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The experiencing of the Wayuu *lucha* in a context of uncertainty: Neoliberal multiculturalism, political subjectivities, and *preocupación* in La Guajira, Colombia

A thesis submitted in partial satisfaction of the requirements
for the degree Master of Arts

in

Latin American Studies

by

Esteban Ferrero Botero

Committee in charge:

Professor Nancy Postero, Chair
Professor Jonathan Friedman
Professor Christine Hunefeldt
Professor Steven Parish
Professor Kristin Yarris

2013

The thesis of Esteban Ferrero Botero is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

Chair

University of California, San Diego

2013

DEDICATION

For all of us who suffer within and without, consciously or unconsciously, from above and from below. May we all recognize and courageously face the root of our suffering, together. And may we develop true, all-encompassing compassion for ourselves and for others.

EPIGRAPH

Pródiga Guajira
en romance y amor,
plácida existencia, futuro ensoñador.
Naturaleza parida de grandeza preñada en eterno condumio, Su Cerrejón.
Singular belleza de ancestros de ilusión,
a sus descendientes guardaban cual cofre de valor
convincientes, incrédulos, esperaban la explotación.

De uno por uno llegó el deseo sin sospechar el inclemente carbón
maquinaria monstruosa hurgando la tierra
a excavar incesante sustraer el carbón
de la entraña escapa profundo dolor.
desnuda esta sin vegetación, el trinar de aves desapareció.
solo queda el incesante calor y febril recuerdo en mi razón,
recordar ancestros que en evocación,
alegres y felices vivían en sociable fusión.

Agradable llueve el rancho
son tus ondas terrestres, la inclinación de los arboles
por el viento su azote agreste
del arte su bosquejo,
el silbido del viento susurrando los amores del indio y sus ovejos.

Juegan las ilusiones en un nuevo mundo incierto,
nómadas en la llanuras reflejados en la obscuridad en el perfil del desierto.
Paridos los dividivi,
prontamente llega el invierno,
el evaporante jagüey atrincherando las corrientes surcadas en el terreno.

El estanque está repleto.
los chivos y vacunos en compañía deavecillas silvestres
alegres retozones consumen el aceituno.
La jerga del indio alegre
que observa tímidamente advirtiendo la presencia del forastero alijuna.
jagüey abierto al viento.
tu prodigas al indio sediento,
mitigas su exhausta vida en sus aguas cristalinas que están en torrenciales lluvias.

Su pervivencia en las llanuras
interpreta su bautismo extinguiendo su amargura,
reflejados en espejos de aguas y de varios,
en prolongadas nostalgias me reverencio en el estribo,

fusionada mezclando en la sabana desnuda
buscando los vericuetos donde cimbreantes deslizan
con sus misteriosos rostros cubiertos las hermosas *majayuras*.
Jagüey, tu círculo encierra el misterio del océano en el pensamiento del indio,
en sus pampas y sus dudas.

Juana. Wayuu-Afrocolombian activist, politician, poet, and pioneer of the lucha.

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And to my family, always supportive and loving.

ABSTRACT OF THE THESIS

The experiencing of the Wayuu *lucha* in a context of uncertainty: Neoliberal multiculturalism, political subjectivities, and *preocupación* in La Guajira, Colombia

by

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Master in Latin American Studies

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Professor Nancy Postero, Chair

In their process of *despertar* (awakening), thousands of Wayuu indigenous people have expressed their *preocupación* (anxious worrying) and mobilized to defend their indigenous collective rights. Through these protests, the Wayuu condemn the profound negative effects that the multinational conglomerate Cerrejón – the world’s largest open-

pit coal mining company – and the Colombian state have brought to La Guajira, Colombia. In understanding indigenous political resistance, little attention has been given to the subjective and phenomenological processes by which experience, lived within certain social conditions, turn into active mobilization. Based on 9 weeks of collaborative ethnographic fieldwork (2012) and person-centered interviews with the Wayuu leaders in the *lucha* (struggle), I address this gap by analyzing the Wayuu’s narratives of suffering, the experiencing of *sentirse mal* (feeling bad) and *preocupación*, and the Wayuu’s engagement with a variety of mechanisms of resistance as a way to reproduce a *lucha* to protect what matters most to them, defend what is at stake in this struggle – *wounmainkat* (territory) and *akwa’ipa* (Wayuu way of being) – and heal their communities. In particular, I examine how different micro and macro processes and “critical events,” such as the living through the deep disruptions of mining within a neoliberal multicultural nation-state, shape a particular indigenous political subjectivity that enables these experiences and forms of political engagement. Thus, I consider how the “suffering through rights” and the emergence of a neoliberal indigenous political subjectivity simultaneously and inextricably reproduce a sense of indigenous agency, moral *lucha*, and nation-state, while empowering and constraining the Wayuu *lucha*.

INTRODUCTION

I have always been very *preocupado* for all the negative impacts [of Cerrejón], finding a way to go out somewhere else and ask for help, to have a study done on us because, if we stay like this, we are going to die with these *preocupaciones* and seeing this contamination. And us, without being scientists or experts, we understand that all those peoples who have died are a product of the contamination. I have always worked on that and now I feel more tranquil, we have started that work. Before we were not so fortunate, since we did not think about organizing ourselves to manifest what is happening to us [...] and the people come and make us conscious, and one goes to spread it and to denounce what is happening at the worldwide level.
(Carlos 2012: Excerpt, Personal Interview)

Not only Carlos but virtually all Wayuu have a great *preocupación*. This *preocupación* was expressed in countless meetings, forums, conversations, and interviews, and referred to the anxious worrying that, in the near future, Wayuu ways of life, culture, and physical existence will disappear altogether. For the Wayuu of the *Baja Guajira*¹, this uncertainty is experienced, in part, as a result of living through the continued negative impacts of mining by Cerrejón, a now multinational corporation that has grown to become the largest open-pit coal mine in the world. People have been displaced and lost their territory; the land, the environment, and people's bodies have become highly contaminated; many Wayuu and animals have died; families and communities have been divided; and economic and cultural activities have been disrupted. The loss of a more balanced and ordered world, as many Wayuu leaders tell me, serves as the very reminder of their threat of extinction. Based on the *preocupación* for the future of new generations who may not have a relationship with the ancestral

¹ Roughly the whole south of La Guajira. The Wayuu indigenous peoples have also been referred to as Goajiros, Guajiros, Wayu, or Wayúu. Throughout this thesis, I used the term Wayuu to refer to those who self-identify as Wayuu indigenous people, and Guajiros to those people, independently of ethnicity, living in the *departamento* of La Guajira.

territory and way of being Wayuu – what is at stake in this struggle – an increasing number of Wayuu engage in and continue their 500 year-long *lucha* (struggle and resistance) to defend their territory.

The year 2012 was a busy one for those Wayuu leaders who were at the forefront of this *lucha*. The year before, Cerrejón had released their new Expansion Project P500 – *Iiwouya* – with the intention of exploiting over 500 million extra tons of coal, which lay under the riverbed of the Ranchería River. The development of this project involves the diversion of the only river in La Guajira, meaning great changes in the local ecology, hydrology and, needless to say, the ways of living of many Wayuu. Since the release of the Expansion Project, the process of *consulta previa* (prior consultation), a constitutional right in which indigenous peoples are entitled to be consulted for any decisions affecting their lives and territory, began to take place. This process turned out to be highly controversial, however. First, Cerrejón officials claimed that these were not formal meetings of *consulta previa*. Instead, they were in the time of *pre-factibilidad* (feasibility assessment); for Cerrejón, a time when – through the meetings that exposed the Wayuu to the project, its impacts, and compensation – Cerrejón would determine how viable the project would be. In addition, only those communities located in the so-called *área de influencia*, the region that Cerrejón had determined to be “really” affected, would be consulted, leaving out all other Wayuu from participating in this process. And finally, in Cerrejón’s discourse, and despite the lack of environmental license by the Colombian government, over 90% of the communities had agreed to the Expansion Project. The thousands of Wayuu who joined in regional marches, a locally-led but internationally

attended expedition down the Rancheria River, and the countless local meetings to determine, socialize, and visibilize (to make visible) the Wayuu social situation, are proof of the widespread local disagreement with the claims and actions of Cerrejón.

These protests, as part of a number of mechanisms of resistance with which the Wayuu now engage in the *lucha*, manifested a growing criticism of the Expansion Project and the way in which Cerrejón was carrying out this *consulta previa*, an international convention that had been ratified as a right for indigenous peoples by the Colombian Constitution in 1991. The Wayuu of *Baja Guajira* claimed that Cerrejón was manipulating the process of *consulta previa* by having isolated and secret meetings with some communities and a few state officials, while providing insufficient information in order to deceive people and buy off their leaders into agreeing with the project. These were actual meetings of *consulta previa*! The Wayuu protested while they gave me the official documents from these meetings². And, in fact, “*el Cerrejón solo ha llegado a dividirnos!*” (Cerrejón has only come to divide us), I heard a plethora of times. On the one hand, the Wayuu leaders argued that this so-called *área de influencia* miscounted all other Wayuu who would “really” be affected by the Expansion Project, fostering division among those who were not benefited but were still affected. In addition, the Wayuu complained that because of the influence of Cerrejón, many leaders became *vendidos* (sell-outs), the Wayuu territory was fragmented, the social fabric was disrupted, the culture was becoming lost, and it was increasingly difficult to find the necessary unity to successfully defend the ancestral territory. La Guajira was in crisis, I was told.

² See Appendix I for an example of these legal documents

Thus, through the process of *consulta previa*, Cerrejón was, once again – and hopefully for the last time – violating the human and indigenous collective rights of the Wayuu. In fact, the mobilizations that began in 2011 against the Expansion Project present the first significant, large scale, and widely visible Wayuu manifestations against this mining corporation. The reason I was given by the Wayuu leaders is that the Wayuu are now having their *despertar* (awakening); now they feel *preocupación* for the difficult situation in which they live and it is time to organize, unite, and continue the Wayuu *lucha*. Thus, now it was time to visibilize their struggle in order to become legally compensated for their suffering and to avoid further violation of rights. The entire country and the world had to know what was happening in La Guajira; justice and better culturally sensitive living conditions had to be developed in the Wayuu ancestral territory.

But in the Wayuu *lucha*, as it is for other indigenous peoples in Colombia and Latin America, this *preocupación* also reflects the role of the state that, through its interventions and absences, magic and domination, protections and abuses, and continued colonialism (or neocolonialism), has constantly reproduced many forms of structural violence. As it currently appears – backed by a neoliberal multicultural Constitution – the state presents itself as both the protector of indigenous rights – a paternal figure – but also the perpetrator of innumerable cases of state violence and violations of the same rights that it intends to protect. It is within this seemingly ambiguous and contradictory new legal, economic, political, discursive, social, and subjective space in which indigenous politics play out that the Wayuu experience *preocupación* and actively engage in politics

through resistance. In this sense, and as I will further explore in this thesis, *preocupación* becomes a highly politicized feeling and form of suffering that mediates the actual lived experiences of the Wayuu who have had a *despertar* and the actions of those who continue the *lucha* to defend what is at stake and what matters for the Wayuu. All this takes place, of course, within a particular historical, political, social, cultural, and economic context.

With a reinvigorated Wayuu *lucha*, I became interested in comprehending the processes of and reasons why the Wayuu – the actual people, not solely the movement – were now actively mobilizing against Cerrejón.³ Clearly, the shared grievances existed as thousands of Wayuu have gravely suffered – and still are suffering – from the impacts of Cerrejón’s activities and the state’s lack of real guarantees to protect their rights. However, the Wayuu people had previously failed to take significant steps in demonstrating their discontent and achieving justice. Thus, I became particularly interested in how and why that suffering (as an experience and not solely a grievance) was now turning into or leading to action. Much of the literature on indigenous/social movements and mobilization addresses the rise of movements within historical, functionalist, and structural perspectives and as mostly a result of shared grievances, rational choices, access to political and social resources, collective identity and recognition, and/or changes in the political, economic, and social conditions (e.g. Della Porta and Diani 1999; Eckstein 2001; Escobar and Alvarez 1992; Foweraker 1995;

³ This is, of course, not to say that the Wayuu have not engaged in different forms of collective and personal everyday resistance or other kinds of mobilizations against Cerrejón. They indeed have. However, they have never been this massive, successful, and widely heard.

Postero and Zamosc 2004; Slater 1985). Though these studies are valuable, my investigation undertakes the analysis of how actual Wayuu people have suffered from the impacts of Cerrejón, how they currently experience and conceptualize these impacts, and how these have (or not) had an effect in their processes to become active participants in the *lucha*. Were these experiences a base for resistance? An inspiration? A limitation or suppressant? Was there a suffering threshold where people actually said: ‘that is it! I will mobilize!’ In other words, I became interested in the subjective and intersubjective processes by which actual Wayuu mediated political action that was simultaneously individual and collective.

As I carried out my 9 week collaborative ethnographic fieldwork with the Wayuu leaders in the *lucha* and associated communities during the summer of 2012, I began to realize that not only were the impacts suffered by the Wayuu as a result of the arrival of Cerrejón shaped by different historical, economic, political, and social processes, but so were their ways of experiencing, conceptualizing, reflecting on, and reacting to those events⁴. Most of my fieldwork was spent accompanying and collaborating with the Wayuu leaders, especially Carlos, Dora Luz, Constanza, Efrain, and Julia, in their different endeavors, both related to the *lucha* and their own personal lives. These were the most productive and insightful moments during fieldwork. I was able to develop rapport, engage in insightful conversations and interviews, and get a deeper sense of the local moral world and life histories of these leaders.

⁴ This fieldwork is also complemented by the eight weeks of ethnography that I carried out about ethno-education in *La Alta Guajira* as an undergraduate in 2010

In this process, I also attended countless meetings and *socializaciones* with the local communities and international organizations and institutions. These meetings were quite useful for my research since I was able to witness the interaction of different actors, how their interests and agendas converged and diverged, and how people incorporated, as part of their *lucha*, discourses and alliances. In addition, I was able to meet the leaders' families and communities as well as other Wayuu and afro-descendants in La Guajira who have also been affected by Cerrejón. These encounters occurred mostly – but not exclusively – in the *resguardos* of *Provincial*, *Zahino Guayabito Muriatuy*, *Cerrodeco*, *4 de Noviembre*, and *Media Guajira*, the *asentamientos* of *La Jamichera* and *Nuevo Espinal*, and in the towns of *Barrancas* and *Riohacha*. In each opportunity, I listened – and often interviewed – people, focusing on their past and present experiences with Cerrejón, the process of *consulta previa*, and the state; experiences that most often related to the suffering resultant from mining in La Guajira and that people were always very eager to talk about.

I carried out two different sets of interviews. The first kind was an in-depth person-centered interview, which I used with three different Wayuu leaders: Carlos, Dora Luz, and Constanza. These interviews were split into three or four sessions, each session lasting anything from 30 minutes to close to 2 hours. On average, I gathered around 4 hours of interviewing material for each of these leaders. It is important to point out that even though Carlos and Dora Luz were highly influential in the *lucha*, Constanza represented the voice not of a critical leader but of a Wayuu who has become highly involved in the *lucha* as a result of her desire and need to be compensated. With this

distinction, I gained a better understanding of the leaders' paths towards political engagement, and how these are shaped through a complex convergence and divergence of subjective and intersubjective as well as micro and macro processes that shaped peoples' experiences and subjectivities within particular lived conditions.

And the second kind is the short interview, which I used to interrogate 12 Wayuu from different communities and levels of involvement in the *lucha* regarding their individual and collective narratives of suffering as a result of rapid change. Through these interviews, I became aware of the importance of explanatory models that people use to frame their experiences of suffering to make meaning and reproduce a life as well as the different political and subjective spaces that these frameworks open and close. In particular, it was the language of indigenous collective rights that was most significant. Thus, as it turned out, studying these Wayuu narratives contextualized through their life-histories and, specifically, the experience of *preocupación*, its genesis, and the ways in which it was framed – though by no means the only concept I analyze in this research – opened the door to significant insights into the Wayuu *lucha*, people's engagement in the *lucha*, and what it means to experience as an indigenous subject within neoliberal multiculturalism. *Preocupación* among the Wayuu, as I explore in this thesis, indexes and reproduces a particular kind of subjectivity and is experienced through a particular way of being/thinking in the world. But, simultaneously, *preocupación* is also a form of engaging in politics and mediating political action experienced within micro and macro webs of power – shaping what I take as a political subjectivity – that allows the Wayuu

lifeworld and *lucha* to continue in a moral, physical, and meaningful way through the defense of their collective indigenous rights.

This is not to say that my engagement with the *lucha* was limited to being an “academic intellectual,” to borrow Barker and Cox’s (2002) concept⁵. In other ways, I behaved as a “movement intellectual,” a social positioning that allowed me to gain some trust among the Wayuu leaders, opening the door for my engagement in other projects of the *lucha*⁶. Thus, on the one hand, I collaborated with the organization of a variety of events that were part of the *lucha*, including the meetings and *socializaciones* carried out by both the Wayuu leaders and the *Comité Cívico de La Guajira*. Particularly important was the Expedition down the Rancheria River that took place on August 16th to the 20th and in which I was a designated commission leader. On the other hand, I served as an “expert”, becoming part of a variety of debates regarding the situation – or *realidad* – of La Guajira and the *lucha*. This includes my intervention during the local forums organized by *El Comité Cívico de La Guajira*⁷ during July 2012, which intended to foster and shape a political consciousness in La Guajira⁸. This more direct engagement with the *lucha* resulted into the shaping of a social persona through which I became a professional

⁵ This idea, however, is also based on Gramsci’s (1971) conceptions of ‘traditional intellectual’ and ‘organic intellectual’

⁶ For Barker and Cox, this ‘movement intellectual’ works “within the movement itself, producing knowledge for and within it, not about it and of it” (Cresswell & Spandler 2012: 5)

⁷ *El Comité Cívico de la Guajira en Defensa del Rio Ranchería, el Manantial de Cañaverales y las Regalías* or Civic Committee of La Guajira in Defense of the Rancheria River, the Canaverales Spring, and the Royalties; this Committee is a civic association where different unions, Wayuu indigenous organizations, afro-descendants associations, political parties, students, and the University of La Guajira, among others, are part of.

⁸ My presentation was titled *Invisibilización Histórica y Visibilización Constitucional en La Guajira* (Historical Invisibilization and Constitutional Visibilization in La Guajira), which addressed some of the ways in which the Wayuu have been made ‘othered’ as well as visible and invisible by the state, the dominant society, and *El Cerrejón*, making possible the exploitation of coal in La Guajira and reproducing structural inequality

anthropologist who was carrying out research about the impacts of Cerrejón in La Guajira.

The nature of my involvement in the *lucha* has allowed me to answer some particular questions. In summary, then, this MA thesis analyzes how the leaders experience the *lucha* by enacting and reproducing what may be called a neoliberal indigenous political subjectivity as a way to continue a Wayuu *lucha* to defend and protect what matters to them and to heal and resolve the deep disruptions that the Wayuu have suffered since the arrival of Cerrejón. Taking the experience of leaders as a primary site for inquiry, I also examine how the Wayuu have come to engage in politics through certain mechanisms and within certain lived conditions in order to make and reproduce a lifeworld. In general, the study of subjectivity in social sciences, especially anthropology, recognizes the malleability of the self and reality, the individual's embeddedness in a social context, and how situations and events may lead the subject to react in certain ways (Biehl 2005: 15-6; García 2010: 10). With this context in mind, I analyze both the experience of the Wayuu leaders and their political subjectivities as shaped by living within certain social and material conditions, a neoliberal multicultural Colombia, and a historical, social, political, cultural, and economic context. By referring to the emergence of a neoliberal indigenous political subjectivity, I analyze some of the linkages in which the political and the subjective converge, diverge, and reshape each other, opening a door for contributions in the fields of phenomenology, indigenous movements, politics, and the contemporary state.

By asking these questions, I have several objectives, both practical and academic. Practically, I intend to have a better grasp onto how experiences of suffering have been shaped by particular macro and micro processes in order to legitimize and visibilize some of the suffering of the Wayuu and the *lucha* that exists, mainly, as a result of the effects that Cerrejón and the Colombian state have had in La Guajira. I also aim to better understand the inner and outer processes of self by which people become involved in political action –in this case the Wayuu *lucha* – with the intention of, with the help of Wayuu leaders, encouraging and fostering further political consciousness raising. Crucial for this point is an analysis of the possibilities and limitations that the Wayuu *lucha* encounter as they engage in politics through certain mechanisms of resistance in order to deal with those negative lived conditions. Academically, I aim to contribute to the literature of social and indigenous movements by placing the ‘subject who resists’ as a fundamental and central part in the development of collective action; this goal includes adding to the literature on indigenous mobilization in a context of natural resource extraction and neoliberalism, a topic that has become increasingly significant in many regions of the world, especially Latin America. And lastly, I intend to contribute to what some scholars refer to as critical anthropology (Ortner 2005), by examining the different ways in which the subject, subjectivity, and experience are co-constructed within specific power relations, and what their form can tell us about the deep workings of power into people’s lives (Holland and Leander 2004).

With these objectives and research questions in mind, I turn to explore some relevant literature that illuminates and inspires both the theoretical understandings and

methodological endeavors in this thesis. At its core and permeating the entire work are the concepts of subjectivities as used in both political and psychomedical anthropology⁹, shedding light into the lives, experience, and actions of the Wayuu as immersed in a local moral world and nation-state. In addition, I briefly discuss agency and experience, concepts that are fundamental in this thesis as they illuminate the process by which the Wayuu come to engage in the *lucha*, but also evidence the possible convergences of the disciplines invoked in this study. This review is not exhaustive, however. Throughout the thesis, I often draw information and inspiration from literature of indigeneity and indigenous and social movements in Latin America, neoliberalism and resource extraction, scholarly and non-academic studies on La Guajira and Colombia, and the valuable insights of Wayuu and non-Wayuu leaders who now engage in the *lucha*. Let us begin with a discussion on subjectivities.

There are different approaches, understandings, and ways of thinking about subjectivity (Biehl, Good, and Kleinman 2007: 1). According to Tanya Luhrmann, ‘subjectivity’ is a foundational concept in anthropology that has been loosely referred to as “the shared inner life of the subject, to the way subjects feel, respond, experience” (2006: 345). But more generally, Luhrmann argues, anthropologists agree with Holland and Leander’s definition of subjectivities as “actors’ thoughts, sentiments and embodied sensibilities, and, especially, their sense of self and self-world relations” (2004: 127; qf, Luhrmann 2006: 345). But subjectivities are formed and mutable. According to Biehl, Good, and Kleinman (2007: 10), macro-processes, social transformations, or new

⁹ With psychomedical anthropology, I refer to both fields of psychomedical and psychological anthropology

information and life technologies transform environments or settings and allow people to articulate, imagine, and live through different possibilities and destinies, shaping, thus, a subjectivity. Fundamentally, I also hold this dualistic definition for the study of subjectivity, taking the subject as a result of a myriad of processes and power relations that shape it, while subjectivity results in conjunction with the reflexivity and agency of a subject who both accepts and reacts in regard to those processes. Thus, I begin this thesis thinking on subject and subjectivity as codependent concepts. However, to understand these, especially as I delve into and bridge literature on political and psychomedical anthropology, I recognize two commonly distinct uses in these fields.

Political anthropology is partly concerned with the ways in which subject and subjectivity are formed and how they reproduce a political project. Thus, in this field, subjectivities and bodies are seen as sites where and through which power is both exerted and reproduced, though often – but not always – recognizing the subjects as actors of their own experience. Within political anthropology and especially useful to understand the development of a subjectivity within a neoliberal context, many researchers have taken Foucault's concept of governmentality as essential. In general, governmentality, as Foucault put it, is 'the art of government'; a way in which the government, through different practices and disciplinary institutions, acts on individuals and collective groups shaping, guiding, correcting, and modifying the way in which people conduct or behave (Erazo 2010: 1020). On the one hand, then, we can think on how state forms a certain kind of subject through different state practices that construct the 'right disposition of things'. But, at the same time, the state, through the art of government, manages

individuals by establishing the correct manners and conduct (Foucault 1991: 93). In this sense, we can think of the formation of a subjectivity as the state, through ‘multiform tactics’, educates habits, aspirations, desires, and beliefs in a way in which self-interest align to what people ought to do as part of their subject position (Li 2007: 5). Let us explore some insight examples of this approach.

Nancy Postero (2007) presents a highly useful analysis to understand how governmentality can illuminate the shaping of a certain kind of subject, in this case a neoliberal indigenous subject in Bolivia prior to president Evo Morales. As indigenous peoples became recognized as Bolivian citizens under neoliberal multiculturalism, new repertoires of representation, participation, and leadership also became available. Within a new political context and space, the subjectivities of indigenous peoples (subjects) find themselves engaging – in a simultaneously coercive and agentive relationship – with the tools available through those spaces in order to make their own lives within neoliberal multiculturalism (Postero 2007: 6, 17-8). As Postero argues, through this engagement, indigenous peoples learn personal skills and economic models through which they reproduce neoliberal citizenship practices but also enact a subjectivity based on ‘responsibilization’ where indigenous peoples become *good* indigenous citizens while adhering, though often failing, to a capitalist system (2007: Chapter 5).

Similarly and following Postero, Juliet Erazo (2010) uses governmentality to analyze the efforts of Ecuadorian indigenous leaders in organizing and promoting collective engagement into market-oriented economies while they collaborate with the state, NGOs, and other organizations. She argues that this collaboration has had a strong

influence in shaping new kinds of indigenous citizens and, thus, indigenous subjectivities. This citizen/subject, Erazo argues, actively engages with larger communities of indigenous people, rationalizing, and disciplining other people (and subjectivities) into projects of self-rule as a result of the feeling of empowerment to plan and act in order to ensure the future of their political projects. Taking into account Barbara Cruikshank's work, Erazo thinks through the different ways (e.g. discourses, programs and other tactics) in which those who are in governing roles transform individual subjects into politically active individuals capable of self-government through what Cruikshank (1999) calls 'technologies of citizenship'. This way, based on Postero (2007), Erazo analyses the ways in which, through these interactions, indigenous leaders reproduce (or fail to reproduce) neoliberal citizenship practices that relate to their 'responsibilization'.

Lastly, and vital for this thesis, is Charles Hale's work on the "*indio permitido*". While investigating the ways in which the neoliberal multicultural state shapes its indigenous population, Charles Hale (2004) has argued for the idea of an "*indio permitido*", a kind of subject who, as Postero and Erazo also argue, engages in self-governance and is willing to propose new ideas, dialogue within interculturalism, and become a representative of his/her community to defend their indigeneity and cultural issues. These well-behaved Indians are those who are commonly awarded with more political participation and empowerment, making them the new indigenous elite while, as they become more urban (and as some may call inauthentic), also become more alienated from the reality of the other Indians. These Indians, then, are those who become part of the productive regime, the globalized economy, and the "poverty reduction" – not

socioeconomic inequality reduction – programs. In essence, this “*indio permitido*” contrasts the *indio* who is thought of as antimodern and who is always protesting and challenging the socioeconomic structures. As a result, Hale argues, indigenous subjects positioning shifts from being measured through class and culture (poor and backwards vs. middle class and inauthentic) to a political kind engagement (moderate vs. radical) (Hale 2004: 17-20).

However insightful and necessary these works may be, they do not delve deeply into the inner life of the subjects, nor especially, with their experience of being a kind of subject who enacts a subjectivity. Thus, on the one hand, it does not tell us how and, especially, why actual people come to experience within or through those subjectivation processes; and, on the other, this kind of theoretical approach may be in some cases dehumanizing, as it obscures the dilemmas of people who experience life and suffering in the most adverse and challenging situations (Biehl, Good, and Kleinman 2007: 13). It is in this juncture that I turn to psychomedical anthropology. Based on a phenomenological tradition, this field also understands subjectivities as dialectical processes between forces and disciplinary mechanisms, but it focuses on the experience and the subject who experience them. Thus, one can think on how the subject and the inner processes of the self are shaped, on the one hand, by political, medical, legal, or other state or non-state institutions enforcing certain types of policies and violence, and, on the other, family, community, and more local dynamics (Biehl, Good, and Kleinman 2007: 1 - 14).

Following this theorization, the subject, often subaltern, becomes caught up within certain webs of power that forces them into living within social, material, and

political conditions capable of producing much affliction and distress, but that are experienced through distinct ways of being and thinking in the world. As Tanya Luhmann puts it, “subjectivity implies the *emotional* experience of a *political* subject, the subject caught up in a world of violence, state authority and pain, the subject’s distress under the authority of another (2006: 346). This subject with inner self, similar to the analysis in political anthropology, also has a social positioning as it is entangled within power relations and, specifically, within regimes of power and/or knowledge that create social categories that “distinguish and treat the person as gendered, raced, classed, or other sort of subject” (Holland and Leander 2004; 127). This entails that subjects and subjectivities are, by definition, political and social and, in most cases, located into subordinate or subaltern positions and identities while they become subjected to mechanisms and technologies that discipline them into fitting into certain categories and living and behaving in certain ways (See Garcia 2010). Thus, social positioning is crucial, Holland and Leander argue, since it is a “primary means by which subjects are produced and subjectivity forms [...] in historically specific times and places” (Holland and Leander 2004; 127). By thinking about subjectivities in this way, we can think on how the Constitution of 1991, as a state-enforced neoliberal multicultural project, shapes policies that both support and challenge the lifeworld of the Wayuu at the same time that it creates possibilities and limitations for reproducing a living.

João Biehl’s work provides a great example of how one can analyze the different mechanisms by which a life – and in this case also a death – is shaped by a subject position as disputes of state legal and medical institutions, public discourses,

socioeconomic status, and the family life of the person converge (Biehl 2005: 38-40). In the context of a rapidly changing, largely capitalist and economically globalizing Brazil where people are expected to be efficient, productive, and self-sufficient, Biehl's work show us how Catarina's body and existence is contingent to the fulfillment of social expectations of what it means to be a particular kind of subject – in this case a human being – in a specific time and space in history. By tracing down the history of Catarina through her narratives, medical records, and family life, Biehl's analyses how medical institutions – an example of a disciplinary institution – creates certain medical categories, affect the lives of people, and shapes subjectivities. Catarina's 'medicalization' meant her fitting into pre-conceived medical categories of mental disability, which, by overlooking the environmental and social factors of Catarina's illness (e.g. migration to the city, family problems, domestic violence, and economic struggle), led her to be deemed as non-normative. Through this social subjection, as it interacted with Catarina's economic disadvantaging conditions and a pharmaceutical regime, her condition and social positioning was reified. Catarina was sent to *Vita*, an asylum where people are left to die; a process that separated her body from her humanness, while, positioned as mad, Catarina's voice and words were annulled, shadowing her 'common sense' and subjectivity within the social world (Biehl 2005: 125, 150, 181-184).

But subject and social positioning, though vital for an analysis of subjectivity, do not translate into its actual formation (Ortner 2005: 36-7). Fortunately, thinking of subjectivity also enables the researcher to take into account agency and the extent of choice as they are encapsulated in specific contexts (García, 2010: 10, 18), even if people

may be caught up in the most horrific of situations, as it is the case of Catarina. Based on an extended version of ‘practice theory’ (see Bourdieu 1977), ideas of subjectivity have come forth recognizing the subject “as existentially complex, a being who feels and thinks and reflects, who makes and seeks meaning” (Ortner 2005: 34). This idea of complex subjectivities takes into account both the subjects’ cultural and historical consciousness – or their ability to be partially aware, knowledgeable, reflexive, and transforming of themselves, their circumstances, and their own reality – as well as the unconscious dynamics of the subject – e.g. Freudian’ unconscious or Bourdieu’s habitus (Ortner 2005: 35). It is within this presupposition of self-awareness and reflection that agency, “a necessary part of understanding how people (try to) act on the world even as they are acted upon” (Ortner 2005: 34) can be found, even if not all cultural subjects have the same possibilities or desires to face and react to subjecting forces (Ortner 2005: 45-6).

But taking this dialectical view of subjects with (limited) agency as “actors bound but choosing, constrained but transforming, both strategically manipulating and unconscious of the frames within which they move”, as Luhmann (2006: 346) argues, has limitations. These may be solved, however, by thinking on the inseparability and co-constructability of self and the world, where each shapes and is shaped within the other. Thus, following Holland and Leander (2004), I think on the co-occurrence of social structure and subjectivity as they come together in the everyday social life (2004: 131). As Holland and Leander put it, this is an approach that “builds on the recognition that positionings are pivotal moments in which social and psychological phenomena come to interanimate and interpenetrate one another... [in order to] learn about how subjectivities

are created by experiences of being positioned and, in turn, contribute to the production of cultural forms that mediate subsequent experiences” (2004: 127). In other words, “the position and its occupant [are] simultaneously co-created in a way that becomes part of "history in person" and, at the time, part of the history in institution (Holland and Lave 2001: quoted from Holland and Leander 2004: 128)

By taking this stance, I can look at how a world or structure is experienced and embodied by a subject, shaping a sensibility by which the subject and structure co-construct, transform, and exist through each other. In addition, through this framework, I can think not only about the relationship of agency, resistance, and change – approaches more common in political anthropology and certainly critical in this study – but also about the experience of the subject and the various mechanisms to overcome subjective states that Luhrmann (2005: 346) hesitates to accept from Ortner’s analysis. I am, then, led towards two fundamental – albeit related – recognitions. First, people are inherently political subjects with politically shaped subjectivities; and second, people are also agents, creators, and transformers of their own lives, conditions, and subjective and suffering states. As Biehl, Good, and Kleinman argue (2007: 14), “subjectivity is not just the outcome of social control or the unconscious; it also provides the ground for subjects to think through their circumstances and to feel through their contradictions, and in so doing, to inwardly endure experiences that would otherwise be outwardly unbearable” (Biehl, Good, and Kleinman 2007: 14).

This sensibility is vital to understanding subjectivities because it provides possibilities to experience and to deal with the contradictions and vicissitudes in life.

Veena Das illuminates this point. In her book *Life and Words*, Das (2007) investigates, among other things, how people recreate their lives – for Das ‘making a world their own’ – based on two different “critical events” that brought extreme violence and struggle in people’s lives: the aftermath of the India partition from Pakistan in 1947 and the period during the assassination of Indira Gandhi in 1984. The lives of Asha and Manjit exemplify how new norms and codes emerge through these events and how they are experienced, enacted, and embodied by people; in this case, women who find voice by re-narrating a story that reposition them, empowers them, and allow new possibilities of living and experiencing (2007: 59-64). In Das words, the process of subjectivation occurs as a response to the disruption of their social lives and a local sense of morality as these women bring back to the everyday life the events and the consequences of these events by picking up (or rearranging) the pieces and fragments in ways that provides a sense of agency and repair and heal the social and the everyday suffering (2007: 7, 15).

Das’s work is fundamental for this thesis since the concept of “critical events” has the potential to link the subjective and experiential to the political; it allows us to analyze how certain historical events – in this thesis, the arrival of Cerrejón and the creation of a neoliberal multicultural Constitution – have an essential impact on shaping people’s subjectivities, associated social practices and modes of action and significance, and possibilities to deal with these disruptions (or resist them) in order to live the everyday and the ordinary. Thus, we can think on how subjectivity is not only the means of shaping sensibility (Biehl, Good, and Kleinman 2007: 14) but also the experiential grounds from which agentic action to endure and deal with suffering is possible.

And it is through this sensibility that, in part, people experience. By experience, I follow Kleinman's definition as being "the felt flow of interpersonal communication and engagements" (Kleinman and Fitz Henry (2007: 53). By thinking of experience as a flow, we open the door to understand it in its possible reshaping and reconfigurations, in relation to emergent subjectivities and realities. And by thinking of experience as interpersonal engagement, we can see that experience is also an inner work or medium where that reality happens, which, though personal, occurs intersubjectively through "practices, negotiations, and contestations with others with whom we are connected" (2007: 53). In this sense, experience is the fusion of the collective and subjective as they are mutually conditioned and shaped within a local world, power relations, and macrosocietal conditions (Kleinman and Good, 1985: 29). Within this framework, we can see the particularity of experience and the porosity of the self, which, instead of being static, are always in flux since they depend on the multiplicity of human conditions in which people find themselves in. Thus, as our worlds change, remaking our lived conditions and our possibilities to experience, so does our most intimate inner processes and deepest sense of self (subjectivity) (Kleinman and Fitz Henry 2007: 55, 64).

But experience, as taken by the phenomenological traditions of Kleinman, Good, Das, and others, also lead us to think of experience as a moral engagement that is shaped by what matters most to people. As Kleinman and Fitz Henry put it,

Experience always takes place within particular social spaces and is inextricable from the shifting exigencies of practical, everyday life within those spaces. In villages, neighborhoods, families, and workplaces, people are aware that certain practical things matter greatly—status, relationships, resources, ultimate meanings, death, or transcendence—and they struggle to preserve and protect those things. This charged engagement with the

things of a local world lends experience its intrinsically moral character: experience is the medium through which people engage with the things that matter most to them, both individually and collectively (2007: 54).

Therefore, Kleinman and other researches of this tradition push us to look at the deeper, moral, and subjective and intersubjective processes within which experience occurs. Most frequently, it is the experiencing of suffering that in all its multiplicities and possibilities takes a prominent role in this tradition. Mainly, I think through two fundamental takes on suffering as experience. Suffering that, as Jason Throop (2010) demonstrates, can take certain shape depending on how people in a local context struggle to make a meaningful moral and virtuous life. And suffering that can lead to action as people try to make the world their own (Das 2007), and as they struggle to protect what matters most to them. In this thesis, then, I take experience as being co-constructed with the lived conditions within which the Wayuu live and interact, the subjectivity (agency and sensibility) through which is engaged, and the subject position that limits and makes possible (but does not determine) certain actions and sense of agency.

This thesis is organized in a way that porously separates an analysis of subjectivities as worked in the two fields of anthropology just described; mainly, the first Chapter exploring information that illuminate and locate these two understandings, the second one focusing on the experience of the Wayuu, and the third one analyzing on the political and subjective practices that the Wayuu engage in. In addition, this thesis is also organized based on my argument that the Wayuu *lucha*, which also comprises the experience and subjectivities of the Wayuu, is shaped by, at least, six main forces, both macro and micro. The first Chapter analyzes four of these forces, more traditionally

analyzed in political anthropology as well as indigenous movements studies but definitively crucial to understand the other two forces. And the second and third Chapters examine how the *lucha*, as a collective engagement, is constructed through the experience and political actions of the Wayuu.

Therefore, Chapter 1 demonstrates how the *lucha* can be seen as the continuation of a centuries-long Wayuu *lucha* to protect their ways of life, territory, and maintain autonomy from the *alijuna* (non-indigenous) society and governing practices in a location that has recently become a hub for natural resource exploitation. This includes, then, the resistance against Cerrejón that has fundamentally and at all levels impacted Wayuu life as well as the Colombian state and society that penetrates and challenges aspects of the Wayuu society. In addition, this chapter explores the *lucha* as shaped by the Colombian Constitution of 1991, a neoliberal multicultural political project and “critical event” that translates into the state’s support of natural resource exploitation, the recognition of indigenous collective rights through which the *lucha* is framed and experienced, and the disillusionment of the Wayuu as they experience the violation of their rights.

In Chapter 2, I explore the *lucha* as a result of peoples’ past and present experiences and lived conditions, their reflexivity upon those experiences and conditions, and the urge to protect what matters the most and what is at stake in this *lucha*. I analyze the role of the *despertar* (awakening), a process by which the Wayuu come to embody the *lucha* as they enact an emergent political subjectivity. Thus, by thinking through this political subjectivity – significantly shaped by a neoliberal multicultural Constitution – I examine how the Wayuu come to reinterpret their experiences of suffering through the

language of human and collective rights, a condition that allows the development of a sensibility with significant consequences for the subject: it encourages a reflexivity to critically think and feel about social problems, opening a subjective space to experience *sentirse mal* and *preocupación*, while empowering the subject to act upon their experience in ways that potentially solve and heal problems and suffering in a moral and meaningful way.

Finally, Chapter 3 explores how, based on an agentic *preocupación*, the Wayuu engages in the *lucha* and enact a political subjectivity through different mechanisms of resistance with the intention of healing the ills, such as that of social and political division, which they have identified in their society as a result of Cerrejón and neoliberal policies. It analyzes, then, the Wayuu leaders' engagement of the *lucha* through a variety of individual collectivities with which they visibilize their struggles and suffering, develop alternatives – *planes de vida* –, and engage in *gestión* with the hopes of obtaining support and compensation for their sufferings in order to retake control over their own cultural, social, and economic processes. Bringing to a close this thesis, this chapter also reflects on two important issues. First, it examines the relationship between subject positioning and the shaping of a subjectivity. It looks at how the tools available to the Wayuu as an indigenous subject within a neoliberal multicultural nation-state also reshape the subjectivities of the Wayuu, fostering a *despertar*, a critical reflexivity, and a sense of responsibility to defend their own rights; a sense that is experienced through *preocupación* mediating, thus, experience, the subject, and subjectivity. And, furthermore, it presents some of the limitations of indigenous collective rights as a way to

frame the *lucha* since, by including the bodies and suffering of the Wayuu to a legal framework, it shapes an indigenous subject who defends their rights within a context of competition where only the *buen gestor* and *sufrido permitido* can be successful, reproducing a political and subjective space for the emergence of a neoliberal indigenous political subjectivity.

CHAPTER 1: Living the Wayuu *lucha*



Figure 1. Mining = Misery. Only different by one letter
(Shared slogan of *Fuerza de Mujeres Wayuu* and other organizations in La Guajira during the mobilizations) (NotiWayuu 2011)

On August 1st, 2012, hundreds of Wayuu joined other social sectors and organizations in La Guajira in a march to defend the Rancheria River. The shyness of many Wayuu marchers expressed their lack of experience in this type of resistance mechanism. Nevertheless, their hearts were filled with a combination of uncertainty and horror, while they held signs condemning the efforts of Cerrejón to divert the Ranchería River – the blood of their territory – and the need for compensation for the impacts of mining. This situation, for the Wayuu, is not only an abuse to *wounmainkat* (the mother earth) and a reason to mobilize to defend the territory; it is also an example of how Cerrejón has indiscriminately exploited their ancestral territory, leaving only misery, health issues, division, and contamination in their communities. As the Wayuu leaders who were in the forefront of the resistance told me, this march aimed to establish their position regarding the Expansion Project P500 as well as the visibilization (the making

visible) of their struggle. They wanted people at the national and international level to know how a mining company was, once again, violating their rights; in this case, the right of *consulta previa*.

