land, labor, and culture, that each municipal government was to guarantee and protect through municipal laws, policies, and programs specific to Indigenous peoples situated within the boundaries of their respective municipal territories.

The 2010 and 2012 municipal ordinances effectively established the formal terms of the municipal governments' recognition of the pueblos *originarios* as Indigenous peoples and delineated possible economic, political, legal, and cultural spheres of municipal government intervention for improving the position of the pueblos *originarios* in relation to the *Ladinos* within

the municipality-based communities. Both ordinances redefined the pueblos *originarios* as Indigenous peoples who “constituted the forma originaria [originary form] of life of the human beings that settled in the territory that is today known as El Salvador and, being the First Nations, they have the right to be recognized and have their rights respected.”⁴⁴ The Izalco ordinance went on to define Indigenous peoples as “the Indigenous community of the municipality whose members descend from the first inhabitants of this territory that today is known as Izalco; said community is Nahuatl Pipil and possesses the cultural traits of this people in their different factors such as descendent, language, agricultural practices, handicrafts, and all manifestations from this culture.” The Nahuizalco ordinance defined local Indigenous communities as “Indigenous peoples and communities of the municipality, who settled many thousands of years ago and as a result are the first inhabitants that is today known as the municipality of Nahuizalco. Said communities are predominantly Nahuatl and possess the cultural traits of said people in its different factors such as descent, language, cultural practices, and all cultural manifestations.” Curiously, the ordinances did not define who exactly among the municipality-based communities constituted the newly recognized Indigenous communities nor specify where exactly the Indigenous communities were located within the municipal territories. In effect, the ordinances did not alter the status of the pueblos *originarios* as individual citizen-residents of the municipality-based communities.

The successive councils that have managed the municipal government in Izalco and Nahuizalco have neglected to implement the municipal ordinances on Indigenous rights in subsequent municipal law, policy, and programs, effectively allowing the ordinances to become a dead letter through inaction. As the 2010s progressed, the municipal councils—both those that authorized publication and those that took office after publication—took little municipal action on Indigenous rights as stipulated in each ordinance. The National Directorate of Indigenous Peoples, along with local Indigenous organizations and leaders in each locality such as Ms. Pérez, Mr. García, and Mr. Latin, had little success in lobbying the municipal authorities to pursue implementation and enforcement. One explanation from the government officials and Indigenous activists that I interviewed at the National Directorate’s main office in 2019 was that, as a legal instrument designed to protect Indigenous rights, the pueblos *originarios* themselves needed to have mobilized, demanded, and pressured their local elected officials to implement and enforce the legal guarantees and protections within municipal governance. Unfortunately for the National Directorate and their allied local Indigenous organizations and leaders, the pueblos *originarios*, in general, did not do this. Most did not embrace Indigenous identity as their own on state, activist, or alternative terms due to their subordinate position to their *Ladino* neighbors within local social relations.

Indigeneity as Tourism Development

In the absence of effective political pressure to implement and enforce the municipal ordinances on Indigenous rights during the 2010s, the municipal governments in Izalco and Nahuizalco engaged the emergence of national laws and policies on Indigenous peoples primarily through the multi-scalar, institutionalized, and political formation of local Indigenous heritage for tourism development. The municipal governments’ respective approaches to working with

⁴⁴ This definition of “Indigenous peoples” was shared by both the Izalco and Nahuizalco ordinances. The Nahuizalco ordinances went further by defining the rights of Indigenous peoples to their autonomy in their own organization, conservation, and development. The Izalco ordinance made no such link between Indigenous identity and local autonomy.

national government agencies, like the Ministry of Tourism and the Ministry of Culture, and local Indigenous leaders from local institutions, such as a handicraft collective in Nahuizalco and the local cargo system in Izalco, on the creation of the nascent Indigenous tourism economies resonated and even intersected with some of the Indigenous rights stipulated in the municipal ordinances, particularly in regards to culture. Such provisions included rights to practice and revitalize cultural traditions and customs; the rescue of local Indigenous culture in all its manifestations; the preservation and promotion of the Náhuat language; and their spiritual and religious manifestations. However, to be clear, as the state's formal political authority over local affairs at the scale of the municipal territory, the municipal governments focused their attention to Indigenous tourism on local economic development for the benefit of all residents in the municipality, particularly for the *Ladinos* situated in the town center, and have not prioritized the protection of Indigenous rights for the pueblos *originario* who lived in the urban margins and the surrounding countryside.

By the time of my ethnographic fieldwork between January 2019 and February 2020, the Izalco and Nahuizalco governments had been active participants in the national Pueblos Vivos (Living Towns/Peoples) program administered by the national government's Ministry of Tourism in San Salvador for nearly a decade. MITUR launched the program in 2009 to coordinate and facilitate local implementation of national tourism policy in municipalities throughout the national territory. MITUR collaborated with other state institutions to carry out the program, including the Ministry of Culture. MITUR also worked directly with the mayors and their local councils. The program sought to create an "internal" cultural tourism market throughout the national territory for urban consumers from Salvadoran cities based on the commodification and commercialization of the histories, identities, and traditions of local people organized at the scale of the municipality-based community in the countryside. The program rationalized tourism as a sustainable engine of local economic development that could generate external income in local contexts with few economic opportunities. The program focused on transforming town centers and central plazas into attractive tourist destinations.

The Pueblos Vivos program had no exclusive focus on Indigenous peoples and did not center on Indigenous rights. The program organized municipalities throughout the national territory as networked nodes along tourist routes categorized by kind of attraction (e.g. 'Handicrafts,' 'Archaeology,' 'Sun and Sea'). The program advertised Indigenous heritage as the primary tourist attraction in Izalco and Nahuizalco. Izalco and Nahuizalco were part of the program's Ruta Náhuat Pipil (Nahuat Pipil route), which connected them with other municipalities in the western region of the country. This route showcased the ancestral traditions of the pueblos *originarios*, which the program marketed as Indigenous Náhuat Pipil 'peoples' and 'communities.' The program advertised *originario* traditions as the primary cultural substance of local Indigenous heritage for all local people who lived in the municipal territory, including the pueblos *originarios* in the urban and rural peripheries and, crucially, the *Ladinos* in the town center.

The Pueblos Vivos program mapped the emerging tourism economy onto the spatialized hierarchical social relations between the pueblos *originarios* and *Ladinos* in Izalco and Nahuizalco. As part of the localization process, the municipal governments, national government agencies, and various local institutions concentrated tourism in the central plaza and adjacent neighborhoods of the town center. Each municipality had a local tourism geography with similar tourist attractions but with notable differences. The larger municipality of Izalco had two central plazas ('upper' and 'lower'), whereas Nahuizalco only had one. Each plaza had a manicured garden and a colonial-style Roman Catholic Church for tourists to enjoy. Small restaurants, informal food

vendors, hostels, local historical sites, and local handicraft merchants drew in and entertained tourists. Both Izalco and Nahuizalco had a local community center (casa de la cultura) administered by the Ministry of Culture to help local actors implement public cultural programming for tourism events. The community center in Nahuizalco had an on-site museum (Museo Comunitario Náhuat Pipil de Nahuizalco) that narrated the 1932 massacre of *originario* peasants. The Izalco government had an office dedicated to culture and tourism to coordinate public events. Nahuizalco had no such office. Unlike Izalco, the central plaza of Nahuizalco had a handicraft development center (Centro de Desarrollo Artesanal) administered by the national government's Ministry of the Economy. Well-maintained asphalt or brick roads in each municipality marked the tourist parts of each town center. Municipal police on foot or in small trucks patrolled the area to maintain the place safe, secure, and attractive to tourists.

The Pueblos Vivos program encouraged the pueblos *originarios* and the *Ladinos* in each municipality to participate in the institutional formation of distinct and public Indigenous cultural traditions for tourist consumption. In Izalco, municipal authorities provided financial and organizational support to revitalize the thirty-eight *cofradías* (or the local cargo system) located throughout the town center and the surrounding countryside. The *cofradías* organized public celebrations of popular religiosity that formed a key pillar of local identity and heritage. *Cofradía* traditions were a syncretic blend of Roman Catholic and pre-Columbian beliefs and practices. The *cofradía* leaders and members displayed, performed, and embodied their traditions for the tourist gaze in annual religious fiestas scheduled throughout the liturgical calendar year. Key celebrations were the 'Candles of Jesus of Nazareth' (Velas de Jesús Nazareno) during the Lenten season, the 'Thrones' (Los Tronos) during the Advent season, and Indigenous Mayan ceremonies to celebrate the equinoxes and solstices. The Nahuizalco government also revitalized popular religiosity in the municipality, but Nahuizalco had fewer and smaller *cofradías* than Izalco. The Nahuizalco government reinvigorated other local traditions beyond the cargo system. This included the reorganization of handicraft workers and vendors who sold products made of wood, clay, and natural fibers; stalls and small restaurants that sold traditional foods such as tamales, pork, rice, and chicha (a popular alcoholic fermented drink); and elderly Indigenous women who wore traditional dress (i.e. the *refajo*, or long textile skirt) for the public gaze in the town plaza.