Two weeks later, from August 16-20th, 2012, the Wayuu joined into an extraordinary and innovative form of resistance and visibilization. Along with other civil society organizations and afro-descendant communities as well as with the indispensable support of the *Colectivo de Abogados José Alvear Restrepo (CAJAR)*¹⁰, the Wayuu organized an expedition through the Ranchería River. In this event, different committees were formed by local indigenous and afro-descendant peoples and accompanied by students, scholars, lawyers, reporters, and film-makers from different national and international organizations. The goal was to hike through the river (now highly reduced, murky, and coal-filled) and its decadent riverside settlements, in order to allow the participants to document the environmental degradation and the experiences of suffering by the local people, what they called the *realidad* (reality) – or part of the *realidad* – of what happens in La Guajira. The last day concluded with a comprehensive summary to be reported by the national media – which never showed up – as well as to online social networks.

Up until today, mobilizations from different social sectors in La Guajira continue, including Cerrejón workers' union – SINTRACARBON – weeks-long strike and a possible department-wide general strike. These instances exemplify an important turn in the history of La Guajira. For the first time, different ethnic groups and social and

¹⁰ Lawyers' Collective José Alvear Restrepo

political organizations are uniting with the goal to protest the current social conditions of La Guajira and the negative impacts of Cerrejón, often elevating the blame upon the irresponsibility of the national state, local leaders, and corporations such as Cerrejón. Thus, thanks to local leaders and the work of NGOs and vanguard organizations such as *Comité Cívico de La Guajira*, alternative ways of thinking about the situation of La Guajira – *la realidad* – have spread and been incorporated into local thought. Today, indigenous peoples, afro-descendants, peasants, students, teachers, academics, activists, politicians, Cerrejón workers, merchants, among others, have mobilized and even proposed policy alternatives to the state – as it occurred on May 2013 – all under the emblem of the defense of their *departamento* in which, despite the wealth in natural resources, people live in misery and undeveloped.

At another level, the struggle of La Guajira represents another epicenter – yet a loud and significant one – of mobilization against the negative effects of irresponsible large-scale mining and energy exploitation, which the Colombian state, in its course of neoliberalization, has been implementing through Juan Manuel Santos' *locomotora minero-energética* (the mining-energy locomotive). Other current examples of resistance against neo-extractivist policies in Colombia include the protests in the *departamento* of Cesar against the US multinational corporation Drummond which, besides their extensive contamination during their coal exploitation, have also been accused of nexus with the paramilitary forces. Similarly, peasants in Huila have mobilized against the state-multinational conglomerate Emgesa and the hydroelectric project of Quimbó, protesting displacement and the lack of support for development programs. And in Santander, now

that Colombians have a frame of reference to think about the future, people have begun to mobilize against the possibilities of silver and gold exploitation in the Páramo of San Turbán, which, though it has not happened yet, many argue will have devastating effects in this natural park as well as the water supply and quality of downstream cities and towns. The resistance in La Guajira, therefore, is clearly not just an indigenous nor *departamento* struggle, though some fundamental singularities of the Wayuu struggle can be singled out and analyzed.

However, these conflicts also represent governments' push in Latin America towards neo-extractivism, a new model of resource extraction often closely linked to neoliberalism and in which resource exploitation is carried out mainly by foreign multinational and transnational corporations that, though providing some royalties to national states justified under the idea of development, have profound negative environmental, economic, and social impacts both locally and nationally (Acosta 2011). As Sawyer and Gomez (2012) show in their edited volume, the result of this model has had similar impacts in local communities, especially indigenous peoples who, despite the recognition of their rights in many nation-states, experience the violation of their rights. In fact, all throughout Latin America, indigenous peoples have been protesting as many of them live through the actual impacts of resource extraction activities while others get caught up in a complex struggle to protect their territory.

As noted in the introduction, I analyze the convergence of six different forces that shape the *lucha* that, though far from exhaustive, offer insights into the different spaces in which political contention occurs, the reconfiguration of Wayuu political subjectivities

are shaped, and the lived conditions are constructed. First, the territory of La Guajira presents certain characteristics that shape not only Wayuu ways of life but also the *lucha*; in particular, the geography and geology have been fundamental reasons for the existence of the *lucha* as historically analyzed. Second, one can think on how the *lucha* is the continuation of a historical struggle to protect local ways of life, autonomy, territory, and actual people from the *alijuna* (non-indigenous peoples) that the Wayuu, since colonial times, have endured. Third, the *lucha* is a result of a national (and even international) indigenous struggle for survival, political and economic participation, and recognition of indigenous rights that, through the Constitution of 1991, converges with neoliberal policies in Colombia. Fourth, this struggle is also a result of the experience of the Wayuu as they live through the limitations and possibilities inherent in the Constitution that, blanketed over a legal framework of rights, foster conflicts over the interests of the Wayuu and Cerrejón. These four forces will be analyzed in this chapter as the historical and political context in which the *lucha* takes place. The other two forces comprise people's experiences and actions. On the one hand, I analyze the Wayuu's experience of the actual outcomes and impacts of large-scale coal mining in La Guajira as the Wayuu reconfigure a political subjectivity that includes a significant sense of agency, based on past and current experiences of suffering, to engage in the *lucha*. And, on the other hand, I think of the tools or mechanisms that have become available for the Wayuu to resist in response to their lived conditions and as part of a specific state project. These two will be analyzed in chapters 2 and 3, respectively.

1.1. The current Wayuu *lucha*: Defending indigenous collective rights

1.1.1. The Wayuu peninsula of La Guajira

The peninsula de La Guajira is located in the northernmost region of Colombia and northern Venezuela, from 11°8'48'' N to 12°38' N latitude (Perez Preciado 1990: 25). As it is constituted today, La Guajira expands over 15380 square kilometers, of which 12000 belong to Colombia and 3380 to Venezuela (Polo Acuña 2012: 26). La Guajira is considered a mostly semi-arid region, especially in the north of this peninsula where precipitation in some areas can be as low as 156 mm in average per year. But precipitation changes throughout the land. Generally and over long periods of time, precipitation rates increases as one goes south in La Guajira, while it is counteracted by the high level of evaporation influenced by soil, the topography, and the strong winds in this area (Saler 1988: 40). As a result, water supply has always been an important element in Wayuu's culture and socioeconomic organization. Commonly, especially during the dry season, the Wayuu have historically relied on hand-made and natural *jagüeyes* (rainwater storage) and *casimbas* (open wells), and more recently windmills to obtain water for human and animal consumption (Saler 1988: 41).

But these general dry conditions are opposed by a considerable geographic diversity that provides a diversity of landscapes (Polo Acuña 2012: 25) which, in general, can be divided into *La Alta Guajira* and *La Baja Guajira*¹¹. In the north lies *La Alta*

¹¹ Often, one also hears about the *Media Guajira*, a territory between *La Alta* and *Baja Guajira*, but it does not seem as important for the Wayuu. In addition, Polo Acuña (2012) argues that the current Wayuu also divide the territory into *La Montaña* (the savannahs close to the Oca mountains in *La Baja Guajira*) and *la*

Guajira (wüimpümüin), space where the *Resguardo de la Alta y Media Guajira*, by far the largest of all resguardos, has developed. *La Alta Guajira* has a more heterogeneous terrain with different mountain ranges that provide suitable soil for vegetation and agriculture, as well as some often ephemeral water resources for the land below, considered the most arid region in the country (Perez Preciado 1990: 27; Polo Acuña 2012: 25). In general, the environment of La Guajira supports little agriculture (Mancuso 2008; 104; Perez Preciado 1990: 27), especially for the *arriberos* (Wayuu from the north), making these mountainous regions, which may reach up to about nine-hundred meters, highly important (Polo Acuña 2012: 29-36). Timber, medicinal plants, food, and textile materials can be found in this area while its soil supports crops that include corn, beans, sweet sorghum, watermelon, ahuyamas, melons, and cucumbers (Gonzales Chaux 2005: 12).

Contrastingly, the south of La Guajira (*La Baja Guajira* or *wopümüin*), is a geographically more homogenous area: mostly plains that rise from its coasts with few low mountain ranges. In fact, no heights exceed four-hundred meters (Polo Acuña 2012: 36). The most common vegetation of La Guajira are xerophilous and cactaceae, being the *Lemaireocereus griseus* and *Opuntia wentiana* their most abundant kinds (Gonzales Chaux 2005: 11), as well as the *Caesalpinia coriaria* (*dividivi*) and the *Prosopis Juliflora* (*trupillo*) which are very important for the Wayuu people. Even though vegetation is scarce in *La Baja Guajira*, it is more abundant than in the north, especially during the rainy season (*Juyapu*, which goes from late September to the beginning of December)

playa (the west coast of *La Alta Guajira*). Nevertheless, these categories have never stood out as important during my fieldwork.

when the land becomes greener and apt for agriculture (Gonzales Chaux 2005: 11; Polo Acuña 2012: 37). In addition, *La Sierra Nevada de Santa Marta* and the *Serranía del Perijá*, two mountain ranges at the margins of La Guajira, provide two important rivers, the Ranchería River that goes north into the peninsula, and the Limón River that goes south towards the Venezuelan Gulf. The Rancheria River, considered the only (perennial) river of La Guajira, has been historically vital for the Wayuu, and especially the *abajeros*¹², as a source of water but also for its adjacent fertile lands and strategic commercial and political location. Therefore, ever since the XVI century, this region has been in dispute (Polo Acuna 2011: 37-49), generating much inter and intra-ethnic conflict, higher levels of Wayuu acculturation, and significant lower levels of indigenous autonomy.

La Baja Guajira is also where Cerrejón and most of the *resguardos* and *asentamientos* (settlements) are located. These *resguardos* include: *Cerro de Hatonuevo*, *Wayuu Rodeíto el Pozo*, *Provincial*, *San Francisco*, *El Zahino Guayabito Muriatuy*, *Cerrodeco*, *Mayabangloma*, *Caicemapa*, *Potrerito*, *Wayuu de Lomamato*, *Trupiogacho-la meseta*, *Caicemapa*, *Cuatro de Noviembre*, *Okochi*, *Las Delicias*, *Manniature*, *las delcias*, *Monte Harmon*, *Soldado Parate Bien*, *Perratpu* and *Unaapuchon* (Departamento de La Guajira 2011)¹³. In comparison to the *Resguardo de la Alta y Media Guajira*, these *resguardos* are much smaller, more densely populated, and have been more significantly affected by Cerrejón and inter-ethnic conflicts.

¹² Those who are from *La Baja Guajira*

¹³ Besides Wayuu *resguardos*, there are also some that are for the Kogui, Arzario, and Arhuaco populations from *La Sierra Nevada de Santa Marta*

In matters of mineral and hydrocarbon existence, La Guajira greatly excels. Coal represents the most important ore in La Guajira and, in fact, the second most important source of income in Colombia, which is the fourth largest exporter of coal in the world (Portafolio, 2013). Out of the close to 90 million tons of coal exported in 2012, Cerrejón exploited nearly half in La Guajira. But the potential for coal exploitation in La Guajira is much greater, counting with over 500 million tons of coal lying under the Rancheria River as well as in other areas of the south of La Guajira where other multinational companies, in particular CCX¹⁴, are currently trying to begin exploitation. Other important resources include natural gas, which represents close to 66% of the national consumption (Sanchez Jabba 2011: 1). With a capacity to produce up to 750 million cubic feet of gas daily, gas in La Guajira is currently exploited by Chevron-Texaco (Cabrera Galvis, 2003: Sanchez Jabba 2011, 31). In addition to coal and gas, which represent most of the production and income in La Guajira, nickel, gold, copper, and salt are also present at smaller quantities (businesscol.com 2013). Though not all of these are currently being exploited, all of them are in prospects for exploitation by several multinational (see Radio Guatapuri 2013 too see the case of copper).

1.1.2. A historical *lucha*

Historical accounts as well as the narratives of Wayuu leaders suggest that the *lucha* – the one against Cerrejón – is not new. Instead, it is the continuation of the Wayuu efforts to defend their ancestral territory and ways of being that, though with different

¹⁴ CCX is a mining company from the group EBX owned by Eike Batista

mechanisms of resistance, began in colonial times. The current ideas of resistance and the *lucha* are fairly constant and are based on that historical struggle that has been inherited for generations. For example, Ramiro, the president of AACIWASUG¹⁵, an indigenous organization of the South of La Guajira, explains to me that, as an indigenous Wayuu, “one resists – or thinks about resisting – because one wants to stay in the territory and [wants] the *lucha* to continue [...] One wants that, every day, new people become part of it [the *lucha*] [...] and that in the future the Wayuu people do not just stay united, but that the culture gets to resist as well” (2012: Personal Interview). Efrain, the leader from an *asentamiento* (settlement) of displaced Wayuu who are trying to constitute their new territory as a *resguardo*, similarly, tells me that “to resist is like not letting yourself break upon the demands that the state or private corporations and people [place upon you] to force you to abandon the territory. This is very important for us because having a territory is to have your own identity [...] Thus, the concept of resistance [...] is to have [our] own identity to clarify where one is from, so if someone asks you where your territory is, you know it is there and you have your territorial identity” (2012: Personal Interview). And for Constanza, a strong woman who has struggled for many years to recover the territory she lost to Cerrejón, tells me that resistance is “to be there [...] It is not giving up because we cannot; it is to keep going until it all ends. And, how does the saying say? If we are united, we will never be defeated. So it is to be there, and nobody is going to destroy that.” I asked Constanza when she resisted and she answered firmly and proudly, “all the time.”

¹⁵ *Asociación de Autoridades Tradicionales y Cabildos Indígenas Wayuu del Sur de La Guajira*

This constant resistance points to what many leaders in the *lucha* declare: the Wayuu *lucha* is a legacy that they must continue. Therefore, for the current Wayuu leaders, as the descendants of many generations of Wayuu who defended the territory and lived with certain autonomy, the *lucha* is the constant and long-term effort to resist the outside forces directed to destroy or subjugate what is considered Wayuu and the need to protect what belongs to the Wayuu. Similarly but with some differences, resistance could be generalized to be the personal and/or collective attitude, state of mind, and motivation to maintain that *lucha*, despite the diverse influences that may force the resisting subject to give up. Thus, in the current *lucha*, to resist is to maintain that what makes people Wayuu (territory and culture) and what unites them as indigenous peoples; in other words, that which is at stake. But these efforts of resistance have to be placed under a cultural, historical, economic and sociopolitical context. I now turn to briefly analyze these.

1.1.2.1. The Wayuu indigenous people

The Wayuu, commonly assumed in the academia to be of Arawak descent (Montiel Fernandez 1988: 97; Perrin 1976: Introduction; Saler 1988; 35: see Oliver 1990 for an in-depth discussion), arrived to La Guajira from the tropical jungle, most likely the Amazons, about three-thousand years ago, possibly displacing Tayrona indigenous populations, the ancestors of the indigenous groups now living in *La Sierra Nevada de*

Santa Marta (Echeverri Zuluaga 2002: 22)¹⁶. Anthropologist Benson Saler claims that, at the time of his fieldwork (the end of the 60s and the beginning of the 70s), legends stated that Wayuu ancestors had come from a distant and water-abundant land into La Guajira (1988: 35). Nemesio Montiel Fernandez (1988) explains that, in addition to linguistic and archaeological evidence, some myths of Wayuu origins seem to corroborate this data. Nevertheless, the fact is that upon the arrival of the Spanish, native indigenous populations, the ancestors of the Wayuu of today, already inhabited the Guajira Peninsula¹⁷.

Before the arrival of the Spanish, the native indigenous populations of La Guajira engaged mostly in hunter-gathering and fishing practices. Upon the contact with Europeans and the introduction of livestock, however, many natives began to also engage in pasturing practices, while it allowed them to use extensive lands located inland (Saler 1988: 36). It is currently assumed by scholars that, the pasturing of cattle (goats, cows, and sheep) attracted increasingly more people since it became a symbol of prestige and status, having as a result the stratification of families and castes (Echeverri Zuluaga 2002: 24; Gonzales Chaux 2005: 26)¹⁸. Thus, by the middle of the 16th century, many Guajiros were adopting the use of cattle, and by the end of the XIX and the beginning of the XX centuries, it became the main economic activity (Alarcón Puentes 2007: 54; Echeverri

¹⁶ The Wayuu are sometimes also referred as Guajiro, Goajiro, Wayúu, or Wayu.

¹⁷ Up until the 17th century, the guanebucanos, caquetios, kocinas, and makuiras inhabited La Guajira but with time, the power exerted by some indigenous groups, and the pastoralist way of life pushed for the identification of the Wayuu people (Pacini Hernandez 1984, Purdy 1987: 137; Polo Acuna, 2012)

¹⁸ Some authors, such as Mancuso (2008: 105-6) argue that the importance of caste and its hierarchies have decreased. My own ethnographic experience tends to corroborate this fact. Nevertheless, in many circumstances, such as settling disputes, the *eiruku* remains as a primary factor to be taken into account.

Zuluaga 2002: 24; Polo Acuña 2011: 325)¹⁹. Even though pasturing could be described as one of the core subsistence economic practices today, being used for consumption and for trading or selling, it is not the only one. Agriculture, fishing, hunting-gathering, contraband, crafts, and (since more recently) labor activities have been supplemental or even more important among some families and regions in La Guajira (Saler 1988: 42-8).

In Wayuu mythology, *Maleiwa*, a cultural hero, subdivided the first Wayuu into groups whose names were given by the bird *Utta*, resulting into the differentiation of people into distinct *eiruku*²⁰. The literal meaning of *eiruku* is “flesh,” but has also been generally analyzed as “substance, texture, or compoundness” (Mancuso 2008: 104). These are often identified by specific symbols, cattle brands, animals, and even personalities. In the process of conception, the woman provides a higher amount of this substance through her menstrual blood (*ashá*) which mixes and condenses with the semen (*awasain*) (Mancuso 2008: 104). It follows, then, that it is the mother the one who provides the *eiruku*, or clan identity, making the Wayuu a matrilineal society. This is not to say, as Goulet (1978) and Saler (1988) demonstrate – challenging the previous rigid anthropological view of Wayuu social structure –, the father and his family had no significant relationship and responsibility with a Wayuu.

Nevertheless, general, matrilineal ancestry is also defined through *eki*, or origin. And this *eki* comes from the territory where the grandmother, or female ancestor,

¹⁹ It is important to point out, however, that contraband was for some time, especially the XVIII and XIX centuries, the most important economic activity among the Wayuu (Polo Acuña 2012: 119)

²⁰ There are, indeed, a great variety of myths for the origins of the Wayuu, not all involving *maleiwa*, which it is considered by some an adaptation from the Christian God. Some other people place other mythical figures, such as *Pulowi*, *Juya*, *Wanülüs*, and *Yolujas* as more important in creation and, especially, in people’s daily lives, as Perrin (1976: 74) describes.

emerged from the underground. Two fundamental conclusions can be taken from this. First, within one single caste, there may be different *eki* (Mancuso 2008: 110), subdividing castes into matrilineages that are constantly formed (Alarcón Puentes 2007: 61), which, in fact, are of more immediate importance. And second, the territory (*wounmain*) where a Wayuu is born – also the place where the Wayuu expects to be buried – has an intimate and familial connection with the Wayuu and their ancestors.

All people sharing an *eiruku* are related as *apiüshi*. However, as Saler (1988: 30) and other authors have argued, contemporary clans are dispersed and have no corporative relations, pointing towards the lack of political cohesion that they now maintain. Thus, there is not necessarily any immediate or functional responsibility among those who share an *eiruku*, besides sharing similar social and political conditions (e.g. being powerful and having wealth) (Alarcón Puentes 2007: 68). Moreover, Mancuso argues, in contradiction to earlier interpretations of Wayuu social organization, that people who are *apiüshi* are not necessarily – though generally are – related through blood or consanguine ties (as uterine kin). Rather, it is those who share *eiruku* (regardless of whether there are consanguine ties) and/or those who engage together in important activities in Wayuu life, such as organizing a burial ceremony, resolving a feud, or sharing territory, what makes an *apiüshi* (2008: 105-7). As a result, not all *apiüshi* are related through blood or belong to the same matrilineal ancestry.

These *apiüshi* commonly live in the *ranchería – püchipala*, the core social and spatial unit for developing relationships and a Wayuu sense of self. This traditional settlement is composed of approximately five to ten households that are five to ten

minute-walk apart from each other and share some kind of water supply (e.g. *jagüeyes*, *casimbas*, or mills), and a cemetery (Goulet 1978: 6-7; Vergara Gonzales 1990: 145). However, settlement and demographic patterns vary greatly across the territory. These *rancherías*, currently more common in *Alta Guajira*, exist in contrast to some differences that result from cultural changes, including through the influence of the Colombian state, Cerrejón, and the *alijuna* society. For example, now many Wayuu, especially those looking for work or education, live in urban localities, such as Maicao, Uribia, Riohacha, and Maracaibo (Venezuela), either continually or for part of the year. Similarly, many Wayuu looking for sources of water or pasturing lands, commonly migrate (Saler 1988: 42), justifying the conclusion of many scholars who argue the Wayuu are highly mobile and, thus, nomadic or semi-nomadic (See Saler 1988: 43). To complicate this picture, furthermore, as it will be explored later on through the narratives of the Wayuu, many Wayuu, especially those from *Baja Guajira*, have been confined to live in small, more highly dense, and clan-mixed *resguardos* and Wayuu *asentamientos*, as part of Cerrejón's and the Colombian state territorial ordering, changing the meaning of what *ranchería* is for these Wayuu.

Traditionally, among a Wayuu family, male activities include pasturing and raising the cattle, hunting and fishing (if present), and farming. In contrast, women are in charge of taking care of the domestic sphere, preparing food, gathering water, and sewing the *mochilas* (hand-made bags) and *chinchorros* (Wayuu hammocks) for domestic use or selling in the market. Sewing labor is especially important in Wayuu life to transmit their traditions, and as economic means to sustain their families during the drought times

(Gonzales Chaux 2005: 12-3; Vergara Gonzales 1990: 149-50). As it is for any other social group and in any other generation about the Wayuu, gender and social structure vary across the territory (Goulet 1978: 5)

Among the Wayuu, there is no traditional central authority that unites all castes or even one single caste. That is, the Wayuu have not been organized to act politically beyond the matrilineal units or where family groups share a *ranchería* (Alarcón Puentes 2007: 28; Pacini Hernandez 1984: 7). Among these social units, the *alaiïla* – maternal uncle – becomes the family leader and representative, supported by his charisma, good character, marital ties, children, wealth, power (Alarcón Puentes 2007: 38; Gonzales Chaux 2005: 15; Echeverri Zuluaga 2002: 49). Thus, as it is in the community of Kusí, Venezuela, that Alarcón Puentes (2007: 76-7) describes, the *alaiïla* with most prestige is the one in charge of maintaining the cohesion within the *apüshi*. As a result, in this context, these different collective units have commonly enjoyed certain autonomy, especially when living within their own territory (Echeverri Zuluaga 2002: 52). However, as Polo Acuña (2012) demonstrates, powerful and prestigious Wayuu leaders and families, in some instances, have also been capable of influencing the fate of other Wayuu families or communities.

Because of this relative autonomy, an *alaiïla* has little power over the matters of other castes. Thus, in order to solve interpersonal (or inter-caste) problems²¹, disputes, offenses, *derramamientos de sangre* (spilling of blood), or murders, the Wayuu have resorted to *el cobro* (the collect). *El cobro* is a tool for compensation carried out,

²¹ It is difficult to separate between personal and caste strife, since a personal offense would quickly be translated into a family dispute to be solved collectively.

nowadays, mostly through money, animals, and/or objects (Echeverri Zuluaga 2002: 47-8), but its significance also encompasses religious, social, and political realms, providing the base for equilibrium and a proper functioning of Wayuu society. The *pütchipu'i*, or *palabrero*, is the Wayuu (generally a male elder)²² in charge of settling these disputes and arrangements through the use of the *palabra* (the word) (Alarcón Puentes 2007: 28; Purdy 1987: 138). The *pütchipu'i* understands inter-caste and inter-personal problems, not as pathological and undesirable phenomena between individuals and society but, rather, as cyclical events needed for the improvement of relationships and commonly found in community life. Therefore, the gift of this leader is the ability to use non-repressive persuasion to achieve collective agreement and maintain harmony (Guerra 2001).

It is within this basic sociopolitical structure paired with the influence of the *alijuna* society and the Colombian state that other Wayuu leaders have emerged. In his work Saler (1988) describes, for example, the Wayuu *corredores*, while Polo Acuña (2011) makes reference to the *capitanes* and *caciques*, among those powerful intermediaries that arose with the contact with the *alijuna* world, the Spanish Corona, and the Colombian and Venezuelan states. As expected and will become evident through this thesis, the new context and sociopolitical dynamics in La Guajira and Colombia have paved the road for some other leaders to emerge, as these, becoming constitutionally recognized, adapt to the nation-state to receive its benefit and to participate in national and local politics (Alarcón Puentes 2007: 91-4). The newer kind of leadership institutions

²² Polo Acuña refers to some female *palabrerros* in the 19th and 20th century (2011: 89-90 footnote). I have also heard about there being some female *palabrerros* but they are uncommon and often challenged.

include the *autoridades tradicionales* – associations composed of *alaiüla* –, and leaders of indigenous organizations – who are generally much younger and more educated leaders than the *alaiüla*. Not surprisingly, and as it has historically occurred through these changes, competition for power and conflicts among these leaders and families have risen.

1.1.2.2. Struggle for ancestral territory

The time of the Spanish arrival for virtually all indigenous populations in the Americas proved to be an era of disruptions, struggle, change, and in many cases partial or total disappearance. For the Wayuu, one of the largest indigenous populations in both Colombia and Venezuela comprising over four-hundred thousand people,²³ colonial history has rather been one of accommodation, adaptation, and low-intensity but constant resistance (including warfare). In fact, both academic and ethnographic sources state that the Wayuu has been one of those few indigenous groups that have been able to successfully resist – or at least until the arrival of Cerrejón – and maintain their own cultural ways of life, their indigenous language (Wayuunaiki), and relative autonomy. Thus, the development of the Wayuu ways of life has been inherently tied to their constant resistance to organize and stay in their land.

There has been a considerable academic discussion regarding Wayuu's ability to resist. I concur with historian Jose Trinidad Polo Acuña and other scholars who argue

²³ There are different estimates about the population of La Guajira. I settle for this number since I have found it in different sources, but it is very conservative. (See PNUD n.d.: SINIC 2013)

that the resistance has been possible due to both external (*alijuna*) and internal (Wayuu) (2012: 3) factors. On the one hand, La Guajira was never considered a center of “first order” for the Spanish Corona, in part because of its hostile terrain and lack of economic interests; a determination that was materialized into scarce economic and military resources to “pacify” and subdue the native populations (Ardila 1990: 13; Echeverri Zuluaga 2002: 24; Purdy 1987: 138; Polo Acuña 2012: 5). And on the other hand, as Polo Acuña argues following the ethnographer Francois-René Picon (1983), Wayuu political and social organization proved to have an ability to accommodate new features into society. The author argues that, although the provinces of Maracaibo and Riohacha employed strategies of “pacification”, “reduction”, and submission of indigenous peoples, the outcome was rather the development of new leaderships that were incorporated through local terms and allowed new alliances, negotiations, and commercial transactions with a diversity of social sectors (Polo Acuña 2012: 8)²⁴. Thus, these leaders, often *mestizos* mediating the interests of different groups, became a form of

²⁴ As part of the project of the Spanish Corona, the local Spanish authorities of La Guajira followed a plan of submission and consolidation of power through two main strategies: religious intervention and the cooptation of indigenous leaders (Polo Acuña 2012: 131). The capuchins, who arrived to La Guajira in 1696, were in charge of “reducing” the indigenous populations through religious conversion. One of the goals of the capuchins was to “civilize” the indigenous populations, which included trying to convince the leaders into organizing in mission towns where the indigenous would become agriculturalists and would pay tribute, inserting them, thus, into the colonial system. La Guajira was affected by two different provinces Riohacha (now located in Colombia) and Maracaibo (currently part of Venezuela). The province of Riohacha mostly developed relationships since the XVI century with the native populations of *Baja Guajira* and the western coast where the economic activities of fishing, *peruleo*, and pasturing were very important. The relationships between the Spanish and *criollo* society of the province of Riohacha, for the most part, revolved around *mestizaje*, mediations, and negotiations. Maracaibo, on the other hand, only began to have a significant influence in the lives of the native populations by the end of the XVIII century. Inter-ethnic interactions focused mostly with the south and south east regions of the territory and, unlike Riohacha, Maracaibo undertook, but not exclusively, a more military approach for the submission and “reduction” of the native populations (Polo Acuña 2012: 3-4)

resistance itself (Barrera Monroy 2000; Polo Acuña 2012)²⁵, allowing certain interethnic interdependence, strengthening of Wayuu autonomy, and less oppressive relationships with the white and *criollo* populations.

Nevertheless, during the colonial and republican periods, many interests were at play, leading us to think of the development of these leaders as a response as well as an incorporation of the Wayuu into the system. For example, by the end of the XVII century, the Wayuu communities organized politically and socially into cohesive units under the leadership of one leader, which the Spanish called the *mayoral*. These units – called *parcialidades* by the Spaniards but most likely also identified by the Wayuu themselves – were autonomous, based on consanguine relations, and controlled a specific territory, characteristics that allowed them to deal with their context in different ways. Thus, a *parcialidad* assumed different kinds of alliances, which included consanguine ties and military and protective relationships used for the defense against the Spanish as well as other *parcialidades*. Of particular importance was the engagement of *parcialidades* in the contraband of pearls, *palo de brazil*, fruits, milk, dry meat and other local products with the Dutch, French, and English in exchange for weapons, tobacco, and *aguardiente*²⁶, since this activity allowed them to effectively maintain their autonomy and power for resistance (Echeverri Zuluaga 2022: 84-90; Polo Acuña 2012: 119).

²⁵ Among these *mestizo* intermediaries were the *corredores* (Saler 1988), many who were given the positions of *caciques*, *capitanes*, *mayorales*, *jefecillos*, and *alcaldes* (Polo Acuña 2011). These positions allowed these leaders to gain much social, political, and economic power, at the expense of an accommodation to the Colonial system (Polo Acuña 2012: 231-4). Thus, other scholars, such as Alberto Tarazona (1975) (qf. Barrera Monroy 2000: 15) argue that this *mestizaje*, instead, was a form of social disintegration.

²⁶ *Aguardiente* is an alcoholic beverage

Within the *parcialidades*, these political and defensive alliances were constituted according to the power and wealth of the leader to bring all these people together into a common enterprise. The more abundant the cattle, pearls, and weapons, the more dominion over territory, other social groups, resources, and maritime ports could be exerted by a *parcialidad*. Its expansion, thus, depended on the relation of the leader with different *rancherías*, based on *apüshi* relations, who would come together and act as a cohesive unit when necessary (Polo Acuña 2012: 65-90). On the one hand, then, it was the decentralized nature of Wayuu political and social organization, exemplified by the *parcialidades*, what allowed for the Wayuu to resist and maintain regional autonomy. However, on the other hand, it is this same reality what has led different outcomes for the Wayuu. With constant external forces trying to coerce leaders and collective units into gaining individual benefits – and these responding either through resistance or cooptation – many Wayuu have enjoyed the benefits while others have not.

This is exemplified by the encouragement by the Spanish – and later the Colombian and Venezuelan states – to develop new leaderships that would allow them to control the Wayuu, especially those in the *Alta Guajira*. This was the case of the *capitánes*, Wayuu *corredores* or intermediaries that would agree to settle in *pueblos* with the support of Spanish authorities and the encouragement of Capuchin missionaries (Polo Acuña 2012: 66, 141). Similarly, the Spanish authorities created the category of “*cacique mayor de la nación Guajira*” to mediate with the *parcialidades* of *La Alta Guajira* that did not fall under Spanish control. Polo Acuña argues that this attempt to unify the native populations under one leader had as aim to break the local political structures (Polo

Acuña 2012: 240). This “*cacique mayor*”, then, was supposed to articulate with smaller leaders, such as *sargentos*, *capitanes*, and *tenientes* from the smaller *parcialidades* to ensure their link and submission to the Spanish. For example, the “*cacique mayor*” had as a goal to convince the *parcialidades* to pay tribute and stop trading with the English and Dutch, especially when they received weapons. These new leaders had to accept the Spanish agenda and these goals if they were to become leaders. The possibility of accumulating wealth and power through these positions created conflict and competition between the local *apushi* within the *parcialidades* and the emergent leaders (Polo Acuña 2012: 233-4, 254-5, 268-9). Nevertheless, at many other junctures, the Wayuu were still able to accommodate their common interests and refuse the efforts of the Spanish and *criollos* to control, convert, and enslave them. Thus, by 1761-1771, many Wayuu *parcialidades* unified and engaged in the only large scale collective armed action against Riohacha, resulting in a reduction of Spanish influence in La Guajira for about four decades (Polo Acuña 2007: Chapter 4).

By 1826, and after Venezuela’s and Colombia’s independence, the disputes between Colombia and Venezuela to gain control of La Guajira finished with its recognition as part of Colombia. Not long after, as part of the Colombia’s state efforts to exert control over its territory and stop indigenous expansion, disputes between the *criollos* and the Wayuu intensified. These efforts materialized into the expansion in military activities, more controlled commerce and territorial ordering, and religious, especially Capuchin, conversions (Polo Acuña 2007: 285-289; Saler 1988: 37). Of particular importance was the constant war that Riohacha engaged in between 1830 and

1850 as they struggled to control the fertile lands of the Ranchería River and “protect” the territory from the expansion of the Wayuu. This conflict led to the issuance of the Law of May 19th of 1846 to create a governor for La Guajira in charge of supporting the *hacendados criollos*. Though the weakness of this political figure in La Guajira was evident leading to a shift of administrative and political power to the Colombian central government in 1879, these determinations evidence the state attempts to nationalize the ethnic territory of La Guajira. In particular, this goal was to be achieved through the incorporation of leaders through new kinds of “negotiations” and, especially “gratifications” (land, tools, food, and cattle), to those natives who would willingly decide to “reduce” as well as those who would agree to serve as spies for the government denouncing “illegal” activities and military actions by the neighboring state or the *parcialidades*. Though the use of these “gratifications” had begun in the 1820s in Colombia and the 1830s in Venezuela, they became more important at this time, as they also served as a mechanism to show others the “benefits” of becoming part of civilization (Polo Acuña 2012: 282, 294-8).

Though these state strategies proved to be relatively more successful in gaining some control of La Guajira and the Wayuu population, it was not until the 20th century that this panorama changed (Saler 1988: 37), leading to a rearrangement of interethnic and Wayuu-state relations in La Guajira. In particular, four factors were crucial on this shift. First, the Colombian government, with the aim of creating a modern and unified nation-state, developed the Constitution of 1886 and of particular importance the Law 89 of 1890, which created a context for civilizing the indigenous peoples who were seen at

this time as savages and evil, but salvable. Thus, indigenous peoples in Colombia were given the possibility of living in *resguardos* where the state agenda could more easily be put in place and natural resources could be exploited (Pineda Camacho 1997: 112-3). Second, oil, gas, salt, and coal resources were found in La Guajira, driving the state's – and multinational corporations' – attention towards La Guajira. Third, urban centers, such as Maracaibo, Riohacha, and Maicao, grew along with the expansion of *alijuna* farming and commerce. And fourth, intense droughts in La Guajira led to the deterioration of Wayuu economic activities and Wayuu people's health (Ardila 1990: 13; Pacini Hernandez 1984: 8; Echeverri Zuluaga 2002: 28; Saler 1988: 42). As well-known Wayuu anthropologist Weilder Guerra puts it, the end of the 19th century and beginning of 20th century saw the rupturing in “the correlation between the cultural and the natural resources” (qf. Echeverri Zuluaga 2002: 28). On the one hand, this situation crisis led to an increase on state and missionary intervention that used this crisis as a justification for civilizing the Wayuu (Echeverri Zuluaga 2002: 24, 28; Saler 1988: 42). And, on the other hand, labor activities and capital became more important for survival, leading to certain dependence to the market. Thus, many Wayuu migrated, either permanently or seasonally, to urban centers and agricultural centers in search of employment where they often found deplorable conditions or had to become involved in prostitution, smuggling, and the selling of crafts (Pacini Hernandez 1984: 8; Purdy 1987: 141, 144).

1.1.2.3. Critical event I: The arrival of Cerrejón

The arrival of Cerrejón and the exploitation of coal, according to most scholars and Wayuu leaders alike, has been the event that has brought to most disruptive and devastating effects to the Wayuu and La Guajira in general (Ardila 1990: 15). As Purdy argues, this was at this time when the Wayuu lost control of much territory and resources, especially – but not exclusively – in the south of La Guajira (Purdy 1987: 134-5), impacting socially, culturally, economically, and politically Wayuu communities. But this event also meant a deeper penetration and influence of the Colombian state that have only marginally been present. Thus, the arrival of Cerrejón meant the disruption, suffering, and dispossession the Wayuu and, as Claudia Puerta Silva (2010: 150) puts it, the creation of a new social order – a relational space – where new fields of representation and discourses as well as practices of intermediation and negotiation are configured and redefined.

Anthropologist Veena Das (1995, 2007) has referred to events, such as India's partition from Pakistan in 1947 and the period during the assassination of Indira Gandhi in 1984 as “critical events” since these – in addition to being important historical events – have greatly influenced people's everyday lives; in one of her case-studies, Hindu women in India who recreate their lives by picking up the fragments of these events and rearrange them in ways that heal and empower them. Thus, for Das, the extreme violence experienced by people and the social changes that these events have brought have had a critical significance in shaping people's subjectivities, associated social practices and modes of action and significance, and possibilities to deal with these disruptions (or resist

them) in order to live the everyday and the ordinary. As Das puts it, the process of subjectivation occurs as a response to the disruption of their social lives and morality as people bring back to the everyday life the events, and the consequences of these events, in ways that repair and heal the social and the everyday suffering (2007: 15). Though the arrival of Cerrejón is hardly a remarkable historical event for most Colombians, it clearly marks a turning point in the history of La Guajira and, especially, of the Wayuu people. The rapid changes and disruptions produced during and ever since the arrival of Cerrejón define not only a new social order in La Guajira but is also the experiential, biographical, and subjective grounds from where the current *lucha* sprouts, is defined, and is experienced by the Wayuu.

The mining project of Cerrejón arrives to La Guajira in a time of crisis. At the global level, the oil crisis led to the need of alternative energy sources, where coal, especially the high quality one from La Guajira, was a profitable alternative (Echeverri Zuluaga 2002: 30-2; Pacini Hernandez 1984: 15). At the national level, both Venezuela, which was suffering of economic stagnation and decrease in the value of currency (Pacini Hernandez 1984: 12), and Colombia, which had a record of stable but low economic growth, begin their turn into neoliberal economic and political restructuring. And, in La Guajira, commerce, especially of contraband and marihuana – two of the main Wayuu economic activities in the last decade –, had decreased significantly, leaving many Wayuu and Guajiros unemployed and in need of cash (Pacini Hernandez 1984: 12)

The prospects of mining exploitation in La Guajira through Cerrejón began through the signing of a contract in 1977 in a fifty-fifty share venture between the state-

owned company Carbones de Colombia (Carbocol) and Intercor (a subsidiary of Exxon) (Chomsky et al 2007: 11). Today, however, Cerrejón is now owned by Anglo Australian Billiton Company (BHP Billiton), south Africa's AngloAmerican, and Switzerland's GlencoreXtrata, a multinational conglomerate that bought in 1999, with the aid of the International Monetary Fund, the Colombian state share as part of a fiscal adjustment plan (Szegedy-Maszák 2008: 300). The original contract established its three main phases: exploration (1977-1980), construction (1981-1986), and production (1977-2009) (Chomsky et al 2007: 11). Though Cerrejón and the Colombian state knew of the inhabitation of the Wayuu in these lands, this enterprise was justified since, in their discourse, La Guajira, through mining and modernization, could benefit from the development of what was categorized as *tierras baldías* (unused land) (Hernandez Pacini 1984: 17; Echeverri Zuluaga 2002: 30-2). Thus, it began the invisibilization of the Wayuu who, lacking legal land titles, saw how their sacred cemeteries began to be destroyed, their territory divided into two, and many communities were displaced to allow for the construction of what is now a 70000 hectare mine, the 150 kilometer-long railroad, and the marine port (Echeverri Zuluaga 2003: 58, 87; Chomsky 2008: 270; Chomsky et al 2007: 11, 16).

During this process, the Wayuu never participated or were consulted, and only a few (about two hundred) Wayuu were minimally compensated (Chomsky 2008: 270-1). Just as problematic, and as it has occurred ever since, Cerrejón has completely ignored the mythic, religious, and cosmological world of the Wayuu (Echeverri Zuluaga 2002: 58). Even though an Environmental Impact Assessment-Social Impact Assessment was

developed – and, of course, after much infrastructure was already constructed –, the Wayuu were virtually omitted. What this assessment referred as small “indigenous populations” or “indigenous communities” were isolated groups of history-less people, “*no bien desarrollados*” (not well developed), and of a “*estructura primitiva*” (primitive structure) and, thus, willing to be integrated to the project (Pacini Hernandez 2007: 40-1; Zapach 1997: 61). This development, in part, translated into the creation of *resguardos* and the emergence of *asentamientos*. Thus, the *resguardos* of *La Alta y Media Guajira* were first created in 1984 followed by those from *Baja Guajira*, breaking the territory in “half” and disrupting ancestral Wayuu notions of territory and their economic and cultural significance. As Echeverri Zuluaga puts it (2002: 59-64), the ineffective infrastructure found in these *resguardos* to allow for Wayuu development paired with the institutions and aid programs created to control them aimed to facilitate mining exploitation and, in many ways, as an economic homogenizing project from the state.

Today, Cerrejón exploits over 32 million tons of coal a year though it is in the process of increasing its production. It has become the largest private exporter in Colombia as well as one of the largest contributors of royalties to the nation, even if this percentage reaches something from eight to twelve percent (Cerrejón, Minería Responsable 2013; Rodriguez 2012a, 2012b)²⁷. Since the beginning, Cerrejón has put forth social programs to ameliorate some of its impacts. Its most significant one is the

²⁷ According to information provided in Cerrejón’s website, in 2010, they gave 185 million dollars in royalties, out of 2284 million dollars in profits. This represents about twelve percent. Other estimates, such as that of Rodriguez (2012), refer to the royalties as being around eight percent, as a result of their continual decrease in the last few years. In fact, mining companies exploiting non-renewable resources in Colombia, up until 2011, must pay royalties ranging from eight to twenty-five percent of value of production (Sanchez Jabba 2011: 14)

Plan de Ayuda Integral a las Comunidades Indigenas (PAICI; Plan for Integral Support to the Indigenous Communities), which began in 1982 and according to some reports and Cerrejón, it covers through a diversity of social programs twenty percent of the entire Wayuu population; reasons why Cerrejón has been awarded several national and international recognitions for responsible mining (Szegedy-Maszák 2008: 301, 318), even though their social investment, from 1982 to 2002, was close to five million dollars, representing the coal production of two and a half days (Molano 2012). Today, the *Sistema de Fundaciones Cerrejón* (Cerrejón System of Foundations) is divided into four foundations for sustainable development that focus on entrepreneurial projects, solutions for sanitation, improving the living conditions of indigenous peoples, and strengthening institutions in La Guajira (Cerrejón, Sistema de Fundaciones 2013; Source Watch 2012). These foundations work side by side with the government and other national and international agencies and are part of the fulfillment of the Article 121 and 129 of the *Código Minero* (Mining Code) that rule that mining exploitation should be carried out without the harming of ethnic groups who should also be directly benefited by the resources from these projects (Szegedy-Maszák 2008: 301).

But Cerrejón was not the first case of large-scale natural resource exploitation in La Guajira. Up to the 1920s, the Wayuu harvested artisan salt, but, by this time, the state monopolized its exploitation, not only displacing many Wayuu but also disrupting their cultural and economic activities. During this venture, the Wayuu were threatened and told that the territory belonged to the national coffers, consequently excluding, for the most part, the Wayuu from this activity. Today, and thanks to the 1991 Colombian

Constitution, some Wayuu are able to commercialize salt separately and to gain some compensation and share from this activity (Echeverri Zuluaga 2003: 83-6). Nevertheless, after many years of salt exploitation, many problems are far from being resolved.

1.1.2.3.1. The impacts of Cerrejón

The impacts of Cerrejón were – and still are – vast and all-encompassing. Several researchers have written about these impacts, virtually all pointing towards the overwhelmingly negative effects that mining has brought to the indigenous and afro-descendant populations in La Guajira and how Cerrejón has engaged and dealt with these impacts in problematic ways (see Chomsky et al 2007; Echeverri Zuluaga 2002; Pacini Hernandez 1984, 2007; Puerta Silva 2013; Zapach 1997, among others). In this section, I will briefly discuss some of the main impacts in the Wayuu communities of the south of La Guajira²⁸. I base this assessment on the work of these authors and my own fieldwork and collaboration with the *Comité Cívico de la Guajira* and indigenous organizations. The purpose is to emphasize what the leaders, their families, and communities have lived through, giving some background of the lived conditions in which the Wayuu live, grounding the reasons why the Wayuu resist and experience the *lucha* the way they do.

Perhaps the most significant impact was the loss of and/or changes on territory, and the subsequent effects that this brought to people's diverse relationships. Many Wayuu have lost their land or have seen it greatly reduced. As many of these authors

²⁸ It is crucial to mention that these impacts are very similar to those of afro-descendant peoples but I will only focus on the Wayuu here.

explain and the narratives of many Wayuu describe, communities (including afro-descendant) of *Baja Guajira* were forcefully evicted, intimidated and threatened, or deceived through contracts, often made secretly, illegally, and without the consent or understanding of the local Wayuu authorities. Nevertheless, the state, through the local municipalities, courts, and the INCORA (National Institute of Agrarian Reform)²⁹ always remained supportive of these activities. These strategies of eviction have gone as far as fencing off entire communities, as it was the case of Media Luna, or the use of military and police force, accompanied by the bulldozing of entire villages, as it was the case of the afro-descendant community of Tabaco.

Thus, many families and entire communities were forced to migrate to either urban areas, the territories of other Wayuu, or plots of land where they developed *asentamientos*. Many others were confined into *resguardos*. All these Wayuu were no longer to enjoy the same autonomy – or “*libertad*” (freedom), as it was often referred to me – they had before. In general, with the *desarraigo* (uprooting) from the land, people have gone through what Pacini Hernandez (2007) calls “proletarianization”, as many Wayuu have become (more) dependent on formal or informal labor and subsidies (if available) and often without the support of Wayuu economic activities. Those who migrated – or were relocated – to urban areas, often find themselves unable to pay the bills for utilities, basic food items, and school uniforms for their children – common problems of people in the bottom of the socio-economic ladder. Those who were

²⁹ Instituto Nacional de Reforma Agraria. See Pacini Hernandez (1984) for a summary of these processes of expropriation. It is also important to point out that some large landowners were also part of these contracts. However, their power and knowledge of the legal procedures allowed them to make better and more beneficial deals for themselves.

confined into *resguardos*, in particular those of *Baja Guajira*, found themselves living in more densely populated areas where pasturing, agriculture, and hunting/gathering has become more difficult as the result of a combination of lack of space, Cerrejón's privatization of land, and environmental degradation. Those who remain or came back to their territory have seen the death of their animals when they are killed by the train. And those living in *asentamientos* suffer of a combination of all these.

The arrival of Cerrejón resulted in many Wayuu living at the margins of the mine, the railroad, the paved roads, and the port. These are the people who have had to endure the most devastating effects of the environmental degradation of the mining activity. As Perez Preciado puts it (1990: 49), the mining of Cerrejón has its greatest and most injurious effects in the valley of the Rancheria River as it deteriorates or destroys the vegetation, soil, hydric resources, and with these, possibilities for agriculture and pasturing (Perez Preciado 1990: 49). As it was expressed by several researchers during the forums carried out by the *Cómite Cívico de La Guajira*, including environmental engineer Johnny Pérez Montiel (2012), one of the biggest problems of La Guajira is desertification which, together with global warming and this hydric and fauna degradation, is exacerbated (Perez Preciado 1990: 49)³⁰. Thus, the Wayuu in these regions live with stagnated creeks, diminished aquifers, and a murky coal-filled

³⁰ It is estimated that 50% of the territory of La Guajira has tendency for further desertification. In addition, according to the IDEAM (Instituto de Hidrología, Meteorología y Estudios Ambientales de Colombia), by 2070, La Guajira may increase its temperature by 4 degree Celsius and precipitation will decrease by 30% (Fierro Morales 2013)

Rancheria River³¹; the soil sustains less pasturing, hunting/gathering, and agricultural lands; and animals, such as the grey brocket, iguana, and deer have as well as medicinal plants greatly diminished. Nevertheless, out of the near twelve-thousand hectares of land that Cerrejón has exploited, only three-thousand have been recovered.

Some Wayuu communities live close to the *botaderos* (waste pits) of Cerrejón. Virtually all Wayuu living in this region are constantly affected by the almost daily explosions that not only represent auditory contamination, but also result in massive amounts of coal dust blown into the air and the water supplies. Furthermore, diet has changed and alcoholism has increased. Illnesses and malformations have been reported for people and animals. And many Wayuu still mourn for unexplained deaths of their relatives. Currently, pulmonary (e.g. silicosis), skin, intestinal, eye, and ear diseases are reported among Wayuu, and many more, especially children, suffer of constant headaches and malnutrition.

Without or with little territory, many Wayuu are not able to conserve and reproduce their customs as well as cultural and economic practices. As it is the common discourse nowadays, many Wayuu cannot develop according to the *akwa'ipa* (the Wayuu way of being, thinking, and living in the world). Therefore, many feel that their culture – clothing, values, traditions, etc. – are being lost as people, in poverty and with a stronger influence of the *alijuna* world, have to find alternative ways of sustenance. In this context, the *tejido social* (social fabric) of families has been disrupted as these

³¹ Cerrejoncito and Tabaco creeks were stagnated. In addition, the creeks arroyo oscuro, bartolico, san vicente, la pobrecita, la reserve, la latica, arana de gato, bejucalito have disappeared or are in the process of disappearing (Perez Araujo ; cited in Rodriguez 2012b)

disintegrate. People migrate in search for jobs, many of these being informal or illegal³², while others become enmeshed in the complexity of the armed conflict in La Guajira – military, paramilitaries, and guerrillas groups that followed the arrival of Cerrejón – which so much suffering has brought to people.

Encompassing all these impacts, and as it will be analyzed throughout this thesis, is the political crisis that has developed among the Wayuu. Intense internal and inter-clan conflicts have erupted as Cerrejón and the state engage in practices that have been used historically to co-opt and divide the Wayuu. In this case, only a few people have received some benefits from the arrival of Cerrejón and the Colombian state. Now, I am told, many Wayuu want to be leaders and claim their legitimacy from non-traditional sources, making people lose *confianza* (trust) towards the other. With the disruption of the *tejido social*, as explored more amply in Chapter 2, people have been divided and more fiercely struggle for power and resources. And it is in this context of rapid change and decrease of quality of life that the Wayuu live in what many describe as a lack of balance and decrease of harmony with the territory.

1.1.3. A Wayuu legal *lucha*

We have maintained this *lucha* until the sun of today [...] We have lots to achieve and obtain, and to have our own knowledge and that other get to know us.

We are defending our rights. Let us say we are crazy, or as other say, we are aggressive. But this is not the case; we want to emerge and obtain the rights of equality because they, the *alijuna*, treat us as if we were younger or less than

³² With a decrease in agricultural employment and the increase of mining activities over an area that could be cultivated, thousands of annual jobs have been lost since Cerrejón only employs about 10000 people, only one-percent being Wayuu (Rodriguez 2012a, 2012b)

them. They keep us apart and we do not open our eyes to see our north and see
our rights.

Juan, Wayuu leader and *palabrero*

The recent mobilizations in La Guajira by the Wayuu, and as Juan also describes, points towards a fundamental characteristic of the current Wayuu *lucha*: it is framed under the discourse of indigenous collective rights and the role of the communities themselves to defend these rights. This contemporary approach follows that of other indigenous peoples in Latin America that have for the last forty to fifty years conceptualized their struggle around global discourses of ‘equal rights’ and self-determination, placing them into a more empowered positionality with specific possibilities for resistance within and without the state (Altamirano-Jiménez, 2010: 194; Friedman, 1999: 1-2; Hokowhitu, 2010: 217; Mosknes, 2005: 585). International treaties, such as the ILO 169 Convention, serve as global legal frameworks for the struggle of many of these groups. But, more relevant for the Wayuu, as well as other Colombian indigenous communities, is the recognition of their individual and collective rights as indigenous peoples through the inclusion into the Colombian Constitution of 1991. As Juan puts it, these rights are seen as an ideal to reach and to embrace, something that the Wayuu lacked but that now should necessarily guide the *lucha*.

The Constitution is understood by the Wayuu in some specific ways, framing, thus, the *lucha*. Carlos, one of the most influential leaders in the *lucha*, frames the Constitution as the document in which a “political structure” is based and that grants civil and special rights to the Wayuu based on the recognition of their indigeneity or ethnic citizenship. However, what this entails, Carlos tells me, is that the *lucha* under the

Constitution “is to make sure that those rights are applied because [even with] indigenous rights, the government does not assure them” (Personal Interview, 2012). Hence, the basic contradiction in which the current *lucha* is currently experienced by the Wayuu: although indigenous rights are recognized by the Constitution, many Wayuu still feel abused and their rights violated by Cerrejón, other multinational corporations, and by private and state institutions. This entails the experience – or perhaps, the fact – that the state privileges the rights of private corporations, such as Cerrejón, which are also supported in the Constitution. Thus, even after twenty years of Constitutional recognition, Cerrejón keeps exploiting Wayuu territory with large profits, while the socioeconomic and environmental situation of the local communities worsens. The state is failing the Wayuu. Carlos explains this contradiction this way,

Regarding the Wayuu of La Guajira, the constitution has not benefited us at all. Maybe the rights are supported by the constitution but here there has not been a real exercise or real practice of what these rights entail or how they should be applied. There has not been any willingness to do so [...] And so [the state] comes and with time, there is the constitution. But the state has not manifested itself. It is only manifesting now because Cerrejón wants to expand. Now, it is manifesting because there is the right to *concertación*³³ [...] And this is the weakness of the state; despite the fact that the state protects the Colombian citizens, those legal and constitutional norms are lacking exercise and practice in the communities. This is because the fundamental rights of the communities and those rights are unknown for people. Maybe they are interpreted by those Wayuu lawyers but to their own convenience and as a judicial tool to destroy the communities.

The Wayuu leaders, during our conversations, interviews, and meetings, made it clear that the main problem was neither the Constitution nor the recognition of

³³ To find agreement with, referring to the right of *consulta previa*, prior consultation

indigenous rights. Rather, it was the lack of accountability – mostly because of corruption – that the state and government³⁴ had at enforcing the laws and granting sufficient legal access to the Wayuu. Through these ideas, the *lucha* results with the need of the Wayuu leaders and communities to take charge to defend their rights and obtain compensations for past abuses from Cerrejón and the state. Thus, the constitution – and the rights that it provides – becomes the legal and discursive framework with which the Wayuu conceptualize and experience the *lucha*, both in the subjective and political realm.

1.1.3.1. Critical event II: The Constitution of 1991 and the ratification of neoliberal multiculturalism in Colombia

The Colombian Constitution of 1991 can also be seen as a “critical event” for many reasons. To begin with, it is the document that, replacing the Colombian Constitution of 1886, has become the legal support for multiculturalism in Colombia. For the first time in history and after over hundred years of politics of indigenous assimilation aiming to eradicate indigenous savagery by civilizing them – and, thus, establishing a national *mestizo* identity –, this Constitution, contrastingly, recognizes indigenous collective rights, deemed necessary to maintain a pluriethnic and pluricultural nation-state (Pineda Camacho 1997: 111-3). Therefore, at one level, this Constitution represents a progressive achievement in relation to indigenous issues and politics. With a less interventionist state forcing (at least explicitly) the integration of indigenous peoples into

³⁴ The state and the government are often interchangeable terms to refer to its employees, local or national, who are virtually all non-Wayuu

mainstream society, this recognition has entailed, among others, the right for bilingual and indigenous education, the possibility for community land ownership and protection of indigenous *resguardos*, autonomous self-governments, revenue from national shares and royalties, and national political representation (Leger 1994: 76-82). And in fact, for many indigenous peoples in Colombia, the new Constitution represents the result of their historical struggle; one that has opened up particular political spaces for indigenous peoples to act and think through.

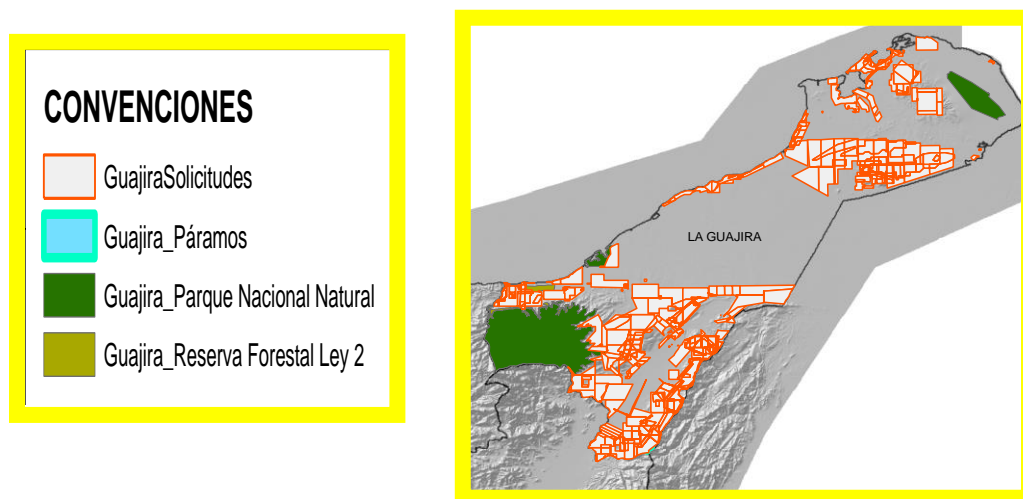
Donna Van Cott argues that multiculturalism in Latin America has resulted from the convergence of difference forces, including the efforts of the elite to regain legitimacy after the crisis of the 1980s, the influence of transnational organizations, and the militancy of indigenous peoples (2006: 286). In Colombia, this militancy has been particularly significant since, despite their small population, indigenous movements, in their efforts to protect and recuperate their land, cultures, and languages, were able to greatly shape the political context of Colombia. Especially important has been the fact that, since the 1960s and 70s, strong and coherent movements, such as CRIC and the ONIC, formed based on a common and redefined indigenous identity (Gros 2000: 125; Pineda Camacho, 1997: 114; Laurent 2005; Roldan and Sanchez 1993: 32). In a context where identity is significant for politics, the success of these organizations spawn from their ability to use national and international political and legal tools and discourse that allowed their empowerment and subsequent participation in the creation of the Constitution. In fact, three representatives of indigenous communities were part of the constituent assembly, along with a majority of traditional political parties (liberals and

conservatives) and representatives of different social movements and demobilized guerrilla groups (Pineda Camacho, 1997: 107). The road was paved in Colombia, a pioneer in Latin America, to a new kind of cultural and political empowerment with hopes, perhaps yet unfounded, for positive economic and social transformation.

But the Constitution of 1991, as part of President Cesar Gaviria's plan to legitimize and restore political power and control (Ballen 1991: III) and as a result of international pressure following the Washington Consensus (Ramirez Aljure 2009: 43), also represents the ratification of the move towards neoliberalism that had started in Colombia since the 1980s. Briefly and simply put, neoliberalism, as a theory of political economic practices, suggests that human wellbeing can be better achieved through liberating individual entrepreneurship by institutionalizing and protecting private property rights within a free market (Harvey 2005: 2). As Charles Hale states, thus, neoliberalism follows "the logic of transnational capitalism: unfettered world markets for goods and capital; pared down state responsibilities for social welfare of its citizens; opposition to conflictive and inefficient collective entitlements, epitomised by labour rights; resolution of social problems through the application of quasi-market principles revolving around the primacy of the individual, such as assessment based on individual merit, emphasis on individual responsibility and the exercise of individual choice" (Hale 2002: 486).

In the economic realm, the so-called "neoliberal package" includes policies that move away from state protectionism, reduces the state's size (but by no means influence), and engages in fiscal discipline in order to favor a free market economy. To carry this

out, governments create policies and a political context supporting privatization of social services and businesses, heavy foreign investment, decentralization of power, and tightening of social spending while the role become that of protecting, even if through military violence, these liberties. In Colombia, neoliberalism is enacted, among other forms, through neo-extractivist policies, which support large-scale mining and energy resource exploitation by multinational and transnational corporations. This is exemplified by current President Juan Manuel Santos' infamous *locomotora minero energética* (mining-energy locomotive), and his push to modify the *código minero* (mining code), which enforces effective protections and a supportive political-economic climate to these corporations. Under the justification of national economic development, even though the royalties provided by these corporations range from only 8 to 25% of the value of production, this *locomotora* has given, by the end of December 2012, 9400 mining concessions, covering 5.6 million hectares, of which 3760 were being exploited in 1.8% of the territory (Garay et al 2013: 25; Rodriguez 2012b; Sanchez Jabba 2011: 14. To this can be added the 19000 mining requests that cover 22.3 million hectares, while 40 million are under expressed interest for exploitation, meaning that, out of the 114 million hectares of the continental Colombian territory, over a third is destined to be exploited through mining (Garay et al 2013: 25). In the case of La Guajira, now recognized as a hub for natural resources, three-hundred and fifty concessions have been requested, expanding over six-hundred thousand hectares; that is close to twenty nine percent of the territory of the *departamento* (Rodriguez 2012b).



Map 1. Protected zones and mining concession requests (Rodriguez 2012a)

But neoliberalism is also a cultural project that revalues the role of civil society. Just as classical liberalism, neoliberalism emphasizes the individual, her freedom, and her capabilities to govern her or himself. However, unlike the former, neoliberalism shapes a subject that through his own initiative – not (apparent or direct) state intervention – is responsible and ethical (Hale 2002: 492-9). Neoliberalism can be seen as a decentralization of institutional power to local governmental units. But at a more subjective level, it also fosters a ‘conduct’ in people, decentralizing moral authority to the individual level, emphasizing subjects’ responsibility for their own future and accountability for their own actions. Neoliberalism, as Brown (2003) recognizes, have reshaped people’s subjectivities (sense of self, sense of agency, identities, and solidarities) (cited in Kymlicka 2013: 99).

The convergence of collective cultural rights of indigenous peoples and neoliberal policies in the Colombian Constitution, following the scholarly traditions of Latinamericanists, such as Charles Hale and Nancy Postero, can be termed neoliberal

multiculturalism (Hale 2005: 12). Discussions over neoliberal multiculturalism have been highly productive since they discuss, among others, the development, practices, possibilities and challenges that this convergence entails for indigenous peoples, not only exposing a political and economic context from which we can understand the struggle of many indigenous peoples today, but also examine its implications for their liberation and true exercising of autonomy. In broad terms, these two authors agree in that no matter how progressive this development may seem to alleviate past ills and problems, there are inherent paradoxes and ambiguities that has made its practice highly contentious (Hale 2006; Jackson 2009: 200; Postero 2007). However, they also diverge in one important aspect. For Hale, the limited set of multicultural reforms present under neoliberal multiculturalist states serve as an instrument of the elite to advance their neoliberal agenda by undermining indigenous possibilities of resistance against these neoliberal policies (Van Cott 2006: 284). The concept of “*indio permitido*” explored in the previous chapter exemplifies this approach. Contrastingly, for Postero, though also recognizing the ambiguities and paradoxes of this confluence, she contemplates the possibilities for indigenous empowerment (Van Cott 2006: 284).

The scholars Suzana Sawyer and Edmund Gomez (2012), in their edited volume “The Politics of Resources Extraction: Indigenous Peoples, Multinational Corporations” explore deeper this paradox. They recognize that despite international charters, state constitutions and legal protections for indigenous peoples, the majority of them find themselves increasingly subjected to discrimination, exploitation, dispossession, and racism (Sawyer and Gomez 2012: 2). And, though these situations are often grounds for

indigenous resistance – and certainly it is for the Wayuu – it is through rights that many indigenous peoples now frame their struggle. By looking at the workings of power in a resource extraction context, Sawyer and Gomez argue that rights and the language of rights have limitations since their practice is embedded in a complex legal, political, and economic structure more frequently aligned with capitalist interests. For example corporate social responsibility programs, even if they adhere to the law, often result in social division, thus, debilitating, neutralizing, and depoliticizing indigenous peoples who struggle within inequities of power and knowledge (Sawyer and Gomez 2012: 5, 14).

This way, Sawyer and Gomez warn us that indigenous rights and neoliberalism are not inherently oppositional – but rather they may be intertwined – despite what many may think. As they put it, neoliberalism entails not the elimination of government per se but a transformation of the processes to govern subjects and the sites of government. Thus, in order to create a climate apt for a rationality of market and competitive entrepreneurialism, there is the need to construct specific legislative reforms, institutional arrangements, and social conditions – in other words, laws and policies. Thus, in the process of furthering decentralization and civil society participation, indigenous rights can be seen as a new technique to open spaces for private forms to take place. However, as rights bring indigenous peoples into a structure of power by opening specific political spaces, they become constrained by the definitions of who are deemed deserving indigenous subjects and the state’s “grid of intelligibility” to manage diversity, reinscribing, thus, racial hierarchies and reinforcing local power structures (Sawyer and Gomez 2012: 24-27).

Sawyer and Gomez argue that “seeking and acquiring indigenous rights is not in and of itself emancipatory. Rather, it recalibrates the arena of struggle” (2012: 4). Basing their argument in other theorists (Brown 1995; Brown and Halley 2002; and Cowan et 2001), they argue that rights can also be a means of co-opting more radical political demands. This is the case because, even if rights in some cases aim for social justice and indigenous protection, their identity-based nature and legality inherently leads to inclusions and exclusions and the production and foreclosing of certain cultural and political identities, imaginings, and actions. Cultural based rights lead to division and conflict, making law, in many cases, a mechanism by which multinational corporations manipulate and control the goals and interests of local collectivities (Sawyer and Gomez 2012: 4, 22). Understanding the importance of this politics of recognition is crucial to understand a struggle framed and experienced through rights. As it will be explored in the next section and in Chapter 3, as people become entangled in an identity game where being the right kind of indigenous subject matters – greatly – we can not only understand the lived conditions in which the Wayuu live as a result of living within a neoliberal multicultural Colombia, but also their experience and decisions as they struggle to protect what matters to them.

If we take the development of neoliberal policies and recognition of indigenous collective rights as state practices, we can see how neoliberal multiculturalism may be seen as a way in which the Colombian state constructs, establishes, and reaffirms its presence in its margins, following Das and Poole’s theorizing (Chavez and Hoyos 2001: 115-8; Das and Poole 2004: 3). On the one hand, by recognizing indigenous collective

rights, the state reaffirms the state through the making of the indigenous peoples – “unruly subjects” – into “lawful subjects of the state”. In this sense, recognition of right may be seen as a technology of power to manage, in this case, indigenous populations (Das and Poole 2004: 9). And, on the other hand, it is the reaffirmation of the state in indigenous territory – as a wild and uncontrolled site that at some levels lies outside the state (Das and Poole 2004: 8) – through its decentralization. This is especially useful to understand La Guajira where the Wayuu – not the state – have historically dominated the region. In this case, policies of economic redistribution, participatory democracy, and social justice – i.e. the *Sistema General de Participación, Consulta Previa*, and *acciones de tutela* – have linked indigenous territorial entities, such as the *resguardos*, to state institutions, while allowing the development of indigenous self-governance within a neoliberal multicultural nation-state model. Though not exclusively, it is within these political spaces that the Wayuu engage in the *lucha* since they shape the material and political conditions of the struggle and a kind of indigenous right-bearer subject. But, just as important, since they also represent emergent political repertoires of representation, participation, and leadership (Postero 2007), as well as new languages that make possible a certain kind of resistance (Van Cott 2006: 286), they are also subjective spaces to experience the *lucha*.

Analogous to the Law of Popular Participation that Postero (2007) analyzes in Neoliberal Bolivia, the *Sistema General de Participaciones* (General System for Participation: SGP), supported by the Articles 356 and 357, has become a vehicle to enact a national plan of development, decentralization, and democratization that economically

supports indigenous governments – taking the *resguardos* as the territorial unit – aiming for encouraging greater local participation and better tools for indigenous peoples to manage municipal money and enacting their constitutional rights (Gow 1997: 249-50; Rathgeber, 2004, p. 109-10; Postero and Zamosc, 2004, p. 21). At first, the Law 60 of 1993 and the Decree 1088 of 1993 institutionalized the resources to be administered directly by the indigenous *resguardos*, through the usage of a *cabildo* and/or *autoridades tradicionales*. However, the Decree 1386 of 1994 that regulated the Law 60 gave the power to administer these resources to the majors and governors of the territorial entities. Though indigenous peoples gained the autonomy to decide how the money was going to be spent according to their own customs and practices, the condition was to contract and agree with these non-indigenous authorities while following a national plan that focused on specific investments on education, health, aqueducts, water sewage, among others (Chavez and Hoyos 2011: 115-6; Revista Gobierno 2009). And to complicate this situation, the Law 715 of 2001, which overwrote the Law 60, reduced the growth and the sectors for investment made through the SGP but established specific practices of “good government” through rigid measurements of public administration, the need of projects conceived under specific formats, and the extensive use of contracts and legalization for all economic utilization of these resources (Chavez and Hoyos 2011: 121-2).

Similarly, *consulta previa* (prior consultation), a ratification of the ILO 169 Convention through the Colombian Constitution and the Auto # 005 of January 12, 2005 presents an interesting way in which the state reaffirms itself in the margins. On the one hand, *consulta previa* can be seen as achievement of the indigenous movements in

Colombia as it provides the right to be autonomous and conserve and live indigenous culture; thus, when decisions regarding their lives and territory are to be made, they must be consulted. This is, then, a highly valued political space for the Wayuu. However, *consulta previa* also means the recognition of the rights of corporations to exploit the natural resources, making this mechanism a potential legal bridge to deal with the inherent contradictions and incommensurabilities of development and land use as framed within the Constitution of 1991. In a country with a relatively small percentage of indigenous population (two to four percent) who have land rights to over a quarter of the national territory in which eighty percent of mineral resources are located (Rappaport 2005: 1-3), *consulta previa* can become a highly sensitive and contentious issue.

It is here where the *acción de tutela* (writ for protection of fundamental constitutional rights) presents a mechanism to resolve disputes when, these previously discussed laws, fail to benefit indigenous populations, thus, also becoming part of expansion of a neoliberal multicultural Colombia at its margins. With this legal action, all Colombian citizens can address – and possibly resolve – human rights violations, making the *acción de tutela* a highly significant tool for indigenous peoples (Semper 2006: Van Cott 2000: 213). In fact, since the Constitution of 1991, any citizen who considers his/her rights have been violated can file an *acción de tutela* without a legal representative and hoping for sentence compliance within forty-eight hours (Vélez 2005). This is not to say that the *acciones de tutela* are always successful. People who present *acciones de tutela* begin with regional courts and judges who make a sentence that, if the claimant appeals, he/she may do so through the Supreme Court of Justice for subsequent ruling.

Nevertheless, all *acciones de tutela* go to the Constitutional Court, where only a few – out of the overwhelmingly many – may be reviewed and sentenced according to some specific rules (Corte Constitucional de Colombia 1991, 2013).

1.1.4. Defending the right to *consulta previa*

Consulta previa, free and well-informed! The indigenous peoples of America have an ancestral and internal *consulta previa*, which is free and well-informed. *Consulta previa!* Redesigned by the Ministry of Interior, accompanied by the multinationals that extract non-renewable natural resources in indigenous and afro-descendant people's territory. Crafted, manipulated, so everyone says "yes", through the socialization made with theater made in our mother tongue aiming to keep us asking for wheelbarrows, yarn, goats. That is what they call the famous compensation [...] The *consulta previa* must be an efficient weapon so we can defend, and so we can know what we are going to do. It has never been free, it has never been clear! Because the *consulta previa* must be done before the projects are made, not when they are ready to be granted with environmental license. The [type of] *consulta [previa]* that they [Cerrejón] do, exists because the project is ready and they carry it out through pre-sales, taking advantage by the lack of knowledge of sixty-percent of our people who, although illiterate, have ancestral knowledge. It is hard to face this multinational.

Dora Luz. Regional leader in defense for the Ranchería River during a speech given to the representatives of three embassies and the OAS.

The fact that Cerrejón was manipulating the process of *consulta previa*, imposing their methodologies, and carrying out obscure tactics to once again deceive people into approving the Expansion Project fostered the greatest *preocupación* to the Wayuu leaders who saw the need to resist and continue the *lucha*. They feared that, if Cerrejón succeeded, the river would be diverted, furthering the misery of the Wayuu. Clearly, this is not a new condition in La Guajira since Cerrejón has been exploiting coal for thirty years, following similar strategies to carry out their project while having devastating

impacts on the local populations. What differs from past events, however, are the new possibilities for challenging the actions of Cerrejón through appealing to the legal apparatus, claiming that their right to be consulted is being violated or that the Wayuu deserve compensation.

But the situation in La Guajira is hardly a local phenomenon. In fact, territory and *consulta previa* are currently two of the most debated and sensitive issues for indigenous peoples in Colombia who also feel that the state and corporations are not respecting their collective rights. In August 6th and 7th of 2012, the CRIC (Regional Indigenous Council of Cauca)³⁵, Colombia's oldest indigenous organization, arranged a national forum for indigenous leaders, focusing on *consulta previa* and territory. The Wayuu leader Carlos, who attended this forum, told me that the consensus was that the state has been working together with large corporations and multinationals and using *consulta previa* as a “business” – a negotiation – to exploit the territory for the benefit of the corporations, the government, and those individuals with whom these create alliance. As it has happened historically, these developmental projects are carried out without the participation of local communities and at the expense of their well-being.

Accordingly, dozens of *acciones de tutela* have been presented to the Colombian National Supreme Court of Justice denouncing the lack of *consulta previa* or the non-transparent mechanisms with which it is carried out³⁶. Nevertheless, most cases have met

³⁵ Concejo Regional Indígena del Cauca

³⁶ It is important to point out what the state has taken some initiatives to ensure the efficiency and transparency of *consulta previa* by intending to regulate and normalize this process with laws that specifically address concerns like costs, methodologies, and timeline (see *Consulta Previa Será Presentada a Indígenas*, 2012; *Gobierno para Reglamentación de la Consulta Previa*, 2012). However, this is also highly problematic, as leaders like Carlos state since, once again, indigenous peoples are not being

the same fate: the Supreme Court of Justice sentencing against indigenous and afro-descendant (ethnic) populations. This was the case of a dam built in the Rancheria River at the end of 2005. The report by the Ministry of Interior and Justice states that the local communities – mostly indigenous – were in fact consulted, resulting in an agreement for the project. In addition, this official document, which disregarded local concerns and resistance towards this project, explains that most people were not going to be directly impacted by the project. However, for those who would be affected, the benefits of the dam outweighed the negative effects (Ministerio del Interior y de Justicia 2009: 465-478).

As it has become explicit with current national mobilizations, many indigenous peoples have grown dissatisfied from the outcomes of these cases since the state, through the *locomotora minero-energética*, seems to privilege territory as a site for the exploitation of natural resources in the name of national economic development. This exemplifies the fourth force shaping the Wayuu *lucha*. Even though the Wayuu are entitled to certain constitutional protections, the actual materialization of these protections does not fulfill their expectations. In the remainder of this chapter, I analyze some of the conceptual basis of the current Wayuu *lucha* – the essence of what the leaders are trying to visibilize – as they live through the actual outcomes, developments, and inherent contradictions and limitations of a neoliberal multicultural project.

consulted, in this case, on how to be consulted. As an alternative, Carlos proposes that *consulta previa* should take place following their local indigenous ways and, in the case of the Rancheria River, it should not even take place because the river is so vital that it is not even negotiable.

1.1.4.1. Says Cerrejón

Both José Link³⁷, the director of Cerrejón's Expansion Project, and I agreed in our interview that there has been a historically uneven relationship between multinational corporations, such as Cerrejón, and local indigenous peoples, in this case the Wayuu. A good alternative to bridge this gap – we also agreed – was *consulta previa*. As a result, José insisted, following the law and international standards strictly was one of the main concerns of Cerrejón. This would be carried out by providing the right kind and accurate information to people – local communities, the state, and the civil society – plowing the grounds for a just and even *consulta previa*.

José told me that he had been involved in the Expansion Project for 4 years³⁸. Coming as an experienced executive who has previously dealt with K'iche indigenous communities in Guatemala, José presented a sound alternative for a hire who could embrace the company's strategy to transform the negative image held by local communities of Cerrejón by changing “a bit” the mode of relating to each other in order to build *confianza* (trust), José tells me. As a head planner, one of José's strategies to improve this relationship was to employ Wayuu leaders and cultural experts who can act as intermediaries between the company and the Wayuu communities and provide more accurate information about Wayuu reality, society, and culture. It is crucial to “deeply”

³⁷ We had a short interview in Barrancas. My educated guess, as well as the one from my Wayuu host, is that he agreed to meet with me because he was looking to meet and re-establish a relationship between my Wayuu host and the company since my host is an important leader. However, this was not possible. He interrupted the interview after 30 minutes and told me he would call me later to finish the interview. He never did. A few months later, he was no longer working for El Cerrejón. The reasoning behind this remains unclear.

³⁸ It is necessary to point out that during the interview, José Link referred to the project in past tense, as if it was no longer part of Cerrejón's plan. Nevertheless, this could also be seen part of their strategy to counteract the resistance. In fact, “secret” and sudden meetings were still being forced by Cerrejón.

know about the culture, José explains; and this must be done through the usage of “very good [Wayuu advisors] who have indicated, with much depth [in their analysis], which could be the fundamental changes in [Wayuu] culture that diverting the river would bring” (2012: Personal Interview).

This “inside” and sociocultural research indicated that the Wayuu are “intelligent” and “highly adaptable”, evidenced by their ability to use cars, motorcycles, and Ray Ban sunglasses, while maintaining their Wayuu identity. But just as relevant, these studies suggested that the Wayuu, as long as their territory and world is not negatively affected, will not refuse the Expansion Project (José Link 2012, Personal Interview). Geological, ecological, hydrological, and statistical analyses of the Rancheria River and its surroundings were also carried out, in order to truly know how and who are going to be affected by the Expansion Project. Therefore – these studies established – there is a specific *área de influencia* (area of influence) where direct impact will occur, expanding to over nearly 120 communities located mostly along the banks of the Rancheria River (see map below).

Under this framework, not all Wayuu will be affected by the Expansion Project. Thus, for José, not all Wayuu should be consulted, should have a saying in the matter, nor should gain any compensation from what would then become private land of Cerrejón. José frames it this way,

Under the point of view of *consulta previa*, which is guided under the highest standards in the world, the standards of the World Bank [...], why would we have to consult all people when not all people is *afectado* [impacted]? It is not affecting [impacting] an entire people; it is the *real* [impact] of what we are doing. So, I understand that this can be the feeling of some people, but there are more Wayuu in Venezuela than Colombia,

so should we consult with them as well? What kind of impact do they have, just by being Wayuu? Is the Ranchería River of Wayuu's property? No! Those who will be impacted are those who use the river, and that, ancestrally have used it. We have made a study and have tested through them as well, and it is them who tell us who and who are not object of consultation, because it is them who use the river. So, I think that under the point of view of spirituality and everything, it is very cute and fun that they think like that, but I don't think they are right [...] I don't think that is the object of *consulta previa* [...]

EFB: What do you mean with *real* impact? What do you mean by *real*?

JL: [...] I am going to give you a very *real* example. That, for instance, for the Wayuu culture the river is the blood of their culture, and so for generations, they do not touch the river because it is a sacred river; because it is their blood and so they cannot touch it. [...]

EFB: And for the people whom you guys call riverside communities, how would a *real* impact be for them?

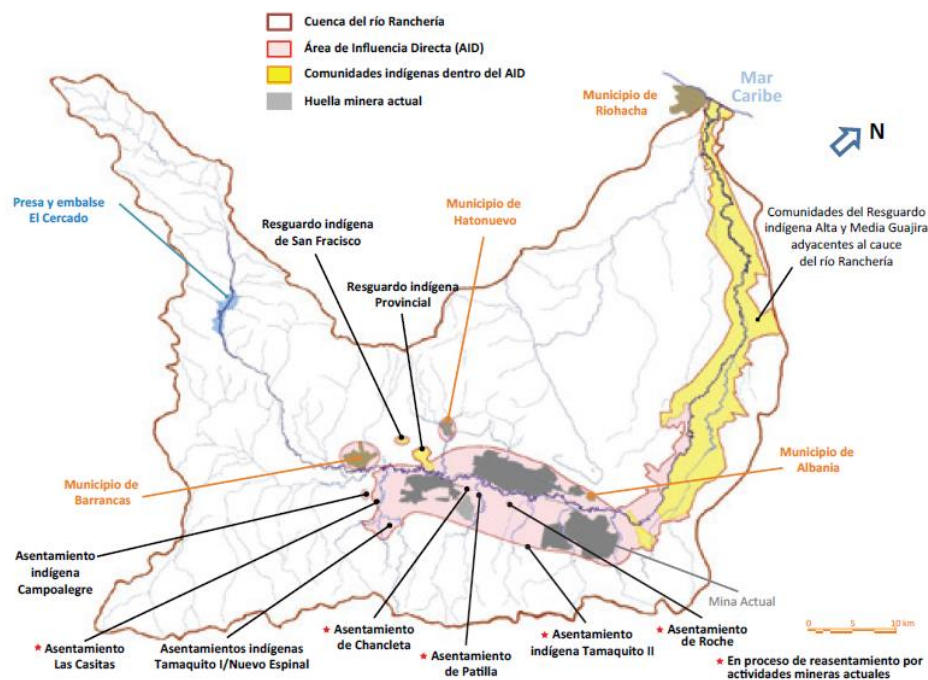
JL: That the water quality changes; that the quantity of water changes; that there is no water at all.

As José explains, *consulta previa* should deal with “real” facts and with those who would truly be affected. Thus, the point of *consulta previa* is to be able to “inform people who will be *really* impacted about something and give them [the impacted community] their treatment”. Cerrejón, then, provides spaces to promote their version of the project, through *capacitaciones* and *socializaciones*. And to make these adhere to the law and ensure their transparency, they are the ones who bring the state controlling agencies, gather up people, and even record the meetings.

Similarly, José assured to me that their strategies and studies adhered to the World Bank standards, which are globally recognized by NGOs, communities, civil society, and multinationals, as being a criteria that “facilitates the relationship [with the local communities] and gives this relationship a strong core and transparency” (2012: Personal Interview). It was this reference to national and international law what gave José his “expertise”. And it was the “correct” use of these western-made standards, and even the

“going beyond” that José and Cerrejón claim they do, what makes their endeavors justified and worth receiving international awards for “responsible mining”.

Based on their studies, José concluded that the Wayuu should be open for negotiation and dialogue and, for those who would truly be affected, for successful relocation and compensation. In fact, Cerrejón has created a “total equation” that measures all factors (social and environmental advantages/disadvantages) and outcomes (beneficial at the local, national, global, and corporate levels) playing out in the Expansion Project. This “total equation”, as he calls it, determines that not only is the project viable, but it is also beneficial for all. As he puts it “[this is not] a democratic process since it is for the benefit of all, no matter if some people may resist or disagree“. This project must be carried out, José tells me, despite any local resistance.



Map 2. Indigenous communities and municipalities in the “*área de influencia*” of the Expansion Project (Cerrejón, *Minería Responsable* 2011: 9)

1.1.4.2. The Wayuu disagrees

When the multinationals come, the first territory they step on is the mind, the psychology. [This is] how Cerrejón works; through a play. [For] whoever is not prepared for that, [Cerrejón] takes advantage of because the person does not know.