Performing Indigeneity, Naturalizing Indian-*Ladino* relations

The municipal office staff on tourism and culture in Izalco and the handicraft collective workers in Nahuizalco were accessible and willing to explain the local Indigenous heritage of the municipality-based community to tourists like myself. I consulted these local experts during my ethnographic visits. Their local institutions were at physically and programmatic the center of Indigenous tourism in each municipality. Both were headquartered in buildings situated in the central plaza. They each helped the municipal governments implement their respective tourism programs. The office staff and collective workers practiced and displayed local Indigenous heritage for the tourist gaze, such as handicrafts and religious images. They also helped organize and sometimes even hosted the public religious and secular fiestas that drew tourists to the town center. As part of their formal job duties, they were publicly available to mediate and facilitate interactions between local businesses, other institutions, and tourists in order to facilitate tourism commerce.

The office staff and collective members drew on local notions of wealth inequality, racialized phenotype, and spatial segregation within the municipality-based community to teach how to

interpret the hierarchical social relations between the *Ladinos* and pueblos *originarios* and to map these relations onto the local tourism geography. Unlike the state and activist terms of Indigenous rights that defined Indigenous identity in terms of self-identification, these local actors did not need the *Ladinos* or pueblos *originarios* to claim either identity in order to label them as such. The office staff and collective member knew who were the pueblos *originarios* and the *Ladinos* among them. The *Ladinos* were the affluent residents with a racialized European complexion and a Spanish surname who lived in the town center. They constituted the notable families in the municipality who were headed by doctors, engineers, and other credentialed professionals. Members of prominent *Ladino* families ran the local institutions necessary for municipal governance, such as the municipal government, local offices of national government agencies, local businesses, and neighborhood associations. In contrast, the pueblos *originarios* were the impoverished residents with a racialized Indian complexion and sometimes even a Náhuatl surname who lived in the urban periphery and surrounding countryside. They had no direct representation as pueblos *originarios* among local leadership—only as individual citizens of each municipality. The pueblos *originarios* transited the town center as low-wage laborers, informal vendors, and beggars.

This local map of revealed that the *Ladinos* were better positioned than the pueblos *originarios* to reap economic benefits from Indigenous tourism commerce. Home-based businesses were important sites of local economic production and commercialization in Izalco and Nahuizalco. *Ladino* families owned, managed, or otherwise led local businesses that catered to tourists and captured economic benefits from tourism activities. The shops offered prepared meals, snacks, cheap manufactured goods, and handicraft souvenirs. They were located in the *Ladino*-owned houses or commercial buildings near the central plaza in the town center. The pueblos *originarios*, as ambulant or small-scale vendors, sometimes offered similar products to tourists in the town center, but they did not pose much competition to the *Ladino* businesses. The pueblos *originarios* were less likely to own or run the business or building of a tourist attraction or profit on the same scale as brick-and-mortar *Ladino* businesses. Tourists did not frequent the marginal areas where the pueblos *originarios* dwelled, so they had less opportunities than the *Ladinos* to sell their products directly to tourists and profit from tourism. Not only did the *Ladinos* of the town center monopolize tourist attractions and economic opportunities from the urban and rural peripheries, local actors who lived and worked in the central plaza advised tourists to avoid the marginalized areas due to official reports on their high levels of poverty, insecurity, crime, and danger. Local actors such as the office staff and collective members instead encouraged tourists to stick to the town center, which local government agencies, businesses, and municipal police officers maintained safe and beautiful for tourist leisure.

In order to attract tourists and their dollars into the town center, the municipal government, national government agencies, and local institutions such as the handicraft collective and local cargo system mobilized *originario* and *Ladino* residents to create public discursive and visual representations of local Indigenous heritage centered on public commemorations for religious and civic fiestas. These extravagant events followed the liturgical calendar of the Roman Catholic Church. In Izalco, the fiestas centered on the *cofradías*. The most important festivities, especially during Easter and Christmas, received national press coverage, such as the *Traslado del Niño Dios de María*. In contrast, Nahuizalco had fewer *cofradía* fiestas due to the smaller size of the local cargo system. The Nahuizalqueño government and other local actors organized other celebrations with a high national profile, such as the annual Canchules festival in honor of the *Día de los Difuntos* ('Day of the Dead'). These fiestas effectively exposed, operationalized, and reinforced

local social relations between the pueblos *originarios* and the *Ladinos* within the tourism economy. While both *Ladino* and *originario* residents participated in the display, performance, and embodiment of Indigenous heritage for tourists to enjoy, *Ladino* families occupied leading roles at the center of event activities, whereas local *originario* families took on supporting roles.