(Dora Luz 2012: Personal Conversation)

On the morning of August 29, Dora Luz, a sweet but at the same time strong and passionate leader of the municipality of *Albania*, and I were heading towards her *ranchería* planning to visit nearby communities. Dora Luz was eager to show me the difficult conditions in their schools, as she put it, resulting from the lack – and further reduction – of resources. As we travelled, Dora Luz received a phone-call from an agitated Mercedes, her *tía* (aunt or female elder authority). Mercedes was *preocupada* because *un pajarito*³⁹ (a little bird) had told her that Cerrejón was going to begin a meeting with some Wayuu but she was not invited, even though she is a rightful leader among the Wayuu. Presumably, Mercedes claimed, the reason was that Mercedes has been a vociferous leader against Cerrejón. I later learned that Mercedes *ranchería* was not in the *área de influencia*. Nevertheless, Mercedes wanted to show up to this meeting, record it, and stop it, because this proved to be one more instance of Cerrejón efforts to divide the Wayuu; Mercedes tells Dora Luz, quite afflicted, that the Wayuu helping Cerrejón organize this meeting was a member of their family. I offered myself to accompany her and record the meeting, but we were far. I learned later on, however, that

³⁹ “little bird” means someone of whom she cannot reveal his or her identity.

Mercedes did manage to attend the meeting. And during this event, Mercedes explained *la realidad* to other Wayuu, in her narrative, gaining the support from the other attendees.

As in this occasion, I was never able to attend any meetings of *consulta previa* or *pre-factibilidad* (according to Cerrejón). According to some people, these had stopped by the time of my fieldwork. However, as this vignette suggests, these kept occurring. In fact, by the end of my fieldwork, Cerrejón showed up unannounced to one of the *resguardos*, driving their SUVs full of food and drinks to give away to people. Cerrejón wanted to carry on the process of *consulta previa* and set a date with the *resguardo* when they could finish the process, even though virtually all this *resguardo* had opposed to be consulted and nobody had called up this meeting. Carlos was relieved that he was there when this happened, he tells me. He was not sure what would have happened had him not been there supporting and representing his community. I was disappointed I had missed another opportunity to see for myself one of these meetings, though I was able to obtain the documents produced after the meeting. However, the secret, sudden, and somewhat private nature of these meetings seemed to be part of the “new” strategy that Cerrejón used to communicate with the Wayuu. This situation built on people’s confusion and uncertainty toward this already highly controversial process (See Appendix I for the legal document proving this meeting)

For the Wayuu, the ratification of the ILO 169 Convention (*consulta previa*) in the Colombian Constitution is intended to ensure their social, cultural, and even physical survival in the face of large-scale exploitation of territory. As they explain, this is their collective right, which allows them to participate in any decision-making regarding their

lives and territory in order for them to maintain control over their own social, political, and cultural processes. No Wayuu I ever met disagrees with their need to have *consulta previa* and laws that protect this right. Nevertheless, as they expressed during meetings, mobilizations, personal conversations, and interviews, the way in which *consulta previa* was being carried out, as exemplified above, was highly dissatisfying. For the Wayuu leaders resisting against the Expansion Project, Cerrejón manipulated this process by, first, imposing a methodology, based on a highly debatable study, where only a few single individuals – not necessarily the leaders – attended the meetings; second, by providing insufficient and inaccurate information regarding the Expansion Project and the process of *consulta previa* in order to deceive people into agreeing; and third, by transforming it into a way to negotiate – not to consult – through the buying off of people and state employees. According to the leaders in resistance, Cerrejón took advantage of the innocence and ignorance of many Wayuu (especially those who were illiterate and did not know their rights), their *necesidades* (basic needs), and their *debilidad* (weakness). These were of great *preocupación* for the leaders, since it was one of the strategies that Cerrejón uses to fragment the Wayuu.

I looked at some of the official documents that described these meetings, which explicitly say these are part of the process of *consulta previa* (See Appendix II for an official description of one of these meetings). These meetings took place at least in two different occasions. The first meeting had as an objective to present the project to the Wayuu *autoridades tradicionales* of an *área de influencia*. As these documents state, only *autoridades tradicionales*, the employees from Cerrejón, and the state controlling

agencies were present. In the first meeting, the document describes the presentation of the attendees, the presentation and development of workshops explaining the impacts of the Expansion Project and its controlling measurements (these are also explicitly written in the document), miscellaneous topics, questions, definition of compromises, and the signing of the document. The second document describes the following meeting, three weeks later, where the pre-agreements for the project were documented and signed. These documents were the official and legal proof for Cerrejón that this community had been consulted, even though some people from the “consulted” community never had a chance to know the “facts” or participate, and others claimed that these documents were manipulated and do not accurately demonstrate what actually happened in the meetings.

Dora Luz, whose *ranchería* is located close to the Rancheria River and, thus, is part of the *área de influencia*, describes how the *consulta previa* process took place in her community:

They [El Cerrejón] first [...] invited us to *Aramasa'in* [a large boarding school]. They gave us a little flyer that talked about the *consulta [previa]* with some little drawings and cartoons. They spoke about the *consulta previa* and later, in another meeting, Rafael Epiayu, who used to work for the ONIC, attended as a hire to explain to us the [ILO] 169 Convention. But they did not explain its articles deeply; only those that were for their own benefit to share. According to them [Cerrejón], in only one day we have learned [*consulta previa*], they have respected their part of the deal, and we were ready to go to a *consulta previa*.

Later, they called us so we can have the actual *consulta previa* [...] They began to divide us into groups, and then even smaller groups, and I was wondering why they were doing that if we were a big group. They said that they could not deal with big groups; it was better this way [...]. So that was when I talked to my aunt Mercedes and I told her that I felt alone and she told me she did too [...] So I told her to come to work together with me. But there was Alejandro Valderrama, from the Ministry of Interior, and he did not let Mercedes be in my group because the groups were formed for a reason. She [Mercedes] could not give her opinion, she

could not talk; even worse, they did not even get her lunch! And the *Procuraduría* was there and did nothing because they were in the side of El Cerrejón [...]. [So there we were] with the employees of Cerrejón [and] with the ministry [of Interior...]⁴⁰

Dora Luz's experience of *consulta previa* points to some important reasons as to why the Wayuu leaders in the *lucha* reject this process. For them, Cerrejón, with their immense power, imposes a model of *consulta previa* that is intended to benefit them by ignoring the cultural and social realities of the Wayuu, such as a "real" Wayuu-oriented conceptualization of territory, authorities, and *área de influencia*. But in addition, it imposes a model that aims to deceive people to buy them off while taking advantage of their needs. This is the claim that "*El Cerrejón nos está dividiendo*" (Cerrejón is dividing us). Cerrejón, through their strategies of *consulta previa* to turn it into a negotiation and deceiving the Wayuu, not only physically divide them into distinct groups but also fosters conflict, which, as it converges with historical disruptions and current social conditions of Wayuu life, exacerbates social division and distress. Carlos conceptualizes Cerrejón's strategy this way,

This is the strategy of the state and El Cerrejón in their pretention to carry out the expansion of mining. That is why they are doing all they can for the pre-sales or take advantage of the economic situation [poverty] of people, since there are some Wayuu who really don't have a clear knowledge of the impacts and consequences that this project entails; [El Cerrejón] takes advantage because there are many Wayuu who go crazy when they see money! [...] [This is one of the reasons] why we demand that us, for the [idea] of diverting the river, we do not [want] a *consulta previa*. (Carlos 2012: Personal Interview).

⁴⁰ The *Procuraduría General de La Nación*; a state controlling agency

The process of *consulta previa* has left a profound disagreement based on different interests and ideas over how *consulta previa* should take place, what the Expansion Project is and should be like and, especially, who gets to be included in the project and consulted.⁴¹ And this is part of the *realidad* that the Wayuu leaders in the *lucha* try to visibilize in order to, in part, counteract Cerrejón's propaganda of "responsible mining" (see Chapter 3 for a more in-depth analysis of visibilization). It is on these grounds that *consulta previa* has become a legal issue to be solved. However, it is important to point out that *consulta previa* is not just a stand-alone contested issue with different groups posing distinct discourses. This would clearly ignore the power relations as well as the economic and political processes that are materialized on the ground and, as it will be explored in the next chapter, have significant effects in the way in which the Wayuu experience this contestation.

Division among communities who are caught up between extractivist ventures is not something exclusive of La Guajira, as Suzana Sawyer and Edmund T. Gomez' edited volume (2012) demonstrates. Three works illuminate different sources and dynamics of division, all present at some level in La Guajira. First, Jon Altman's (2012) work in the Ranger uranium mine in Northern Territory, Australia, shows how the corporation's efforts to begin exploitation divided the Mirarr indigenous people since only 26 individuals out of 290 Mirarr were recognized as the legitimate traditional owners of the

⁴¹ This is not to say that the Expansion Project and its studies is an objective work. Indeed, many Wayuu and scholars argue, often based on very reliable sources and research, that the studies of the Expansion Project have no scientific validity and are manipulated. In fact, only the "summary" of the Expansion Project is available for public use. Here, I have vaguely pointed out at the fact that Cerrejón takes into account only certain ideas of Wayuu culture and society that serves their purposes by imposing an idea of *área de influencia*. This is a design that for Cerrejón must be followed.

land with the capacity to negotiate, excluding the voices and concerns of other Mirrar who would be affected by the mine. Similarly, Rovillos and Tauli-Corpuz (2012) document how conflict among the Subanon has been exacerbated as a result of competition and distinct reconstructions of customary law as people try to claim ancestral territory under their rights as indigenous peoples. In a context in which state, corporate and NGO forces have divided the Subanon between those who are pro and against the exploitation of gold in Zamboanga del Norte, Mindanao, Philippines, mining operations have greatly benefited. And lastly, Urteaga-Crovetto (2012) explores the division that arose among the Machiguenga, living near the Peruvian Camisea gas project, as they settled into state recognized permanent settlements. Though these settlement allowed the protection of their land, Urteaga-Crovetto argues, it also radically transformed the indigenous cultural, social, and political-economic reality, a situation that enabled the gas consortium to manipulate negotiations and divide the communities (Sawyer and Gomez 2012: 2-3).

To defend their right to *consulta previa*, as a way to defend their territory, means following the guidelines (laws) that are established, as Carlos puts it. But one of the challenges is that most Wayuu do not know or understand these laws, increasing their vulnerability to be deceived by other people and to have their rights violated. Thus, part of the *lucha* to defend their rights means to learn the laws and the correct ways to use and enforce them, even if external aid from NGOs, law firms, or other organizations is required. As Juan poses it,

We [the Wayuu] are in the defense of the people [...] [We need] to excel despite all the lawyers and even penal lawyers in what has to do with the

laws that protect indigenous peoples through *demandas* [...] And that has been accomplished because when one fulfills everything by the book – the norms that regulate and protect the indigenous peoples – that can be achieved.

1.1.4.2.1. *La realidad*

And the Wayuu, they are unaware of the *realidad*, of what is going to happen with the river. They have never been told! This is because in the *preconsulta* they [Cerrejón] did a *sensibilización* with a theater play, as they have always done. And in this play, they [Cerrejón] show them that they need to ask for goats, yarn, machetes, shovels and that nothing is going to happen to the river; that is how they show it [...] They [Cerrejón] do have a study of *prefactibilidad* done for the river but they are only interested in their dollars; they are not interested in the indigenous peoples or what can happen to them [...] and who do they make responsible? The state [...] and we need the state's responsibility; they have to respond for all the damage that the company is doing on us.
[Dora Luz, 2012: Personal Interview]

As the Wayuu engage in the *lucha*, they act upon and through *la realidad*. *La realidad* is the reality – the true situation – of what goes on in La Guajira, which provides an explanation of why and how La Guajira has come to be the way it is. This *realidad* as Dora Luz suggests, is one that is hidden, tergiversated, by Cerrejón and the state, in order for them to benefit themselves at the expense of the Wayuu and other social sectors in La Guajira. For the Wayuu, coming to know *la realidad*, then, is realizing that they are bearers of rights and, thus, the actions and consequences of Cerrejón, *alijuna* local and national authorities, and the Colombian state are – beyond their mere suffering – also a violation of their rights. As the Wayuu come to embrace *la realidad*, engaging in the process of *despertar*, they leave a state of *ignorancia* (ignorance), blindness, and one in which they were asleep; one where the multinational companies invisibilized, oppressed, and deceived them; the *alijuna* discriminated them; and the state had them *olvidados*

(forgotten) (see the following chapter). But crucial in this process, and fundamentally shaping the *lucha*, is that the *realidad* also means that there are alternative ways of doing things by embracing their rights and visibilizing their situation.

But *la realidad* is not something that the Wayuu magically come to realize. Instead, it indexes a particular kind of thinking and reflecting upon their lived conditions that is collectively learned and continually recreated (see Chapter 2). On the one hand, much of this knowledge comes through the many state and non-state organizations and institutions that come to La Guajira to teach people about their rights and the laws that protect indigenous peoples through *capacitaciones*. And on the other, *la realidad* is also shared and recreated through local meetings, *socializaciones*, and various mechanisms of resistance (see Chapter 3). Clearly, however, there is more than one *realidad*. In fact, different organizations and local groups – and, of course, individuals – hold different conceptions of *la realidad*, all at some level trying to explain through different frameworks what is truly wrong in La Guajira and what can be done. But the most prevalent and agreed upon, though by no means singular, is that the rights of the Wayuu have been violated.

The concept of framing and collective action frames in Sociology provides a useful tool to understand the development of social/indigenous movements and/or collective action. In their review of the literature, Benford and Snow argue that collective action frames are created through “framing”, an active and dynamic process of construction of meaning and reality that implies both the agency as the social movement evolves and also contention since it generates interpretative frames that differ and may

even challenge existing ones (2000: 164). According to the authors, collective action frames allows the simplification and condensation of aspects of the “world out there” in a way that organizes experiences to mobilize potential adherents, gain support, and demobilize antagonists, legitimizing, thus, their actions (Benford and Snow 2000: 164). And this is carried out by the negotiation of shared understandings of some problematic conditions in which people define the need for change, attribute blame and causality (“diagnostic framing”), articulate alternative arrangements for solving the problem (“prognostic framing”), and urge others to act to affect change (“motivational framing”) (Benford and Snow 2000: 165-7).

I do not intend to deeply delve into collective action frame literature. However, this brief mention does provide a vital insight into the *lucha*. As the Wayuu negotiate meanings and understandings to reconstruct (or understand) *la realidad*, they engage in what can be seen as the creation of a collective action frame. In fact, the recreation and sharing of *la realidad* becomes a project to overcome social and political division through unity, counteract other interpretative frameworks (i.e. the ones provided by Cerrejón) that foster conflict and division, and encourage people into political collective action. It is known that the grievances, materialized and embodied through the experiences of dispossession, displacement, loss, and rapid change, are widely shared, making this collective action frame highly resonant among the Wayuu (Benford and Snow 2000: 169). But through the mechanisms of resistance and sharing of their experiences of suffering – framed under this *realidad* – the Wayuu construct a collective narrative and understanding of the past and the present where the Wayuu (as well as

others) see the suffering of the Wayuu as a collective reality and their rights as collectively violated.

The creation of *la realidad* is mediated by the language of rights. In fact, since the *realidad* derives – it is shaped, enabled, and constrained – from the language of rights, I argue, that this language serves the purpose of a master collective action frame, as Benford and Snow (2000: 169) describe in their review. Particularly important is that the language of rights, as a framework, enables the Wayuu to think through their collective and individual suffering, while it reshapes their positioning as well as that of other actors in La Guajira, placing themselves as the *víctimas* (victims) while Cerrejón and the state as oppressors and beneficiaries (See Chapters 2 and 3). This is not a situation particular of La Guajira. Moksnes (2005) also explores how in a Maya community in Chiapas, the usage of a new interpretative framework – one of a mixture between human rights and liberation theology – gave meaning to their experiences of suffering and marginalization in a way that attributes them to unjust societal structures, shifting the culpability “from the self (who is ruled, oppressed, exploited) to the ‘other’ (who rules, oppresses, exploits)” (Moksnes 2005: 587). As a result, Moksnes ethnographic sources contend that they now “see the reality”; one in which they are collectively suffering, allowing them to organize, see themselves as part of the Mexican indigenous movement, and turn against the government (2005: 589-90, 602). For Moksnes, this discourse offers a hope for change (2005: 587).

Throughout this chapter, I have explored some of the macro and historical processes that have helped shape the Wayuu *lucha*, one that is conceptualized and

experienced through this language of rights. As we approach an understanding of the subjective, as co-constructed within these processes, thinking through *la realidad* give us our first insights onto how these are inherently connected. As these previous authors suggest, we can see how the language of rights, as a master collective action frame shaping *la realidad* of La Guajira, enables collective and individual action. It does so by focusing culpability onto Cerrejón and the state, but, more importantly, by positioning the Wayuu as empowered *victimias* of right violations. On the one hand, as it will be explored in Chapter 3, this frame opens certain political (legal) spaces for action. As Efrain, a leader of the *lucha*, puts it, to have the *realidad* is to envision what we could do against Cerrejón to fix their situation. But, on the other hand, it also provides an interpretative framework through which the Wayuu can think and feel through their experiences of suffering, in a way in which they can continue the *lucha*. Thus, as explored in the following chapter, it provides a subjective space for the development of a political subjectivity, fostering the ‘responsibilization’ of the Wayuu to defend their rights.

CHAPTER 2: Experiencing the *lucha* and the enactment of a political subjectivity:

Despertar, sentirse mal, and preocupación

[This is a *lucha*] for the survival, the persistence, and the permanence in our own territory with our own *usos y costumbres* [...] [and] this is a resistance and a *lucha*. And not only indigenous, it is also a *lucha* of all the peoples in this region because we are all in danger.... [It is for] the future of the communities and of Colombia. The truth is that we are in an uncertain future, and it is a great *preocupación* for us. The only thing we know is that the government is everyday more given into the politics of negotiation, the politics with the power of capitalism. And that is totally dangerous for us, for the minorities.
(Dora Luz 2012: Personal Interview)

The previous chapter focused on some of the factors or forces that shaped the Wayuu *lucha* based on the historical, social, economic, and political characteristics in which the Wayuu people live. These relate to more traditional approaches in the social sciences that take the rise of social movements as the sharing of grievances, often based on a common identity, within a specific historical context. These approaches are, clearly, quite significant and necessary for both academic and collaborative research; however, these studies often leave out not only why these grievances are actually significant and matter for people, but also the people themselves and how these grievances relate to people's sense of urgency to act, based on certain conditions, possibilities, and limitations. In this chapter, I explore this gap through the Wayuu *lucha*, thinking on how it is also the result of people's experiencing of the actual disruptions that the arrival of Cerrejón has had in La Guajira, the social conditions in which people currently live, and their feelings regarding these conditions, giving the *lucha* a moral character.

To begin with, I think on how the *lucha* is the result of the threat of loss for what matters to people – territory and a sense of being Wayuu – and their desire to protect and

maintain it. An analysis of what is at stake in this *lucha* provides us with both some reasons why the Wayuu protest as well as a base for the moral stance in which their claims for justice and compensation are articulated. The previous chapter established that the Wayuu *lucha* is one currently framed through the language of rights, as part of a *realidad* being constituted to unite people. Thus, thinking on how this framing has an effect on Wayuu's reshaping of a political subjectivity, I go on to analyze how this rethinking of people's past experiences of suffering and dispossession into this new language have enabled a *despertar* (awakening), a renovated sense of being, feeling, and thinking of the world that predisposes the Wayuu into analyzing and feeling (e.g. through *sentirse mal*) their own social and personal conditions in a way that is highly critical. Finally, I analyze *preocupación* as an experience that results through the embodiment of this *despertar* that, although represents a strong anxiety and distress for the Wayuu, it also mediates their experience and reproduces a highly agentic political subjectivity. Through this chapter, we can begin to understand the Wayuu *lucha* and their persistence to defend their indigenous territory, way of being, and bodies not as a merely structural resistance, but also as the result of deep feelings and experiences of people who sincerely – and rightfully – feel the uncertainty for their future in a difficult context.

2.1. The “what is at stake” in this *lucha*

Scholars on both psychological and political anthropology emphasize the significance of understanding what is at stake when analyzing their subjects of study, being these experience and subjectivity, or a social conflict. Thus, on the one hand, as

Arthur Kleinman has pointed out, to understand the experience of people, it is crucial to understand what is at stake and how this matters for people within particular sociopolitical spaces and the exigencies of the everyday life (Biehl, Good, and Kleinman 2007: 28-9; Cohen, 1998: 35, 37-8). Since people are aware of things that matter for them, they will struggle to preserve and protect them, giving this pursuit and its experience a moral character, whether individually or collectively (Kleinman and Fitz-Henry 2007: 54). What is at stake, then, will not only give us some clues as to why the Wayuu leaders struggle to resist and maintain a *lucha* to protect their territory and a way of being Wayuu; it also tells us about the human condition – to borrow Kleinman’s term – in and with which they experience the *lucha* as well as the macro-processes that have helped shape it. On the other hand, if we also take the actions of the Wayuu leaders and the Wayuu *lucha* as a collective effort to achieve a common objective, it becomes necessary to determine what people can win and lose and what the social conditions of the collectivity are. To understand the *lucha*, thus, following Alain Tourain, it is crucial to comprehend what is at stake in the conflict (Zamosc, 2007: 4).

At the personal level, one could think of many issues or life dimensions that are at stake, personally and collectively, for the Wayuu in this *lucha*. Nevertheless, their narratives converge, in part as a result of the development of *la realidad*, on two basic issues at stake: territory (*wounmainkat*) and a Wayuu sense of self (*akwa’ipa*). Though these narratives are better handled through the analysis of particular people in particular situations, *wounmainkat* and *akwa’ipa* provide a useful generalization that renders what the Wayuu struggle for as a collectivity and individually in the context of the *lucha*,

allowing me to analyze the social-psychological characteristics form of life in local moral worlds (Kleinman and Kleinman 1991: 277). A form of life that can be analyzed through the struggle to protect what matters for the Wayuu in the context of the *lucha* and as they live through the effects of neoliberal policies in Colombia

2.1.1. Wounmainkat and Akwa'ipa

As Dora's statement above suggests, what is at stake in this *lucha* is the survival of the Wayuu – physical, social, and of their culture – which is only possible through their permanence in their ancestral territory. As explained to me by Wayuu leaders and elders, this is a *lucha* about territory, or *wounmainkat*, our mother earth that provides us with all we need to live. It was only by listening how integral and primary *wounmainkat* was for the Wayuu that I began to comprehend the deeper meaning of common statements, such as “*el territorio es la vida de uno* [territory is one's life itself]”, and what its disruption would mean in the lifeworld of a Wayuu.

At the physical level, territory matters because it means access to the basic resources the Wayuu need for survival. As the scholar Hernán Correa put it, the territory for the Wayuu is not deserted, but rather the entity that provides the necessary elements to develop Wayuu society through a constant interexchange (qf. Echeverri Zuluaga 2002: 47). Having little, contaminated, or no territory at all make growing crops, raising animals, and accessing water – as “traditional” economic practices – difficult. Let us take the example of people living in the *resguardo* of Provincial. As Cerrejón expanded its production, Wayuu from different nearby areas and from different families were confined

into this *resguardo* in 1988. This piece of land is substantially smaller than the territory its inhabitants had before. Currently, 556 habitants or 142 Wayuu families live in 460 hectares. That is, an average of 3.2 hectares per family. Gabriel, one of the *autoridades tradicionales* of Provincial, tells me that in his *resguardo* people can no longer hunt, fish, or take their animals to pasture, as a result of the loss of forested area in their *resguardo* and the privatization of land, especially by Cerrejón. Similarly, there is simply not enough space for pasturing or growing crops. I heard many stories of people who have let their animals pasture around only to see them get lost as they reached the property of Cerrejón. And it is unthinkable to cross this boundary for the Wayuu, as anybody transgressing will meet reprehension from the police, the army, or Cerrejón private security forces. As people lose their freedom to move around, Gabriel explains, the Wayuu have had to rely on substitute foods from the market. Unfortunately, these people find themselves often unemployed or underemployed through highly dangerous jobs, such as *mototaxismo*⁴² or smuggling gasoline from Venezuela.

The river is the place where many Wayuu use for drinking, bathing, washing, for feeding the animals, and a space for leisure and recreation. Nevertheless, as a result of mining activity, water has become scarcer and more contaminated. This has had significant effects in the local flora and fauna, as well as in the aquifers fed by the river. As I learned, the effects of these changes in the river affect people beyond those living in the riverside. Many Wayuu, as far as from *La Alta Guajira*, take on migratory ventures to the river, looking for pasturing lands and drinking water for their animals, and depend on

⁴² Transportation (taxi) services in motorcycles

the underground water that reached far beyond the river. Thus, any further reduction in the water caudal of the Rancheria River – as it will likely happen with the Expansion Project or by the mere effects of mining exploitation – would immensely affect many communities. What would a Wayuu do without water? What would a human do without access to water? These are common questions that many Wayuu ask in the midst of the *lucha*.

Wayuu *cosmovision*⁴³ provides a fundamental cultural and psychosocial framework to understand the importance of the river, territory, and its relation to Wayuu survival: “*El río es parte del territorio, el cual es un solo cuerpo; el río es su sangre* [The river is part of territory, which is one whole body; the river is its blood]”. For the Wayuu, the river complements the territory and gives it life; it is, in fact, like the veins of the territory, according to the Wayuu leaders. Thus, without the river, there is no *wounmainkat*; and without territory, there is no Wayuu. There are two main reasons for this latter statement. First, a landless Wayuu will have no place or space to perform cultural activities; and, second, losing the connection to the ancestral land translates into the loss of clan and matrilineal identity, the possibilities to develop a sense of Wayuu self, and the *wounmain* where future Wayuu generations can grow from. As Dora Luz puts it, the territory is where one “develops the Wayuu self [...] from its conception, cosmogony, from space, and from time” (Dora Luz: Personal interview, 2012). Thus, “The territory *es la vida de uno* [is one’s life itself]”, something that, though related to the

⁴³ This is a common word used by indigenous peoples in Colombia to refer to indigenous cosmology or worldview.

physical survival, has deep personal and social meanings. My conversations with Dora Luz's exemplify this well,

DL: Here we are in this territory and for me, this is my life. If it is touched [modified], it is like touching my life. This is like touching [my son] Ismael. Harming the territory is like hurting him and my mom. [And] that is what is most sacred in my life [...] the territory is one. The territory is one and one's life.

EFB: and the family?

DL: and the family

EFB: the territory is the family as well?

DL: Of course! It is also the family. And the real being of the Wayuu is being in the territory because here is where everything develops. Without territory, one does not develop the culture, does not develop the *cosmovisión*. Eh, well, it loses all the social fabric of the cosmogony, the social fabric of the family, of the spirituality, the social fabric of what it is in itself for us being indigenous people, the language, the oral tradition. Because in a town, in a city, we are not going to have it. It is possible that I can maintain my language, but my grandchildren? And those who come behind me? It is only going to be history for them. It is because the life of the Wayuu is constructed and reconstructed inside the territory.

EFB: so, to disrupt or destruct the territory is to destruct all that Wayuu cosmogony?

DL: Of course! And to divert the river is to destruct the *cosmovisión*, the conception of the territory. We are part of the territory [...]

EFB: Is that what it means that the territory is the body?

DL: yes, of course! The river is one's blood. *Es la vida de uno* [It is one's life].

[...]

DL: see, we are the territory, the space

EFB: where you were born?

DL: where we were born. The space to move in our own territories, to develop our own spirituality. I mean, the space is very important but it is a wide one. Instead, for you [*alijuna*], a little one is enough. Not for us; we need a wide, wide, wide, wide, very open and wide space to develop [...] for us, the territory is everything because it is. I am glad we have understood each other, hahaha

Indeed, territory is a contested political and economic issue at stake in this *lucha*.

Partly, this results from different ways in which territory may be conceptualized and

people's role within it. As my conversations with Dora Luz suggest, a Wayuu subjectivity – or sense of self and being in the world – means to *be with* a wide territory, which can provide all the cultural, social, and economic elements for a Wayuu and Wayuu society to develop as it should. In this sense, territory and a Wayuu self are integral and indivisible. Therefore, Wayuu subjectivity must be understood through the lenses of the *akwa'ipa*⁴⁴.

Akwa'ipa is referred by the Wayuu leaders and elders as a way of conceiving the world; it is the *cosmovisión*, culture itself, and everything that comprises being Wayuu. It is, then, the Wayuu way of being in the world and acting on the world. The leaders in the *lucha* described it to me as being analogous to the Colombian Constitution, since it is the manual, the compass, and the moral guide for the Wayuu. Dora Luz tells me that both life and the *lucha* are about developing social wellbeing; thus, this must be guided by the *akwa'ipa*. Orlando, a respected *palabrero* and leader, stated in his various speeches and in our conversations that *akwa'ipa* comprises five main things: *usos y costumbres* (traditional customs and practices), culture, language, autonomy, and territory; the latter being the base and most important of all. But, if one of these does not exist, Orlando explains, *akwa'ipa* cannot develop properly; that is, according to the ancestral Wayuu ways. For example, traditional medicine is a fundamental pillar in Wayuu's wellbeing and *akwa'ipa*. But for traditional medicine to work properly, strict rules must be followed; making any alteration to the territory critical (Dora Luz, 2012: Personal Interview). For instance, without access to the river, sacred bathes would be impossible

⁴⁴ *Akwa'ipa*, also written *akua'ipa* or *akuaipa*, is a word in Wayuunaiki whom many people were speaking about during my fieldwork

and the animals needed for medicinal special diets would lack water; the flow of Wayuu medicine, and thus, *akwa'ipa*, would be disrupted.

As Alarcón Puentes puts it, territory is the space where the *apushi* are formed and reaffirmed since it is the link to the ancestors – the precedence – which is defined by the location of the cemetery (2007: 60). Following the *akwa'ipa*, territory allows the proper development of a relationship to oneself and one's *apushi*. In the territory of an *apushi*, the ancestors lived and were buried; it is where they, metaphorically and literally, have left their *huellas* (footsteps), good deeds and behaviors, for the next generations to follow. In this sense, the ancestors – now existing as spirits – have a lasting connection to the territory as they guide those younger generations coming behind through their *huellas*. Losing the territory or the access to the river – the blood of the territory – is disrupting that ancestral connection – the social fabric – and the possibility of leaving one's *huellas* for future generations. Losing the territory is losing the *lucha* for permanence in their territory, the *huellas* left by Wayuu ancestors after five-hundred years of Spanish and *alijuna* invasion in La Guajira (Dora Luz, Personal Interview: 2012).

Thus, when the Wayuu talk about a threat for their survival, they refer to the possibility of losing things that matter for the Wayuu, deeply ingrained in Wayuu conceptions of territory and self and as they are lived in the everyday. Clearly these are not the “feeling of some people” as José Link puts it. Rather, it is a current experience and conceptualization, based on what has been at stake since Colonial times in the Wayuu *lucha* and a long tradition of relating to and thinking of the territory. Therefore,

we must see this experience and threat for survival in Wayuu terms and as a primordial driving force for the *lucha*. As it will become more evident throughout this chapter, a phenomenological analysis of how people experience the threat of that which is at stake leads to think is that the discourse of rights in which the *lucha* is framed must be seen as both a political tool and an interpretive framework embedded in a certain political context, that serves to rethink, experience, and act upon a specific situation – in this case a violation of rights – in order to protect what matters for the Wayuu.

2.2. *Despertar*: the awakening of a political subjectivity

On August 11, 2012, I accompanied the leaders of the *lucha* to a *ranchería* where they wanted to do a *socialización* about the *realidad*. When Carlos spoke, he talked about how they have been learning and getting ready for what will happen now that they are developing an *acción de tutela*; they did not want to be deceived again. “It has been thirty years that we have had our head *agachada* (hanging down), but not anymore!” After some more discussion, Rafael, a leader from the area, gets up and speaks about an article in the newspaper *Diario del Norte*. He referred to what he sees as a vital problem of La Guajira: the diseases and death of people – in this case a worker of Cerrejón – as a result of the contamination from the mine. He spoke of many diseases, but focused on a particular one, very common, according to him, among the Wayuu: *malacosis*. People laughed heartedly, while I, puzzled, stared at Rafael. He went on to explain that, “*mala*”

means *bobo* or *tonto* (dumb and naïve) in Wayuunaiki⁴⁵. Rafael clarified that this is the disease of the Wayuu: being *bobo* in regard to Cerrejón. These happened for two reasons, Rafael explained. First, Cerrejón is always deceiving people. And second, the Wayuu, due to its very condition and nature, is very resistant and strong and has been able to survive all these threats and deceptions.

Like *malacosis*, there are many other terms that refer to those people who have not had a *despertar* (awakening) through becoming aware and conscious of the *realidad*: the Wayuu live in a disempowering condition and their rights have been constantly violated, but can also do something to overcome and rectify it. These terms include *inocente* (naïve), *ciego* and *sordo* (blind and deaf), *conformista* (conformist), or simply someone who “*no sabía nada*” (did not know anything). They refer to a state of ignorance where the Wayuu, because of their lack of knowledge and blindness towards an alternative *realidad* in which they are bearers of rights, allowed multinational companies and the state to invisibilize, oppress, and deceive them. Following this conception and contrasting the idea of the strong Wayuu who have defended the territory for five-hundred years, the decades since the arrival of Cerrejón have been marked by Wayuu passivity, based on the lack of necessary understanding, tools, support, and vision to change the situation.

Despertar is a process. Fundamentally, it comprises the learning of knowledge and skills, especially those related to individual and collective rights as well as the laws that protect indigenous peoples. Knowledge and education are of vital significance not

⁴⁵ The other part of the word is the greek root “osis,” meaning abnormal condition (The Free Dictionary 2013).

only for people but also for the *lucha*. In one occasion, I was in the *ranchería* of Gabriel during the celebration of the “*cobro*” for the marriage of one of his female *apushi*. As we drank *chirrinche*⁴⁶, Gabriel and I began to speak about knowledge and education, which he referred to as something “*sagrado*” (sacred). In fact, knowledge was the most important thing that he could ever give to the younger generations to ensure their future. Before, Gabriel told me, the Wayuu were *olvidados* (forgotten); but not so much anymore. Not since the Constitution. Now they get *capacitaciones* (workshops) and have more access to education. As we waited for another round of *chirrinche*, Gabriel stood up, went to his room, and came back with a piece of paper. This paper, which he cherished and kept neatly in a Ziploc bag, had a chart of the ILO 169 convention explaining this law, how it should be carried out, and what the government and mining company currently does. It was given to him by a lawyer. Gabriel said that this paper was his guide to ensure their rights will now be respected. I confided on Gabriel that I was puzzled; I was not sure why the Wayuu are now resisting Cerrejón, despite past passivity. He answered saying that the Wayuu have been complaining about their social conditions for thirty years but, before, they did not know what those problems were or what was happening. During this time, Cerrejón and the local politicians used to do whatever they wanted and there was never *consulta previa*; “we were innocent and we knew nothing,” he states.

After knowledge comes reflection. In his turn to speak during a meeting with a German delegation visiting La Guajira, Ramiro, a local Wayuu authority, affirmed,

⁴⁶ Local alcoholic drink

“Cerrejón lies. Everything they say is a lie. Thanks to what we have reflected in this community, we *nos hemos dado cuenta* (have realized) that we have not been benefited.” This and similar statements suggest a change of attitude regarding their relationship with Cerrejón. With new forms of knowledge – a topic explored more deeply in Chapter 3 – and by looking through the lenses of the *realidad*, the Wayuu have begun to reinterpret their actual experiences and past events. In this process, the new possibilities for reflection, as part of the *despertar*, have enabled a more critical stance towards their social conditions and community, leading to specific claims about what needs to be fixed and what their *necesidades* (needs) are. Gabriel, for example, tells me that they are living in a difficult situation, in part because they are being divided. “*Andamos mal*” (we are going the wrong way), Gabriel tells me, “look how the Guajira is now...there is no water...we are not well, they [Cerrejón] is finishing us”.

This capacity for reflection occurs through *darse cuenta* (coming to realize) of *la realidad* in which the Wayuu are discriminated against, *olvidados*, and still taken advantage of by the *alijuna*, the government, and Cerrejón. This is how Gabriel tells me about corruption in La Guajira and how his attitude and understanding has changed since his *despertar*.

We are Colombians, [but] there are bad Colombians that sell [everything] at the expense of the others. Because *me he dado cuenta* that the central governments, the departmental governments, and the municipal governments, *me he dado cuenta* that they are the ones who negotiate with the *señores* entrepreneurs from the multinationals here in Colombia. *Me he dado cuenta* of this personally. One time, I went to a meeting in the municipality of Barrancas [...] [but] poor us who do not know what the objective of the meetings are. *Me di cuenta* that the objective of the municipal entities [...] and the men from the administration is to have profit. Well, *me he dado cuenta* it should not be like that. When the

meeting was over, one of my brothers was there [...] as an authority. I asked, how do you feel with those meetings? He told me very well. I told him: ‘no brother, you have a very strong ignorance. [...] there [in the meetings] how many times do they mention you? How many times do they mention your *resguardo*? [...] not once [...]. I am not going to give in my territory. [These meetings are not] for us to go and tell them what your *necesidad* and that of your *resguardo* is. [...] That is the right of the municipality, that is the right of the *indio*, no?! right of the *resguardo*, no?!

Similarly, the leader Dora Luz refers to how she came to *darse cuenta* of the *realidad*, especially, as she learned new things through the *capacitaciones*.

One begins to *darse cuenta* [of the *realidad*] as time passes. Look, I used to have *confianza* for the politicians and I talked well about them and clapped [...] But one begins to reflect. One begins to *darse cuenta* of things that are happening. And one begins *capacitando* and one is reading and begins to see the difference. [And] so I began to assist to the forums and in each forum and assembly I realized something of our rights. And so I begin to recognize. And that is how it has been.

Lastly, after the process of *darse cuenta*, the Wayuu now do something about it, as Gabriel explains. As Carlos puts it, “maybe there was no resistance in the past years because maybe people did not see they were being affected by the contamination and the people were compliant and used to the warm programs sent by Cerrejón [...] So the people who began to reflect that it was not the solution for the life of the communities affected by their exploitation. People have received a lot of information, much *capacitación* [...] that is why we are engaging in this resistance; they are claiming their rights!”

Therefore, *despertar*, as its meaning indicates, is waking up from a state of sleep and when one’s body and senses were not able to capture the *realidad* of their oppression.

As the Wayuu have a *despertar*, they gain a voice, a new sense of empowerment, and as it will be explored later on, a kind of *preocupación* and urgency to do something about their lived situation. In other words, *despertar* index the shift of a Wayuu political subjectivity and its subsequent experience into one that is more reflective, critical, and agentive. Let us look at the case of Constanza, an illiterate Wayuu woman who lost her territory to Cerrejón and now is in the *lucha* to recover it. She tells me in an interview,

I feel proud of being Wayuu, and I will be until I die since I cannot deny I am Wayuu. And nowadays, it is unlike before. Before the *alijuna* thought of us as less. Now, the *alijuna* want to be Wayuu and be their family [...] now, they recognize that [...] the Wayuu are *por lo alto* (in higher grounds).

EFB: when was that time that they thought of you [Wayuu] as less?

C: it was a while now. But one begins to *darse cuenta* that one in that time was like *ciego* (blind), like *sorda* (deft), because one did not know anything and one did not know what one's right was [...] I was like, better said, ignorant [...] I did not study, Esteban, but there I am. I get up in front of anyone and I am not ashamed. Sometimes I first say, yes, I make mistakes, I am sorry but because there is a minister, why would I be ashamed of talking about my *necesidad* and of everything that happens to my family? Because what I say, anywhere, I represent my family because I wish to find for them pretty things [and a place] where I can see my family happy since I do not want to see my family, one there, another one over there because we have no territory. Always, my desire, is to find a piece of land [...] I'll find it no matter what. Yes, sir!

As can be read from this last excerpt, Constanza developed an important sense of hope that she could achieve her goal: to obtain some land. As she told me in another interview, she truly enjoyed going to meetings and *capacitaciones* because it gave her this voice – also a bodily sense – she did not have before. It allowed her to think and feel differently and to even stand up to for herself.

Yes, he disturbed me [...] this is what the father of my children told me: he left me because I was in meeting after meeting and in politics. And I

love politics!

[....]

EFB: Why do you prefer to go to the meetings [...]?

C: I, because I like them. And maybe because I want to find something, because *me nace* [it is born from within]. Because one learns a lot of things. We exchange ideas with people in the meetings [...] in a meeting, one open one's mind, one is like, maybe feels like more tranquil for being in the meeting, to know lots of people, to see [if I can] obtain what I want [territory].

2.2.1. An empowerment through the Constitution

E: Since the 80s, *estamos despertando*. By the 90s, we were able to see a little light, different, but we did not have that knowledge and so the *colonos* and the multinationals took advantage of us. Since we were not wild indigenous – we had beliefs – our view was that all the territory we assembled by our peoples, but we did not have the tools, such as the laws, which were far from reach and that is why we were vulnerable against them. So it was not only us who were *víctimas* of the abuses from the multinationals, there were also people who were afro [-descendants] that could not stop that strike of abuses [...] and that happened even being afro and so they were better equipped with the knowledge about laws. Us who were simply Wayuu far from the reach to find a law that protect us and protect our rights.

EFB: You guys were impacted and affected but did not have that knowledge that helped you?

E: to envision the *realidad* to what we could do against this. There was an NGO and some lawyers, but they ended up selling themselves.

(Efrain 2012: Personal interview)

As the narrative of Efrain suggests, there is a link between the *despertar*, the political subjectivity that it indexes, and the Constitution of 1991. But this development has to be understood through the real consequences of the arrival of Cerrejón and the lack of Constitutional recognition in people's lives. Before the Constitution, many Wayuu experienced different kinds of discrimination, invisibilization, and were more vulnerable to the actions of Cerrejón. As Constanza puts it,

[We are] the owners of the territory. But the *cachacos*⁴⁷ came, did their study, and that is why they are exploiting coal [...] they did that without consulting us Wayuu [...] but sometimes for not knowing anything, the *alijuna* take advantage of one. It is because they think they are more [better] and they do their territorial deeds while one does not have them [...] But that was with the elders, the deed of us is where we were born, where the *ranchería* is, where the cemetery is, where the man is buried, where the navel is buried. That is our deed. [...] They] do not recognize our right [...] but in our time, we did not know what they were doing.

And Carlos

If that multinational would not have come, all those relatives that have died [would be alive]. We understand without being scientists, but *en carne propia* [(within our own flesh)] that those were a result of contamination [...] Now we understand that it has been a result of that and that is why the resistance goes on.

In this sense, the recognition of rights has provided a language to re-conceptualize and provide a different understanding over those actual events of disruption, dispossession, and invisibilization. In this sense, rights can also be seen as both an interpretive framework and explanatory model to understand and experience distress as people draw information on what they have available and in relation to their life histories. This is not to say that the Wayuu have previously failed to link Cerrejón as an agent who have caused much suffering, as Carlos' statement suggests. However, this new understanding provides a framework for visibility and empowerment to overcome – and perhaps heal – these historical abuses and sense of inferiority, making them see themselves as equal but different (indigenous) within Colombian society. As Constanza puts it,

⁴⁷ The *cachacos* is a reference to those *alijuna* (non-indigenous people) who are not from the Caribbean coast of Colombia

EFB: for you... the indigenous peoples and the Wayuu are different from the *alijuna*, right? How are they different?

C: Because we are Wayuu; because of the culture. Because of the culture since our law is not the same as the *alijuna* [...] it is because one is not the same as the *alijuna*. They are *alijuna* but we are the same. We are also people like them. We are not animals [...]. Before they treated us very ugly but now things have changed. When I was still young, sometimes people would yell at you, as if one was their child and they could talk bad at you. Nowadays, it does not happen because I stand up to anyone [...] it is because sometimes people treat you like that. They think they are better than you.

And this empowerment, points towards new possibilities for action and becoming a certain kind of political agent/subject. For Dora Luz,

[Before], nothing was done [on our part] because everything was done with the force of the state. Everything was the force. As you say, the norms were the ones existing since 1810; it was not until 1991 that there was a change in the constitution. So that is when one begins. But especially, there were few who studied. Now we are preparing ourselves because there was no university here before; but there is one now. That has helped us a lot to *darnos cuenta* that Cerrejón has been stepping on us and humiliating us. They have taken our territories and how we have become strangers in our own territory, while they, foreigners, can do anything and walk freely, but not us. All those things take us to have reactions to tell them: Cerrejón, this is not the way. Not through violent resistance, but as a resistance to tell them the *realidades* under the norms. [...] According to the elders, there was a compromise that they were going to bring water, that the water was going to come through pipes, and never again were we going to suffer through droughts [...]. But where is the water? They can take coal thousands of kilometers away from here in a ship but the water has never been brought through pipes!

EFB: and all that began to change with the Constitution then?

DL: Yes. It began to make changes and now with the educated youth, one tells Cerrejón and the state what they are doing with us [...]. Why are you giving us away if there are some norms? You [Cerrejón and the state] are contradicting yourself!

2.3. Suffering through rights in La Guajira

As was just explored, *despertar* among the Wayuu is a historically and socially constructed experience linked to discursive frameworks to reinterpret past events that the Constitution provides. However, *despertar* alone, as the process of awakening to political subjectivity, does not tell us enough about the Wayuu's actual experiencing of past and current events – now conceptualized as right violations –, how these may index this subjectivity, and how these may, in turn, affect people's political action. As a researcher aiming to understand peoples' narratives of suffering, I take into account a complex social world always capable of producing affliction in people and shaped, in this case, through collective and individual loss, social disorders, injustice, economic hardships, uncertainty, confusion, and ideals of how life should be (Biehl, Good, and Kleinman 2007: 36). Thus, to understand the Wayuu experience in the *lucha*, I think on how it is embedded in sociocultural factors and structural settings, drawing networks of symbols, situations, motives, feelings, and stresses but also as it is constituted through a public and collective project and representation (Good 1977: 48). I illustrate these processes by focusing on a few individuals and how they have experienced some of these changes in their lives. However, I argue that, as part of a larger collective project of reconfiguring a *realidad* and embracing a *despertar*, shape both a political subjectivity and its associated feelings, these narratives have also become social. In this sense, thinking through the lived contradiction in which people live, paired with the feelings and distress that arise among the Wayuu, tells us not only how experience has been shaped through political, economic, and state processes, but also how people may agentively act upon these

conditions. To address this, I take a meaning-centered approach to explore the feelings and distress that arise among some of the Wayuu leaders of the *lucha* as they, in this individual and collective process, experience and reflect upon the changes that La Guajira has had since the arrival of Cerrejón and the resultant material and political context in which they now live.

2.3.1. *Sentirse mal* and change

It is the pain that is here now; the pain because there has not been some signatures that guarantee us everything that has to do with a study [for] good health, good potable water, good territory [...] This is how we have suffered; when we have suffered; when *nos sentimos mal*.
(Gabriel 2012: Personal Interview)

Sentirse mal is a complex, multifaceted, and multitemporal feeling that, as Gabriel puts it, encapsulates “many kinds of *sentimientos* [sentiments]”. In its very essence, *sentirse mal* arises and is felt as distress when life does not go as expected or as it should be – when unwanted change occurs. On the one hand, *sentirse mal* is the affective experience that encompasses changes on cultural, social, political, and economic aspects of people’s lives as well as things that matter and are at stake for people. Thus, for the Wayuu, *sentirse mal* can arise from simple personal everyday experiences or events that disrupt what one wants and expects in life. Gabriel, an elder and *autoridad tradicional*, tells me

G: The feeling [*sentirse mal*], there are many kinds [...] when someone in one’s family dies, one feels it, one cries. One feels with all the strength of the soul, of the heart [...] Some are not content for having no job, some because there is no money. One says, [if] I had the money, I would send

my son to college [...] One expects to do great things in the world. One would like to be great [...] but if a cow dies, or two, or a pregnant [...] that makes you *sentir mal* [...] there are many reasons for one's suffering.

EFB: so *sentirse mal* is caused for not achieving what one wants in life?

G: [...] For example, *yo* [...] *sentía mal* because there was no rain. Because I have my little animals suffering of hunger and there is no milk. Because if there was milk, all kinds of foods would be here. If there was milk, I could buy meat, buy corn, buy sugar, coffee, rice. I would have a better life.... But in this moment, *yo me estoy sintiendo mal* because there is no income (2012: Personal Interview).

For Dora Luz, it is a similar case,

When one ... when there is trouble, when problems occur, that is when one *se siente mal*. One is uncomfortable for the situation that has happened or because it is in you. It is like feeling *pena* [sorrow]. For example, when one feels the *pena*, the weight, because one has not wanted something but it happens. But as problems go away, so does the *pena*. And so it does the uncomfortable situation (2012: Personal Interview).

But, on the other hand, when people experience *sentirse mal* in the context of the *lucha*, it is most often related to the changes that Cerrejón – and in many ways the Colombian state – has fostered in La Guajira. And as it relates to change, *sentirse mal* must be understood within its temporality. Though *sentirse mal* is felt in the present, it is tied to certain expectations for the future as well as a perception and/or experience of the past. Let us look at the narrative of Gabriel, as he exemplifies how a Wayuu speaks about how life changed as a result of Cerrejón,

Cerrejón, before it arrived, life was different. It was a life, we felt that life secure. Why do I say secure? Because we... there was a way to feed oneself. There were all kinds of [animal and plant] species, there was freedom. One could go everywhere one wanted, anywhere in the Wayuu territory [...] one could grow yucca, pumpkin, anywhere where it was cool. One felt secure. [...] everything was free, in the open air, without any contamination [...] we are not friends of Cerrejón nor are they friends of ours. It has been thirty years that we have been suffering [...]. They

[Cerrejón] came buying all the farms from [what is today] the *resguardo* of Provincial. The farms [...] were ours. We were left imprisoned. If our animals go over there [where the mine is], you have to let them go. Either they get lost or they [Cerrejón] push them somewhere else so they get lost. So that is how *nos sentimos mal, nos sentimos graves* [we are feeling severely bad], as if we were people in jail. (Gabriel 2012: Personal Interview).

Following Byron Good's (1977) seminal work on the semantics of illness in Iran, I think on the different associations of experiences, symbols, and feelings that 'run together' providing meaning to *sentirse mal*. Generally, when thinking through the past, the experiencing of *sentirse mal* is associated with a feeling of *tristeza* (sadness) and a painful nostalgia for the loss of its inherent goodness, orderliness, and certainty. The past is commonly expressed as having been more balanced and harmonious. Life was freer, more tranquil, ordered, and disciplined; and people were more decent, had more *confianza* towards life and others, and lived healthier. The case of Constanza exemplifies this conception as she reflects and experiences her life now that she lost connection to her ancestral territory and lives in precarious conditions in the outskirts of Barrancas. Since in her ancestral territory she always had means of subsistence and could ensure her well-being and that of her family, she thinks of the past as more tranquil and certain; the everyday was lived with more *confianza* and was taken for granted.

C: One lived with more tranquility. One lived with that *confianza* that one has never had to think about [...] In other words, never because we did not know what could happen because we never thought about it; about what is happening now. What can happen with the river? What are they doing with the land? Wherever there is a location that can be mined, they close it [so they can work]. There, [in those places] where one would come with *confianza*; there, where the men would come to hunt. It was all freedom, they could hunt with all the *confianza*. [Now], they [Cerrejón]

tell them that they should leave or they would be arrested. It is because they are in charge where we used to be in charge.

EFB: Tell me a little more about that *confianza*, what is it and how it has been lost?

C: The *confianza* [(explains in Wayuunaiki and then translates)] [is when] one walks with all the *confianza* and all the tranquility [(explains in Wayuunaiki and then translates)], [but] one now goes to walk and finds the felons, the law. One walked with all the *confianza* but not anymore. There is no security. For example, there is even the military, and if they see the poor men going hunting for iguanas, if they catch him with a little iguana, there he goes straight into custody. But if that is ours! That is what raised us! The rabbit! And that is what those who are in charge say and prohibit what one used to.

For the Wayuu, the balance of the past has been disrupted because Cerrejón, as an agent of the *alijuna* society, has altered Wayuu *cosmovisión* (or what sometimes is referred to as culture). This change, though at some junctures is seen as positive, generally contemplates a shift in the ways with which the Wayuu act on and think of the world, sprouting disorder, disharmony, and disruption in the social fabric. In this sense, the distress felt through *sentirse mal* as a result of Cerrejón, is a moral statement of what was, what is now, what should be, and what the role of the Wayuu is in that future.

EFB: how was the life of the Wayuu in the past?

C: For me, the life was more descent. It was a life with more order, with discipline. The elders, my father and mother, gave us an education that was very different from the children today because they were taught to work, to pasture animals, to be here at home and not go to the streets to visit. Everything was with order and there was punishment. Before, this disorder did not exist because now there are too many youth that gets into bad things, like thievery and drug addiction. In this moment, the youth has more freedom, but before we did not have that [kind of] freedom. For me, the life was better before than today because of the discipline and [because] one respected the elder... and one took this to the school [...]. Life before was healthier, harmonious and was lived in better coexistence because one had better contact with nature and one was taught hunting, [about] wild fruits, and one does all in conjunction with nature.

EFB: and what caused that change?

C: there has been a change maybe because of man himself; one as a man in the world with all that advanced technology. One, before, did not watch television, [or use] the radio, the telephone, but that has made the youth have an information. Also because of the arrival of the multinationals that bring a different ideology, just as we have our own ideology. People have become intercultural but it has been a drastic change. That is what the elders, the authorities, say: that there has been a drastic change. My grandfather said that one did not know the money. One only knew it because of the goods that one had, and one did not sell them but traded them. Things for animals and for food. Maybe it was as he said, that when the multinational came, the youth encountered money and many have lost their lives. They buy motorcycles, go to town to drink, and there are accidents. And that happens because we did not know that before [...]. [Also, the] destruction of the environment because before there were many important animals in the river. But because of them [Cerrejón], the explosions have made them migrate to other countries, to Venezuela. And many birds. I remember when I was young that I walked to many places and we saw all afternoons all those birds passing by... there was that contact with nature. There are many anecdotes that makes one does not want to talk because there are too many memories and it makes one to... [have] fear of talking because here we used to be very very happy. But today, we are living a very difficult situation. (Carlos 2012: Personal Interview)

As Carlos describes, the new possibilities (or freedoms) and the new constraints that have become part of the Wayuu life are disruptive of the way a Wayuu should live. As Carlos puts it, the feeling that life is unbalanced, disordered, and disharmonious, is a sign that the sketch, the map, the *akwa'ipa*, of a Wayuu has been lost, alienating people from the Wayuu type they are supposed to be.

EFB: Do you feel any lamentation or *pena* by seeing that [those things you told me about the past] have been lost, and they will never come back? Or any kind of suffering?

C: Yes. Unfortunately, [it is the case] because we lost the entire sketch, the map that we had before. We lost it because if we did not, [we] would be all over the territory. [Looking] at this [sketch], it will never be the same. Before, there were important places that today do not exist because of mining. So, that is a *tristeza* that one has; of seeing that which is important for people and that has a relation to people [gone]. I know it is very difficult to rescue.

EFB: is that sketch the *akwa'ipa*?

C: Yes, it is part of the *akwa'ipa* of people. One sees other people that used to live around here before, in the towns, and one begins to remember those past times. 'Look' [these people said] 'I used to live in that part of Provincial, or Sarahita.' It was very enjoyable to drink *chirrinche* and eat goat, turkey, hen. Sometimes we lasted three days drinking with your parents. We used to go to the *resguardo*, we came back, we would sleep on the road. Whoever got drunk could drink; whoever wanted to sleep, slept; [...] if you wanted to eat an iguana or rabbit, you killed it [the animal]. There was that freedom of expression, of walking, that if one compared it to today, there is no land to hunt. Now it is a restricted and private zone. Now, one cannot drink the water from the Ranchería River because it is contaminated. Now one cannot sleep on the road because security guards catch you and treat you as a felon. Now one cannot drink because one has to be looking everywhere. There is no security [...]. Those are the things one laments [feel sorrow for]; that is to lament something. We had it in our hands and suddenly it was taken from us or was destroyed.

Similarly, this loss of the map, or the *akwa'ipa*, is also signaled by Gabriel who, despite his old age, feels that the Wayuu are confused about knowing who they are and who they are supposed to be as Wayuu,

G: Sentiments is what we have! Feelings that we have had for the last thirty years. We are seeing that there has not been a direct benefit from mister Cerrejón. There have been abuses; there has been change in our culture, changes of everything. It is so we do not stay as Wayuu, nor *alijuna*, nor Wayuu, but another path. The culture, don't ask which one! Which one are we going to stay with? Are we going to be with the Wayuu or with the *alijuna*? They came here violating our rights, violating as if we did not know knowledge of anything. They brought lots of things, sports, and that is not ours. That is the feeling that we have had because we are facing the culture, a culture that is not ours.

EFB: And that generates on you anger, rage, or what is it?

G: Yes, of course! *Nosotros nos sentimos mal.*

Efrain narrative exemplifies how this disorder and lack of direction has also affected the social fabric of the Wayuu, also a crucial component of the *akwa'ipa*.

EFB: what kind of feelings does it generate in you to think about what happened [because of Cerrejón]?

E: Feelings are many because it is a land that saw us grow. There was a lot of harmony between the families existing there; but now, there is a rupture in our families. Some of them are here, some of them here [(signaling another place)] and that is one of the worst disasters that we have had; that we have lost that relationship with relatives [...]. If we are dispersed, that is the worst cultural damage that the company [Cerrejón] has done to us.

2.3.1.1. Reflecting on the material context and lived contradictions

As was already explored, the political subjectivity being shaped among the Wayuu involves a crucial capacity to reflect upon their lived situation, while thinking and feeling them through a framework of human and collective indigenous rights. This reflection has two fundamental characteristics. First, they are carried out by people who have actually suffered through the negative impacts of Cerrejón. And second, it is based on the constant experiencing that, despite the recognition of rights in Colombia, the Wayuu, for the most part, do not enjoy their positive results. On the contrary, threats for further change seem to increase, exacerbating the uncertainty that is so widespread in La Guajira. But what are the actual experiences and lived contradictions that the Wayuu live through and that they reflect upon that generate *sentirse mal* and *preocupación*? And what are some of the conclusions of these deep reflections that the Wayuu have made of their own society and daily living? And, how does this perception (and/or facts) about their own society and communities, in turn, shape their experience and subjectivities? I now follow to answer these inquiries.

2.3.1.1.1. “El Cerrejón solo ha venido a dividirnos”

One of the most debated and widely publicized impacts of Cerrejón in the context of the *lucha* is the fact the Cerrejón has divided the Wayuu historically and now throughout the process of *consulta previa*. But this sense of division takes many shapes. Some divisions could be traced back to colonial times and the republic, and even following similar strategies. For example, the adoption of cattle (goats and cows) as an economic activity, which transformed a more mobile, hunter-gatherer, and relatively egalitarian Wayuu into a highly hierarchized cast society (Echeverri Zuluaga 2002: 24), an identity that remains vital among the Wayuu. This distinction into castes meant a more strict social “division” of territory and people, where different clans and families began to claim a specific territory based on subsistence, precedence, and adjacency to an ancestral cemetery (Gonzales Chaux 2005: 3).

But with the arrival and permanence of Cerrejón, there has been an abrupt rearrangement of these territorial divisions. First, the railroad built by Cerrejón partitioned the territory into “two”, inhibiting many Wayuu and their animals from crossing. Stories of deaths of people and animals are abundant and ever present in those who were directly affected by this railroad. These Wayuu living by the railroad, accompanied by thousands other Wayuu living in the actual exploitation sites, were displaced by Cerrejón. These Wayuu had to (try to) adapt to living in highly restrictive urban settlements, the territory claimed by another caste, or indigenous *resguardos*. Those who remained in their territory had to engage in obtaining legal land titles – whether for individuals or *resguardos* – in order to protect their territory from being

seized even by other landless Wayuu. This situation had a tremendous impact in people and in the society. Many Wayuu feel that they have no space to develop the *akwa'ipa*. Socially, this has manifested into the breakage of the social fabric. Meanwhile, personal and social distress is lived through a reduction of *confianza* (trust), increase of suspicion, and political uncertainty.

With the breakage of the social fabric, the Wayuu referred to the rupture of important social relations, particularly of the family, which hold a community or a group of communities together. As these relations deteriorate, the *cosmovisión* and the *akwa'ipa* also become impacted. The lives of many Wayuu and communities exemplify these processes. I will discuss only two cases: the life of Constanza and that of Dora Luz, Sara, and Francia's family.

Constanza is a 50 year-old Wayuu woman⁴⁸ who was born in an indigenous community and moved to a different one – both located in the municipality of Barrancas – when she was seven years-old. In this new locality, she lived in a humble *ranchería*. However, her family raised goats, hens, and other animals that they could trade for money and/or use for food; cultivated yucca, beans, pumpkins, and watermelon; and hunted/gathered different animals and fruits from the forest to complement their diet. It was a life that one lived with *confianza*, Constanza tells me.

Constanza begins saying that when Cerrejón came “everything changed”. She was deceived out of her territory because of her ignorance, she explains. She did not know what was happening and although Cerrejón promised her things, she never received them.

⁴⁸ I am not certain about her age as most Wayuu women never talk about her age.

According to the legal document Constanza showed me (See Appendix III), in 1989, Cerrejón⁴⁹, as it expanded its mining activities, “bought” her land for 150.000 pesos (about 80 dollars in today’s currency) while the municipal office of Barrancas approved the compensation of 600 square meters to each family of her community. She tells me she was never asked or consulted, since she was away when all this process happened. Nevertheless, this document has her signature – even though Constanza is illiterate – as well as the signatures of other family members and representatives of Cerrejón and the municipal office. That is when she was displaced into a *barrio* (or *asentamiento*) in Barrancas. She now lives in a small house with a very small backyard.

Her lack of territory has brought multiple impacts to her and her family. First, she does not have enough space in her house, now in the suburbs of Barrancas, to have any goats or crops. At the time of my research, she had a hen and a rooster, but, by the end of my fieldwork, someone had stolen her rooster, confirming her fears that she could no longer own any animals. For people like Constanza, now living exclusively in urban localities, it becomes necessary to buy food from the market. To support herself and family, she makes *mochilas* and *chinchorros* and sells gasoline and plantains in her house. However, this mode of underemployment for survival is quite unstable and unprofitable. Making this situation more difficult, the arrival of Cerrejón brought *la enfermedad* (the diseases) – a result of contamination and change in diet. Many Wayuu fell ill while others died, including one of Constanza’s young sons who passed away from silicosis. According to Constanza, since Cerrejón, girls became women and aged quicker

⁴⁹ Cerrejón was at this time Intercor

and got pregnant more often. In addition, domestic violence and rapes have become more prevalent. In her own case, Constanza now suffers from obesity and knee problems.

As a result of her underemployment, her now husband's unemployment, and the lack of territory, Constanza has been unable to keep her family together. Her sons have also had to go into *el rebusque*⁵⁰ to find jobs, which are highly sporadic, unstable, and often dangerous, in La Guajira. Constanza tells me, "I have my family, [though] some are in [the town of] Fonseca, and around, and why? Because we have no territory. I have all my family spread in the town, and in Fonseca, in Distracción; I have all the family spread" (2012: Personal Interview). Even in their *necesidad*, she always told her sons that she did not want them to steal or lend money. If they do this, Constanza worries they would be killed or get in trouble. In fact, in one occasion, one of her sons was accused of being deeply involved with a paramilitary group. After much money spent, which she did not have spent, and struggle to prove his innocence, he got out. However, her son's reputation became tainted, making it harder for him to get a job and burdening Constanza's life.

Furthermore, her lack of territory – her claims to an ancestral territory – has made some members in "her" community reject her membership. She comments that, "it is like saying, we are divided [...] we are from the community but there are some members of the community that say we are not from the community because everything is here [in the *barrio*]." Constanza tells me that they do it because they do not want to share the resources and the territory granted by the state and sometimes by Cerrejón, since they

⁵⁰ *El rebusque* is a common term in Colombia that refers to the act of foraging or searching for any activity that would bring some kind of income.

also perceive it as scarce. For her, as other Wayuu, not belonging to a *resguardo* means not getting benefits, such as the SGP or other state or Cerrejón programs. I wondered about Constanza's situation, and another Wayuu told me that her problem was that she had "sold" her territory, which, just like selling your mother, is a sign of betrayal for the Wayuu. Thus, for Constanza, her only dream is to obtain a plot of land. That is her future, her struggle, and the reason she resists, she tells me. As she sees how things have changed, her sons and family unemployed, the dangers of urban living in La Guajira, having no territory, Constanza tells me she often cries. She feels *preocupación* for the future life because, as she puts it, "I am the mother who suffers the most".

The life histories of Dora Luz, Francia, and Sara, three Wayuu cousins who grew up together in a *ranchería* in the municipality of Albania, also provides a very interesting case study about how the arrival of Cerrejón spurred much conflict and division among families. In 1981, Cerrejón began the construction of the rail and paved road, which were finished by 1985. Her family was excited, Francia tells me, because Cerrejón had created high expectations for how these roads would benefit their *ranchería*. Based on what they believed back then, the workers of Cerrejón were treated kindly by this family. Dora Luz narrates that, at first, Cerrejón seemed very nice; they brought water in their trucks and, upon the promise of electrical installations, Cerrejón brought solar panels for the *ranchería*. However, it was not long until this so-called development showed its other face. As a result of the rail and paved roads that lied some feet from this *ranchería*, this family's cattle began to die run over by the train and cars; thousands of goats, sheep, and cows died within a few years. In addition, the local creeks began to dry up and became

contaminated, complicating further the rearing of animals and cultivation. And, as Cerrejón expanded, guerrilla and paramilitary forces increased. Nevertheless, despite this situation, Cerrejón stopped bringing water, the solar panels – only strong enough to light a television and a few light bulbs – broke, and the family never received any collective compensation. That is when the resentment against Cerrejón began, Dora Luz explains; “they only threw pencils at us, but never installed water or any [long-lasting] social work; I never saw anything”.

However, as all these three cousins perceive, one of the most significant impacts was the division of the family and the breakage of the social fabric. Sara narrates,

We have been victims of the impacts of the coal complex. The disintegration of my family took place as a result of the coal complex: sisters, male cousins, female cousins, we all lived in the *ranchería*. And then, when the train began to kill animals, people began to search for places to go, to the point where there is almost nobody there. It is only my aunt, Francia’s mother. Each one went somewhere else because we could not let all the remaining animals die.

With economic and social hardships (including violence in their territory), “each one of us began to go their own ways”, Dora Luz explains. Sara, troubled by the paramilitaries, left to a town in La Guajira. Francia, thinking about the future of her children, left the *ranchería* to go to a different town, only being able to come back for short visits. And Dora Luz, who had left a few years before after her dad had passed away, could not come back to the *ranchería*. Instead, she lived at a different *rancheria* where, as a result of this economic crisis, her mother lost most of her cattle to a cousin who was stealing them. Living through this economic deterioration, some of Dora Luz’s *apushi* found themselves working for drug traffickers who owned a clandestine land strip

nearby. Dora Luz never got involved in this business. Instead, as did Francia and Sara, Dora Luz went to school, having to migrate and live part of the time in an urban town. As it is the case of many Wayuu girls, she exchanged housing and food to strange families – often *alijuna* – for housework, a living situation that was very difficult, draining, and often abusive.

Following this diaspora, the contact among family members faded drastically while suspicion increased. With economic needs and with differential compensation programs from Cerrejón, some members of the family became more likely to become *vendidos*, creating much resentment. For example, Francia and her sister Sandra have become concerned that their sister Gabriela, who is in a much more difficult economic situation, may sell their *ranchería* – not located in a *resguardo* – to Cerrejón, without even considering Francia's and Sandra's opinion and interests. If it comes to this point, Francia tells me, she would not hesitate to send her to jail. Similarly, Sara is one of the Wayuu who has been famously called by many, including many members of her family, a *vendida* since she is said to work and advocate for Cerrejón. This is a situation that, from the point of view of many Wayuu, explains why Sara is wealthy, lives in a walled house, and has cars.

Finally, for Francia, family divisions arose as a result of her union with Alonso, an *alijuna* who came to La Guajira as part of the construction projects of Cerrejón. Mainly, the conflicts with Alonso and Francia were rooted, as Dora Luz puts it, in his individualism. First of all, Alonso, with his aim to make his land more productive and efficient, ignored the local traditional economic practices. In particular, Alonso failed to

recognize the more collective focus of these practices and how land was worked as a larger extended family, not a nuclear family. Similarly, Alonso strongly opposed to helping Gabriela with her children needs and studies, arguing that it was not his responsibility to bear. Gabriela, as well as other members of this family, was impacted by Alonso's attitude while Francia stood by him.

2.3.1.1.2. Living within contradictions

The population of La Guajira in general lives within constant reminders that, despite the wealth in natural resources of the *departamento* and the rights of the Wayuu, it has few and low quality schools and hospitals, has incipient infrastructure, and most people are unemployed or underemployed. References to this situation are very common among people, Wayuu or *alijuna*, especially in the context of the *lucha*. Efraín comments,

[this situation] has generated much uneasiness in the Wayuu society [...] because it is not fair that we are the owners of the riches in the *departamento*, but many communities are evacuated so they [Cerrejón] can take possession of these riches and make money while we live in a precarious life full of *necesidades* and without infrastructure. There are things that they [Cerrejón] can implement in their policies to benefit the communities hit by the mining expansion so their quality of life can improve. This is because they are taking the riches off the territory in exchange for nothing, since those daily percentages earned are never invested [in the communities] (Personal interview, 2012).

References to Wayuu poverty and *necesidades* are constantly talked about through statements like *andamos mal* (we are going/walking the wrong way) and *estamos olvidados* (we are forgotten by the state) as the Wayuu reflect on their lived situation.

And this has a real basis. Over twenty years have passed since the constitution was instituted and little has improved while some others issues have worsened. For instance, the *departamento* of La Guajira is currently one of the poorest in Colombia, with 45.5% of people living in poverty and 32.4% in extreme poverty in 2009 (PNUD n.d.). Simultaneously, guerrilla-paramilitary-military warfare, virtually non-existence before the 2000s, has substantially expanded their presence in La Guajira

Employment – or its lack of – presents a perfect example of why the Wayuu *anda mal*. For those who do have employment, these are often informal jobs. These include *mototaxismo* and smuggling Venezuelan goods, especially gasoline; activities that are highly dangerous and not very profitable. Though this was a common *preocupación* for mothers, they also recognized their sons' need of doing so. Many others simply have no jobs and some live out of state or Cerrejón meager assistentialist programs. In this context, working for Cerrejón is often seen as a blessing and as highly desirable, even though Cerrejón hires only a few Wayuu⁵¹ and despite the high levels of occupational health problems among its workers.

Despite the importance of education for the Wayuu *lucha*, their schools work with precarious infrastructure and trifling budgets. For example, these often lack chairs and pedagogic materials, and the food financial support has been reduced, in some schools, to about fifty cents⁵² per meal for a student. In addition, there is insufficient transportation. Many students in La Guajira have to walk several kilometers to go to school without

⁵¹ By 2002, less than one percent of Cerrejón workers were Wayuu (Chomsky et al, 2007: 91)

⁵² As Dora Luz, a teacher from the municipality of Albania, schools in this municipality were receiving about nine-hundred pesos (fifty cents) per meal for a student.

receiving any food at home. In the case of Pancho, a community living in the delta of the Ranchería River, students in the primary school must cross the Ranchería River everyday with their bag packs over their heads to avoid getting them wet, while taking the risk of falling or becoming sick.

The changes in the environment and natural landscape are quite troublesome for the Wayuu who have experienced how nature now looks and behaves differently. Nowadays, the trees are smaller and drier, the flora and fauna have become scarcer and less diverse, the river is darker and blurrier, and other water bodies have lower flow or have become stagnant. The landscape is not as beautiful, as brighter, and it looks “death” as some referred to it. “Weird things happen now every year,” Efraín tells me, “trees fall and turn darker.” And in fact, the rain is black. When it rains, the coal dust accumulated in the environment and in the rooftops falls down. Constanza tells me that “the water was not like it is now. Before, the water was clean and one used to drink and to shower. For everything![...] Nowadays, the river, the water from there cannot be drunk because it is contaminated”.



Figure 2. Rainwater falling from a rooftop. *Taken by the author, 2012*

Similarly, as part of the social landscape, *elefantes blancos*⁵³ stand everywhere and in all forms in La Guajira. These serve as reminders to people of the large influx of capital that has come as a result of royalties and the SGP but that has been wasted, leaving nothing but confusion and unusable structures. The roads are in bad shape; and even the bigger urban localities have unpaved streets and lack hopes for change. Some structures, like a few schools and antennas, cost millions of dollars, but are of very low quality. Access to water is even more critical, as water has always been a scarce resource in the region. Even people in Riohacha, the capital and largest city of La Guajira, only receive running water once every couple days and it is never potable. The municipality of Barrancas, the one with the largest number of Wayuu *resguardos* presents an even more interesting case. The town of Barrancas receives water every three to four days for only a few hours, even though it is located next to the Ranchería River and, in many occasions, aqueduct and water treatment infrastructures have been built. In La Guajira, urban and rural planning only exists through empty promises of development. For instance, if showers are even installed in houses, they are never used for the lack of running water. Most people bath either in the river or manually scooping water from a water tank. Meanwhile, Cerrejón has the luxury of spending the equivalent in water of over two million people per day, more than all the people in the *departamento* combined.

The case of Provincial, a resguardo located fifteen minute-drive from Barrancas, illuminates well these contradictions. A few years ago, about two and a half million dollars were spent to build an aqueduct that would provide water for the *resguardos* of

⁵³ Literally, “white elephants.” It refers to those constructions that are built with public funding but are never finished or cheaply built as a result of the mismanagement of resources.

Provincial, San Francisco, and Trupio-Gacho. Having experience of how these kinds of projects develop in La Guajira, the authorities of Provincial wanted to hire an outsider contractor company that would be more trustworthy. Nevertheless, the major of Barrancas imposed his will, granting the project to some people he knew. The project was uncompleted. Today, only the empty pipes are visible and the extra community resources spent to build collective storage water-tanks have only contained water once. As Dora Luz puts it, this situation is unfair and needs to change. These kinds of works must be made visible.

2.3.1.1.3. A political crisis

After many years passed, the *resguardo* came [was created]. The first thing that he petitioned as authority was the school in the Morenita [...] and so it begins the crazy youth, maybe wanting to do things but disoriented as to how to do it; disoriented on what it is, the [indigenous] conception, of how the work should be carried out in the Wayuu community. They come with the fever of wanting to be leaders. And so just because they are working, or they do not feel good, or they are pressured, or just to say that they also have the right to lead just like someone else. They are confused. They have done that because they are confused and they do not know where they are; not in the *alijuna* culture, and even less in the Wayuu culture. [For example] those young people come, all wrong with their conception, and invite the old [authority] and they begin to fight.
(Dora Luz 2012: Personal Interview)

The first time I did fieldwork in La Guajira was during the summer of 2010 in *La Alta Guajira*. One of the most prevalent idioms used by the Wayuu to refer to the cause of their own problems – interpreted by them as social, political, or interpersonal – was that “*todo es político acá*” (Ferrero Botero n.d.). As was conceptualized in *La Alta Guajira*, this idiom related to the idea that the “problems of the Wayuu were rooted in the

way politics are carried out in La Guajira” (Ferrero Botero n.d.: 57). In other words, the social conditions in La Guajira were thought to be a result of bad governing practices and, especially, corruption. In *La Alta Guajira*, references to clientelist groups were common. Many of these *roscas* revolved around the capital coming from the state institutions and other organizations or around the *narcopolítica*, powerful and often violent regional leaders involved in drug-trafficking and politics.

In the *Baja Guajira*, I did not encounter precisely the same idiom. Nevertheless, references by the Wayuu indexing a political crisis as they often called it – or rather, a crisis of governability and representativity – were more highly marked. “Now, everyone wants to be a leader”, I was constantly reminded. The idea behind the political crisis for many Wayuu is that economic, territorial, environmental, cultural, and social problems derive from bad governing practices and the new leaders’ misguidedness. Drawing from the leaders’ reflections upon their own social conditions, I identify this political crisis (evidencing the perceived “unbalance” in Wayuu society) as being caused by two main factors related to rapid and drastic changes in La Guajira. First, the new types of knowledge and education that have given younger generations more tools to move through the *alijuna* world (see Chapter 3); and second, the sources and mechanisms to obtain capital that provide individual instead of collective benefit. These together, exacerbated and shaped through the feeling of division among the Wayuu and the lived contradictions, have shook people’s ability to have *confianza* towards their leaders, have molded permanent suspicion, and have shaped social and political uncertainty.

2.3.1.1.3.1. Losing *confianza* for the state and Cerrejón

As an ethnographer, I was quickly able to experience the lack of *confianza*. My perhaps naïve *confianza* on other people and the living in safe neighborhoods in Colombia and the US, contrasted with life in La Guajira. My hosts in urban areas did not let me go out at night, constantly reminded me to never leave the door open, and told me to avoid walking alone. There was the fear that others would hurt or rob me. And as a collaborator in the *lucha*, I had to be careful not to have *confianza* for those whom I did not know; they could be working for Cerrejón and could harm me and the *lucha*.

For the most part, the degree of *confianza* towards the state and Cerrejón is largely a result of unmet expectations, violations of rights, and the experiencing of the social conditions in La Guajira, linked to the actions (or lack of action) of these entities. Virtually all Wayuu blame this situation to the mismanagement of resources – or corruption as most call it. I did not encounter anyone who thought that the state, the *departamento*, or the municipalities were, in general, well administered. The few exceptions lied at an individual basis, whenever the person was directly benefitted by the administration. These ideas are reproduced through the struggle to deal with the local state authorities who ignore the local needs of people and have a primary role in the development of the *elefantes blancos*. On the one side, the Wayuu have experienced how *alijuna* leaders act selfishly by working hand in hand with Cerrejón. And on the other side, there are Wayuu individuals who are *vendidos* (sell-outs) and have formed clientelist relationships with those *alijuna* authorities and with Cerrejón employees. Thus, many Wayuu feel that the government, locally conceived as those who administer the

state, have deceived them. Carlos comments regarding his attitude towards the state, “one *confía* [trusts] in the government because we have to *confiar*, but it disappoints us because we never get the things [we expect]. So there is no democracy, no realities in the government. There are no things being made and we need to see those being made. There are no results” (2012: Personal Interview).

This situation and lack of *confianza* is also reproduced by the ineffectiveness and lack of will of state institutions in overseeing and controlling the actions of local authorities and Cerrejón, which often conclude in what the Wayuu conceptualize as right violations. These institutions include the *Contraloría General de la República de Colombia*⁵⁴, the *Procuraduría General de la Nación*⁵⁵, and the police force, which are widely perceived as central figures in this regional scam, working hand in hand with Cerrejón, and creating confusion. “We do not know who we are up against [...] We don’t know who we are with, the state or El Cerrejón,” tells me Dora Luz regarding the meetings for the *consulta previa*. Juan, a widely recognized *palabrero* from *La Junta Mayor* and an important leader from the Wayuu organization *Araurayú*⁵⁶, tells me that “because there are many flows of monies, whether from royalties or from other entities, they [the state employees] do what they want their own ways. And what is serious is that here, in La Guajira, they do not explain [us, the Wayuu], they do not care about rights. They do not respect them; there is total lack of respect to the rights of the Wayuu people because here, the controlling agencies, they do not help; they do not defend, they do not

⁵⁴ General Treasury inspector's office of the Republic of Colombia

⁵⁵ General State Prosecuting Attorney Office

⁵⁶ *Jefes Familiares de la Alta Guajira*; Family heads of the Alta Guajira; see Chapter 3 for a description of this organization

apply the norms; they do nothing as it should be done” (2012: Personal Interview). Similarly, Carlos complements, “you [Esteban] have seen the situation we live; things are hard here. If one wants to obtain something, there is a big *lucha*. To have a school, the right for water, to get a windmill fixed, what don’t you have to do? [...] the truth is that there is when one loses the *confianza* in the government because there is no fulfillment of anything; everything is unconcluded and half-way finished. So, what kind of *confianza* can one have for the government?” (2012: Personal Interview).

The assistentialist programs whether from the state, Cerrejón, or NGOs have as one of their objectives to fulfill some of the gaps left in regions like La Guajira, aiming to regain *confianza* from people. Examples of these include *Familias en Acción*⁵⁷ and those actualized through the *Instituto Colombiano de Bienestar Familiar* (ICBF)⁵⁸, which support families, the *beneficiados*⁵⁹, through subsidies and work support. But this support comes with other consequences as well. Many people soon realize that this aid is not sufficient and, even more problematic, it spurs disagreements, fights, and division since not everyone becomes a *beneficiado*. Gabriel, an *autoridad tradicional* of a resguardo provides a fine example of this. At the end of the nineties, he received, as all other *autoridades tradicionales*⁶⁰, thirteen goats that, he claims, became the base that allowed him to support his family. “Thanks to that President [Samper] that was very good with the poor class,” Gabriel states. However, nobody else from the community was

⁵⁷ Lit. Families in Action

⁵⁸ Colombian Institute of Family Wellbeing

⁵⁹ Lit. the benefited ones

⁶⁰ He says all other *autoridades tradicionales* received goats but I have no recollection of how many there were and how many actually received these goats

beneficiado, though many maintained hopes that, at some point, they too will receive the benefits.

2.3.1.1.3.2. Widespread suspicion: The breakage of the social fabric

What is serious here in La Guajira is that everything just works one way. They [those who sell out] make an agreement with the mayor or the governor. I can give you a case: this, I manage like this, I will make the concept like this and, man, they put their hands in all the money. And the one who is negatively affected is the one who is defending and working with documents to make a legal suit. What kind of credibility will these leaders or representatives of an organization have, if people don't see the results of their work and *luchas*? It is the total failure for the leader. But besides that, there are also Wayuu that are not fixed to their ideals and *luchas*; when they are offered some money from the mayor or the governor, or the companies, the state with which he was fighting against [...], everything ends there [...] That is what gives me most *preocupación*, there are only a few Wayuu defending the rights. The rest, they just like to make business. So, the companies and the businessmen, they know what the strategy to weaken our leaders is. (Juan 2012: Personal Interview)

Juan's description of the political crisis in La Guajira points to a crucial point: there are those leaders who because they are *vendidos* or act out of *protagonismo*⁶¹, harm the *lucha* by fostering division and decreasing the *confianza* towards other leaders.

All Wayuu leaders, whether they are *autoridades tradicionales*, *cabildos*, members of indigenous organizations/associations, or those in the forefront of the *lucha*, are enmeshed in this situation. As leaders, they have access to resources whether it comes from the state, El Cerrejón, NGOs, or other organizations. And as *gestores* (see Chapter 3) of those resources, they constantly interact with mayors, governors, and other state employees, increasing their political power and influence in local affairs, but also their

⁶¹ *Protagonismo* refers to the problem in La Guajira where many people become leader or act in politics just to gain prestige and be in the forefront of public life, without necessarily having any real commitment to politics or the *lucha*.

potential for “selling out”. The general conception of these resources – and especially capital – is an ambiguous one. On the one hand, capital is considered by many the reason for much division within the Wayuu community by exacerbating conflict. Many leaders are thought to be in their positions only for money or *protagonismo*. These are the people who are *débiles* (weak), and that, when they see money, *se vuelven locos* (they go mad).

On the other hand, capital also allows the Wayuu to more successfully live within the socioeconomic context in which they now live. Capital can purchase food and other commodities, supplementing or completely replacing a more traditional diet, while it allows the Wayuu to send their younger generations to get more advanced education to *ser alguien en la vida* (“become someone in life”) (Ferrero Botero, 2013). Furthermore, money has become the method to solve internal conflicts and seek reparation from other castes within their society⁶². As Carlos puts it, this influx of capital is necessary and beneficial if it comes directly to the Wayuu’s hands. Carlos’ argument is that only they, exercising their right of autonomy, know what is best for their own people.

Within this atmosphere of political crisis, added to the need of access to capital, suspicion arises. But suspicion does not arise from other people merely having jobs, even if a few Wayuu are hired by Cerrejón as guards or to handle machinery. On the contrary, these kinds of jobs are often praised and desired, especially by younger generations. Instead, it is the leaders who work for foundations, indigenous or non-governmental organizations, state institutions, the Expansion Project, or other similar influential

⁶² The Wayuu have a complex system for solving conflicts in which the *palabrerros* (cultural voice-men) serve as intermediaries between the two families in conflict. See Guerra Curvelo (2001) for an in-depth analysis of this system.

positions those whom people have suspicion for; they may deceive and divide the community in order to sell the territory or to bring personal benefit. Carlos told me about how Wayuu lawyers, many of them who work in the foundations or as intermediaries between El Cerrejón and Wayuu communities, are dangerous since they can use “a judicial tool to destroy the communities. [...] there are many Wayuu professionals that work with these multinationals, and as Mercedes manifests in her discourse, they have [these lawyers] to massacre their own Wayuu and their own ethnic group” (2012: Personal Interview).