At the Traslado del Niño Dios de María in Izalco on August 24, 2019, the Traslado procession orbited around two *Ladino* families in the town center. The Niño Dios de María was one of the four different images of the child Jesus that resided in the municipality. All four images had high symbolic value in the local cargo system and among residents in the municipality. The Traslado was a public celebration of the ceremonial transfer of the image from his previous home with the Sigüenza family to his new home with the Solano family. This was the first of three important and ornate public rituals that were heavily sponsored, publicly advertised, and financed by the municipal government to celebrate the image. A Pregón followed in September to announce a public invitation for townspeople to celebrate his Trono in December, which was a large public celebration of the image during his annual fiesta near Christmas time. The Solano family lived a couple long residential blocks east from the Sigüenza family in the neighborhood just east of the Dolores church in the upper plaza within the historic *Ladino* part of town. Both families were well-off *Ladinos* who lived in nice homes by local standards, complete with thick concrete walls and a cement or tiled floor. Local *originario* and *Ladino* supporters of the cofradía, or the family, friends, and neighbors of each family, accompanied the procession.

At the Cancules in Nahuizalco on November 1, 2019, *Ladino* leaders and the *originario* rank-and-file of local institutions—such as the municipal government, the casa de la cultura, and several neighborhood associations—organized and performed Indigenous heritage. These actors erected and decorated large altars with objects and people who embodied local traditional culture for spectator enjoyment. The event had about ten altars distributed throughout the central plaza and adjacent neighborhoods. The altars featured prepared foods, handicrafts, local produce, livestock, natural fibers, and Catholic imagery as decorations. Most altars had some women and sometimes even a man in traditional dress as part of the living exhibit: textiled skirts (refajos) and embroidered shirts (huipiles) for women, and long sleeve white shirts and pants for men. This form of traditional dress evoked how *originario* peasants in the Occidental zone dressed in the late 19th and early 20th centuries as agrarian laborers on large coffee plantations as displayed in the local community museum administered by the casa de la cultura in the central plaza. The women and men in traditional dress were a mix of pueblos *originarios* and *Ladinos*. They played host during the event and implemented event logistics, such as crowd control and handing out treats to children. A few of the women enacted Indigenous tradition as a quaint feature of the altars, such as preparing food in a traditional manner (grinding corn on a stone grinder, flipping tortillas by hand on a wood-fired clay griddle) and making handicrafts out of natural fibers.

Local Dis-Identification with Indigenous Identity

Local Indigenous leaders did not convince event organizers in Izalco and Nahuizalco self-identify as Indigenous, regardless of whether they were *Ladino* or *originario*. The national government's Ministry of Culture (MICULTURA) recognized the formal leaders in the organizational structures of the cofradía system in Izalco and the artesano collective at the Handicraft Development Center in Nahuizalco as local Indigenous leaders. The local Indigenous leaders were *originarios* who lived in the towns. In Izalco, the leaders were Alonso Garcia and Rafael Latin. Alonso was the mayordomo (or leader) of the cofradía of the Padre Eterno ("Eternal

Father”). This was one of the four most important *cofradías* in the local *cofradía* hierarchy. Latin was the current leader of the *Alcaldía del Común*, which the municipal government formally recognized as the official representative of the local Indigenous community. Alonso and Rafael made competing claims to leadership of the local *cofradía* system. As leaders, they participated as symbolic *cofradía* figureheads in public events for popular religiosity and cultural tourism organized by the *cofradías* or the municipal government. In Nahuizalco, the local Indigenous leader was Margot Pérez, who was the formal leader of the *artesanía* collective at the Handicraft Development Center (CEDART) managed by the national government’s Ministry of Economy. CEDART was located in the central plaza of the municipality, where its *artesano* members made direct sales to tourists. In this formal leadership position, Margot was in charge of organizing the collective at CEDART. She also represented the collective in meetings for the national council of *artesanía* collectives convened in San Salvador by the National Council for Small- and Micro-scale Entrepreneurs in the Ministry of Economy. Margot also presented herself at CEDART as the “President” of the *Consejo de Pueblos Originarios Náhuat Pipil de Nahuizalco* (Council of the Originary Nahuat Pipil Peoples of Nahuizalco), a small Indigenous organization recognized by MICULTURA.