Therefore, in the case of the leaders of the *lucha*, any kind of approach by the mining corporations was a source of suspicion. They knew that if they ever received anything from these corporations, their reputation would be destroyed. This has been the case of many previous leaders, lawyers, scholars, and ONGs that, though may have been pioneers in the *lucha*, their position and relationships with Cerrejón led others to think of them as *vendidos*⁶³. I also was a target of suspicion as an anthropologist/collaborator. The leaders did not have immediate *confianza* towards me since they have been disappointed by anthropologists who have carried out fieldwork in La Guajira never giving anything back or, even more problematic, becoming workers of multinational companies. I felt the constant pressure to be careful of whom I would talk to and what kinds of topics to speak about. I, as other leaders in the *lucha*, needed to demonstrate how I was accountable in a way that was in accord with my intentions.

⁶³ For the safety of these people, I omit their names in this thesis.

Nevertheless, no matter how good or well-intentioned the leaders may be, there is always suspicion towards them. The fact was that there was intensive criticism about virtually every leader in the *lucha*, discrediting their motivations and actions, and impairing the possibilities for unity. I spent much time with the leaders in the *lucha* and was able to converse with some others whom many people perceived as *vendidos*. Without exception, they always told me that they were acting for the collective benefit of the Wayuu people, but that it was other Wayuu the ones who were *vendidos* and acting selfishly. However, the conversations revealed that these leaders, in many ways, were also connected to many state and Cerrejón employees; several of them who had very dubious reputation. In fact, it seemed that these relationships and networking were necessary for them to become leaders, resembling what other people may call clientelist groups, though these actions were rarely questioned for their own selves.

For example, by the end of my fieldwork, Carlos bought a car. I prudently asked whether he thought people would think he was misusing the resources of the *resguardo*, the same way he has criticized and suspected of another *cabildo* for buying a car and some motorcycles during its time for government. He said he did not because other Wayuu knew him and his family well, knew his trajectory as a leader, and he kept things “clean”. But in addition, he says, he as well as other leaders of the resistance will eventually have to see the results of their sacrifice and their *lucha*, making me think that, in a way, the car was part of that payment. I am not implying that community resources were used to purchase this car nor would I ever judge how these leaders are spending

their money – especially knowing that this *lucha* feels like a full-time job/sacrifice. However, I can attest that this event did generate some suspicion among other Wayuu.

2.3.1.1.4. An uncertainty permeating the everyday

On two articles in the influential Colombian magazine *Semana*, La Guajira was depicted as a region where people lived within an “*atmósfera de terror*” (atmosphere of terror). People are constantly afraid, resulting from the high increments of assassinations, kidnappings, and violence from paramilitary and mafia groups (Semana, May 25 2013). To complicate this picture and adding to this atmosphere, politicians and leaders of the *departamento* are commonly the ones to blame for these crimes. In fact, the current governor of La Guajira, Juan Francisco Gómez Cerchar, is undergoing deep investigations for multiple assassinations, corruption, and links with delinquent groups. He is a *gobernador de miedo* (a governor of fear), as depicted in this article (Semana, May 4 2013).

Though I, as well as many other Guajiros, may have some reservations regarding the actual dangers of La Guajira, what does in fact seem to be part of the lived collective experience of this *departamento* is the uncertainty that permeates the everyday life. This uncertainty is partly reproduced by fear. As many Wayuu tell me, the Wayuu feel the need to be extra careful when dealing with others – whether Wayuu or *alijuna* – since they do not know who is in which side, what kind of business – possibly illegal – they may be involved in, and what kind of relationship they may have with other groups – a situation that, for the Wayuu, may prove fatal if one is in the wrong place at the wrong

time. “One does not know who is a *guerrillero*, who is demobilized, or who is from the paramilitary groups”, Dora Luz tells me. Many Wayuu now are afraid to walk or spend the night in different parts of the ancestral territory, especially close to the railroad, since they may become *víctimas* of the armed conflict. “Now, one has to take a lot of care of oneself in our territory”, comments Dora Luz.

This situation is even more delicate for those who are the leaders in the *lucha*. As of today, virtually all leaders in the forefront of the *lucha*, or their families, have received death threats. And these threats are to be taken seriously. In Colombia, many indigenous and union leaders have been murdered in their struggle; and this has certainly been the case of La Guajira, where despite the deaths of leaders and politicians, only rumors serve some justice. The leaders, then, find themselves taking preventive measurements. Francia, a leader who was involved with one of the legal suits carried out against Cerrejón, tells me how, since then, she lives more fearful. She now avoids walking at certain times and at certain places; she is careful not to give information about where she is or what she is doing because this information may be intercepted. She knows that people are watching her every move. Francia now hears strange sounds in her house and she avoids spending too much time in her *ranchería*. Her ear, she tells me, has become more sensitive since she now has to pay more attention because her life, and that of her family, may depend on it.

The Wayuu leaders remain suspicious towards those who are involved in the *consulta previa* process. For them, Cerrejón may easily manipulate the process, the studies of *consulta previa* and the impacts of mining, as well as the public information.

Experiencing through the difficulties of life in La Guajira and the *lucha*, paired with the possibilities of losing that which is at stake, the Wayuu feel a profound uncertainty. It is an uncertainty rooted on the political processes in which decisions are made as well as the lack of *confianza* towards those who are in charge of making them.

This is an atmosphere of uncertainty that that is produced, reproduced, and reinforced for what is conceptualized as rights violations, manifested through the economic, social, cultural, environmental, and political impacts in the lives of the Wayuu. Thus, this atmosphere is tied to its physical manifestations that reproduce it, such as the *elefantes blancos*, the disappearance of flora and fauna, and the loss of land and means for economic support, but also the constant failure of many who, despite their *lucha*, fail to succeed in obtaining what they need. It is an atmosphere that serves as a constant reminder of what life in La Guajira was, is, and could be. But it is an atmosphere of political uncertainty because the Wayuu perceive the problems in La Guajira as being caused by the political crisis. And it is through and within this atmosphere that the Wayuu feel *preocupación*. What will happen with their territory, their water, their culture, their ways of life? The Wayuu wonder. It is an uncertainty for the future experienced through *preocupación* and rooted in the nostalgia produced by the image of a better past.

2.3.2. Preocupación

EFB: You just talked about *preocupación*, regarding that which is being lost. For you, what is *preocupación*?

C: *Preocupación* in the sense that we are not valuing these processes. *Preocupación* in the sense that the state and the multinationals pretend to displace us, maybe because one does not have a very strong and structured organization. *Preocupado* in all this; that the state wants to create more laws favoring them [Cerrejón] but not us Wayuu people. That is the *preocupación* of all the indigenous peoples of the country [...] That *locomotora minera* has everyone *preocupado*, both afros and indigenous peoples. They want to make these people disappear. If we are not *preocupados* to defend this territory, what are we going to leave for our children? We have to keep resisting and *luchando* to remain in our territory.
(Carlos 2012: Personal Interview)

For the Wayuu leaders who reflected upon the life in La Guajira and experienced the uncertainty for the future of that which is at stake in this *lucha*, *preocupación* was the most common experience. Like *sentirse mal*, *preocupación* is not exclusive of the *lucha*. However, one must see it through the context in which it is currently experienced, in this case the *lucha*. Overall, in this context, the Wayuu repeatedly referred to their *preocupación* that in the future there will be no more territory, no more culture, no more water, no more life, no more Wayuu – issues that are at stake in the *lucha*. Constanza has *preocupación* because she may not have any access to water and her ancestral cemetery may be destroyed to give place to exploitation. Orlando, as many other Wayuu, feels *preocupación* because the development of the *akwa'ipa* in the future is threatened. Members of different *resguardos* and *asentamientos* have *preocupación* because their own people – relatives and friends – may become *vendidos* to the multinational companies, allowing further dispossession of land and culture as well as breakage of the social fabric. And having experienced the ambiguity of the state in these issues, there is widespread *preocupación* that the state will fail the Wayuu once again, fostering their need to defend their rights. As Efrain puts it,

We have an uncertain future. We need the government to take their stance on the mining expansion [...] in the Guajiro indigenous territory [...] For us it is *preocupante*; we do not have a secured future for the survival of our [next] generation in our territory. They will be displaced if the government does not take the preventive measures to safeguard the rights of the indigenous peoples (Efrain 2012: Personal Interview).

Preocupación is inherently related to *sentirse mal*, also pointing at the multifaceted and temporal qualities of the former. Just as *sentirse mal*, *preocupación* is shaped, in part, by the reflection of the Wayuu regarding the present situation of La Guajira and how it compares to the lost harmonious and integral past. But unlike *sentirse mal*, *preocupación* is experienced through the uncertainty and possibilities for instantiation of further suffering. Carlos puts it this way,

One suffers when there are unpleasant things. [...] if there is something we are suffering of right now is for the river. One is suffering that day by day, how will it be? What will happen? That is the *preocupación*. When I begin to think on the idea that I will not have water, how will it be? What will happen? What would [Cerrejón] be thinking? What kind of strategy are they developing? That is to suffer day by day. It is also a suffering for one's children, the way in which they have taken their lives. That is to suffer day by day. And I think that day by day suffering is for all the society. A day by day but felt in different ways. [For example], being away from one's children, that is a great suffering.

As a result and reproduction of the atmosphere of political uncertainty and because of an embodied *despertar*, *preocupación* also arises through an engagement with the surroundings and the lived social and personal conditions in which the Wayuu live. As Dora Luz puts it, "*preocupación* is what one feels; the *angustia* that one has for what is happening around" (2012: Personal Interview). This *angustia* (anguish) and *preocupación*, Dora Luz tells me, arises from her thinking or feeling the lack of safety,

tranquility, and protection that exists outside of her *Ranchería*; in other words, the uncertainty of being in places and situations that are deemed dangerous in La Guajira. Thus, *preocupación* is an affective and embodied manifestation of that uncertainty for the future of what matters for the Wayuu. Dora Luz explains to me how *preocupación* can be a sequel from the past and the desire to not let it happen again; a feeling that is at once embodied and acted upon.

Sometimes when one *está preocupado* is like *sintiendose mal* because when you, if your grandmother or your mother is sick, how are you? *Preocupado*, right? One *está mal*, one *se siente mal* and there is something here [(pointing at her chest)] and one feels it in the heart and there is something in my body. And my body, when there is *preocupación*, not only my thoughts but the rest of my body is heavy, one *está desganado*, but one needs to find energy, get it out, and be at the front of the situation and face it (Dora Luz, 2012: Personal Interview)

The engagement with the material context takes us back to the *despertar*, and the ability to *darse cuenta* and feel in a certain way through the reflection of what has happened and could happen. Constanza tells me how all her great *preocupaciones* were about her future wellbeing and that of her family; *preocupaciones* that were rooted in her lack of territory and freedom and that made her feel *tristeza* and *sentirse mal* (Personal Interview, 2012). Constanza, who has experienced firsthand the impacts of Cerrejón and has reflected on her own situation, feels a *preocupación* based on the threat of further dispossession of that which matters to her.

C: A desperation comes into me when one sees the things, or when is not seeing what one used to see before; now things have changed. For that reason, for the things that are coming that... I don't know. That they are going to open [a path for exploitation], that something is going to go through it, just as the cemetery [that was destroyed] [...]

EFB: and what do you feel now that CCX is trying to destroy your cemetery?

C: I am *preocupada* because I don't want that to happen.

Similarly, Paula, a *promotora de salud* (health promoter) in one of the *resguardos*, tells me

I don't know what will happen tomorrow. I think that [...] one feels [*preocupación*] every day when one wakes up and asks all these things. [...] [What happens is] that what I saw before I do not see it now. It is the change we have had [...] I saw my elders before [and they] did not say let's go find employment here or there. They used to live from the daily house chores, not as it is right now that one does not have a source for living [...] now one is between a rock and a hard place⁶⁴; looking here, looking there. And there is no space because one cannot go to the other side since there is a sign that says that the property [owned by Cerrejón] is not for us.

As part of the *despertar*, *preocupación* also relates to a certain sensibility to reflect, understand, and experience a lived situation. In this case, *preocupación* from the realization that life is far from the ideals of the past or the imaginaries of development.

Gloria, explaining to me how she saw and felt about her community, says

I feel very *triste* because it seems like I have been too dedicated [...] *me preocupo* a lot for the backwardness of [my community]. [I] want to see it with another...in other words, I would like it very much to idealize it; that all the ideas in my head would become a reality and that they [my people] lived as they did before, so they do not have anything to shop in the market [but, instead] they plan their own things to live.

This sensibility is, then, also part of the *despertar* and it is partly shaped by formal education, *capacitaciones*, and/or *socializaciones* (see Chapter 3). Paula, in her job of assessing and dealing with health conditions produced by contamination of Cerrejón, demonstrates this process. She recognizes that her education and role in the community have allowed her to develop that sensibility to think on the collective

⁶⁴ The actual colloquialism in Spanish used by Paula was “*Entre la espada y la pared*”

conditions and wellbeing of the community, in many ways aiming to transcend the divisions of the Wayuu and find unity under the *realidad*. Paula states that,

It is not so much in the personal that I feel affected [...] what I feel I can feel it for my community because it does not happen only to me, it happens to all who live here; one cannot deny that [...] it is my entire community so sometimes one has a great *preocupación*. Who and how far are we going to get? What is going to be the future of our children or ourselves [...] Who would we be? Sometimes one makes the question but do not find answer.

But, as Dora Luz puts it, *preocupación* is only felt by those who have developed the sensibility to be aware not only of the collective difficult conditions of La Guajira, but also of what it entails to be part of the state and bearer of rights. She puts it this way,

I would say that those who have it [*preocupación*] is because.... [It] also depends on the sensibility that one has to feel through the things that are happening in our region and in the country. But there are some who say: ‘that is not with me’ but I say: ‘how can you say that is not with me? Aren’t you Colombian? Aren’t you Guajiro? [...]

EFB: Who are those people who *se preocupan*?

DL: those who do *se preocupan* are those people that have a high sense of their country, of their region, a high sense of belonging [...] I am not politician [...] but one feels that *pena*; I feel it. It is because one hears ‘so much resources for La Guajira, so much for the region, so much for the municipality’ and it is shameful to tell you that it [Colombia] is the most unequal democracy [...] [and this way,] many people *se sienten mal*. So this is when the unconformity and the protest come. It is because it is not just! With the entire bonanza from the royalties and nothing was left for La Guajira!

As Dora Luz tells me, the lived social conditions in which the Wayuu live – violence, lack of real democratic participation, corruption of leaders, and division in the community – shape their *preocupación* and the decision of many Wayuu to resist engage in the *lucha*. However, it is through this sensibility, based on the realization of rights

violations and the need for the Wayuu to defend their rights, that this *preocupación* is felt.

The national government is not interested in the indigenous peoples. They are interested in our territories because of the [natural] resources [...] so it is a big *preocupación* for us the indigenous peoples and [the threat for] our extinction. It is because without territory, there is nothing! They contradict themselves because they say there are norms like the *plan de salvaguarda*, but the territory is indigenous and sacred while they speak about exploiting it. So how are they going to safeguard the territory? That is a question that we are asking ourselves [...] I don't know, they are not interested in what the *carta magna* says, the constitution, there is a great contradiction [...] [that constant situation in La Guajira generates] much *preocupación* because one is a *victima* of that.

This kind of sensibility and ability to experience the world in a certain way is part of the essence of the Wayuu political subjectivity. Thus, it is a mechanism to link lived experience and social conditions to larger macro-processes that have helped shaped it but that, through *preocupación*, becomes translated into a feeling leading to action. This sensibility, then, means the opening of a subjective space that, as indigenous subjects, may lead people to engage in the *lucha*.

[The state and the multinationals] have been for many years coming with their simplistic programs providing for people, even though, supposedly, [we were autonomous]. [But it is] the situation in which we find ourselves without our own aqueduct. We have reflected and this is the time in which we need to keep going with the resistance to stay in our territory (Carlos 2012: Personal Interview)

2.3.2.1. Active engagement

And so *me doy cuenta* that I should defend my territory because it is my future;
and if I do not defend it, who else is going to do it?
Dora Luz: Personal Interview, 2012.

If the sensibility of the *despertar* opens a subjective space for resistance, feeling *preocupación* often translates into action, or at least the motivation to deal with the reason why *preocupación* is felt. As it is felt by the Wayuu leaders, *preocupación* is a highly agentic experience. In the remainder of this section, I briefly analyze the narratives of two Wayuu – Constanza and Carlos – and how their *preocupación* indexes their agency to find a solution to deal with and act upon what threatens what matters most to them. Of particular interest is how this highly agentic *preocupación* is also a moral judgment that empowers, motivates, and self-justifies the leaders to achieve justice, making them responsible to defend the rights and interests of their community.

As has been pointed out, Constanza was one of those Wayuu who lost her territory to Cerrejón and, because of her lived conditions, she feels *sentirse mal*. Constanza exemplifies those Wayuu who are involved in the *lucha* representing their interests and that of their community. However, because of her lack of influence among other Wayuu, lack of education and technical skills, and lack of economic means, she is not a key leader of the *lucha*. Nevertheless, she attends as many meetings, *capacitaciones*, *socializaciones*, and mobilizations as she can to, as she tells me, learn about her rights, tell her story of dispossession, and to find an opportunity to get compensated. She tells me that, because of her *preocupación*, she has taken significant steps to *gestionar* the compensation of her territory and that of her family. Despite her illiteracy, she has gathered some important documents to make her case, including census and maps of her community prior to the arrival of Cerrejón. Through this learning

process, *preocupación* have mediated her motivations to obtain compensation and the legal mechanisms to achieve them.

For Constanza, *estar* (to be) *preocupada* means to conceive the lack of something and the fact that this situation could and should improve.

Wellbeing is that [something] comes to me so I can sustain myself. Where I am [now], I do not have any wellbeing because I do not have a chance to receive. I am not well. Wellbeing is to be well, to receive so one can become. [It is] to have a source of employment. There, they are my sons, unemployed [...] and that *me preocupa* mucho, but I do not get tired of asking *maleiwa* (God) to send me work for them.

But, as Constanza's narrative suggests, *preocupación* means to act upon a situation to improve it through whatever tools are available.

[This situation] gives me so many *preocupaciones* since one does not have the right we had before. We had that freedom before. Now, one is itinerant [...] [but] the earth is our mother since it is from it that one eats. And who is the father? The rain [...] It is because the Wayuu before, my elders, when it did not rain for months, *se preocupaban* a lot. So they took the *kasha* and it was time to play. They played to make it rain [...] but not anymore! [...] When there was an ill person, it was taken to the *piache* [...] that was the law of the elders.

In hopes for compensation, Constanza's *preocupación* is felt and conceptualized through the experience of loss, but also the injustice that this meant. In this sense, her moral claim and her suffering through *preocupación* means her own self-entitlement for compensation.

EFB: What do you think about it [the fact that the Wayuu and your family have been divided]?

C: What am I going to think? Nothing. My *preocupación* is because I am without territory! Always, the cassette is erased but it is the same tape, the same tape! Always territory, territory, territory anywhere I go! I do not ask [anything else], I do not think anything else. Because one without territory

is nothing. We who live in the towns, we do not take advantage of anything. Here the Wayuu receive benefits, the money comes to them, house, house come for their community, it comes, they are given cows, they are given goats, hens, thread to work handcrafts, and us? Fly. And those who are in the *resguardo*, all of them, they do not know our *necesidad*.

Carlos used to be a teacher. Currently, he is one of the most visible and influential leaders in the resistance. As Carlos puts it, feeling *preocupación* alone is not enough. Instead, there is the need to engage in some kind of action. By feeling *preocupación* for his community, Carlos recreates a sense of responsibility and urgency to do something to solve the problems and protect what matters to him and his community. As Carlos explains, these efforts are materialized into developing their own educative curriculum, spreading a political consciousness, finding unity, and doing *gestion* to achieve compensation (see Chapter 3). Based on the distress felt through *preocupación*, which he tells me he feels all the time, taking these kinds of actions are part of the *lucha* but also part of people's personal efforts to find relief

EFB: How do you feel having lived or suffered through the impacts of Correjón? What do you feel? What kind of feelings?

Feelings, well, *preocupado*. I have always been very *preocupado* for all the negative impacts, finding a way to go out somewhere else and ask for help, to have a study done on us because if we stay like this, we are going to die seeing these *preocupaciones*, this contamination. And us, without being scientists or experts, we understand that all those peoples who have died are a product of the contamination. I have always worked on that and now I feel more tranquil, we have started that work. Before we were not so fortunate, since we did not think about organizing ourselves to manifest what is happening to us [...] and the people come and make us conscious, and one goes to spread it and to denounce what is happening at the worldwide level.

[...]

EFB: and those *preocupaciones* are lived constantly?

C: yes, it is a general *preocupación* for all the *autoridades tradicionales* when we do an evaluation of the work, always the *autoridades tradicionales* are *preocupados* of this process since we are more divided everyday [...]

EFB: you were telling me how life has changed and I wanted to ask, how could this be solved?

C: It can be solved. I mean, creating sensibility in people, the families, so they understand the importance of maintaining the culture and the *cosmovisión*. Also, strengthening the schools and especially, having a conjunct work with the family heads, the leaders, the teachers so they all do their work to preserve the culture. It is about not letting it [the culture] get lost, not letting it fall; [to] conserve it. But that has to be done through a good training of people. That is how *nosotros nos preocupamos* here in the *resguardo*; it is urgent that we become prepared for the curriculum, the *akwa'ipa*, so this generation can have a knowledge for the future [...] if we don't do this type of work, this very important tradition will be lost, and the recognition of the last five-hundred years of the *lucha* since the Spanish came to destroy everything and we resisted [...] because if we allow the state political model [to be imposed], *estamos graves* [(we are in a serious situation)]! We have to organize our own model [...] the state can recognize it, but one has to formulate it; [...] in the case of the *planes de vida*, the state has to be very respectful. [...]

EFB: and that helps you be more tranquil?

Yes, tranquil in a way. Not that we are tranquil and they keep contaminating us, but tranquil in the sense that we are looking for a way in which we really demonstrate these [impacts] with facts and through certain studies and, that way, the multinational [Cerrejón] has to compensate for the caused damage. [...] those who were in front of the *resguardo* before did not think about that. But us now, with good organization, we have reached where we are now; recognized at the international level.

2.4. Making sense of these experiences

Holland and Leander (2004: 127) push us to think of experience and subjectivity as shaped by the social positioning of the subject within certain power relations, but also arising as the cultural and personal mediation between the two. Having this in mind, we can see how *sentirse mal* and *preocupación* are shaped by life in La Guajira, its history,

and its socioeconomic conditions. But, more importantly, they emerge through an interaction with the impacts that mining activities have had in people's lives, the material and social conditions they currently endure, and the living within an atmosphere of political uncertainty, felt through a subjectivity under *despertar*. Thus, looking at the phenomenological development of the *despertar* paired with the social and historical context in which it is embedded, we are led to think of it as a subjective possibility that finds some particularity within the social positioning of an indigenous subject living in a neoliberal multicultural nation-state, and as a Wayuu that, as other indigenous peoples in Colombia, has experienced, historically, different kinds of systematic violence (Espinosa Arango 2007: 53).

In addition, this chapter demonstrates how we can come to see Wayuu political engagement in the *lucha* as a result of their agentive attempts to deal with their suffering and protect what matters to them as they struggle through their own lived conditions. With the emergence of this political subjectivity, as indexed by *despertar*, subjective grounds are opened for experiencing deeply embodied feelings, often generative of distress, based on actual eventual or everyday experiences. But these experiences, mediated through this political subjectivity, have significant political implications. As will be explored in the following chapter, this political subjectivity also emerges hand in hand with the political spaces and new repertoires of leadership opened up by the Constitution, providing a link with which the Wayuu can transform distress and suffering into an experiential basis for engaging in political action.

CHAPTER 3: Acting upon *preocupación*: Being a *buen gestor* in a neoliberal multicultural nation-state

On July 13, my second day of fieldwork of 2012, I visited Luisa, a Wayuu indigenous leader from *La Alta Guajira* whom I had met two years before, in her office. What I first noticed was that I was standing in a nice commercial area of Riohacha; and this place had A.C. I smiled and enjoyed for a few minutes the luxury of feeling cold in La Guajira, something near to impossible. As I waited to meet Luisa in the reception, I turned my gaze towards the billboard, which was filled with pamphlets of the *Wayuu Araurayu*, an association of Wayuu *autoridades tradicionales* from *La Alta Guajira*. As other similar organizations, the *Wayuu Araurayu* aimed to revive the culture and achieve self-determination. For them, the path was to focus on education. As I read these pamphlets, I obtained some clues as to why this organization was so well-funded. These documents were filled with the logos of a variety of state and international civil and governmental institutions and organizations. By the end of my fieldwork, Luisa told me that her organization was doing very well. She said that they were doing better than other organizations because they have learned to follow the laws from the state. According to Luisa, working in an association was like being in the university; one learns and then applies the knowledge to get funding for their projects. Because of the *capacitaciones*, Luisa explains, now the leaders of *Araurayu* feel more able to effectively manage their own money.

The “success” of this organization helps us understand an important characteristic of the *lucha*: its success, in great part, depends on the ability of the leaders to use their

skills and knowledge, much of it which is learned through *capacitaciones* and formal education, to get support and funding for the diversity of indigenous organizations and associations. As the Wayuu exercise their rights to be self-determinant with the support of the state and/or international organizations, as part of their *despertar*, they engage in what the Wayuu call *gestión*, finding support for a local project and learn how to administer it. Efraín recognizes that it is through indigenous organizations and associations that they have been given the “opportunity” to “*gestionar*” for their community and demonstrate their case, but also that it is their own responsibility to “take advantage of the opportunities, now that they have them” and, thus, obtain compensation and foster change. The plan as leaders, Efraín tells me, is to become a “*buenos gestores*”. And one becomes a *buen gestor* by learning the correct networking, technical, and management skills. This way and at many junctures, doing *gestión* and learning how to appeal to different funding organizations and/or state institutions become a fundamental part of the process of being a leader and engaging in the *lucha*. Thus, as will be explored throughout this chapter, to be a “*buen gestor*” is to be willing to adapt to the laws, having the necessary legal and bureaucratic knowledge, the skills to be legible, as well as personal connections, to move through the bureaucratic structure of the state and, in some cases, civil society organizations.

It was explored how the Wayuu who have had a *despertar* feel a *preocupación* that is highly agentic and that is translated into the motivation of acting in ways that protect what matters for people. Thus, a leader who feels this *preocupación* may engage with different mechanisms of resistance to resolve what is deemed as immoral or wrong,

exemplifying the work of one of the forces that shape and drive the *lucha* as well as the emergent Wayuu political subjectivity. However, as it will be explored, these mechanisms of resistance have some particular characteristics as they occur through a neoliberal multicultural context. On the one hand, they are shaped by the neoliberal context in which it plays out through which the Colombian state, in its use of a variety of ‘multiform tactics’ – borrowing Tanya Li’s (2007) concept –, pushes for a specific kind of subject and subjectivity; in this case, that of making *buenos gestores*, or indigenous people responsible to deal with some of their suffering and, thus, to defend their rights through *gestion* within the legal apparatus. But, on the other hand, these mechanisms also have to be understood through the local conditions within which this conflict takes place (e.g. social division, poverty, and political uncertainty), as well as the historical and current agentive efforts of the Wayuu as they struggle to overcome them.

In this chapter, therefore, I analyze how the Wayuu engage in the *lucha*, enacting a political subjectivity, through different collectivities and mechanisms of resistance as a way to protect and defend what matters to them and as they engage with the available tools within a neoliberal multicultural nation-state. In particular, I examine the processes of visibilization of indigenous suffering and the development of *diagnósticos* and *planes de vida* as mechanisms that tell us much about the convergence of the different forces in the Wayuu *lucha*. In this sense, then, I look at how these forces are intertwined, co-constructing experience, subjectivity, and subject with and within a neoliberal multicultural state.

3.1. Finding unity: A constant struggle in a neoliberal era

So the objective, vision, and the mission of *Araurayu* is that we, as a team, would like to [have] the twenty of us with only one way of thinking. [This is because] one group is over there, ten are over there, five over there, and two over there (another location), but [we need to have only one thought] so we can advance [...] This is to ensure the rights of the Wayuu people. Here, since many decades ago, the [*alijuna*] rulers on power have done anything they want with the money that is meant to benefit the Wayuu people
(Juan, 2012: Personal Interview)

At the end of July, I attended a meeting with representatives of communities of the municipality of Albania in the *internado* (boarding school) of the *Resguardo 4 de Noviembre*. I was first surprised at the fact that this new school was well provided for. It was walled and the technology available for students was highly sophisticated. Most of the meeting was spent discussing issues raised by the *área de influencia* of the railroad and the Expansion Projects. One of the objectives of the meeting was to debate these issues, organize themselves, and find a consensus regarding who and how people should be compensated. Whereas some Wayuu contended that they – not only those in the *área de influencia* – should be collectively compensated from the impacts of mining and the railroad, other leaders, such as Sara, argued that they should just adhere to what was already established – the norms and laws – based on what the studies of the *area de influencia* stated. Sara explained that the law was clear: if one is not in the *área de influencia*, one does not receive compensation. It was like the *recursos de transferencia* (SGP)⁶⁵, Sara added. “Would you give me your *transferencias* just because I am Wayuu?” Nobody answered Sara’s rhetorical question. However, her remarks did raise

⁶⁵ Legally, it is called the *Sistema General de Participaciones*, but it is colloquially referred to as *recursos de transferencia*

anger in many Wayuu who thought of Sara as a *vendida*. To counteract Sara's argument, other leaders explained that they need to think collectively because they were a Wayuu group. Dora Luz stood up and said that the Wayuu should organize in order to make sure that everyone receives things and that *consulta previa* be carried out with everyone. After all, as another man said, "Cerrejón impacts everyone." Meanwhile, an elder I had never met who was sitting next to me turned towards me. He whispered, with a sad tonality, that he too would be affected by the diversion of the river; there is where his donkey goes to drink water even if they must walk far to get it.

When the meeting ended, Francia and I went to her *ranchería*. As it is often the case in La Guajira, our conversations, which this time included Francia's mother and some workers, focused on politics and political issues in La Guajira (e.g. Cerrejón, the Rancheria River, corruption, the military, the guerrillas). But we also talked about people who have been affected directly by Cerrejón, focusing on the case of Francia's family who lost hundreds of animals to the railroad and who constantly suffer from military and guerrilla combats. To my surprise Francia argued – as so did Sara, the *vendida* – that it was not fair that all received the same compensation from Cerrejón and the state, since not all have been impacted the same way. If it was her case, Francia told me, she would not give her money to someone else. Her suffering had to be paid and compensated.

This meeting and discussions not only points at some of the dilemmas and contradictions that the Wayuu experience as they find themselves dealing with the impacts of Cerrejón and divisive neoliberal policies, but also their efforts to organize and find consensus, as part of the *lucha*, in a context where division and fragmentation are

experienced at so many levels. For the current Wayuu leaders, division presents a great challenge for the *lucha* since it undermines collective decision making and criteria-unification, leaving the Wayuu vulnerable to the advances of the Cerrejón and state's agendas. Division, then, becomes for many leaders something to overcome through unity and collective self-determination, not only for the success of the *lucha* but also as a way to heal the disruptions and disharmony in Wayuu social life⁶⁶.

These efforts for unity to defend the rights of the Wayuu manifests through the different indigenous collectivities (territorial entities, organizations, and associations) that have formed in La Guajira, especially in *Baja Guajira*. For the Wayuu, these collectivities are emphasized because they have the potential to bring collective – not individual – benefit to the Wayuu, overcoming the tendency of many Wayuu to become a *vendido*. But, perhaps even more crucial, it is the Wayuu leaders' efforts to regain control over the resources that, in their view, belong to the Wayuu but are controlled and stolen by the *alijuna*. Thus, these collectivities, though part of a constitutional enforcement of the state to compensate indigenous peoples from past events, it is also a fundamental mechanism of the Wayuu to exercise their right for indigenous autonomy and self-determination. However, as it is the case on similar neo-extractivist ventures under

⁶⁶ Interestingly enough, scholars, such as Barrera Monroy (2000) and Polo Acuña (2012) have argued that the decentralization and division in Wayuu society was one of the reasons why the Wayuu were never conquered or dominated by the Spanish Corona. I see this as a valid point for the different indigenous/non-indigenous relationships that existed in previous centuries. However, within a neoliberal multicultural nation-state, the south of La Guajira can be seen as a region where the influence of Cerrejón is prevalent and where rights are collective and infringed collectively. In this context, organizing and finding unity, as mechanisms of resistance, are vital.

neoliberalism, conflict arises between these collectivities, as they begin to behave individually or gain individual benefits, fostering, thus, individual collectivities.

3.1.1. Individual collectivities

One of the main collectivities being formed and reinforced is the *resguardo* which, though were in part the result of the mining activities of Cerrejón and the complicity of the state, currently become a fundamental entity from which the *lucha* develops. This is partially explained by the *Sistema General de Participaciones* (SGP). As was discussed in Chapter 1, the SGP is one of the ways in which the state project of decentralization reaches and includes indigenous peoples through cash transfers to territorial entities. These kinds of policies, accompanied with the Decree 1386 of 1994 that regulates the Law 60 and later with the Law 715 of 2001, have fostered the *cabildo* in the *Baja Guajira*, as a leadership institution, to become an important authority for the Wayuu. The *cabildo*, though not the first historical intermediary leader between the Wayuu and the state (or the *alijuna*), has become, through these laws, the legal representative for advocating for their own *resguardos*.

The appeal of a *resguardo* is demonstrated for those who do not belong to one. For example, many leaders of *asentamientos*, comprised mostly by those who have been displaced by Cerrejón, are in the process to do *gestión* through state institutions like INCODER and Laws such as the Law 1448. Although these work within a framework of the *Ley de reparación de víctimas y restitución de tierras*, which do not take into account displacement from mining exploitation, these leaders hope to be constituted and

recognized as a *resguardo* in order to receive the benefits of state protection conceded through the AUTOS 004 and 005, and the SGP by demonstrating how they have been impacted by Cerrejón, the subsequent violence and armed conflict, and by appealing to their indigeneity.

Other fundamental collectivities in the *lucha* are the indigenous organizations and associations. These organizations present yet another alternative that may cross-cut territorial collectivities and that, potentially, allow the Wayuu to unite, visibilize their struggle, develop *diagnósticos* and local projects, and do *gestión*. Also a result of the national indigenous struggle as it converges with neoliberal policies, associations and organizations are supported by the Article 10 of the Decree 1088 of 1993, which regulates the contracts of industrial and commercial nature for indigenous associations, and the Decree 1386 of 1994 that gives indigenous peoples the right to form associations for managing their resources. Organizations and associations are vital in the Wayuu *lucha* and for engaging in indigenous politics, Dora Luz tells me. “We need to act from our own kind of organizations as indigenous peoples and according to the constitutional and legal norms so we can be accompanied by the international community and its conventions,” Dora Luz states, explaining that this is “Because we cannot [do this *lucha*] alone. Alone, we would be destroyed. That has been demonstrated”

Indigenous associations among the Wayuu are also created in Venezuela since the Constitution of 1999. Johnny Alarcón Puentes analyses how the Wayuu community of *Kusí* have organized into different associations, such as *asociaciones de vecinos*, *comités de agua*, and *bloques vecinales* in order to adapt to the norms of the Venezuelan state

and, thus, receive resources (i.e. medicine, water, credits) to fulfill their *necesidades* (Alarcón Puentes 2007: 96, 107). In many ways, Wayuu associations and organizations in La Guajira, including AACIWASUG, *Fuerza de Mujeres Wayuu*, *La Junta Mayor*, and *Wayuu Araurayu* present similar characteristic; they organize under an idea and social/political project and do *gestión* to an institution, organization, or the state, in order to receive resources. I now turn to provide a short description of these and then focus on the efforts of AACIWASUG to become a strong association, recreating, thus, a certain kind of indigenous organization and fostering much conflict and competition among the different collectivities and leaders.

La Fuerza de Mujeres Wayuu (FMW: Front/Alliance of Wayuu Women) began during 2004 and 2005 as a result of the process of documenting the victims, mostly women, from the armed conflict in La Guajira. The objective was to achieve justice and obtain compensation. Though never losing this first initiative, the focus of FMW shifted towards programs that empowered female alternate projects as well as projects to protect *wounmainkat* through ensuring the right development of *consulta previa*. With time and thanks to their *gestión* and initiatives, they gained support from lawyers' associations and different national and international NGOs. FMW became known at the world wide level (Carmenza 2012: Personal Conversation). In fact, many of its members have travelled to Europe and the US in order to visibilize their situation as Wayuu. In addition, they are one of the few organizations that now have resources to sustain themselves and could even support an office. Currently, this organization is highly involved in the *lucha* against the Expansion Project, the rights of women and victims, and developing a political

consciousness in Wayuu society. According to some of its members, the *lucha* of the FMW does not necessarily contradict Wayuu culture or the *lucha* to protect it, despite the criticisms of other organizations. What they aim to achieve, Carmenza and Julia tell me, is gender respect and equality in the political real so they can also participate (2012: Personal Conversation).

The *Wayuu Araurayu*, the Association of Heads of Families from the *Alta Guajira*, is an indigenous organization that exemplifies an association of *autoridades tradicionales*, a collectivity more common in *La Alta Guajira* where there are no *cabildos*. *Wayuu Araurayu* concentrates on the recuperation of indigenous knowledge, as a way to create and implement an *educación propia* (local indigenous education) and, thus, guaranteeing a kind of self-determination, compensation, and autonomy as they become included into the Colombian nation-state (Ferrero Botero n.d.). *Wayuu Araurayu*, as an organization focusing on education, is also supported by the Decree No. 2500 of July 12 of 2010, which allows *cabildos*, *autoridades tradicionales*, and their organizations and associations to administer, construct, and implement an indigenous educative system (Ministerio de Educación Nacional, 2010). Just as other organizations and associations, their legitimacy and capabilities to be part of the *lucha* has been challenged.

La Junta Mayor Autónoma de Palabrerros Wayuu is another indigenous organization with a similar project to that of the *Wayuu Araurayu*. In 2008, many of the

Wayuu *palabrer*os⁶⁷, cultural voice-men and mediators of conflicts, organized with the aim of achieving ‘real’ self-determination as well as defending and reproducing Wayuu practices and ideologies. This group of mostly *Palabrer*os (*Pǖtchipǖ`üi*) are in charge of “strengthening the Wayuu Normative System through the preservation, revitalization, and transmission of the Wayuu cultural universe, fomenting leadership, and promoting a plural and inclusive cultural and institutional transformation that favors intercultural dialogue and the materialization of the economic, social, and cultural fundamental rights of the indigenous nations” (Conformada Junta de Palabreros Wayú, 2010). Unlike other organizations *La Junta Mayor* is more regional-wide. By 2010, *La Junta Mayor* was comprised by 37 *palabrer*os representing all the ancestral territory – both in Colombia and Venezuela – and an interdisciplinary team of twenty young Wayuu professionals (Escobar, 2010).

Their formation, though grassroots, was possible only because of the joint efforts by regional and national state institutions and international organizations⁶⁸. This includes the German Agency for Technical Cooperation (GTZ)⁶⁹ and a joint state-UNESCO project, which, in order to ensure the true exercising of collective rights through

⁶⁷ For a Wayuu to be a *palabrer*o, he needs to know Wayuu culture and language (Wayuunaiki) well, and be recognized as ethical, moral, and living a life in the pursuit of peace (El *Palabrer*o, 2011). A *palabrer*o, then, is someone who, from childhood, is considered to be exceptionally gifted to resolve conflicts. Through experiencing and assisting other *palabrer*os, the child grows wiser and learns the use of *la palabra*. Being a *palabrer*o is not a job and it is not about accumulating capital; there is no payment for the *palabrer*o except for whatever the compensated family, after the dispute has been resolved, considers a good payment to support their endeavors. For more information, read Guerra Curvelo, 2001.

⁶⁸ At the national level, *La Junta Mayor* was supported by the *Ministerio de Cultura de la República de Colombia* and the *Fondo Mixto para la Promoción de las Artes y La Cultura de Boyacá*.⁶⁸ and at the regional level, it was *La Alcaldía Municipal de Uribia*, *La Alcaldía Municipal de Maicao*, *La Secretaría Municipal de Uribia*, *La Secretaría Municipal de Maicao*, and *Dirección de Cultura del Municipio de Uribia* the institutions that, in paper, were eager to create *La Junta Mayor* (“Conformada junta de *palabrer*os Wayú,” 2010).

⁶⁹ In German: Deutsche Gesellschaft für Technische Zusammenarbeit

visibility, granted *La Junta Mayor* with the title of Humanity's Intangible Cultural Heritage in November 2008. As part of this project and to make legally visible the functions of the *palabrer*os, the *Plan Especial de Salvaguardia* (PES; Especial Plan for Safeguard) was created in a parallel fashion. The PES placed and fomented the *palabrero* as a legal ethnic authority whose role is to ensure the implementation of the local political, judicial, and social system while recuperating the culture, a process that has meant the standardization of an *akwa'ipa* and a normative system. This functionality and national recognition, in turn, provoked the acceptance of PES through the resolution 2733 of December 30th of 2009 that made the Wayuu system a *Bien de Interés Cultural* (Asset of Cultural Interest). With a democratic aim in mind, according to the *Ministerio de Cultura*, PES aims to develop local consensus and initiatives to achieve intercultural and local agreement and horizontal dialogue (Ministerio de Cultura 2010a, 2010b). Despite its credentials and potential, *La Junta Mayor* is deeply confronted by other collectivities and leaders in the *lucha* who accuse *La Junta* of being the result of a business enterprise to obtain individual benefits from the state and the international community.