Alonso, Latin, and Margot used their organizational leadership positions to help MICULTURA implement national Indigenous policy at the local level in their respective municipalities. Margot and the former leader of the *Alcaldía del Común* assisted MICULTURA in lobbying the municipal governments in Izalco and Nahuizalco to create the municipal ordinances on the rights of local Indigenous communities. Alonso, Latin, and Margot helped the Ministry organize public events for Indigenous Peoples in each town and elsewhere in the national territory. This included the annual commemorations of the 1932 massacre in Izalco and the solstices and equinoxes at archaeological sites in the countryside and at institutional sites in the capital city. The Indigenous leaders also helped MICULTURA complete small-scale cultural and poverty alleviation projects for the local Indigenous communities. The cultural projects focused on the documentation, revitalization, and dissemination of local Indigenous culture. The poverty alleviation projects centered on the provision of healthcare or social welfare to the most destitute in the communities, such as free eye exams, a soup kitchen every few weeks, or the free provision of food packages or medicine. The Ministry of Culture often coordinated these projects with sponsorship from non-government organizations, other national government agencies, international aid agencies, and national universities based in San Salvador.

The local Indigenous leaders mobilized their local networks, which included members from the *cofradías* in Izalco and the *artesanía* collective in Nahuizalco, to implement the public events and local projects for the Indigenous communities in each municipality. The public events required the Indigenous leaders and their supporters to find local people to cater food and drink and to participate in the event as spectators or performers of Indigenous tradition. The local projects needed the Indigenous leaders and their networks to find local people who qualified as beneficiaries on the basis of their poverty; find a local place and time during the day for project activities; and mediate the real-time social interactions between the middle class project workers from San Salvador and the impoverished beneficiaries in the municipality. Local Indigenous leaders and their collaborators from San Salvador organized the public events and small projects in public places in the town center where the *cofradías* and *artesanos* were likely to transit during the day, such as the El Llanito memorial in the lower plaza in Izalco and the central courtyard of the CEDART building in Nahuizalco. Members of the *cofradías* and the *artesano* collective who were not directly involved in the collaborations likely learned about them through word-of-mouth

from members who did participate or by passing by the collaboration activities at the time and place of their occurrence.

Participation in the public events or local projects did not imply that the *cofradía* members or the *artesanos* self-identified as Indigenous or even had knowledge about the Indigenous identity being articulated by MICULTURA and the local Indigenous leaders. In Izalco, Alonso and Rafael were not in a position to impose or otherwise encourage the *cofradía* members to see themselves as Indigenous peoples. The *cofradías* were rather autonomous in their organization. A *cofradía*, usually led by a husband and wife team, organized and hosted the *cofradía* fiestas and processions in honor of the venerated image to fulfill their leadership duties. The leaders drew on networks of support from their friends, family, and kin in and outside of Izalco to organize and host the fiesta. Alonso and Latin had little direct control over the *cofradía* activities. They did not attend all of the *cofradía* events. Each Indigenous leader participated in activities organized and hosted by other *cofradía* leaders who supported his faction of the local *cofradía* system against the other Indigenous leader. When either man did make an event appearance, he did not stay for the entire duration. His presence carried symbolic weight as a chief leader among the *cofradía* leaders, but otherwise he was not central to the operation of *cofradía* activities. He certainly did not evangelize the event participants to think of themselves as Indigenous. In general, no one at *cofradía* events attempted to self-consciously frame how participants perceived their cultural identities and traditions, besides the official emcee during the high-profile *cofradía* processions sponsored by the municipal government.

Cofradía leaders and supporters did not incorporate Indigenous identity into their local discourse of popular religiosity. I attended several *cofradía* fiestas between August 2019 and February 2020: the *Traslado del Niño Dios de María* fiesta on August 24; the *Virgen de Dolores* fiesta on September 15; the *Pregón del Niño Dios de María* fiesta on September 21; the *San Miguel Arcangel* fiesta on September 29; the *Niño Dios de la Virgen de Belen* fiesta on December 23; and the *Trono del Niño Pepe* fiesta on January 6. I did not know anyone at first, but the *cofradías* welcomed me as a guest. A typical fiesta lasted one or two days, but they were sometimes longer. They typically were all-day affairs that started in the morning and ended late at night. The precise schedule varied by host and whether the event also included a mass at one of the two Catholic Churches in town or a procession that wove throughout the town center and sometimes the countryside. Guests from the municipality and elsewhere came and went as they pleased, usually as their personal schedules permitted. Hosts insisted on giving guests plenty of food (stew, tamales, pan dulce) and drink (coffee, hot chocolate, vodka) to consume. Entertainment consisted of listening to a hired marimba ensemble; guests dancing with each other; or everyone just chatting, telling jokes, or exchanging gossip. At each event, I made small talk with other guests and eventually befriended some. I was interested in learning more about the local *cofradía* traditions, and they were interested in learning more about my identity as a member of the Salvadoran diaspora from California. We spent a lot of time talking about the local *cofradía* traditions. This included the history and care of the particular image being celebrated; the schedule of fiestas and processions planned for the celebration; the symbolic meaning of the image and related fiesta practices; and which residents of the municipality had donated what items or helped with which task to make the event possible.