The *Asociación de Autoridades Tradicionales y Cabildos Indígenas Wayuu del Sur de La Guajira* (AACIWASUG)⁷⁰, as its name states, is comprised of *autoridades tradicionales* and *cabildos* of the *resguardos* and *asentamientos* of the south of La Guajira (*Baja Guajira*), though their meetings also welcome representatives of their communities⁷¹. During my fieldwork, meetings were constant since they were trying to

⁷⁰ Association of *autoridades tradicionales* and indigenous *cabildos* of the South of La Guajira.

⁷¹ The *resguardos* that comprise AACIWASUG include: Cerro de Hatonuevo, Rodeito el Pozo, Provincial, San Francisco, El Zahino – Muriatuy, Cerrodeco, Mayabangloma, Caicemapa, Potrerito. The

restructure their association under the Article 10 of the Decree 1088 of 1993⁷², with the goal of making it more efficient. They wrote in the draft for the new AACIWASUG that the nature of its organization was “to organize and find agreement with the authorities based on culture, the defense of rights (public and private) and the interests of its members, through a political, economic, social, and cultural development.”⁷³ Adhering to a neoliberal corporate type model of organization, though still with a vision of indigenous autonomy, to make the association more efficient meant to restructure it as an enterprise/business. This had as an objective to allow the leaders to administer the resources and projects coming from national and international organizations and institutions, giving them the freedom to hire their own people, provide their own social services (e.g. education and health), and develop their own infrastructure, culture, and productive projects. Carlos, a main leader of AACIWASUG, explains that that was part of the *lucha* for self-determination because it meant the materialization of the right of autonomy and their ability to avoid outside corruption and its common manifestation through *elefantes blancos*. Some of its members even dreamed and hoped that AACIWASUG could become competing contractors of state calls for tenders so they

indigenous *cabildos* of: Lomamoto, Trupio-gacho, y Caicemapa. And the *asentamientos* include: Nuevo Espinal, La Jamichera (María Bernarda), La Granja, la Granjita, Los Guajireros, Barrancón, Campo Alegre, Principado Wayuu, Nueva Esperanza, Palmarito, Tamaquito I, Tamaquito II, El Cardonal, Rinconcito Wayuu, La Vigía, la Loma. Note: the indigenous *cabildos* appear as separate from the *resguardos* because they had previously created an organization but they still were to be included, specifically, in AACIWASUG.

⁷² This Article regulates the contracts of industrial and commercial nature for indigenous associations. This Decree, moreover, regulates the constitution of associations of *cabildos* or *autoridades tradicionales* stating their nature as Public Right (*Derecho Público*) with the objective of developing integrally the community.

⁷³ La naturaleza de esta es organizarse y concertar entre las autoridades, basado en la cultura, una defensa de derechos (públicos y privados) e intereses de sus miembros, por medio de un desarrollo político, económico, social y cultural.

could provide these services to other communities. But to carry out all these objectives, people in the meetings agreed, they needed to understand the laws and adhere to them.

As the Wayuu engage in the *lucha* through these collectivities, they do so within a context of social division, political uncertainty, poverty, and where many Wayuu have been affected but differentially benefited by Cerrejón. Thus, first and critical for this analysis, is to understand these collectivities are not just mere attempts to engage in a political project. At the subjective level, collectivities – whether territorial entities or organizations – become vehicles to engage in the *lucha* to protect what matters to them and resolve problems based on real need, urgency, and lived experience. In this context, the different collectivities, through its leaders, embrace *gestión* in order to generate wellbeing for their community. As they engage in this process that only benefits a few, however, they become individualized.

These collectivities find themselves in a political and economic climate with different possibilities and sources for obtaining resources and/or compensation, depending partly into the kind of collectivity they are deemed to be. On the one hand, resources come from multinational companies such as Cerrejón, through the *fundaciones* that deal with the people in the *áreas de influencia*. However, division arises since not all who feel impacted receive the benefits. And within these *áreas*, division is exacerbated since only those who successfully carry out *gestión*, agree with the projects, or have connections with people within the foundations receive some benefits.

When I talked to Gloria, a leader from the riverine community of Pancho, she confessed that she agreed with the Expansion Project due to the situation in her

community. She explained to me that in her community, they have suffered for many years by constant floods as a result of the contamination and debris accumulated in the delta of the Rancheria River and men's migration to urban settlements who, in search of employment, now do not have time to resolve this problem. Nevertheless, neither Cerrejón nor the state has provided any compensation for Pancho since they are neither a *resguardo* nor have ever been in the *área de influencia* of Cerrejón. But now that Pancho will be in the *área*, as part of the Expansion Project, Gloria hopes to take advantage of this opportunity to obtain benefits and improve the life in her community. Gloria complains to me that other Wayuu do not understand what it is like to live in the river delta, feeling year by year its destructive power. However, as Gloria sees it, "2012 will be the year of Pancho" (2012: Personal Interview); since it is her opportunity, she says, to receive and learn how to ask for compensation.

Slightly different are the organizations and associations – also collectivities – that have risen to do *gestión* for resources, support, or compensation to the state and/or national and international NGOs or governments, and that have found themselves in much conflict between each other. For instance, *La Junta Mayor*, in their goal of recovering and protecting Wayuu culture, practices, and society through the standardization of a strict Wayuu Normative System, have condemned other non-normative authorities, especially women and *cabildos*. At the end of July, in Riohacha, we worked on the Public Declaration of the Wayuu, a document that unified the criteria and position of the Wayuu people regarding the Expansion Project. As people participated in one of the meetings, Orlando, a leader from *La Junta Mayor*, stood up and

condemned the *cabildos* of AACIWASUG arguing that they are not traditional Wayuu authorities. Challenging their legitimacy to participate and take charge of the *lucha*, Orlando argued that they are only a threat for the Wayuu *lucha* since they serve the interests of the state and Cerrejón by furthering the division of the Wayuu.

But more telling is the dispute between *La Junta Mayor* and the FMW. For some time, some *palabrerros* had expressed their discontentment for the *lucha* of these women, since it was also not normative. Some of these *palabrerros* contemplated that women had their place within Wayuu culture, which, though highly important, it is not related to being public figures. One day, Patricia, a leader from FMW, received a letter from the general coordinator of *La Junta Mayor* asking for a private meeting. He complained about accusations made by a member of the FMW who, through Facebook, made a comment questioning the *palabrerros* authority, legitimacy, and their role in *lucha*. The general coordinator condemned this comment as misguided and dangerous. Each side was indignant and in both sides *preocupación* was expressed by different members who feared the other organization just wanted to make a business out of the Wayuu *lucha*. One of the intellectuals from *La Junta Mayor* explained to me that FMW was an example of “*etnomarketing*,” which is when organizations take indigenous or Wayuu names in order to justify the resources from sponsors to benefit themselves. Similarly, a member of FMW told me that *La Junta Mayor* is analogous to an OPIC⁷⁴; thus, it is an indigenous organization created for personal economic benefit and that attend to the agenda of the

⁷⁴ OPIC, Organización Pluricultural de los Pueblos Indígenas de Colombia (pluricultural organization of the indigenous peoples of Colombia). This organization, created during Uribe’s government, has been highly contentious. Many have argued that they are organizations that exist to support the government and its objectives, but not the actual indigenous peoples.

state and the UNESCO. A few days later, the dispute was resolved with both parties agreeing to make no more negative accusations in public; nevertheless, suspicion between both parties and, especially, their leaders remains.

I argue that the rise of these individual collectivities – as well as their conflicts – are a result of the convergence between the forces of neoliberal policies, the impacts of resource extraction activities (Sawyer and Gomez 2012), and the successes of the indigenous *lucha*, emblematic of neoliberal multiculturalism. In his analysis of the current situation of the Colombian indigenous people, Efraín Jaramillo⁷⁵ argues that the lack of will by the Colombian state to defend indigenous territory lies in its collective inalienable nature, which places it outside the market forces. He goes on saying that due to the rationalist principles of liberal ideology that places the individual before the collective, the collective autonomies, as he calls them, have no place within the neoliberal system (2011: 39). Though I concur with most arguments throughout his book, I disagree with this common tendency to think of liberalism and neoliberalism as inherently opposite to the collective. Instead I take Charles Hale proposition. As Hale argues following Nikolas Rose, in a neoliberal multicultural nation-state, indigenous communities are reactivated as critical in the reconstitution of the Indian citizen-subject. Thinking through Hale, therefore, the Wayuu collectivities, though as such are thought to be in opposition to the individualistic ethic of a liberalist project, also behave individually within a neoliberal model. In fact, they operate within an institutional framework of free-markets and that, as a result, they come to resemble individual and private business and

⁷⁵ Jaramillo is an investigator of Jenzera, an international interethnic collective research group working in Colombia

corporations, now working with certain bureaucratic exigencies (Harvey 2005: 64), as it is best exemplified by AACIWASUG. Thus, individual collectivities present a solution to this ambiguity since, by smoothing up radicalisms, they engage in subject formation at the state image; that is, a neoliberal multicultural state (Hale 2002:496). As it will be explored in the remainder of this chapter, empowered to engage in the new political and economic spaces opened up through the Constitution, the Wayuu collectivities become embedded in a constant competition to demonstrate their suffering and worthiness of compensation, their capabilities to produce legal alternatives, while at the same time, shaping a specific kind of indigenous citizen-subject.

3.2. Mechanisms of resistance and the making legible of indigenous suffering

Despite the challenges that these individual collectivities may encounter in the *lucha*, they often find some junctures for regional unity, especially as the expansion of *realidad* shapes more *despertar* among the Wayuu. The almost two-thousand indigenous Wayuu who paralyzed the routes and production of Cerrejón in October 15th 2013 exemplifies this common convergence. This unity, however, works within a similar national framework to the individual collectivities and through similar mechanisms of resistance. I divide the mechanisms into two types that are intertwined and have as a main aim to visibilize – to make visible and legible – the local struggle and suffering at the local, national, state, and international level. The first kind – marches, expeditions, documentary films, press releases, meetings, and *socializaciones* – visibilize a struggle and suffering while spreading the *realidad* at the local, national, and international level.

The second kind of mechanism of resistance includes the creation of *planes de vida* (life plans), as local alternatives to be funded by different national and international organisms. I here explore these mechanisms of resistance and show how these, if often ingenious alternatives, follow a process that improves a case for *gestionar* resources, projects, and/or compensation that adhere to a legal framework and a specific grid of legibility. Thus, thinking in conjunction with Chapter 2 and how these mechanisms may be seen as part of new repertoires of representation, participation, and leadership, I think on the shaping of the emergent Wayuu subject/subjectivities as they make a life and engage with neoliberal multiculturalism (Postero 2007: 6, 17-8)

3.2.1. Visibilization

Visibilizing the local struggle and suffering, as the first kind of mechanism to be analyzed, has taken many forms. At a local level, visibilization occurs through *socializaciones* and forums that aim to expose people from different communities, *asentamientos*, and *resguardos* to a largely shared *realidad* with the intention to bring a *despertar*. In these meetings, the organizers discuss with the attendees issues regarding indigenous rights, the progress of the resistance, and the impacts that Cerrejón, as well as other multinational companies, have had in the *departamento*. During my fieldwork, I attended several of these meetings in different *resguardos* and sponsored and/or organized by different organisms: human rights organizations, state institutions, the *Comité Cívico de la Guajira*, and/or other Wayuu themselves. Particularly significant were the forums organized by the *Comité Cívico de la Guajira*, which took place between

the months of June and July of 2012. These comprised a large regional forum where over five-hundred *Guajiros* attended, followed by two more locally focused forums at different strategic locations in La Guajira.

In addition, marches, protests, and strikes, though historically key for social and indigenous movements, have only recently become common in La Guajira as a form of visibilization. But instead of focusing solely on a local *despertar*, these are intended towards raising awareness of a larger audience about how the Wayuu have suffered through the violation of their rights. One of the first significant marches in La Guajira took place at the end of November of 2008, when FMW mobilized to express their commitment to defend indigenous and human rights. Specifically, this indigenous organization demanded the importance of their right for territory and the rights of women who have experienced the consequences of the Colombian armed conflict (Di Pierri 2008). At the end of November 2011, after a forum in the *resguardo* of Provincial, many Wayuu, afro-descendants, and *campesinos* carried out the first regional march in the history of La Guajira and the first protest against the impacts of multinational companies in the region (NotiWayu 2011). These are, of course, on top of the massive regional march on August 1st of 2012, in which about two thousand people protested against the Expansion Projects of Cerrejón. Often, as a result of these demonstrations, follow-up meetings take place with national and international civil society organizations and governments where, more deeply and in detail, the Wayuu present their case through individual cases of how they have suffered and currently suffer through the violations of rights by Cerrejón and the state in hopes for justice to be made.

But some forms of visibilization go beyond the mere exposure of these human rights violations. The expedition through the Ranchería River mentioned at the beginning of Chapter 2 exemplifies these efforts. On the one hand, and similar to the meetings with various non-indigenous organizations, this was an opportunity for local communities to tell their story; that is, the way they have been affected by Cerrejón and the failure of the Colombian state to protect their rights. On the other hand, the expedition was intended to collect and record evidence of the impacts of mining in the region in order to build a legal case against the perpetrators of their rights violations, in this case Cerrejón.

Before going into a deeper analysis of visibilization, as a mechanism of resistance, it is crucial to point at an important pragmatic characteristic of the *lucha*. These communities and leaders very often lack or partly lack the resources, technology, pragmatic skills, knowledge, linguistic capital, and outreach necessary to carry on these activities, making outside support vital for the *lucha*. As a result, my writing skills, constant internet access, and university degree made me one of the go-to persons when people needed to write letters, press releases, and other similar documents or when the resources were not enough to carry out a meeting or event. This lack of resources and social capital often materialized in the lack of media coverage during and after the activities of visibilization as well as the legal representation for their interests, a situation that contrasts heavily the situation of Cerrejón.

3.2.1.1. A legible indigenous suffering body/subject

This visibilization of the Wayuu struggle takes place, in great part, through the use of embodied personal and collective testimonies of experiences of suffering. Several authors, such as Linda Green (2004) and Kimberly Theidon (2013), have demonstrated that the sharing of these testimonies are both a mechanism for healing and coping for people who have lived through extreme violence as well as a condemnation for acts of injustice. Though the former is indeed a very interesting and important issue to analyze as the Wayuu endure the impacts of mining, the latter presents a better site to analyze how these testimonies may link subjective experience to the political realm, thus, indexing a political subjectivity. Colombian scholar Mónica Espinosa Arango (2007) makes an interesting analysis through her work on indigenous cultural memory in Colombia. Following Scheper-Hughes' (1992) idea of 'genocide continuum', Espinosa Arango argues that indigenous political practices and of resistance are framed and shaped in relation to a shared moral and cultural memory where the narratives of suffering are linked to demands for justice. Thus, as these narratives gain political and ethical significance, they have become part of the indigenous identity and the political mechanisms and strategies by which indigenous people can foster certain forms of collective solidarity (2007: 53-5). I find these arguments highly useful for understanding how these testimonies, here framed as rights violations, are also a mechanism that serves the goals of finding unity and achieving compensation, while, simultaneously indexes a political subjectivity that emerges simultaneously with a kind of indigenous subject and indigenous sufferer.

As the Wayuu experience and conceptualized their experiences of suffering through the language rights, visibilization occurs since experiences are made legible and understood. Colombian anthropologist Myriam Jimeno's work on *comunidades emocionales* (emotional communities) makes an interesting argument connecting this legibility and the political implications of making visible indigenous suffering. Jimeno (2010) discusses how the Nasa indigenous population of Kitek Kiwe, in Cauca, among other Colombian indigenous communities, adhere to the category of *víctimas* (victims) who have suffered the impacts of the political violence in Colombia to emotionally appeal the regional and national population (including state officials), creating, thus, *comunidades emocionales*. In her work, Jimeno (2010: 1) proposes that

For many years, we have experienced the affirmation of a language that resort to the narration of personal experiences of suffering as a form of personal testimony. This eminently emotional language has created ties with a diversity of people that we can call civil society, relating to the sharing of a "truth" from the facts of violence in the past years. I argue that this language of personal testimony has political effects since it creates a shared version of the events of violence in the last decade and serves as a base for the ethics of recognition and the actions of reparation, since it is a symbolic mediator between subjective experience and social generalization.[...] Thus, the language of personal testimony creates communities through feelings, what I call *comunidades emocionales*, which are moral communities founded in an ethics of recognition.⁷⁶

⁷⁶ "Propongo que durante los años pasados presenciamos la afirmación de un lenguaje que acude a narrar experiencias personales de sufrimiento en forma de testimonio personal. Este lenguaje, eminentemente emocional, crea lazos entre personas muy diversas de lo que podemos llamar sociedad civil, en torno a compartir "la verdad" de los hechos de violencia de los últimos años. Argumento que este lenguaje del testimonio personal tiene efectos políticos en tanto construye una versión compartida de los sucesos de violencia de la última década y sirve de puntal para una ética del reconocimiento y para acciones de reclamo y reparación, dado que es un mediador simbólico entre la experiencia subjetiva y la generalización social.[...] Así, el lenguaje del testimonio personal conforma comunidades en el sentimiento, *comunidades emocionales*, las llamo, que son comunidades morales, fundadas en una ética del reconocimiento."

The Wayuu, in their efforts to visibilize their struggle by using an emotional language, indexing their indigeneity and suffering, also place themselves as *víctimas* of right violations. This engagement, as Jimeno argues, allows the creation of *comunidades emocionales* while fostering unity among the civil society and creating a certain kind of consciousness, in this case, in support for the Wayuu *lucha*. But this is only possible if these experiences and political demands are both made legible and appealing to the civil society and the state legal institutions. As Thomas Laqueur argues, narratives of suffering are facts transformed into craft in a way that “constitute a claim to be regarded, to be noticed, to be *seen*” by someone who may develop ethical obligations (2009: 39; *italics* in original). However, though significant in the creation of empathy and the expansion of “the circle of the we,” narratives of suffering are alone not enough to constitute, motivate, and authorize political action; instead, it necessitates certain conditions to be met (2009: 36).

These conditions in Colombia are framed, in part, by the Constitution of 1991 that includes indigenous peoples into a multicultural nation-state making them bearer of certain rights. This is fundamental for the efforts of visibilization because it enables, on the one hand, other people to learn how to read the Wayuu bodies as sites for empathy while, on the other hand, the narratives of suffering as examples of right violations that need to be legally resolved. Similar to Theidon’s analysis of the moral and social implications of the use of trauma to frame experiences of violence (2013: 27), the language of indigenous collective rights allows people to say and do certain things. In this case, rights can be seen as a useful tool that expresses experiences of suffering in a

form that makes a moral and political statement and, since it is a graspable and legible cultural symbol, it is capable of mobilizing action (Aretxaga 1993). As Moksnes (2007: 584) argues, the language of rights, as globally shared discourses, have both national and international resonance that can mobilize pressure on decisions makers, governments, or enterprises, in this case, turning people into the support for the Wayuu *lucha*. And as a legal category, the language of rights creates a space where justice and political action for compensating and resolving past wrongs can take place (Jimeno 2010: 8). In one of our many conversations, the Wayuu leader Julia told me that she knew that the visibilization of right violations may materialize into protection and compensation, since, as it counteracts Cerrejón's propaganda of "responsible mining," places the case of the Wayuu in the spotlight and as a priority for legal resolve.

As just argued, the testimonies of suffering are a base for making public demands and claims for justice in the Wayuu *lucha*. And the Wayuu efforts for visibilization, together with the other social sectors in La Guajira, have been widely heard at the national and international levels. For example, on October 10th 2012, the case of La Guajira was the case debated on the Fifth Commission of the Colombian Senate, where Senator Jorge Enrique Robledo directly condemned the irregular actions of Cerrejón in their efforts to divert the Rancheria River (Robledo 2012). In addition, many *demandas* (legal claims) and *acciones de tutela* (writ for protection of fundamental rights) have been carried out against *Cerrejón* and the state in the last few years, while some others are under way. These have addressed, among other things, the ways in which Cerrejón has negatively impacted the communities with little compensation as well as Cerrejón's

manipulation of these programs and everything related to *consulta previa*. But, these *tutelas* also condemn the actions of the state and their inefficiency in fulfilling the role of protecting the rights of indigenous and ethnic populations. The government and its local and national officials are seen by many as part of the corrupted network of people and corporations that violate human rights in order to exploit resources and earn large amounts of capital. In fact, the rumors referred to a *demanda* against the Colombian state that was going to be carried out through the Interamerican Court of Human Rights. Though these legal actions do not represent appealing to state compensation programs for *víctimas* from the effects of the armed conflict⁷⁷, as in the case that Jimeno analyses, what is fundamental is the fact that the *lucha* framed through rights means an engagement with the legal apparatus. In this sense, as Jimeno (2010) would put it, the Wayuu negotiate and reaffirm the institutions and laws of reparation and compensation as they engage in political action to become recipients of these laws.

3.2.2. Diagnósticos and planes de vida: healing social suffering

On September 4, 2012, I attended a day-long meeting with about seventy representatives – *autoridades tradicionales*, *cabildos*, and other Wayuu from different *resguardos*, communities, and *asentamientos* – organized by *La Junta Mayor*. After introductions, one of the leaders of *La Junta Mayor*, Edmundo, explained that the point of this meeting was to “defend their rights and construct and work together for what we [the Wayuu] need”. The point was to “rescue our culture” this leader explained, “from

⁷⁷ Specifically, this is the *Ley de Reparación de Víctimas y Restitución de Tierras*

many things that have become lost. [This is] how we should fight [*luchar*] and resist so those things don't happen. We need to rescue what is left, since the *alijuna* has been entering our society." This meeting is about exercising the Wayuu right to autonomy and being able to rule over their own territory, Edmundo claimed.

Francisco, a vociferous and important authority spoke next. Encouraging people to reflect upon their situation and share it, he asked, "What is our suffering?" One by one, the Wayuu representatives began to speak about their *necesidades* and sufferings in their communities and different aspects of life. As in other meetings, mothers complained about the "lack of respect with us, the mothers". Elders talked about the problems of the influence of *Maleiwa*, the non-indigenous God, in Wayuu life. Heads of families and communities complained about the effects of the armed conflict. And many others narrated how they felt the "loss" of culture, the degradation of the environment, the possibility of having more cemeteries destroyed by mining expansion, and the crisis of leadership in their communities, which they associated to health problems and deaths⁷⁸ as well as the *preocupación*⁷⁹. People's stories went on, but territory was the most common *necesidad* articulated. This *necesidad* was symptomized by the fact that those displaced or confined into *resguardos* by Cerrejón strongly feel how they are being divided, their social fabric being destroyed, and their cultural and economic activities disrupted.

Meanwhile, two young assistants of *La Junta Mayor* took notes from people's narratives and complaints, which were divided into categories, such as health, education,

⁷⁸ Among the health problems that the attendees complained about include diarrhea, vomit, respiratory illnesses, and problems with lactation among children and adults

⁷⁹ In this case, this threat also came from CCX, which has begun to buy lands in the south of La Guajira to begin their exploitation.

territory, economy, and culture. This was a similar effort to that of other Wayuu who had developed their own census and had determined the *situación* and *necesidades* of their communities⁸⁰ with the objective, as Francisco put it, “to take the information and later make demands to the government”. On another level, moreover, this process was also an effort of *La Junta Mayor*, as a group of Wayuu authorities and *gestores*, to show accountability of what was spoken during the meeting.

At first, I thought this process of gathering information were mere local attempts to translate local problems into a legible language in order to do *gestión* to receive the needed benefits from a paternalistic neoliberal state or other funding organizations. However, though this is in fact a fundamental point, my conversations with Efrain, a middle age Wayuu man who has been in the process to make his *asentamiento* a *resguardo*, opened my eyes to a more complex situation. Efrain told me that the past meeting also aimed to create a *plan de vida*, a long-term design of the life of a Wayuu person which takes into account the territory (*wounmainkat*) and how the Wayuu live within it (*akwa'ipa*). But even before this *plan de vida* can be a valid alternative, Efrain explains, they need to make a *diagnóstico*, a concept I had heard before but I had relegated; they need to take a close look at their community – like using x-rays, he states – in order to analyze their suffering and determine their *necesidades*. Seen through this medical analogy, the past meeting took a different meaning, pointing to the complex ways in which a Wayuu political subjectivity is shaped.

⁸⁰ Regarding ancestral territories, for example, these documents talked about the inhabitants, the number of families, the amount of territory (if they had any), and their *necesidad* (e.g. acquiring, legalizing, sanitizing their territory, or constituting a *resguardo*).

For several decades, the Wayuu, as other indigenous peoples, have experienced the failure of top-down “social responsibility” programs by national and multinational corporations that are meant to remedy the consequences of the so-called national development. As part of the national indigenous *lucha*, alternatives have been proposed. One of these alternatives is the *plan de vida* (life plan), which has served as a local response to the national state-sponsored *planes de desarrollo* (Rosero and Sanchez 2006: 7). In essence, these *planes de vida* question and construct alternatives to the state/western logics of development, growth, and progress; its central axes being permanence in the territory as well as cultural and political autonomy (Castellanos Morales and Ramos Quintero, 2011). According to the ONIC, the National Indigenous Organization of Colombia, the *planes de vida* are a tool to preserve their ethnic and cultural integrity by creating the conditions for a future and proper development (taken from Rosero and Sanchez 2006: 9).

The efforts of the Wayuu to develop a *plan de vida* are certainly part of this national indigenous struggle, but they are also the result of the urgency of the Wayuu leaders to develop a solution to the ways in which the state and Cerrejón has historically enforced as mechanisms to deal with the impacts of Cerrejón. Recognizing the rapid and disruptive changes in the Wayuu society as a result of mining, state homogenizing policies, and social acculturation, the *planes de vida* are an alternate option for the Wayuu that allows them to collectively construct and structure a new way of living that is based on their indigenous beliefs and *usos y costumbres* (traditional customs and practices). David Gow, in his analysis of *planes de vida* in Cauca, Colombia, argues that

these are a way in which a community deals with the past, culture, and modernity through the enactment of their economic, political, and social autonomy (1997: 257, 275). Following Gow and Wayuu leaders' explanations of *planes de vida*, we must begin looking at these alternatives to development as a mechanism by which the Wayuu agentively and innovatively deal with their social problems and difficult lived conditions within a specific local, national, and global context; that is, through the enactment and defense of their right for autonomy and self-determination as indigenous peoples.

Planes de vida, then, is part of the Wayuu *lucha* since it is about applying their collective rights and ensuring their true application for defense of what is indigenous in a way that takes into account the local, in this case Wayuu, political and social vision. As Carlos puts it,

[...] the state has a political structure where they recognize us as individuals; that is manifested by the constitution. But it is a *lucha* that we have; that the recognition be applied because we have an indigenous right but it is not maintained. So that is what we are fighting for at the national level with all these organizations; that the state makes a kind of recognition but formulated by oneself. That one formulates what one will do in the future in these communities, as it is the case of the *planes de vida*. The state has to be very respectful, whatever is planned has to be part of the *planes de vida*. It is for people themselves, the community itself, to elaborate those blueprints, that *akwa'ipa* [...] so there is the difference. Let both nations be respected, that of the Wayuu and that of the Colombian state.

As this leader suggests, *planes de vida* are also a new way to engage in politics and shape a certain relationship with the Colombian state. This relationship is crucial because it reimagines the Wayuu subject positionality within the state while reinforcing their difference. As bearers of rights, the Wayuu develop a sensibility – as explored in Chapter 3 – that allows the Wayuu who have had a *despertar* to feel and experience the

lucha through *sentirse mal* and *preocupación*, in a way that critically thinks about the social problems of the local communities with the objective of dealing with those problems. But out of the myriad of ways in which social problems may be dealt with, *planes de vida* have some particular characteristics.

Planes de vida, as Carlos and other leaders suggest, are a result of a modern way of looking at their community and local social problems but based on local knowledge, as it is exemplified by the *diagnóstico*.

We would have to retake a work with the elders, with the few that still exists, since so many elders who were wise have died. But they have left *huellas*, and this in addition to the little that have left the elders who are still alive, we can make a deep investigation. Not to lose what is being lost, but to maintain it. And to document that so it is in a book and that that knowledge become [constituted] and applied in the institutions of the *resguardos* and indigenous communities. That is what we have to do, a *diagnóstico* in the communities (Carlos 2012: Personal Interview)

Planes de vida, then, are about actively constructing a structured plan, an alternative, and long-term design, as Efrain put it, of life. It is a book or a constitution, Carlos tells me, of everything that is in the territory and the different sectors that make up a community (e.g. health, medicine, education, land, water). The *plan de vida* is the documentation and determination of an *akwa'ipa*, as the way in which the Wayuu should live with *wounmainkat*. In this active engagement of constructing a community and way of living, the Wayuu deal with the different alienating impacts of mining – disruption of the social fabric, loss of territory, and loss of culture – in a way that ensures their future. It deals with the local problems since *planes de vida* attempt to find an integral and holistic but alternative solution that takes into account different aspects of Wayuu life and

*cosmovisión*⁸¹, allowing the Wayuu to leave their *huellas* to the subsequent generations so they can reconstruct and continue their ways of living.

In her account of how Peruvian *campesinos* reconstruct their individual lives and collective existence in the aftermath of war, Kimberly Theidon (2013) describes how, in their healing processes, *campesinos* emphasize the cleansing of one's interior of the "badness" that, being external, arrived with the violence that came into their communities (2013: 46). Theidon argues that

People attempt to locate the cause of sociopolitical problems outside the community, depicting the violence and its perpetrators as invading the collective [...] The emphasis on exteriorizing harmful agents serves psychological and social needs: it opens space for one to regain his or her humanity via cleansing and confession, and permits people to assimilate more slowly just whom they are living with (2013: 46).

Following Theidon, we can think of *planes de vida* not as a mere political project, but one that intends to heal the community from the illnesses that afflict it. Through the *diagnóstico*, it locates Cerrejón and the influence of the *alijuna* society, with all its corruptions, as a major cause of their suffering and social problems. The *planes de vida* have as an objective to investigate and determine what is lost to recuperate and rehabilitate what is indigenous while extirpating what is harmful (and inherently external) from the community. This process not only is parallel to a confession – here, a *diagnosis* – but is also a way to enact the collective rights, providing the possibility of regaining self-determination in their own lives.

⁸¹ For example, in *planes de vida*, the Wayuu do not talk about *medio ambiente* (environment) since for the Wayuu, the territory and environment are not *medio* (half) nor a *medio* (vehicle); rather, it is whole and overarching, it is *wounmainkat*. And *akwa'ipa*, the way of living, it is not about living in the territory; it is about being part of and living with the territory.

However, *planes de vida*, even as alternatives to development, must also be seen as they converges with the pushes for decentralization and subject making of a neoliberal state, allowing those particular subjective and political possibilities for healing and dealing with suffering. As Hoyos and Chavez state, as the legal context where *planes de vida* became state exigencies was developing, the interests of the state and the indigenous peoples coincided (2011: footnote, 118-9). On the one hand, *planes de vida* do reshape the positionality and role of the Wayuu, making them responsible and accountable to ensure the correct collective wellbeing and benefit in the community. But, on the other hand, these merge with the need to engage with the language and institutions of the state and come to agreements through its legal apparatus.

We need to listen to what the people want, so that this is not only [about] the leaders; that it is not Carlos, not Luis Fernando, or five people to negotiate something without knowing what the Wayuu think. According to the *diagnóstico*, we can come up with some agreements. Agreements that are truly beneficial for the community, [...] it has to be a negotiation for different policies [...] That is the great debate that we have now and that is why we have a resistance. We do a *diagnóstico* so that we can get in and be part of the business they are doing. We are like the *guayabera* shirt, outside [...]

So it must be something that is from the people because the people should be the ones designing the state policies since it is the people the ones who suffer the *necesidades*, they are the ones who should do a *diagnóstico* of what is happening in each town. [...] As long as there is no clear policy, we will always live in what we are living right now, in the corruption, violence [...] The policies should be in accord to what the people say, that is why we say that the 'state is the people' [...] If we do not change the policies being implemented, there will never be equality; there will always be political [and] economic discrimination. It is a policy that needs much analysis and of construction (Carlos 2012: Personal Conversation)

3.2.3. Learning technical knowledge: The remaking of *buenos gestores*

[*planes de vida*] is what we have to do to construct a community.... We have told the director of INCODER⁸² that we need them to expand our territory but there isn't a study that tells us how many hectares [we need]. There is not a defined *diagnóstico*. For that, we need to have all these projects documented through the studies.... Now we need something written and formal, but that alone does not give you a result. However, with the *planes de vida* [...], it is easier to reach the state and ask for help
(Carlos 2012: Personal Conversation)

It is through the different collectivities that the Wayuu leaders aim to carry out a *diagnóstico* and develop a *plan de vida* or develop a legal claim. These collectivities, though often working independently from each other, exist within the same institutional framework. As Carlos recognizes, in order to do *gestión* to receive support from the state or any other national or international organism or make their claim, the Wayuu need to make their sufferings and local projects to deal with that suffering legible, appealing, and acceptable. This implies that as a plan, *plan de vida* “entails following an established set of procedures, the end result of which is a standardized document, which can serve a variety of purposes: the fulfillment of bureaucratic requirements, tangible proof of institutional capability, demonstration of long-term vision, [and] justification for financial support” (Gow 1991: 244). Since not all collectivities may (or can) fulfill these requirements, the result is that only some projects can be supported.

At the beginning of this chapter, I mentioned how the *Wayuu Araurayu* was an example of an indigenous collectivity that, as a result of its *buena gestión* – the gathering and administration of resources – has had a great support from the state and other

⁸² Instituto Colombiano de desarrollo rural

organizations and institutions. Though *gestión* is about taking advantage of the opportunities they now have, only those who are *buenos gestores* can materialize these opportunities. In this sense, to be a *buen gestor*, one needs to have the right networking, technical, and management skills necessary to adapt to the laws, to move through the bureaucratic structure of the state, and to make their projects and claims legible and acceptable for obtaining material support or compensation.

This knowledge and skills, perceived to be largely lacking in La Guajira, are most often provided by formal education as well as through *capacitaciones* by international NGOs, institutions, and governments (e.g. US and Colombia). Formal education is almost universally conceived by the Wayuu as necessary for their wellbeing and survival. Recognizing how education shapes a particular kind of Wayuu being, this is the case because, as conceptualized by the Wayuu, ethno-education aims to bridge both the Wayuu and the *alijuna* worlds in a way that creates a successful intercultural Wayuu individual, thus, shaping subjects who can *salir adelante* (get ahead) to *ser alguien en la vida* (to become someone in life) (Ferrero Botero, 2013). But as I concluded through my own study of ethno-education, *alijuna* knowledge often takes precedence over Wayuu knowledge because it is thought to provide more efficient tools to adapt to a national and global socioeconomic system where working skills and intercultural communication is vital.

Capacitaciones, as a form of education, are also a pivotal mechanism by which the leaders and other Wayuu obtain their knowledge, including what is needed to develop a *diagnóstico*. Though, unfortunately, I was not able to attend these *capacitaciones*, the

narratives of the Wayuu leaders and some other written documents point towards how vital these *capacitaciones* have been for the Wayuu *lucha* by fostering a *despertar* and providing the information and knowledge which, although commonly following neoliberal logics and values, have been adopted and incorporated into the Wayuu *lucha*. These *capacitaciones* take different shapes but their most important characteristic is that they focus on providing information about peoples' human and indigenous collective rights; what Wayuu are entitled to as Colombian citizens; laws and justice; and, in general, how to be a *good* leader who can work within the system (See Nación Wayuu 2010; see Postero 2007: Chapter 5). In other cases, as the Wayuu leaders explained to me, they may be more practical as to teach people about how to carry out *diagnósticos*, be accountable within their organization, and have access to the judicial apparatus and the resources available for indigenous peoples. Many Wayuu, even if they do not know how to read – as it is the case of Constanza – now own books and pamphlets explaining their rights, the laws that protect them, and the institutions they can resort to should they need any support.

But access to these skills and knowledge, especially of formal education, are generational, partially explaining why most leaders in the *lucha* are in ages ranging from late-twenties to mid-forties⁸³. While, with some exceptions, older generations lacked total or partial formal education, numerous young Wayuu now possess a *bachillerato*⁸⁴ degree

⁸³ I exclude Constanza from the definition of leader because, though she has gone to many meetings and some mobilizations, she does not mobilize other people, organize activities, or manage resources. In addition I also do not consider Valentín a leader of this resistance but rather an example of an engaged *autoridad tradicional*. Similarly, the Wayuu leaders who are more engaged in the resistance are not *autoridades tradicionales*

⁸⁴ In Colombia, *Bachillerato* is the equivalent of a high school degree.

and some may even possess professional or technical degrees. Many Wayuu leaders in the *lucha* have even obtained post-*bachillerato* degrees and/or certificates, including university degrees, allowing them to have advantages to lead the current *lucha*. As Rappaport (2005) and Gros (2000) explore, these young leaders represent the new indigenous elites that through modernity – in this case materialized through education – have risen as defenders and mediators of cultural rights. Not surprisingly, ethno-education is one of the priorities in the agenda of the Wayuu *lucha* and for Wayuu to become leaders.

Therefore, to become a leader in the *lucha* it is critical to be able to perform an ethnic discourse, use the tools of the non-indigenous (Gros 2000: 10, 92), and be able to move around the *alijuna* world. For example, Dora Luz tells me that she became a leader, not because she was chosen, but because she went around different places to find solutions for her problems and that of the community. She explains,

The community itself has given me that responsibility. If I am here is because the mother earth has given me that responsibility for my territory and my permanence [here]. As time passes by, one begins to analyze who one is and what are one's roles. And how is one as a leader, as a teacher. So, *me doy cuenta* that I need to defend my territory because it is my future. And if I do not defend it, who else is going to do it? And I have to disseminate this through education and the classroom.

EFB: and how *te diste cuenta* de eso?

Darme cuenta, always! But as I have said, I lacked the tools to do it, but little by little I begin to know them and to know how to resist and counteract them [Cerrejón and the state] and tell them that this is not the way. Searching and investigating. It has not been easy. And also since 1986, I had a base with Juana, and there is when I realized a lot of things and it opened my space [...] I emerged very early with politics because one had to search for everything in the *alcaldía*. One searches for the solution [...] One asks with whom you have to speak and ask for [...] and that is how you begin to learn.

The credentials, knowledge, and skills acquired through education, *capacitaciones*, and everyday experience may be seen, to take Bourdieu's ideas (1991), as symbolic and linguistic capital that, within new spaces of representation and regimes of power, enables these leaders to deal with practical matters of the world and to represent the community. And in the case of *gestión*, those leaders who are more successful are those who have a better understanding of bureaucratic exigencies and how to carry out, present, and communicate their projects and legal claims to obtain resources, thus, justifying their role as leaders. Under this regime of knowledge that empowers a certain kind of leader, *autoridades tradicionales* are often relegated as they are commonly thought of as experts in traditional Wayuu ways and culture, but not in administering capital resources and dealing with the logistical and technical intricacies of *alijuna* institutions. Dora Luz puts it this way, "the problem is that [many *autoridades tradicionales*] don't have the [*alijuna*] knowledge, do not speak Spanish, [...] [do not have] the tools for applying the norms" (2012: Personal Interview). As many Wayuu told me, these *autoridades tradicionales* often do not know their rights, a reason as to why they were deceived by Cerrejón and the state in the past.

Chavez and Hoyos (2011) describe how indigenous communities in Putumayo, Colombia, engage with neoliberal state practices to achieve certain kinds of unity (e.g. indigenous organizations) that allow them to develop a bureaucratic competence, enabling them to do *gestión* to bid for projects and have access to resources (2011: 129-30). This process, Chavez and Hoyos argue, not only create new political elites and leaderships, but, through the discourse of autonomy, it also separates the communities

from themselves (but not from the state), generating differential politics and an identity game where legitimacy is attached to the fulfillment of these bureaucratic exigencies. Basing their argument on Joseph and Nugent (2002), they argue that these practices inculcate a cultural change to impose neoliberal forms of production based on decentralization and the appealing for money to a paternalistic state figure (2011: 129-131). Thus, the transference of resources to the *resguardos*, in particular through the SGP, has perfected the presence of the state in indigenous territories as it expands itself in its margins (2011: 115-6). Similarly, aiming to get support through the SGP, the Wayuu also need to contract and agree with non-indigenous authorities and fulfill controlling measures of public administration, such as specific formatting for projects and extensive contracts for legalization of resource utilization, while, simultaneously, adhering to a specific set of investments determined through the *Departamento de Planeación Nacional*⁸⁵ (Chavez and Hoyos 2011: 115-6, 121-2). But to carry this out, *capacitaciones* are virtually necessary.

I argue that these issues have two main consequences. First, it privileges a certain kind of leader that, with much potential to obtain resources and power to lead the community, foster and exacerbate the existing political crisis in La Guajira. And second, since funding organisms do not fund all kinds of projects, only those leaders (or collectivities) who have adopted the knowledge and skills from formal education and *capacitaciones* and, thus, can present a legible and acceptable plan or legal claim – adhering to norms and specific visions – are those who may obtain funding,

⁸⁵ National Department of Planning

compensation, or have their cases attended, fostering competition and furthering this differentiation.

Therefore, knowledge and skills are the key – the technical key – that materializes what may just be a mere “opportunity.” As other authors have demonstrated (Postero 2007; Chavez and Hoyos 2011), *capacitaciones*, as a ‘technique of the self’, have been a common mechanism of neoliberal states to include people into the system. Postero (2007: Chapter 5) shows how neoliberal subjects and “good citizens” are shaped, in part, through the learning of certain technical knowledge to run their organizations with which indigenous people begin to organize, develop projects and become responsible of their own efficiency. Thinking through Foucault, *capacitaciones* and other similar forms of education, as spaces where technical knowledge is taught, help us explain both the subjectivation of leaders but also why some collectivities are successful while others fail. As a ‘multiform tactic’, *capacitaciones* educate desires and configure habits where people’s self-interests align with what they ought to do as subjects of a state (Li 2007:5-6). In other words, it educates a conduct that aligns with a neoliberal multicultural state where leaders, through their individual collectivities, are responsible to defend their community and deal with their suffering through state-endorsed tools. After all, as Dora states, if they do not defend their rights and community, nobody else will!