Indigenous identity was foreign to *cofradía* leaders, members, and guests with whom I interacted at the fiestas. My attempts to inquire about their Indigeneity were usually a non-starter or dead end for my conversations. I tried to find a casual angle to bring up the concept, usually early on in the conversation when I introduced myself as an ethnographic researcher interested in

learning more about the Indigenous identity of the *cofradías*. I felt contrived when I did manage to raise the question and embarrassed by my insistence to steer our conversation to a topic that my interlocutors clearly had little to say about. I did not sense that my informants, who were a mix of *Ladinos* and *originarios*, were hiding or withholding information from me about their Indigeneity. They were proud of their cultural heritage and eager to explain the origins, forms, and symbolisms of their traditions. They simply did not use Indigenous identity as part of their local knowledge on the *cofradías*. This was the case even among the *cofradías* where I had expected to find local Indigenous knowledge. For example, Rita Jaimes de Araújo, the former director of the National Directorate for Indigenous Peoples at MICULTURA, advised me to attend the fiesta for the Niño Pepe (Child Joseph) in Izalco. She explained that the traditions affiliated with the fiesta were a prime example of Indigenous and Catholic syncretism in the municipality. During the fiesta, I asked a *cofradía* organizer—a kin of the *mayordoma*—about the Indigeneity of the Niño Pepe. The organizer briefly paused to register my question but quickly resumed to talk about the image in terms of popular religiosity, with heavy emphasis on the significance of the image to the cultural patrimony of the people of Izalco. The organizer made no comment about Indigenous identity in our short conversation.

One of my local informants in Izalco, Francisco, claimed that not only was Indigenous identity out of place among the *cofradías* in Izalco, it was also not useful for understanding the complex relations between the *originarios* and the *Ladinos*. Francisco was an Anthropology undergraduate student at the Universidad Tecnológica, a prestigious national university in San Salvador and one of the few national universities with an Anthropology program. He had spent years studying the *cofradías* in Izalco for his undergraduate thesis. When I first ran into Francisco at a fiesta, I mistook him for a local because of the trust and familiarity that local people had with him. He knew a lot about the *cofradía* traditions, freely exchanged jokes and banter with *cofradía* attendees, was one of the image bearers during several processions, and he sometimes played the marimba in the hired marimba ensemble during *cofradía* fiestas and processions. He was even one of the primary organizers for the fiesta and procession for the Niño Dios de Belén. On my last field visit to Izalco, I confided in Francisco that I had a hard time finding local people in the *cofradías* to talk to me about their Indigeneity. He responded that I was asking the wrong question. Local people had their own way of understanding the cultural syncretism between the *originario* and the *Ladino* that did not fit within the conceptual framework of Indigenous identity. As a *chelito* (light-skinned) outsider, local people would not tell me about this complexity in their social relations, nor would I be able to understand it. I felt it unnecessary to press Francisco to explain his insider knowledge about syncretism or to search for local people who could reveal the knowledge to me. I was confident that Indigenous identity was not a concept that the *cofradías* themselves did not use.

In Nahuizalco, the local Indigenous leader, Margot, tried to convince the *artesanos* to self-identify as Indigenous as part of her formal leadership of the *artesanía* collective. Her goal was to increase sales of handicrafts to tourists by marketing the *artesanías* as local Indigenous objects made with local natural fibers by local Indigenous peoples. Margot had little enduring success. A key fault line of internal division was her use of the CEDART building courtyard to implement local poverty alleviation projects for impoverished Indigenous elders. The elders' humble stature in the local context undermined the collective's efforts to create an attractive image of local heritage to increase handicraft sales to tourists. After five years of Margot's leadership, the collective voted her out and replaced her with a new leader. Margot remained in the collective as a member at the margins for a few months. She eventually left the collective and ceased her activities as an Indigenous leader.

Following Margot's tenure as the leader of the artesanía collective, the new leader undid Margot's efforts to articulate the artesanos as Indigenous peoples. The new leadership of the artesanía collective devalued the local Indigenous projects that Margot had coordinated with MICULTURA. In recent years, the new leadership imposed new rules to dissuade unaffiliated local people from congregating at the CEDART building in order to advance or complete the projects. This included the restriction of bathroom access to local people unaffiliated with the collective and the enforcement of more stringent cleanup requirements on collective members who did decide to help implement the projects. The collective continued to make and sell handicrafts made of local natural fibers and market them as material manifestations of local cultural heritage to tourists. They no longer privileged the lens of Indigenous identity. The new leadership focused on the innovation of techniques and aesthetics to make new products that could sell at a higher price point than existing handicrafts to tourists. The intended aesthetic was a rural chic that could be displayed on fashion runways and sold in exclusive boutiques in San Salvador. Members of the collective sold their most innovative and expensive products—made of natural fibers and other materials—at a small boutique at CEDART. They displayed their remaining handicrafts on tables and shelves underneath the veranda in front of the CEDART building.

Few artesanos were interested in discussing Indigenous identity, even though most fit the social profile of the *originarios*. Most of the artesanos I spoke with at CEDART, which included people with whom I had a relationship, treated me like a tourist. Our conversations were cordial but otherwise focused on the sales-pitch of the handicrafts. Our conversations typically focused on the origins and symbolism of the handicraft materials and negotiations over the sales price. I tried to raise Indigeneity as a topic of conversation when I explained how my ethnographic research on Indigenous peoples in El Salvador brought me to Nahuizalco. Like the *cofradías* in Izalco, most of the artesanos at CEDART made little to no comment about Indigeneity. It was a concept that fomented little conversation from my interlocutors. Unlike the *cofradías*, I sensed that it was a topic that the artesanos did not want to discuss. This surprised me due to the recent history of Margot's leadership of the collective, her mobilization of CEDART for local Indigenous projects, and the collective's performance of Indigeneity as a feature of local cultural heritage during the Canchules festival sponsored by the municipal government. Surely the artesanos had something to say about their Indigenous identity. I inquired with Cecy, Magda, and Zoilita on why the artesanos appeared to have rejected Indigenous identity that Margot had so vigorously advocated for many years. These women had been members of the collective since at least 2013, when I first met and befriended them at CEDART during my first research visit to Nahuizalco. Magda and Cecy were sisters of Margot, and Zoilita was their friend. All three had good standing in the collective. They achieved success in making sales to tourists. Cecy and Magda each had a second location besides CEDART where each woman sold artesanías. Magda had a small sales stall in a nearby building managed by the municipal government in the central plaza. Cecy had a small sales stall at the popular San Andrés archaeological site closer to San Salvador. Zoilita wove innovative designs of purses and other bags made of natural fibers that were sold in the CEDART boutique and that appeared as high fashion on a fashion runway and in a fashion magazine based in the capital city.

The artesana women explained that few people in Nahuizalco, including most members of the handicraft collective, desired to self-identify as Indigenous. Many local people had "pure *originario* blood" (their terms) made socially visible through their racialized Indian phenotype. The municipal government and national actors in San Salvador such as MICULTURA defined Indigenous Peoples as valuable to local cultural heritage, but Indigenous identity was an institutional rebranding of the local *originario* identity. Local people continued to understand the

originario identity to signify local conditions of marginalization, poverty, and shame. For example, on one of my visits to Nahuizalco, I chatted with Cecy's daughter, Catalina, who had just finished setting up her table to sell artesanias underneath the CEDART veranda. I told Catalina about my interest in learning more about Indigeneity in Nahuizalco. Catalina responded that she did not know who the Indigenous peoples were that national actors in the capital city claimed to exist in Nahuizalco. Later that morning, once her aunt Magda arrived to CEDART, I started to chat with Magda about local Indigeneity. She told me that local people, particularly the youth, did not desire to identify themselves as Indigenous. She looked over at her niece, Catalina, who sat at the table next to Magda's but was not part of our conversation, as she stated that the youth refused self-identification "even if they have the face of a Maya" (*aunque tengan la cara de Maya*). This reference was to the racialized facial features of the Maya people in the neighboring country of Guatemala, whose closest international border crossing with El Salvador at Las Chinamas was only about an hour drive from Nahuizalco along a major highway. Magda then joked that, if I wanted, she could take me around the central plaza later in the day to conduct informal interviews with local youth on whether they were Indigenous. The youth were dressed in school uniforms and sat around the plaza chatting and enjoying themselves in the central plaza near CEDART after school. Many of them had what Magda identified as a "Mayan face." She anticipated that many of the youth would probably be embarrassed, laugh or look down, and deny being Indigenous if I asked them point-blank. I decided to not take up Magda on her offer. I decided to end my search for local Indigenous knowledge in Nahuizalco with the artesano collective. I did not expect to find other local people who could tell me more about local Indigenous identity than the artesanos.