Thus, under this framework and as Luisa’s statement at the beginning of this chapter suggests, the right use of this technical language allow, in theory, the “success” and “improvement” of the individual collectivity and the rise of a certain leader. For instance, framing and using suffering through the language of rights, as technical

knowledge, open the possibility for achieving justice and compensation. In this context, those who are *buenos gestores* and can demonstrate they are worth of being helped (because of their suffering and self-responsibility); have an acceptable and legible plan (in accord with the ideals of neoliberal multiculturalism); and/or have connections with the local non-indigenous administration are those who become “successful” obtaining resources. Following the logics of neoliberal logics, those that fail – and certainly many will – lacked the virtues to do so (Harvey 2005: 65).

3.3. A neoliberal indigenous political subjectivity

This chapter has explored how the Wayuu who have had a *despertar* and feel *preocupación* engage the *lucha*, as part of the enactment of a political subjectivity, through the recreation of certain collectivities with which they can carry out a variety of mechanisms of resistance to visibilize their situation in hopes for justice and support for local alternatives of development. Throughout, I analyze how the *lucha* is shaped by the very experiences and challenges that the Wayuu are trying to solve (e.g. the social division) as well as by the mechanisms that they see as solutions to deal with what threatens what matters to them. But as evidenced, this occurs within and through a neoliberal multicultural context and transnational resource extraction where the Wayuu leaders deal and engage with policies, institutions, and legal frameworks that are simultaneously divisive and empowering (Sawyer and Gomez 2012: 5).

This analysis presents a useful site to understand how state processes of subjectivation also have a role in shaping the Wayuu political subjectivity, allowing

spaces, both enabling and constraining, in which this political subjectivity can be enacted. These processes are enabling because the recognition of rights and the subsequent knowledge and skills that have come after the Constitution have facilitated a *despertar*, shaping the ways in which the Wayuu can experience, engage, and reproduce the *lucha*. Thus, the Wayuu leaders reflect on their own experiences of suffering and lived situations in ways that are critical – identifying problems and *necesidades* – and developing local alternatives for change. This process of subjectivation is inherently politically agentic as it creates a political space where indigenous peoples can defend their rights.

But it is also constraining because the technical tools that the Wayuu are expected to use for engaging in the *lucha* means working through a certain grid of legibility and acceptability, framed through rights, in order for them to be realizable. In fact, as rights are recognized, only those struggles that are framed as defense of cultural or indigenous collective rights – inherently in agreement with the law – may be recognized as politics, sidelining, of course, contingencies and contradictions (Sawyer and Gomez 2012: 21). In this process, the Wayuu become leaders who are *buenos gestores* and can *diagnosticar* (diagnose) their own problems and *necesidades* by taking their sufferings as symptoms of an existing ill (problem) in the community.

Nevertheless, it would be a mistake to render the agency of the Wayuu and, especially, their political subjectivity as merely neoliberal. Rather, it must be seen as having a neoliberal component that we can identify through the neoliberal discourse that the Wayuu leaders have adopted through the many years of *capacitaciones* as well as by the living the *lucha* through a neoliberal multicultural nation-state. After all, this thesis

has taken into account a diversity of forces shaping the experience of suffering of the Wayuu, their subject/subjectivities, and the political and economic context in and through which these are lived and enacted.

It is here where we can identify the explanatory potential of *preocupación* to comprehend the Wayuu *lucha* and the emergence of neoliberal indigenous political subjectivity. *Preocupación* is inherently agentive and shaped by being a Wayuu because it mediates political action, allowing the protection and defense of what matters to them while healing some of the personal, social, and political conditions that they have recognized as harmful and sources of suffering. But it is also indigenous since, placed within an indigenous subject position and by being part of a larger indigenous struggle, presents the opening and closing of certain political and subjective spaces as well as mechanisms of resistance (i.e. *diagnósticos* and *planes de vida*) that the Wayuu themselves have also identified as potentially beneficial to continue the *lucha*, regain some control over their own lives, and even challenge the neoliberal tendencies of the state. And, lastly, it is neoliberal since *preocupación*, also shaped through ‘techniques of self’, represents the incorporation of the social expectations of self-responsibility and accountability to search for wellbeing and deal with suffering through an engagement with the technical tools and legal institutions available and endorsed within a neoliberal multicultural state.

CONCLUDING REMARKS

If we do not do anything, [our rights] will never be respected. We have to stay in the *lucha* for our resources so things can come. And if we *luchamos* for our rights we are also *luchando* for the territory and our permanence. Things may come but as they should come; in our own ways.

Dora Luz, 2012: Personal Interview

Taking experience, and more specifically the experiencing of suffering, as a site for understanding Wayuu political engagement, has proven to be a highly productive endeavor. Fundamentally, this occurs for one main reason. When we think about the Wayuu *lucha* in more traditional terms in the social sciences, we look at it as a result of micro and macro processes as well as social and historical conditions in La Guajira, as embedded within a neoliberal multicultural Colombia. But, while experience also exists, in part, as a result of those conditions and processes, it also occurs as people engage with and live through those conditions, creating meaning and reproducing life. Looking at the experience of the Wayuu, as they engage in the *lucha*, tells us much about the actual process by which they become involved, opening the door to a different perspective about the *lucha*. Therefore, with this approach, we can see how the Wayuu peoples' engagement in the *lucha* also results from their efforts to defend and protect what matters to them – what is at stake in this struggle – and deal with (at the same time that they lived through) the profound impacts and disruptions that Cerrejón has had in their individual and social lives. In this sense, engaging in the *lucha* is an attempt to heal, with whatever tools are available and as they lived through certain living conditions, the sense of division that the Wayuu experience as a result of the alienation from the land, families, and communities, events that have been shaped historically, politically, and socially. But

it is also an individual effort shaped through the experiencing of *sentirse mal* and *preocupación* that urges the subject to engage in political action.

And this engagement in the *lucha*, as meditated by the experiencing of *sentirse mal* and *preocupación*, has deeper meanings; it also means the enactment of a specific political subjectivity. It was explored how this emergent political subjectivity – as indexed by the *despertar* – is shaped, in great part, by their social/subject position as indigenous people who, since the Constitution of 1991, had their indigenous collective rights recognized. And this event is “critical” for two main reasons. First, it opened up political spaces where the Wayuu could engage in the *lucha* through specific mechanisms. And second, it opened up subjective spaces by providing a framework with which the Wayuu are able to reinterpret their experiences of suffering while experiencing, thinking, and feeling about the world in specific ways. As I examined through the *lucha*, experiences of suffering do have a role into leading to political action. As the Wayuu “suffer through rights”, they suffer in a way that is highly agentic – mediating the path from suffering to action – and that allows the continuation of a *lucha* by responsabilizing the Wayuu to defend their own rights. In this sense, then, the subjectivity of the leaders in the *lucha* is co-constructed with the social structures that shape it which, as mediated by experience – in this case *preocupación* –, generate a Wayuu political agency that is simultaneously neoliberal, indigenous, and subjective.

But this is not the whole picture that we get by analyzing experience and the emergence of a political subjectivity framed through rights. Though rights do encourage individual and collective action, it also brings some important constraints. Rights indeed

“awaken” and empower the Wayuu, encouraging and shaping a political subjectivity. However, this subjectivity is of a particular kind; it is one where the subject reflects and feels upon past and present experiences of suffering in a way that allows the engagement of the political spaces opened up by a neoliberal multicultural Constitution, as it adapts to the laws and hopes for compensation. As Efraín told me through a medical metaphor, the Wayuu engage in the *lucha* as they carry out an in-depth x-ray analysis – a *diagnóstico* – by taking their symptoms (suffering) as the data of what is wrong and, thus, leading to a *plan de vida* that, with a good *gestión*, can solve the problems of the community.

In this context, Charles Hale’s (2002, 2004) notion of “*indio permitido*” helps us discern how the recognition of rights not only shapes a subjectivity but also, simultaneously, a kind of indigenous subject. As explored in Chapter 3, the political spaces opened up by the Constitution are constrained by the technical tools, mechanisms of resistance, and ‘scapes’ of legibility that the Wayuu are expected to engage with to gain support and make their legal case. But in this context, it is those indigenous leaders who defend their rights by visibilizing their suffering, diagnosing their problems, presenting alternatives, and becoming *buenos gestores* – thus, adhering to the law – the ones who become successful. And certainly not all these subjects can; not through a neoliberal system. Thus, as the Wayuu reaffirm their social position as an Indian citizen-subject by engaging in these practices and occupying these spaces they occupy a position as “*indio permitido*” (Hale: 2002: 490-6; Hale 2004 17-8). And as the subject suffers through rights, becomes accountable for dealing with their own suffering, and engages

with the legal apparatus to deal with that suffering – thus, suffering in the correct and accepted ways –, it also becomes a *sufrido permitido*.

The notion of a *sufrido permitido* has much to tell us about what it means to suffer and to deal with suffering in a neoliberal multicultural state. In his Tanner Lectures on Human Values, Arthur Kleinman (1998) stated that “the human engagement with pain and suffering is being reformulated, as part of a century-long institutional transition, into purely technical issues that are managed by the technology and technical rationality” (410-11). Though he was specifically speaking of American medicine, Kleinman identified that political-economic transformations have crucial consequences in health care, and thus, in the dealing of suffering. The process of technification, carried out through the ‘medicalization’ of suffering and the subject, also comes with the technification of its treatment where, with the goal of achieving greatest efficiency and profits, moral processes and deeper causes of illness are left unattended and become obscured to by the use of technology and pharmaceuticals (Biehl 2005: 181-3; Kleinman 1998: 411). Thus, and, under this rationality, moral processes – and I would add suffering itself – “are understood as sites to be managed via bureaucratic, market, legal, and medical logics” not only restructuring moral processes but also reordering the landscape of local moral worlds (Biehl, Good, and Kleinman 2007: 3, 29).

Similarly, a neoliberal multicultural state follows these same logics. As it expands at its margins, it includes and reaffirms itself through indigenous bodies, subjectivities, territory, but also, I argue, people’s sufferings. In fact, as biopolitical, to use Foucault and Agamben’s ideas, the state also makes people’s suffering and its management its affair.


And as Veena Das (2007) leads us to think, this inclusion, in this case as indigenous subjects experienced suffering through rights, means that only some kind of indigenous suffering becomes visible and audible and only some kinds of indigenous subjects are allowed to suffer – those who are *sufrido permitido*. In this process, similar to what Biehl, Good, and Kleinman suggest, indigenous suffering is co-opted, transforming an experience and subject that are potentially dangerous and transformative into a problem to be fixed with the technical tools, rationality of the state, and the judicial apparatus, at the same time that it invisibilizes its structural and historical causes. Since – to put it in Tanya Li's (2007) words – suffering is 'rendered technical', it must be understood not only as a subjective or social experience within a local moral world but also a site for political contestation.

This last conclusion contributes to Sawyer and Gomez's (2012) argument that indigenous rights and neoliberalism are not inherently oppositional but intertwined. As they see it, the recognition of rights is both empowering and divisive, having as a consequence the recalibration of the arena of struggle instead of emancipation (Sawyer and Gomez 2012: 5). In a context of resource extraction, Sawyer and Gomez contend, exploitative activities may be enhanced since rights domesticate the opposition and align it with the state and corporate agendas (Sawyer and Gomez 2012: 5). This is definitively an important argument that needs to be taken into account since, looking from a general perspective, out of the many local communities whose rights are violated – in this case through resource extraction – only those who are *sufridos permitidos* may be recognized as worthy of compensation, excluding, of course, the majority.

But being a *sufrido permitido* is a tendency, a push to become some kind of indigenous subject, and, thus, it is not determinant. Thus, taking some cautionary skepticism about the actual emancipatory possibilities that the recognition of rights provide, we can embrace its positive side. I tend to agree with Rebecca Cruikshank when she says that “[T]he will to empower others and oneself is neither a bad nor a good thing. It is political; the will to empower contains the twin possibilities of domination and freedom [...] [Thus] even the most democratic modes of government entail power relationships that are both voluntary and coercive” (Cruikshank 1999: 2–3; cited in Erazo 2010). I argue that a political subjectivity that empowers a critical stance over the situation of the community and takes its ills as problems to be solved has a significant potential for bringing real change. The fact in La Guajira is that increasingly more Wayuu are now taking action to lead the *lucha* towards challenging Cerrejón and the Colombian state, which have limited their autonomy and disrupted their lives. From these subjective and political spaces, much can be innovated, continually reshaping not only a political project but also a subjectivity.

APPENDICES

Appendix I: Legal Document of *consulta previa* meeting in the *resguardo* of Provincial

 Libertad y Orden Ministerio del Interior República de Colombia	ACTA DE REUNION EN EL MARCO DEL PROCESO DE CONSULTA PREVIA		Código: AN-CP-P02-F02
			Version: 02
			Fecha: 18/08/2010

Barrancas, Guajira, 13 de Septiembre de 2012.

Hora: 8:00 A.M.

Lugar: Escuela Resguardo Indígena Provincial

PROYECTO: "PROYECTO DE EXPANSIÓN MINERA P-500 I'OWOUYAA"

CONVOCADOS			
N o	NOMBRE	CARGO	REPRESENTA A
1	[REDACTED]	Cabildo Gobernador	RESGUARDO INDIGENA DE PROVINCIAL - PUEBLO INDIGENA DE PROVINCIAL
2	[REDACTED]	Autoridades Tradicionales	PROVINCIAL
3	[REDACTED]	Autoridades Tradicionales	CERRITO
4	[REDACTED]	Autoridades Tradicionales	CARDONALITO
5	[REDACTED]	Autoridades Tradicionales	TINAJITA
6	[REDACTED]	[REDACTED]	ATAPCHON

PARTICIPANTES POR LAS INSTITUCIONES			
N o	NOMBRE	CARGO	REPRESENTA A
1	SEBASTIÁN CABRALES VILLALBA	Grupo de Consulta Previa	Dirección de Consulta Previa - Ministerio del Interior
2	NEIDA SEÑA VIDAL	Grupo de Consulta Previa	Dirección de Consulta Previa - Ministerio del Interior
3	ISMAEL ORCASITA	Delegado	Procuraduría Judicial y Agraria.

4	MARITZA LOPEZ PUELLO	Delegada	CORPOGUAJIRA
PARTICIPANTES POR LA EMPRESA CERREJÓN			
N o	NOMBRE	CARGO	REPRESENTA A
1	NORA LUCIA JIMENEZ	Analista Proyecto de Expansión	Carbones del Cerrejón Limited
2	BERTILDA ALMAZO DE ACOSTA	Asesora	Carbones del Cerrejón Limited
3	LUIS VAN GRIEKEN	Asesor	Carbones del Cerrejón Limited
4	VANESSA IMITOLA	Asesora	Carbones del Cerrejón Limited
5	FABIAN DAZA DIAZ	Asesor	Carbones del Cerrejón Limited

AUSENTES			JUSTIFICADO SÍ <input type="checkbox"/> NO <input checked="" type="checkbox"/>
1	CARLOS ELIAS ZARATE	Personero	Municipio de Barrancas
2	FERNANDO LOPEZ	Defensor del Pueblo	Defensoría del Pueblo Municipal
3	YELENCA GUTIERREZ FAJARDO	Secretaria	Secretaría de asuntos departamental.

DESARROLLO

Siendo las 9:00 a.m. del 13 de Septiembre de 2012, en las instalaciones de la escuela del resguardo indígena de provincial, se dio inicio a la reunión en el marco del proceso de consulta previa.

El Ministerio del Interior – Dirección de Consulta Previa, actuando de conformidad con el fallo de tutela No. 0022 del 26 de Julio de 2012, Radicación No. 44.001.22.04.001.2012.00020.00 del Tribunal Superior de Distrito Judicial de La Guajira, Sala de Casación Penal, en la cual se ordenó al Ministerio del Interior vincular al proceso de consulta previa al Resguardo Indígena de Provincial – Pueblo wayuu de provincial, hizo presencia en la Escuela del Resguardo Indígena de Provincial, de conformidad con la convocatoria de fecha 1 de Agosto de 2012 y remitida a través de correo certificado, para el desarrollo de la presente reunión.

Se verifica la presencia del delegado de la Procuraduría Judicial Agraria y de la delegada de CORPOGUAJIRA, tal como se establece en la lista de asistencia en el encabezado de la presente.

Una vez surtido lo anterior, se presenta el señor [REDACTED] líder del Resguardo Indígena Provincial – Pueblo Wayuu de Provincial quien manifiesta actuar en representación del cabildo gobernador Jaime Soto y de las demás autoridades tradicionales del resguardo.

En ese sentido, expresa que las comunidades se encuentran dispuestas a realizar un dialogo para el proceso de consulta previa, sin embargo, solicitan que se otorgue un tiempo

para que internamente las autoridades del resguardo concerten una fecha en la cual se desarrolle una reunión directamente con el Ministerio del Interior y con los demás entes de control y del estado que hacen parte del proceso.

Manifiesta que el resguardo indígena de provincial se encuentra dispuesto al dialogo, no obstante este debe ser en primer momento con los entes estatales y luego, una vez sea discutido por ellos, ante la empresa. El resguardo establecerá la fecha para la reunión por escrito.

De conformidad con lo anterior, el Ministerio del Interior y las entidades presentes consideran pertinente que la comunidad desarrolle su espacio interno para que en esta semana establezcan la fecha en la cual se surtirá la reunión en el marco del proceso de consulta previa, en un primer momento con el Ministerio del Interior y demás entes del estado y luego con la empresa interesada en desarrollar el proyecto. El representante del resguardo manifestó estar de acuerdo con lo anterior

Se deja constancia que la empresa interesada, quien asistió al sitio de la reunión, no firma la presente acta por solicitud del representante del resguardo indígena de provincial, quien solicito expresamente que la reunión se hiciera únicamente con los delegados de las instituciones presentes.

Siendo las 9:30 de la Mañana se da lectura al acta y se aprueba por los presentes.

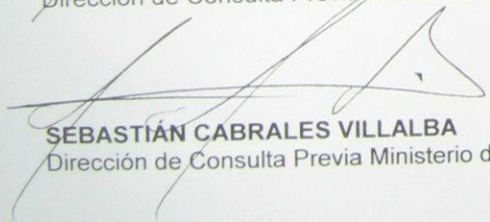
Firmas de los responsables

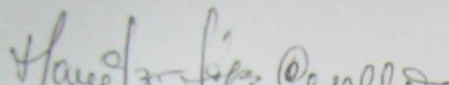
POR EL RESGUARDO INDIGENA DE PROVINCIAL – PUEBLO WAYUU DE PROVINCIAL

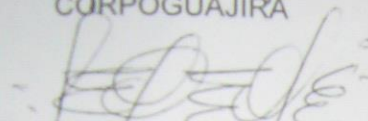

Representante delegado

POR LAS INSTITUCIONES


NEIDA SENA VIDAL
Dirección de Consulta Previa Ministerio del Interior



SEBASTIÁN CABRALES VILLALBA
Dirección de Consulta Previa Ministerio del Interior


MARITZA LOPEZ PUELLO
CORPOGUAJIRA


ISMAEL ORCASITA
Procuraduría Judicial y Agraria.

TDR 0201.03.01

Appendix II: Description of *Consulta previa* meetings in a Wayuu community.

 <p>Ministerio del Interior República de Colombia</p>	<p>ACTA DE TALLERES DE IMPACTO Y MEDIDAS DE MANEJO PROCESO DE CONSULTA PREVIA EN EL MARCO DEL PROYECTO DE EXPANSIÓN "P 500 IIWO'UYAA"</p>	Código: AN-CP-P02-F03
		Version: 02
		Fecha: 18/08/2010

CIUDAD: MUNICIPIO DE MANAURE –GUAJIRA

FECHA: MARZO 28 DE 2012

LUGAR: ESCUELA COMUNIDAD

PROYECTO: DE EXPANSIÓN "P 500 IIWO'UYAA"

ASISTENTES			
No	NOMBRE	CARGO	REPRESENTA A
1		Autoridad Tradicional	Comunidad
2		Autoridad Tradicional	Comunidad
3		Delegado Autoridad Tradicional	Comunidad
4	Edgar Agustín Gutiérrez	Delegado	Personería de Riohacha
5	Luz Marina Brito	Delegada	Secretaría de Asuntos Indígenas Departamental
6	Javier Cerchar Bertilda Almazo de Acosta Marcela Moreno Gonzalez	Representante en la Consulta del Proyecto	Carbones del Cerrejón Limited
7	Carlos Alfonso Díaz	Contrista INGETEC	Carbones del Cerrejón Limited
8	Neida luz Seña Vidal	Consultora	Dirección de Consulta Previa – Ministerio del Interior
9	Sebastián Cabrales Villalba	Consultor	Dirección de Consulta Previa – Ministerio del Interior

INVITADOS			
	NOMBRE Y APELLIDO	CARGO	ENTIDAD/COMUNIDAD
1		Autoridad Tradicional	Comunidad
2		Autoridad Tradicional	Comunidad
3		Autoridad Tradicional	Comunidad
4		Autoridad Tradicional	Comunidad
5		Autoridad Tradicional	Comunidad
6	Oscar Darío Amaya Navas	Procurador	Procuraduría Delegada para asuntos Ambientales y Agrarios
7	José Carrillo	Procurador	Procuraduría Regional de la Guajira
8	Roberto Cotes Ramirez	Personero	Personería Municipal de Manaure
9	Breiner Redondo Solano	Personer	Personería Municipal de Riohacha
10	Fernando López	Defensor del Pueblo	Defensoría del Pueblo
11	Yelenka Gutiérrez Fajardo	Secretaría de Asuntos	Secretaría de Asuntos

		Indígenas Departamental	Indígenas Departamental
12	Hugo Iguarán	Secretario de Asuntos Indígenas	Secretaría de Asuntos Indígenas Municipal de Manaure
13	Rosario Ipuana	Jefe de Asuntos Indígenas	Dependencia de Asuntos Indígenas Municipal de Riohacha.
14	Roberto Junguito Pombo	Representante en la Consulta del Proyecto	Cerrejón

AUSENTES			JUSTIFICADO SÍ NO X
1	Oscar Darío Amaya Navas	Procurador	Procuraduría Delegada para asuntos Ambientales y Agrarios
2		Autoridad Tradicional	Comunidad Pipamana
3		Autoridad Tradicional	Comunidad Flor de Olivo
4	José Carrillo	Procurador	Procuraduría Regional de la Guajira
5	Fernando López	Defensor del Pueblo	Defensoría del Pueblo
6	Rosario Ipuana	Jefe de Asuntos Indígenas	Dependencia de asuntos indígenas Municipal de Riohacha

ORDEN DEL DÍA

ORDEN DEL DÍA PROPUESTO

1. Instalación de la Reunión (Comunidad y Ministerio del Interior).
2. Verificación lista de invitados (Ministerio del Interior).
3. Presentación de los asistentes.
4. Presentación y desarrollo de los talleres de impacto y medidas de manejo.
5. Varios.
6. Definición de Compromisos.
7. Lectura y aprobación del acta.

DESARROLLO

1. Instalación de la Reunión:

Siendo las 10:00 am. del día 28 de marzo de 2012, se dio inicio a la reunión de Talleres de Impacto y Medidas de Manejo para el proceso de consulta previa del proyecto "DE EXPANSIÓN P 500 IIWO'UYAA", en jurisdicción del municipio de Manaure, Departamento de la Guajira con la participación de los representantes y líderes de la comunidad de .

Los funcionarios de la Dirección de Consulta Previa del Ministerio del Interior preguntan a los miembros de la comunidad indígena si entienden el idioma castellano o de lo contrario designar a un traductor. La comunidad manifiesta que entiende el idioma castellano, pero solicitan que se realice la correspondiente traducción en los casos que así lo determine la comunidad. Se propone al señor JAVIER CERCHAR para que efectúe la traducción. La comunidad así lo acepta.

Se manifiesta a la comunidad que al final de la reunión se dará lectura al acta con el fin de que se realicen las observaciones que consideren pertinentes y posteriormente se suscriba si se encuentran de acuerdo con su contenido.

JAVIER CERCHAR, Asesor de relacionamiento del grupo Wayuu de la empresa Cerrejón saluda a la comunidad y posteriormente solicita permiso a ella para realizar el registro filmico, fotográfico y la toma de asistencia. Los miembros de las comunidades así lo aceptan.

No lo dejaron solo traduce los nombres
 nombres de personas y razón de estar allí. (PO) i ntervi no ten usign.

2. Lista de invitados:

(Se verifica la lista de invitados y se registra en la parte superior de esta acta)

3. Presentación de los asistentes.

Se presentan los miembros de la comunidad que van a participar de la reunión. (Anexa lista de asistencia).

Se presentan los miembros de la comunidad que van a participar de la reunión:

*Hobbitif
obediencia*
Se presenta la señora _____ como autoridad de la comunidad de _____ agradece la presencia del ministerio del interior y de las autoridades que se encuentran en la reunión, manifiesta que ésta es una buena oportunidad para esclarecer y dejar completa claridad sobre las dudas y preguntas que tienen respecto al proyecto expuesto, expresa que las puertas de pancho están abiertas siempre para el dialogo.

Se presenta la señora _____

Se presenta el señor _____ como delegado del señor _____ pues manifiesta que la autoridad se encuentra enferma.

Las comunidades manifiestan que el señor _____ encuentra presente, no remitió excusa alguna y no envió delegado.

Respecto a la ausencia del señor _____ en su calidad de autoridad tradicional de la comunidad de _____ los representantes del ministerio del interior tuvieron conocimiento en el día de hoy de una copia de comunicación fechada el 27 de Marzo de 2012 suscrita por la citada autoridad y dirigida a la Dirección de Asuntos indígenas y Minorías del Ministerio del Interior, en la cual se manifiesta que por asuntos de diferencias y denuncias interpuestas por dicha comunidad y por el señor _____ como representante de los _____ con motivo de posibles irregularidades en la elección de las autoridades tradicionales de la comunidad de pancho, por lo cual manifiesta que no atenderá ninguna reunión de consulta previa hasta que no se resuelvan las peticiones y oficios remitidos a la Defensoría del Pueblo y a la Secretaría de Asuntos Indígenas.

Se presenta el Delegado del Personero del Municipio de Riohacha:
EDGAR AGUSTÍN GUTIERREZ

Se presenta la delegada de la Secretaría de Asuntos Indígenas Departamental:
LUZ MARINA BRITO

Se presenta los delegados del Ministerio del Interior - Dirección de Consulta Previa.
NEIDA SEÑA VIDAL
SEBASTIÁN CABRALES VILLALBA

Los representantes del ministerio del interior manifiestan a la comunidad que el ministerio se encuentra presente en la reunión como coordinadores del proceso pero a su vez como veedores del mismo, por lo tanto se encuentran en una posición neutral que permita garantizar la transparencia del proceso y sobre todo los derechos de la comunidad, culmina su intervención manifestando la importancia de la reunión del día de hoy, pues es precisamente en este punto del proceso donde la comunidad va a establecer en que los afectan los proyectos propuestos por la

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empresa interesada, recalca que tal como lo ha establecido la Corte Constitucional de Colombia, nos encontramos en una etapa del proceso y no exclusivamente en una reunión, por lo tanto la comunidad puede solicitar nuevas reuniones para culminar de manera satisfactoria y con la debida ilustración las diversas etapas del proceso.

Se presenta los representantes del interesado en desarrollar el proyecto:

JAVIER CERCHAR
BERTILDA ALMAZO DE ACOSTA
MARCELA MORENO GONZÁLEZ
CARLOS ALFONSO DIAZ

4. Presentación y desarrollo de los talleres de impacto y medidas de manejo:

Inicia la reunión la representante del ministerio del interior, Neida Señá Vidal, efectuando un recuento sobre el proceso de consulta previa que se ha realizado con la comunidad:

El 29 de Junio de 2011 se llevó a cabo la etapa de Pre-consulta.

El 26 de Julio de 2011 se llevó a cabo la etapa de Apertura.

El 10 de Septiembre de 2011 se llevó a cabo una primera reunión de Impactos y Medidas de Manejo.

El 15 de Septiembre de 2011 se llevó a cabo una segunda reunión personalizada (para algunos miembros de la comunidad que no habían estado en reuniones pasadas) de Impactos y Medidas de Manejo.

Seguidamente, les recuerda que nos encontramos reunidos con el fin de determinar los impactos positivos y negativos que el proyecto de expansión P-500, propuesto por la empresa Cerrejón, pueda generar en la comunidad. A través de ejemplos la delegada del ministerio del interior comenta a la comunidad el objetivo de la reunión y la necesidad de que en ejercicio de su derecho de participación activa, pueda establecer cuáles son los impactos positivos y negativos del proyecto y las medidas de manejo y compensación.

Por último se realiza una presentación de las actividades y etapas futuras del proceso de consulta previa, tales como los pre acuerdos y la protocolización de los mismos por parte del Ministerio del Medio Ambiente, teniendo en cuenta que el proyecto requiere de Licencia Ambiental. Se deja expresa claridad sobre la importancia de los acuerdos que se realicen y su posterior cumplimiento por parte de la empresa y el seguimiento que tanto la comunidad como los entes de control y el ministerio del interior realicen al cumplimiento de los compromisos adquiridos. Se explica a su vez la etapa de cierre del proceso.

Se pregunta a la comunidad si comprenden el objeto de la presente reunión o si tienen alguna duda al respecto, a lo cual manifiestan que si comprendieron lo expuesto. No obstante lo anterior, un miembro de la comunidad pregunta si hoy se va a presentar de nuevo el proyecto para tener claridad sobre el mismo, pues en los últimos días miembros de otras comunidades les han manifestado que sobre la zona de existe carbón y que por tal razón el cerrejón va a secar el río, a quitarles el agua y que por tal razón deben solicitar una gran cantidad de dinero. En consideración a lo anterior, la representante del ministerio del interior manifiesta que este es el espacio para que la comunidad pueda hacer las preguntas que consideren pertinentes y tengan absoluta claridad sobre el desarrollo del proyecto. Se deja expresa claridad que de conformidad con la normatividad y la jurisprudencia actual, en los procesos de consulta previa no se puede hacer entrega de dinero en efectivo como compensaciones, por lo contrario lo que se establecen son *unas medidas de manejo y unos acuerdos que permitan un desarrollo social integral de la comunidad.*

no hizo cuando lo leyo, el mismo dijo que siempre hacia x solo porion.

Pregunta el personero si en el marco del proceso de consulta previa con las comunidades, ha participado CORPOGUAJIRA, tanto la empresa como la propia comunidad manifiestan que no ha participado. Solicita el delegado de la personería que la repetida ausencia de dicha entidad en el proceso de consulta previa debe advertirse en esta acta.

En este punto, el señor CARLOS ALFONSO DIAZ como representante de la Empresa INGETEC, contratista del Cerrejón encargada de los estudios y diseños del proyecto, y en su calidad de Biólogo, inicia la exposición manifestando a la comunidad que lo que se busca en el día de hoy es precisamente aclarar sus dudas por lo tanto solicita que conjuntamente se haga un listado preliminar de ellas y todas aquellas que surjan se irán resolviendo en el desarrollo de la exposición:

Dudas Iniciales:

1. ¿El río se va a secar?
2. ¿Hay carbón debajo en la zona del río de la comunidad de pancho?
3. ¿Cuáles son los impactos del proyecto hacia la comunidad?
4. ¿Cómo piensa la empresa contrarrestar esos impactos?

En este punto el delegado del ministerio del interior manifiesta que el objetivo de la reunión es precisamente resolver las últimas dos dudas, pero no es solo la empresa quien debe hacerlo, sino también la comunidad, una vez se vuelva a explicar el proyecto, quien desde sus creencias, usos y costumbres, debe determinar cuáles son esos impactos y cuál es el manejo que debe dársele a ellos.

Continúa el contratista de la empresa interesada en desarrollar el proyecto explicando en un primer momento cuales son las etapas generales del proceso de expansión, a saber: Preliminar, Pre Operativa, Operativa y Cierre de Mina, a su vez utiliza un tablero imantado en donde se encuentra dibujada la zona en la cual está asentada la comunidad, el río ranchería, las formaciones montañosas circundantes y las poblaciones o municipios cercanos.

Luego se explica cuál es el lugar y como se realizara el cambio en el cauce del río ranchería, se manifiesta que los trabajos que va a realizar la empresa serán efectuados únicamente en la zona de *concesión minera otorgada por el Gobierno Nacional y que por tal razón no puede haber confusión o construcción de mitos en donde se diga que esa modificación va a realizarse en la zona de la comunidad o que van a ser desalojados de sus tierras, o que el río será secado, por tal razón se manifiesta que ellos pueden verse afectados, principalmente por los posibles cambios en el río, en la calidad y en la cantidad del agua ya que se encuentran aguas abajo del lugar de las obras.*

En la presentación del proyecto la empresa interesada expone los siguientes impactos y medidas de manejo que han identificado en sus estudios:

1. Afectación a la flora y fauna en la zona donde se realizará el proyecto. Como medida de manejo se establece el auyentamiento y manejo de fauna por expertos, en las afectaciones a la vegetación se realizará el retiro controlado de las especies y su resiembra.
2. Afectación al Suelo en el momento en que se deba retirar para hacer el proyecto. Como medida manejo se establece el retiro del suelo y de la capa vegetal para su conservación y posterior resiembra y recuperación.

En este punto un miembro de la comunidad pregunta cuáles serán las afectaciones a las zonas aledañas al río y específicamente a las partes subterráneas. Se especifica que la pregunta es muy pertinente y de lo que se habla es precisamente del "Acuífero" del río, impacto que se establecerá a continuación:

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3. Pérdida, disminución y afectación al acuífero aluvial del Río Ranchería. Como medida de manejo o compensación, se establece la construcción del embalse palomino con el fin de que se pueda garantizar el flujo constante de agua durante todo el año.

4. Afectación en la calidad del agua por aumento en la sedimentación.

Respecto a las dudas referentes a si el río se va a secar y si dentro del área de pancho hay carbón se deja claridad que el río no se va a secar por motivo del cambio del cauce del río y del proyecto de expansión, pues se implementarán todas las medidas requeridas para evitar problemas de erosión o de falta de agua en el río y a su vez se establecerá la construcción de la represa palomino como medida de compensación para garantizar el flujo de agua constante durante todo el año.

Si se seca un poco antes de lo que se seca. Intimidad de

De la misma manera se manifiesta que en la zona del río donde se encuentran las comunidades presentes no hay carbón. La comunidad desea que se deje expresamente establecido que según lo expuesto por la empresa interesada en desarrollar el proyecto No hay carbón en la zona de

En este punto surge la duda por parte de la comunidad si las "casimbas" o pozos utilizados por ellos se van a ver afectados. Se hace una explicación completa sobre las formaciones geológicas en la región y se da claridad que el acuífero que se encuentra río abajo de la zona de explotación es distinto al acuífero que se encuentra en la zona norte de la falla de oca, por lo tanto es un acuífero que no se va a tocar, por tal razón no se prevén afectaciones a los pozos por motivo del cambio del cauce del río.

5. Afectaciones sociales: Generación de Falsas Expectativas. Se establece como medida de manejo la compensación de las mismas a través del desarrollo de proyectos que permitan hacer realidad o compensar las expectativas no superadas.

6. Afectación cultural en sus creencias mitológicas. Afectación a "pulowi" quien es el espíritu mitológico que se encuentra asociado al río y al mar.

7. Generación de empleo como impacto positivo.

8. Aumento en el área de influencia del proyecto lo cual les permite acceder a los programas sociales de la empresa, como impacto positivo.

9. Incremento en las regalías por aumento de la explotación minera, como impacto positivo.

10. Posibilidad de contar con flujo de agua constante durante todo el año como impacto positivo.

En este punto se solicita a la comunidad que identifiquen cuales serían los impactos o afectaciones del proyecto según lo que ellos han entendido del mismo, al respecto la comunidad establece los siguientes:

1. Afectación a la cantidad de agua que llega a la comunidad.
2. Afectación en la calidad de agua para la comunidad.
3. Afectación a la población de peces y por tanto a la seguridad alimentaria de la comunidad por los cambios que se realicen al río. Afectación en sus rosas y sus cultivos al generarse posibles problemas en la calidad y cantidad de agua.
4. Afectaciones a la fauna y flora del bosque asociado al río.
5. Afectaciones en las condiciones físico-químicas del agua. Respecto a estos cambios, en concreto la posibilidad de que se contamine el agua por el cambio del cauce del río, se establece como medida de manejo la realización de trabajos por etapas controladas de

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suerte que se genere la menor cantidad posible de sedimentación y de contaminación del agua. De la misma manera se establece la realización de mediciones constantes con el fin de evitar la sedimentación excesiva del río.

AFECTACIÓN POSITIVA:

6. Aumento en la oferta laboral.

En este punto la que esas son las afectaciones que la comunidad ve en la realización del proyecto.

Una vez identificados los impactos del proyecto y las medidas de manejo, se construye conjuntamente la matriz de identificación de Impactos y Medidas de Manejo, complementando los arriba expuestos, tal como se establece a continuación:

ACTIVIDAD: CAMBIO EN EL CAUCE DEL RIO RANCHERIA		MEDIDA DE MANEJO PARA LOS IMPACTOS NEGATIVOS
IMPACTOS POSITIVOS	IMPACTOS NEGATIVOS	
<ul style="list-style-type: none"> • Posibilidad de generación ingresos económicos por el aumento en la demanda de la mano de obra y generación de empleo. 	<ul style="list-style-type: none"> • Falsas expectativas. 	<ul style="list-style-type: none"> • Compensar (económico) • La comunidad deja expresa claridad que su deseo respecto a este impacto es que sean tenidos en cuenta para la generación de empleo de sus integrantes en las actividades que desarrolle la empresa cerrejón.
<ul style="list-style-type: none"> • Aumento en el área de influencia del proyecto y de la empresa lo cual les permite acceder a los programas sociales y fundaciones. 	<ul style="list-style-type: none"> • Falsas expectativas. 	<ul style="list-style-type: none"> • Compensar (económico)
<ul style="list-style-type: none"> • Mayor disponibilidad de agua en épocas secas. • Posibilidad de contar con flujo de agua constante durante todo el año como impacto positivo 		<ul style="list-style-type: none"> • Capacitación y concertación con las comunidades de proyectos productivos asociados al agua.
	<ul style="list-style-type: none"> • Pérdida, disminución y afectación al acuífero aluvial del Río Ranchería. • Afectación a la cantidad de agua que llega a la comunidad. 	<ul style="list-style-type: none"> • Construcción del embalse palomino con el fin de que se pueda garantizar el flujo constante de agua durante todo el año. <i>este río se seca</i>
	<ul style="list-style-type: none"> • Cambios en los usos del agua del río. • Afectación en la calidad de agua y por tanto de la salud de su población y de los animales. 	<ul style="list-style-type: none"> • Realización de trabajos por etapas controladas de suerte que se genere la menor cantidad posible de sedimentación y de

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	<ul style="list-style-type: none"> • Afectaciones en las condiciones físico-químicas del agua. • Afectación en la calidad de agua para la comunidad. 	contaminación del agua. De la misma manera se establece la realización de mediciones constantes con el fin de evitar la sedimentación excesiva del río.
	<ul style="list-style-type: none"> • Afectación a su seguridad alimentaria, debido a que se alimentan de los peces del río. • Afectación en sus rosas y sus cultivos al generarse posibles problemas en la calidad del agua. 	<ul style="list-style-type: none"> • Adecuación y construcción de reservorios o de estanques. • Se realizarán programas de piscicultura y construcción de estanques, para la cría de peces por la comunidad. • Posibilidad de implementar un sistema de riego para sus cultivos.
	<ul style="list-style-type: none"> • Afectación cultural en sus creencias mitológicas. Afectación a "pulowi" quien es el espíritu mitológico que se encuentra asociado al río y al mar. 	<ul style="list-style-type: none"> • Realización de ritos y danzas por parte de la comunidad para evitar que ella se enoje, también se acudiría a la ayuda de los chamanes. De la misma manera, solicitan que la empresa garantice que el flujo de agua en el río sea siempre constante con el fin de que no le falte el agua a pulowi.
	<ul style="list-style-type: none"> • Afectaciones arqueológicas en la construcción del embalse. • Afectaciones a la fauna y flora del bosque asociado al río. 	<ul style="list-style-type: none"> • Todo hallazgo arqueológico que sea efectuado en el desarrollo del proyecto será oportunamente informado al ICANH. • Fortalecimiento y desarrollo de convenios con entidades privadas y públicas con el fin de fortalecer la protección de flora y fauna asociada al río en la cuenca baja.

En este punto de la reunión, el representante de la empresa hace entrega a la comunidad, a los representantes del ministerio del interior y al personero del municipio una copia de la matriz de impactos efectuada por la compañía de suerte que esta haga parte integral del acta y sirva como complemento al presente documento.

Por último, el representante del ministerio del interior manifiesta a la comunidad la importancia de que se reúnan en los días siguientes y propicien un escenario de discusión y reflexión con el fin de que determinen si existen impactos que no fueron tenidos en cuenta en esta reunión y cuáles serán los pre acuerdos a los que llegarán con la empresa interesada de conformidad con los impactos y las medidas de manejo conjuntamente establecidas en la sesión de hoy.

5. Varios.

Si durante la ejecución o elaboración de las actividades del proyecto se identifican Impactos (afectaciones) que no se determinaron o establecieron en la presente acta, la empresa Cerrejón se

compromete a acudir y escuchar a la comunidad en sus inquietudes y establecer mecanismos de concertación con la comunidad, para establecer la respectiva medida de manejo para el mismo.

COMPROMISOS (ACUERDOS)		
RESPONSABLE	ACCIONES	FECHA LIMITE CUMPLIMIENTO

Anexos: Se anexa a la presente acta el material filmico y fotogr fico tomado durante la reuni n.

Siendo las 4:00 p.m. se da por terminada la reuni n.

Transcriptor: NEIDA SE A VIDAL Y SEBASTIAN CABRALES

CONVOCATORIA PARA PROXIMA REUNI N

LUGAR: Escuela Comunidad

HORA: 9:00 a.m.

FECHA: 21 de Abril de 2012.

Firmas de los responsables

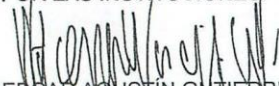
POR LA COMUNIDAD.

Autoridad Tradicional

Autoridad Tradicional

Autoridad Tradicional

POR LAS INSTITUCIONES.



EDGAR AGUST N GUTIERREZ
Delegado Personer a Municipal de Riohacha.



LUZ MARINA BRITO
Delegada Secretar a de Asuntos Ind genas Departamentales.



NEIDA LUZ SE A VIDAL
Ministerio del Interior – Direcci n de Consulta Previa



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