Conclusion

My dissertation explained how and why the Indians of El Salvador have resisted and refused the emerging Indigenous political subjectivities of international human rights and national multiculturalism within the context of settler colonial domination. Since the late 19th century, national Legislative Assemblies and presidential administrations have constructed the settler colonial power structure of the modern nation-state based on a national land tenure system that has dispossessed Indian communities of their communal organization and collective landholdings and enabled and maintained the formation of large private landholdings held by powerful Euro-Salvadoran families. In recent decades, national Legislative Assemblies and presidential administrations have engaged anthropologists, Indigenous organizations, and international institutions in the establishment of post-neoliberal multicultural regime centered on Indigenous cultural heritage without collective Indigenous land rights. This regime aligns modern state craft and nation-building with international human rights discourse on Indigenous peoples without threatening the material foundation of the national settler colonial power structure. Transnational Indigenous organizing around collective Indigenous land rights have been unable to empower Indigenous organizations to intervene in the national government's construction and implementation of the post-neoliberal multicultural regime and to challenge the settler colonial land base. Indigenous organizations have nevertheless begun to challenge Indian landlessness at the center of Salvadoran settler colonialism by demanding justice for Indigenous dispossession from the state through the national judicial system. Most Indians have rejected the emerging Indigenous subjectivities because the social costs of being Indian far outweigh the potential benefits of Indigeneity under settler rule.

My analysis of Indigenous identity and politics in contemporary El Salvador has foregrounded a blindspot in the U.S. Anthropology of Indigeneity, race, colonialism, and capitalism in Latin America in recent decades. Responding to recent developments in transnational Indigenous movements, international human rights law and policy on Indigenous peoples, and neoliberal multicultural regimes across the region, Anthropologists have centered their interpretive gaze on a particular kind of Indigenous political subject. These Indigenous peoples are Indian communities who self-identify as Indigenous peoples and are willing to organize and mobilize around demands for collective rights to land, peoplehood, and self-determination. This analytical approach has blinded Anthropologists and other scholars from analyzing Indians who have long been subjugated to state-sanctioned processes of racialization, colonial domination, and capitalist exploitation as individuals within local and national settler communities. This oversight has rendered these individualized Indians invisible to Anthropologists and has deflected Anthropological attention away from investigating the structures, relations, and conditions of settler colonial rule in which these Indians are embedded.

In order to address this disciplinary blindspot, my dissertation calls on Anthropologists to return their attention to the intersections and dynamics of race and class in their analyses of Indigenous identities and politics worldwide. In Latin America, Anthropologists had centered their attention to race and class in their investigation of Indian communities prior to the emergence of transnational Indigenous movements. Anthropologists have since shifted their attention to the political mobilization of Indigeneity, which intersects with but is distinct from issues of race and class. An analytical return to and a theoretical reframing of these latter categories of identity would foreground the structures, systems, relations, and processes that lead Indians and other would-be Indigenous peoples to resist Indigenous identification and refuse to struggle for collective

Indigenous rights. This shift would provide a new angle for investigating how Indigenous identities emerge, how they are mobilized, and to what effectives on local communities, which has been at the center of anthropological investigation in recent decade. This turn would also be consistent with recent calls among anthropologists and other scholars for more research on the political economy of Indigenous rights as a way to understand how and why international Indigenous rights discourse has appeared to have done little to transform colonial structures of power; empower Indigenous peoples within hierarchical social relations; and to improve the political-material-economic conditions of local Indigenous communities. It can provide a new engagement in Anthropology with the growing sociological literature on colorism in Latin America. Finally, it can create new interdisciplinary insights into the intersections between Indigeneity and race as analytical categories and colonialism and capitalism as theoretical frameworks. These categories and frameworks matter for understanding legal issues and political problems confronting marginalized peoples, even if the marginalized peoples themselves do not actively identify or mobilize themselves in terms of these categories or frameworks.

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